

Inquiry into the Family Law Amendment (Shared Parental Responsibility) Bill 2005



**Submission to the Senate Legal and
Constitutional Legislation Committee from
Nuance Exchange Network,
prepared by Lindsay Jäckel and Lee Nifin.**

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24 February 2006

Inquiry Invitation and Terms of Reference

Inquiry into the Family Law Amendment (Shared Parental Responsibility) Bill 2005

I write to invite you or your organisation to make a submission to a parliamentary inquiry.

On 7 February 2006, the Senate referred the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005 to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 27 March 2006.

The Bill amends the Family Law Act 1975. Changes proposed by the Bill include: the introduction of a presumption of joint parental responsibility; the requirement for parents to attend dispute resolution and develop parenting plans before taking a parenting matter to court; improvements to enforcement of parenting orders; and better recognising the interests of children in spending time with grandparents and other relatives.

The Committee has invited written submissions to its inquiry by close of business on 24 February 2006, and would be grateful for a contribution from you or your organisation.

The Committee notes that the proposals in the Bill have been the subject of two House of Representatives inquiries by the Family and Community Affairs and the Legal and Constitutional committees. Submissions to, and the reports of, those Committees are available at <<http://www.aph.gov.au/house/committee/fca/index.htm>> and <<http://www.aph.gov.au/house/committee/laca/familylaw/report.htm>>. Given that submitters may have already prepared submissions to the previous inquiries, the Committee will accept previous submissions which have been updated to address the Bill.

It is also the Committee's preference to limit its inquiry to matters that have arisen since, or that were not already been considered by the two previous inquiries.

The Bill, second reading speech and Explanatory Memorandum are on the Committee's website at <www.aph.gov.au/senate_legal>.

The Committee encourages the lodgement of submissions in electronic form, but stresses that all submissions must include the author's full name, phone number and postal address. All communications with the Committee and its Secretariat are protected by parliamentary privilege and it is expected that submissions will be published unless clearly marked as confidential. Submissions must not be disclosed without the prior approval of the Committee.

If you require further information, please contact the Secretariat on (02) 6277 3560.

Yours sincerely

Jonathan Curtis

Committee Secretary
Senate Legal and Constitutional Committee
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Canberra ACT 2600

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**Submission to the Senate Legal and Constitutional Legislation Committee
From Nuance Exchange Network, prepared by Lindsay Jäckel and Lee Nifin.**

1. Thank you for the invitation and opportunity to contribute to this Senate Inquiry.
2. Nuance Exchange Network is a support network for separated fathers and their families.
3. Nuance Exchange Network supports, with reservations, the Family Law Amendment (Shared Parental Responsibility) Bill 2005. Our reservations principally concern the lack of a (rebuttable) presumption of shared parenting and residency (non-mandatory if both parents do not want it), as a starting point, avoided by the Bill, and concerns that the Bill provides for continued abuse of process and equitable justice and outcome by those opposed to continued equal parenting by fathers after family breakdown and parental separation.
4. We believe and are convinced, from the research we have read over the years and from our own personal observations and experience, that children want and need both parents. We believe it is in a child's best interests to have contact with both parents after family breakdown and parental separation.
5. Most fathers, like most mothers, love and care for their children and want the best for them. They want to provide for their children, to protect them and to spend time with them and to contribute to their development and preparation for adulthood, as healthy and mature individuals.
6. Many fathers currently are unable to continue parenting as they once were able. This results in stress and distress for both the children and the fathers. It is not healthy for the individuals, nor for the nation, to continue these State sanctioned, facilitated and enforced dysfunctional separations.
7. We are concerned that many children are separated from their fathers and no longer permitted to see or have contact with them by their custodial mothers. In particular, we are concerned that many children are living in households without the presence and protection of their fathers and where they are exposed to and subject to greater levels of family abuse and violence (including physical, verbal, emotional, financial, etc).
8. We are concerned that children are deliberately being alienated from their non-custodial parent, typically the father, by the custodial parent, typically the mother. We do not believe this is emotionally and psychologically healthy for children, in that they bear the burden of having to display hate for one parent to please another.
9. We recognise that not all parents are able or capable to equally parent, in terms of custody and residency, and do not support nor petition for compulsion or enforcement of shared parenting. What we seek is the equal opportunity to continue parenting after parental separation.
10. We are concerned that certain groups are deliberately spreading mistruths about the motives and character (nature) of separated fathers. These have to do with money and violence.
11. Regarding motive, it is falsely asserted that separated fathers only want more contact and residency because they want to pay less child support. While not being privy to the minds and motives of every separated father, we can assure the Inquiry that the overwhelming majority of fathers simply want to be with their children and to love them ... just as their mothers can and do. That is the principal and prime motive and driver for why fathers want shared parenting; it is not to get out of paying child support.

It should be noted that if and when children are living with their father, that he is paying child support for them, so the children do not and will not miss out or be neglected in regard to financial support.

It should also be noted that many custodial parents are reluctant to support shared parenting, and to let children spend more time with their non-custodial parent (typically Dad), because they fear losing money meant for child support, but which is being misused to support the custodial parent and possibly others in her household. This would appear to be a main motive and driver behind the opposition to shared parenting by mothers' rights groups.

12. Regarding character, it is falsely asserted that separated fathers are abusive and violent by nature and should be excluded from contact with their children. While acknowledging that a small number of separated fathers may at times be abusive or violent, as can separated mothers, we are alarmed that the negative experiences of a limited few are being projected onto an overwhelming majority of good fathers who simply want to love and spend time with and care for their children.

Some anti-father pundits would have you believe that a separated father is abusive and controlling, simply because he seeks to be a father to his children, an opportunity denied to him by the custodial mother, and lawfully seeks to assert his fatherhood via the Courts. This is patently absurd and fails to understand that fathers are equally capable of being loving and caring parents who want to continue as such in an ongoing relationship with their children.

Sadly, we hear many accounts of false allegations of abuse and domestic violence made against fathers during separation and Court proceedings. Typically these false accusations are made to gain strategic and tactical advantage in Court and with other government departments and agencies. This is done to maximise both the likelihood of a mother retaining custody and residency of the children and the share of marital property allocated and to ensure the receipt of government financial and related benefits and child support from the non-resident father.

Many fathers become victims of third party systemic abuse, by their ex-partners, via the agency and powers of police, courts, government departments and agencies, etc acting on the basis of false allegations of abuse. This abuse of separated fathers is experienced as a demoralising and depressing crushing of personhood and hope, as the father is shut out of the lives of his children.

It is wrongly claimed that because a father may not agree with a mother that he will abuse his children. This is not true. Children are safer with their separated fathers than with their separated mothers. There is an increased risk of hurt and harm for children living with separated mothers, both from the mother herself and from her current partner. This risk is greater than if they were living with their father and his new partner. One of the writers of this submission has firsthand knowledge of this, with his 13 year old daughter being slapped by the mother's female partner, resulting in the father being called to come and remove the daughter from that explosive situation until it was safe for her to return to be with her mother.

Bad law results when it is based and built upon a small number of cases or exceptional examples. It would be wrong to continue to lock fathers out of post-family breakdown parenting because, as argued by some, a very small number of fathers are abusive. That would penalise all the good and loving fathers and their children just to punish the few.

13. Attached as Appendix 1 is a parenting plan that has been working successfully for nine years. This is a shared custody and residency plan providing for week about shared parenting and residency. The plan was registered with the Family Court of Australia in 1997. The names have been changed in the appended version.

The use of parenting plans or parenting orders is encouraged, with the proviso that they are enforced and that the Courts cease to be toothless tigers in regard to custodial parents who flout the law in this regard. Parenting plans can be useful in outlining the details of contact, residency, swapovers and for establishing a shared understanding and ethic in relation to that.

14. Attached as Appendix 2 is an excerpt from an influential Australian feminist encouraging other feminists and mothers' rights activists to actively work against fathers who want to be fathers and to live with their children. We consider this strategy and advocacy malicious in the extreme and designed to maintain the status quo of mother custody and control, resulting in children having limited time with their fathers. We are saddened by this polarising of post-family parenting. We continue to assert our love and care for our children and our desire to be their parents in an active and constructive manner.

15. Another objection, that is raised against fathers continuing to parent their children after parental separation, relates to the roles played by each parent before separation; the claim is made that because fathers weren't the primary physical carers, because they were working in paid employment outside the home, that they should now not be accorded the right to continue parenting. This is false reasoning, given that the circumstances significantly change with family breakdown, for all members of the family, and many fathers are willing to change both their work and lifestyle to adapt to and accommodate a revised parenting role. Such fathers should not be denied the same opportunity that mothers (who also have to make significant changes) have to continue parenting their children.

16. A change to a shared parenting ethos is needed to stop the ongoing suicides of fathers that are associated with the denial of contact with their children. Many men, excluded from their children, reach a point of hopelessness and decide that the best option for everyone is to end their lives. This is a tragedy for everyone – for them, for the children and for Australia. Such suicides are not simply (or simplistically) the result of individual dysfunction, but rather are associated with broader systemic issues connected with the treatment of fathers by the police, courts and government departments and agencies set in the wider context of a social and media construct of a non-rebuttable presumption of maternal custody of children.

17. Nuance Exchange Network endorses the submissions of the Shared Parenting Council of Australia, Dads in Distress, and the Lone Fathers Association of Australia.

18. In conclusion we would reiterate our love and care for our children and our desire to be parents ... to be fathers to our children. We are not after money (on the contrary we want to nurture and support our children) and we are not abusive and violent people. We do want to share the lives and parenting of our children, after the family unit has broken down. Please work to provide for fairer shared parenting for all Australians.

Thank you.

Lindsay Jäckel and Lee Nifin
Nuance Exchange Network

APPENDIX 1

Appendix 1 is a copy of a parenting plan (anonymised) that provides for week about shared parenting, involving both custody and residency.

This parenting plan was registered with the Family Court of Australia in 1997 and has been successfully operating for nine (9) years.

Copies of this shared parenting plan, in various formats (HTML, PDF, DOC, RTF), can also be found, viewed and download at <http://www.jointparenting.info/>

FAMILY LAW ACT 1975

IN THE FAMILY COURT OF AUSTRALIA AT SYDNEY

No. SY 1234 of 1997

IN THE MARRIAGE OF:

DANIEL PETER JONES

and

VANESSA LEE JONES

(Husband/Father)

(Wife/Mother)

Address for Service:

Address for Service:

17 Botanic Grove
Waverley
New South Wales 3150

13 High Street
Epping
New South Wales 3150

Telephone: 9123 1234

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PARENTING PLAN

This Parenting Plan will operate for the benefit and in the best interests of the only child of the marriage of Daniel Peter Jones and Vanessa Lee Jones:

Mary Elizabeth Jones

born on **28 March 1989.**

PARENTING PLAN

By consent the parties agree:

Introduction

- a. That Mary Elizabeth Jones (Mary), born 28 March 1989, has a right to enjoy the love, care and affection of both her mother and her father and to experience this in equal time spent with each of them; and
- b. That this will contribute to the maintenance and enhancement of Mary's self-esteem, social development, academic performance, Christian faith, personal empowerment, adjustment to and satisfaction with life, the management and treatment of her diagnosed condition of Asperger's Syndrome, and the development of positive and realistic interactions with both parents and the like.

1. Residence/Residence

- a. That the daughter of the marriage of Daniel Peter Jones and Vanessa Lee Jones, Mary Elizabeth Jones (Mary), born 19 February 1990, reside alternately, one week with Daniel and one week with Vanessa;
- b. That the commencement of each week (of residency) start on the Friday afternoon after school at the River Valley Primary School (No. 1234), Whites Lane, Riverview, New South Wales, with the residential parent meeting Mary at either her classroom at 3:30pm or subsequently at the After School program prior to 6:00pm;
- c. Where 'residential parent' is defined as "the parent with whom Mary is currently residing in terms of this parenting plan, particularly in relation to the alternate weekly residence" and 'non-residential parent' is defined as "the parent with whom Mary is not currently residing in terms of this agreement, particularly in relation to the alternate weekly residence";

- d. That a diary be jointly purchased, by Daniel and Vanessa, and used to maintain a record and notice of Mary's residency, activities, commitments, health and the like, and that that diary accompany Mary between her two homes;
- e. That Mary not reside for more than two days with a third party on behalf of either Vanessa or Daniel without the consent of the other parent, except in the case of a legally married spouse of either Daniel or Vanessa, in accord with the Marriage Act 1961 of the Commonwealth of Australia as amended, or as otherwise agreed for contact as specified in this parenting plan;
- f. That in the event of the death of both Daniel and Vanessa, it is intended that Mary reside with the family of one of Daniel's brothers (Alan Samuel Jones or Andrew Ross Jones) in the order outlined in this paragraph or as otherwise determined by them, and after consultation with Mary and due regard for her stated wishes, and that Mary not be excluded from contact with her maternal family;
- g. That there be scope for variation of Mary's time residing with either parent following agreement (preferably written agreement but not limited to written agreement) between both parents, and allowance for flexibility and goodwill in living arrangements, in order to maximise the attainment of Mary's best interests, on such other terms as agreed between both parents; and
- h. That this residency order commence on or before, but no later than, the afternoon of Friday 25 April 1997, with Mary residing with Vanessa for the week so commencing.

2. Residence/Contact

- a. That Mary reside alternately, one week with Daniel and one week with Vanessa, and have contact with the non-residential parent during the course of each week to allow for her participation in ongoing activities and arrangements, both current and new (such as swimming lessons, German language classes, family, social, music and sporting activities and the like);
- b. That the non-residential parent be entitled to be the primary provider of childcare for Mary, and be primarily offered the first option to care for her, when the

residential parent requires care for her at any time, particularly in respect to occasions requiring overnight stays;

- c. That both Vanessa and Daniel encourage and facilitate Mary's contact with the non-residential parent via telephone calls, written correspondence, occasional non-scheduled visits and the like on a regular basis, and that each parent may initiate reasonable such contact with Mary;
- d. That Mary have contact with each parent for half of each school term holiday period and for half of the Christmas school holiday period of each year, subject to paragraphs (e) and (f) below, or other such arrangements as agreed between both parents;
- e. That Mary have contact with both Daniel and Vanessa on Christmas day for half a day each, with Mary spending the Christmas morning of 1997 with Vanessa and the afternoon with Daniel (with a change over at 2pm, or as agreed), and alternately in subsequent years, or other such arrangements as agreed between both parents;
- f. That Mary continue contact with her paternal grandparents (Peter James Jones and May Alice Jones, who currently reside on a farm at Bathurst, New South Wales) for a period of one week over the Christmas school holidays of each year, or other such arrangements as agreed between both parents;
- g. That Mary have contact with her maternal grandparents (Patricia Robyn Newman and Richard Henry Newman who reside in Epping, New South Wales) via ongoing and regular short term visits whilst with the residential parent, and that these visits include no more than seven full nights of residential care with them, either in their domicile or any other domicile, except as agreed otherwise after discussion between both parents;
- h. That consideration be given for Mary to have contact with the families of her cousins during school holidays, and at other times, as determined from time-to-time by the agreement of both parents;
- i. That consideration be given for Mary to attend camps during school holidays, and at other times, as determined from time-to-time by the agreement of both parents;

- j. That in the event of Mary's birthday occurring whilst she is residing with Vanessa then she shall, if her birthday occurs on a school day, spend three hours after school with Daniel, or, if her birthday occurs on a weekend or holiday, spend the morning with Daniel, or such other amount of time as agreed by Daniel and Vanessa. Wherever practicable a joint birthday celebration shall be organised at which both parents can attend and participate;
- k. That in the event of Mary's birthday occurring whilst she is residing with Daniel then she shall, if her birthday occurs on a school day, spend three hours after school with Vanessa, or, if her birthday occurs on a weekend or holiday, spend the morning with Vanessa, or such other amount of time as agreed by Vanessa and Daniel. Wherever practicable a joint birthday celebration shall be organised at which both parents can attend and participate;
- l. That Mary shall spend a minimum of three hours with Daniel, or such other amount of time as agreed by Daniel and Vanessa, when Daniel's birthday occurs whilst Mary is residing with Vanessa, and that Daniel shall meet and return with Mary to Vanessa;
- m. That Mary shall spend a minimum of three hours with Vanessa, or such other amount of time as agreed by Vanessa and Daniel, when Vanessa's birthday occurs whilst Mary is residing with Daniel, and that Vanessa shall meet and return with Mary to Daniel;
- n. That Mary shall spend time with Vanessa on Mother's Day from 10:00am until 5:00pm, or such other amount of time as agreed between Vanessa and Daniel, and that if Mary is residing with Daniel, Vanessa shall meet and return her to Daniel;
- o. That Mary shall spend time with Daniel on Father's Day from 10:00am until 5:00pm, or such other amount of time as agreed between Daniel and Vanessa and that if Mary is residing with Vanessa, Daniel shall meet and return her to Vanessa;
- p. That travelling for the purposes of contact be shared equally between Vanessa and Daniel, and that in situations of both regular and ad hoc contact that this be primarily on the basis of the non-residential parent seeking contact being responsible for meeting and returning with Mary at the home of the residential parent, with, for example, Daniel returning Mary to Vanessa's residence on the Monday evening of Mary's residence with Vanessa, after German language

classes, and Vanessa returning Mary to Daniel's residence on the Thursday evening of Mary's residence with Daniel, after swimming lessons, or otherwise as agreed;

- q. That in the event of illness and/or medical treatment of Mary, Daniel or Vanessa that Mary's place of residence be varied by agreement between Vanessa and Daniel to flexibly manage the situation for Mary's best interests;
- r. That consideration and allowance be made, as agreed by Vanessa and Daniel, for Mary to have contact on public holidays (eg. Australia Day, Moomba, Anzac Day, etc. commemorations and celebrations), Show Days and the like, with either or both parents, flexibly for varying amounts of time, regardless of residency, allowing for, but not mandating, joint participation of both Daniel and Vanessa, and for ad hoc contact for special days and events, and family, party, and social activities and outings of either Vanessa or Daniel;
- s. That allowance be made, by prior agreement, for Mary to spend compensatory contact time with one parent in situations where she has spent additional time with the other parent; and
- t. That contact be exercised equally, flexibly and with goodwill overall, and at such other times and on such other terms as agreed between both parents.

3. Specific Issues

- a. That Mary reside alternately, one week with Daniel and one week with Vanessa, and that Vanessa and Daniel share joint responsibility for decisions involving Mary's long term care, welfare and development;
- b. That Daniel, in consultation with Vanessa, as required, have responsibility for the daily care, health and welfare, development of Mary during periods in which she is in his care;
- c. That Vanessa, in consultation with Daniel, as required, have responsibility for the daily care, health and welfare, development of Mary during periods in which she is in her care;

- d. That Daniel and Vanessa participate in and share equally and flexibly Mary's activities, in particular her health and schooling activities and programs, including her appointments with medical practitioners, dentists, counsellors and the like;
- e. That both Daniel and Vanessa be informed of all matters of Mary's care, welfare and development, including such matters as friendships and social activities, church attendance and religious activity, education, extra-curricular activities (such music, language and swimming) health and wellbeing and the like, and have the opportunity to maintain an active involvement and ongoing role in caring for Mary, particularly in regard to her diagnosed condition of Asperger's Syndrome, or other such diagnoses as from time-to-time may be under consideration and in view;
- f. That both Vanessa and Daniel encourage and facilitate Mary's contact with the non-residential parent via telephone calls, written correspondence and the like on a regular basis, and that each parent may initiate reasonable such contact with Mary;
- g. That both Vanessa and Daniel be informed of, and have the opportunity to attend and participate in, the Program Support meetings conducted at Mary's school;
- h. That the non-residential parent be entitled to be the primary provider of childcare for Mary, and be primarily offered the first option to care for her, when the residential parent requires care for her at any time, particularly in respect to occasions requiring overnight stays;
- i. That both Vanessa and Daniel will keep each other informed (via the diary specified earlier in this document) of significant events occurring in Mary's life, in particular family, social, academic, health and medical, church, musical, sporting and the like;
- j. That Mary continue to attend, with each parent, a Christian church on Sunday morning and, if either parent is unable or unwilling to continue doing so, either in the short or the long term, then that non-attending parent will make arrangements for Mary to attend a Christian church with the other parent on the Sunday morning when Mary is residing with the non-attending parent;

- k. That changes of Christian belief and Christian church attendance, involving Mary, only occur after joint parental consultation and agreement, in writing, between both parents;
- l. That no major medical procedures or operations be undertaken in relation to Mary without joint parental consent, unless in the case of an emergency requiring immediate treatment (within 3 hours), as advised by a legally qualified medical practitioner, and that all reasonable efforts be made to contact the other parent;
- m. That Mary be permitted to attend the funerals of her close relatives, such as her grandparents (including her great grandmother), parents, uncles, aunts and cousins as a matter of course, and of her wider family, such as her parents' uncles, aunts and cousins by agreement between both parents;
- n. That Mary continue to attend the River Valley Primary School until the completion of Year 6 at the end of 2001, with any variation occurring only after Daniel and Vanessa have jointly discussed, agreed and affirmed their written consent to the change;
- o. That neither Daniel nor Vanessa relocate residence, in as far as this affects where Mary will reside and attend school, outside the Sydney metropolitan area or a distance of greater than thirty kilometres or thirty minutes travelling time in typical weekday non-peakhour traffic - whichever is the lesser, without providing the other parent with three months prior notice, unless the moving parent undertake and fulfil all transport for the purposes of residency and contact of Mary to the non-moving parent, so that neither Mary nor the non-moving parent are disadvantaged, unless otherwise agreed to and affirmed by the written consent of both parents;
- p. That each parent inform the other, by providing the details, of changes of address and telephone number within 48 hours of such changes that affect where Mary resides and can be met for and returned from contact visits and contacted by mail and telephone;
- q. That no significant costs or fees be entered into that would be the responsibility of the other parent, either in part or in whole, without the written consent of the other parent;

- r. That Mary's full name shall not be changed, either by common usage or legally, without Mary's agreement and the written consent of both Daniel and Vanessa, or until the attainment of Mary's eighteenth birthday;
- s. That Mary not be adopted by another person associated with either parent, nor anyone else, while both parents are living;
- t. That neither Daniel nor Vanessa take Mary out of the State of New South Wales without prior consultation and the consent of the other parent;
- u. That neither Vanessa nor Daniel seek to obtain a passport for Mary, nor take her out of Australia, without prior consultation and the written agreement of the other parent;
- v. That both Daniel and Vanessa have equal entitlement to and share all originals and copies of Mary's achievement, educational, medical and other similar certificates, reports, school photographs and the like, with copies being made for the other parent where the original is held and, if any dispute arises relating to the location and ownership of such items, that a third person (such as a solicitor or trusted mutual person) hold them in trust for Mary until she is twenty one years of age, whilst allowing necessary access to both parents;
- w. That both Vanessa and Daniel agree to speak respectfully of one another with Mary, to encourage her to understand that both her parents love her and to not discuss parental relationship issues with her, without the prior agreement of both parents, and that if there are such issues, both parents attend joint counselling with the aim of resolving the issues in Mary's best interests, either with a mutually agreed counsellor or otherwise as directed by the Family Court of Australia;
- x. That in the event that issues arise concerning either parent's lifestyle, parenting style or other parent-related factors which may be detrimental to Mary's best interests that, after initial joint discussion, both parents attend joint counselling with the aim of resolving the issues in Mary's best interests, either with a mutually agreed counsellor or otherwise as directed by the Family Court of Australia; and
- y. That specific issues be exercised equally, flexibly and with goodwill overall, and on such other issues and on such other terms as agreed between both parents.

4. Financial Issues

- a. That Mary's day-to-day expenses for clothing and footwear, primary school education, (including Before and After School Childcare, with these childcare costs subject to review and negotiated and agreed change should the circumstances of either party change), extracurricular tuition (such as piano and swimming lessons), medical, dental and counselling, social activities (such as outings, parties and presents) and the like be shared equally by both Daniel and Vanessa and paid for jointly, with consideration made for any child support paid by either parent (as outlined in paragraph (b) below), and that such expenditure be discussed and agreed beforehand, as much as is practicable, or such other similar arrangements, as discussed and agreed in writing, as from time-to-time shall come into existence and operate for Mary's provision and welfare;
- b. That where child support is paid by either Vanessa or Daniel, on Mary's behalf, either through the Child Support Agency or otherwise, and received from the Department of Social Security or otherwise, these monies shall, in proportion, be first used to pay the day-to-day expenses outlined in paragraph (a) above, and then any other expenses incurred for Mary's provision and welfare;
- c. That, whilst Mary is eligible for a Child Disability Allowance, both Daniel and Vanessa have access to the Department of Social Security Health Care card issued on Mary's behalf, for the purpose of medical matters (eg. consultations, prescriptions, etc.) and to the funds, where required, for issues relating to Mary's health and welfare (eg. specialist appointments, counselling, etc.), and that equal sharing of any similar allowances or benefits occur as and when they are operable; and
- d. That financial issues be considered and exercised with Mary's best interests in mind, and with equity, flexibility and goodwill overall, and on such other matters and on such other terms as agreed between both parents.

That liberty be granted to either party to apply for variation to this parenting plan order.

DATED THIS

DAY OF

1997

Signed:

Father - Daniel Jones

Mother - Vanessa Jones

Signature of Witness

Signature of Witness

Printed Name of Witness

Printed Name of Witness

APPENDIX 2

Appendix 2 is an excerpt from a speech given (and subsequently circulated) by Michael Flood (ANU/LaTrobe/The Australia Institute) that illustrates the deliberateness of the attack by those opposed to separated fathers seeking to continue as loving and involved parents.

This material was emailed to the Australian Feminist Political Network – ausfem-polnet – by Michael Flood on 9 January 2006 and subsequently reposted on that forum by Elspeth McInnes, representing the National Council of Single Mothers and Their Children) on 10 January 2006. The material was readily accepted and endorsed by the participants of the ausfem-polnet group. None of the 600 or so subscribers to the ausfem-polnet group questioned or criticised this plan to attack separated fathers. On the contrary, there were a number of requests to obtain the full document off-list.

"Fathers' Rights" and Violence Against Women By Michael Flood

Presentation in Panel, "Myths, Misconceptions, and the Men's Movement", at Conference, Refocusing Women's Experiences of Violence, Sydney, 14-16 September 2005.

The following are some of the political strategies we can use to help beat the fathers' rights backlash.

Discredit fathers' rights groups. Emphasise that they:

- Are interested only in reducing their financial obligations to their children.
- Are interested only in extending or regaining power and authority over ex-partners and children.
- Do nothing to increase men's actual share of childcare / parenting or men's positive involvement in parenting both before and after separation.
- Collude with perpetrators of violence against women and children, protect and advocate for perpetrators, or are perpetrators.

Produce critiques of their lies and their strategies:

- Which are credible and accessible.

Co-opt the new politics of fatherhood:

- Support positive efforts to respond to separated fathers. (And emphasise that FR groups fix men in anger and blame, rather than helping them to heal.)
- Build on men's desires to be involved (and nonviolent) parents.

Find alternative male voices: supportive men and men's / fathers' networks and groups:

- 'Speaking as a father...'

Tell women's stories:

- Atrocity tales: Stories of abuse and inequality.
- In letters, submissions, on talkback, etc.
- (But beware of the ways in which these can (a) portray women only as victims, (b) homogenise and essentialise women's (diverse) experiences of violence, and (c) undermine credibility and support.)

Find and nurture male allies: in government, the community sector, academic, etc.

More widely, we must continue do the work of violence prevention: to undermine the beliefs and values which support violence, challenge the power relations which sustain and are sustained by

violence, and promote alternative constructions of gender and sexuality which foster non-violence and gender justice.

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