

24<sup>th</sup> February 2006

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Secretary

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

Please accept my submission as below.

Yours sincerely

John Drake

### **SUBMISSION**

Part of the inquiry is about:

**The introduction of a presumption of joint parental responsibility.**

This **MUST** be changed to a presumption of equal parenting time. (Responsibility of parents for their children already underpins the Act.)

**Why?**

1. There appears to be a reliance on a FALSE assumption that men are more violent than women. This pervades the policy of Federal Government such that there is an advertising campaign of No Violence Against Women. Why not simply No Violence Against Anyone? Where are the statistics to back up this Federal Government's advertising. Is it the statistic that men commit more homicides against men?! If fathers have more time with their children, there will not be more violence against women and there will be fewer male suicides because they cannot see their children and cannot live with that agony. I provide research on the question of whether men are more violent than women.
2. The government is poll driven I provide statistics that the above change is what the public/voters want.
3. Children want this change – this is referenced and discussed.

**Submission to the Senate Inquiry into the provisions of the**

## Family Law Amendment (Shared Parental Responsibility) Bill 2005

... continued ...

### 1. Men are NOT more violent than women

Feminism has gone too far. One of their catchcrys is 'men are more violent than women'. This is a power cry. It brings shudders amongst politicians. It has no basis today in Australia. It must be discarded for the falsehood it is.

A review of 80 studies about aggression in heterosexual relationships showed that:

“... women were slightly more likely than men to use one or more acts of physical aggression and to use such acts more frequently.”<sup>1</sup>

Recent Australian research<sup>2</sup> reveals that:

1. “Men were just as likely to report being physically assaulted by their partners as women. Further, women and men were about equally likely to admit being violent themselves.
2. Men and women report experiencing about the same levels of pain and need for medical attention resulting from domestic violence.
3. Violence runs in couples.”

### 2. The Polls – the public/voters want a presumption of equal parenting time

#### When parents break up, should 50/50 custody of kids be the norm?

##### Results

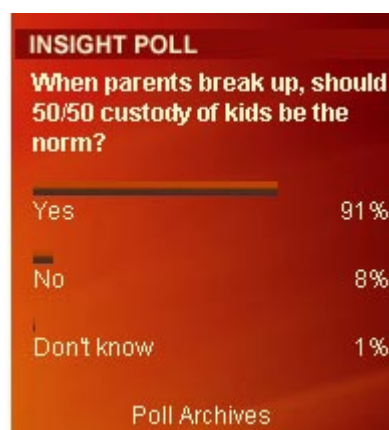
**91% of respondents said YES.**

8% of respondents said no.

1% of respondents said I don't know.

**Insight: Who Gets the Kids?" - SBS - 23/03/2004**

<http://www.sbs.com.au/insight/content.php3?comingup=1>



<sup>1</sup> Archer J (2000). Sex differences in aggression between heterosexual partners: A meta analytic review. Psychological Bulletin S.651ff

<sup>2</sup> Headey B, Scott D, & de Vaus D (July 1999). Domestic Violence In Australia: Are Women and Men Equally Violent? 2(3) Australian Social Monitor pp 57-62

**Should separated parents be required by law to share equally the custody of their children?**

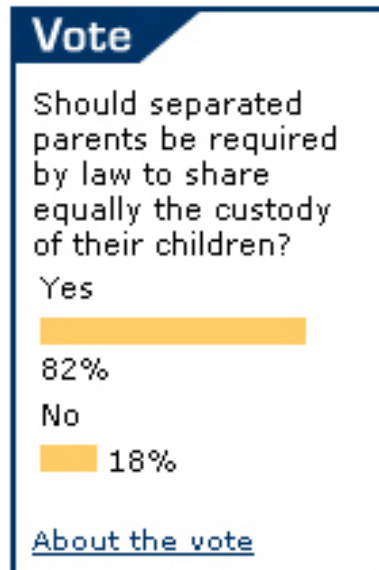
**Results**

**82% of respondents said YES.**

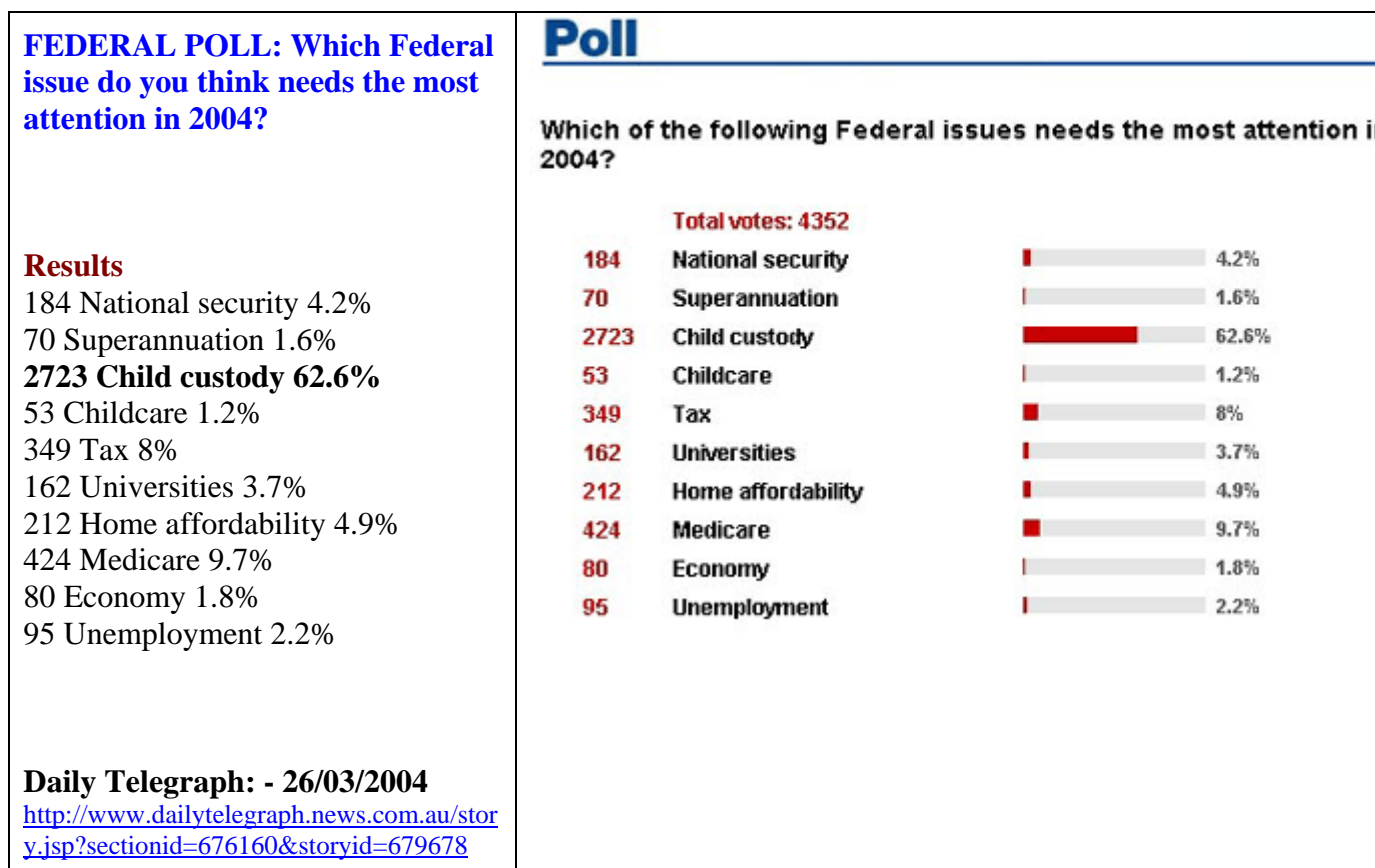
18% of respondents said no.

**The Sunday Program: "Caught in the Middle". - the NINE network - 07/03/2004**

<http://sunday.ninensn.com.au/sunday/voterresults.asp>



Indeed child custody remains the issue identified by a majority as needing most attention.



The research infers that children want to see both parents following a separation. Read the child psychology manuals and that will not be surprising.

### 3. Children want a presumption of equal time parenting

The references seem never-ending but I will list just a few:

1. Armand Nicholi, "The Impact of Parental Absence on Childhood Development: An overview of the Literature." *Journal of Family and Culture*, v. 1, n. 3, Autumn 1985.
2. David Blankenhorn, "Fatherless America." New York: Basic Books, 1995, p. 1.
3. Bryan Rodgers, "Social and Psychological Wellbeing of Children from Divorced Families: Australian Research Findings," *Australian Psychologist*, vol. 31, no. 3, November 1995, especially pp. 174-182.
4. David Fergusson, et. al., "Parental Separation, Adolescent Psychopathology, and Problem Behaviours," *Journal of the American Academy of Child and Adolescent Psychiatry* 33, 1944, especially pp. 1122-1131.
5. Carol Nader, "Children with sole parent 'less active'," *The Age*, 2 September 2004, p. 8.

Do children want to suffer? I doubt that very much. The references are but a few examples of how not allowing a presumption of equal time parenting will cause children to suffer. Children are crying out "Don't let me suffer!" Will this inquiry find in favour of increased suffering for children or will it find to alleviate the suffering of children?

Thank you for taking the time to read my simple submission.

Yours sincerely

John Drake