

Submission: Inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005

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Background:

I am currently in the Family Court for the 3rd year as a self-represented respondent; the lawyers (ex-wife's and children's) have adjourned the final hearing part-heard twice. We have been before a number of different Judges over time who do not show consistency in their judgements, for example, the interim residence orders have favoured myself and now my ex-wife.

I am a committee member of the NSW Family Law Reform Association. I have spoken with many fathers and mothers post separation, and been involved / assisted a number of people through the court system, as well as sitting through quite a few unrelated Family and Federal Magistrate Court hearings.

I love my children.

The introduction of a presumption of joint parental responsibility

This must be changed to a presumption of equal parenting time.

Reasons (from my experience)

# There is no consistency or certainty in the courts or stability for the children: It depends on the Judge. Lawyers control the length of proceedings. Residence time with the children changes during the hearings and there is, therefore, no stability for the children, that is, their time with each parent keeps changing over the years of the court proceedings. I have seen examples of this from my experience and personally experienced it.

# There is an incentive to maximise custody of the children: The more time you have with the children (>50%) guarantees you a pension from Centrelink and high FTB as well as high payments from the non-custodial parent through CSA. This is also a disincentive for the parent receiving payments to work. I have seen examples of this from my experience.

# There is a current presumption that all males are violent: The current advertising and policy of the Federal Government is that there be No Violence Against Women; the inference is that all men are violent. The State Police act on this inference by supporting women (but not men or only rarely) to gain AVOs etc which are then used by women in the court to justify them becoming the custodial parent. I have seen examples of this from my experience.

Are all male politicians violent? Do all female politicians think that all males are violent? Then why have a policy that infers that all men are violent? I am a pacifist. I have never hit anyone in my whole life even after being hit. I am not violent but I am a member of 'all males'.

Ending

Please allow mothers and fathers to love their children equally, and for children to experience the love of both parents equally.