

16L Toorale Rd
Dubbo NSW
2830

Submission No: 140

Date Received: 27-10-03

Secretary:

25 October, 2003

House of Representatives
Standing Committee on Family and Community Affairs
Parliament House
Canberra ACT
2600

Dear Sir or Madam,

Subject: Schedule 1 Amendment to the *Family Law Act 1975*.

~~We submit to your committee that the only just and equitable outcome that should be obtained by your deliberations regarding the schedule 1 amendment of the *Family Law Act 1975* is a decision in favour of the "rebuttable presumption of joint custody".~~

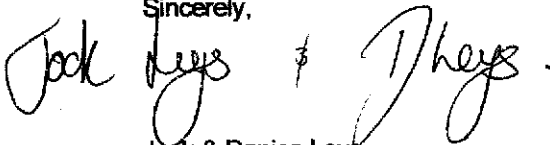
This is the only fair and just option available when a marriage ends if the interests and on going wellbeing of the children involved is the paramount concern. Latest statistic show that between 1986 and 2001, the number of one parent families in Australia increased by 53% (ABS, 2001). Obviously this is a worrying figure if the best interests of the child are to remain at the forefront of our mind. We would like to draw the committee 's attention to studies by a University of Western Sydney law Professor, Tom Altobelli. My Altobelli quotes from a number of studies that have shown that infants and toddlers should have multiple contacts with both parents of a regular basis to minimise the effects of separation anxiety that may ensue when tow parents separate. There are a myriad of studies concluding the same outcomes.

On a different note, previously the ongoing wellbeing and stability of the child or children was by far the main determining factor in court orders determined by the family court and through privately reached consent orders. Whilst the motives of this previous situation were admirable from the perspective of looking after the children it neglected what should be both natural parents and the children's God given right to have substantial and major contact with each other.

Both parents need to be able to trust in our community and its laws to look after them as well as their children and recognise their rights as members of society. The basic right to be presumed equal in the eyes of society as a potential carer of ones own children, irrespective of ones gender, employment status or access to legal help. Whilst the best interests of the children should remain paramount it should not be mutually exclusive of the best interests of both parents who should also be equally valued members of our society. Only slightly less equal than that of the children but equal in respect to wether one is male or female, father or mother.

We trust that you will give our submission due consideration in making your decisions and will decide on the only right and fair option left open to you, that of the "rebuttable presumption of joint custody"

Sincerely,



Jock & Danica Leys