Attorney General
Mr Robert McClelland,

SUBMISSION ON PROPOSED FAMILY VIOLENCE BILL AMENDMENTS

I have been greatly disappointed to see your government rolling back the 2006 Family Law Amendments which went some small way towards encouraging cooperative and shared care of children after separation.

It is also extremely disappointing to see your government ignoring the extensive inquiry into the legislation by The Australian Institute of Family Studies which found no evidence the laws had increased conflict between separating parents or exposed women and children to risk.

This law was introduced with the support of Labor and watered down from initial proposals of joint custody or shared parenting as the norm by the Coalition partly in order to gain the backing of your party and therefore bipartisan support in such a divisive and contentious jurisdiction for at least some progressive reform.

That the Gillard government appears determined to wind back the clock on this publicly popular legislation is very sad and will do enormous personal and social damage in the years to come. A simple look at past practices of the Family Court and the many scandals associated with it should provide sufficient cautionary tales to prevent a return to the

past. Even the ALRC investigations of the late 1990s found overwhelming disquiet with the court and its practices from both lawyers and litigants alike.

The 2003 public inquiry in which Labor participated exposed in a vivid way some of the personal pain and damage to parents and children perpetrated by the practices of the Family Court. I fail to see how these revelations can now be so blithely ignored.

The cheer squad for these latest amendments to the much amended Family Law Act consist of the most vocal opponents to shared parenting are all supported by tax payer in one way or another, including such apologists for the past practices of the Family Court as Alastair Nicholson and Richard Chisholm, controversial not just to sections of the public but within the legal profession itself. The cheer squad also consists of a clique of aging feminist academics and a few female columnists who have failed to modernise their views since the 1970s and 1980s or to adapt to these more egalitarian times should demonstrate that the claims over protection of women and children are nothing but a smokescreen aimed at rolling back the modest shared parenting provisions in the legislation.

I draw your attention to some of the most relevant comments in my recent book Chaos At The Crossroads: Family Law Reform in Australia, an Online Opinion article published at the time of its release, as well as material from the Dads On The Air website www.dadsontheair.net. I was one of the founding members of the program, which is now the world's longest running father's

**program - a
significant achievement of which Australia can be proud.**

John Stapleton.

SOME RELEVANT EXTRACTS FROM ONLINE OPINION:

http://www.onlineopinion.com.au/view.asp?article=11340&page=2

**Just as with the name Dads On The Air, the title Chaos at the Crossroads popped into my mind one day and stayed. An early draft went
up online in 2004. Come 2010 and the title could hardly be more appropriate. The narrowly returned Labor government had neither the
guts nor the integrity to mention family law during the campaign leading up to the August election. Fearful of losing votes, they did not acknowledge they were winding back the popular shared parenting
laws. The rollback came under the guise of protecting women and children from violence. The government ignored the findings of the Australian Institute of Families Studies that there was no evidence shared parenting resulted in higher levels of conflict and that the new laws were widely supported.**

**The government's expansion of the definition of domestic violence in
the proposed Family Violence Bill was cheered on by shared parenting's
greatest opponents former Chief Justice Alastair Nicholson and Justice
Richard Chisholm.**

**After more than 20 years of ferment, community agitation, government
inquiry, thousands of submissions and countless stories of suffering**

and distress, there now appears less hope than ever for separated dads. As the government fuels moral panic over domestic violence, family law is heading straight back from whence it came, to those dark days when too many fathers entering the court never or rarely ever saw their children again.

There has been almost no public input into the shared parenting rollback. The public submission period for the Family Violence Bill runs across Christmas and ends at the height of the holiday season.
The Bill is the result of blatant manipulation of the public inquiry process. The plank of reports being used to justify the changes, commissioned by the Attorney-General's department after it became clear the AIFS intended to be neutral, almost all fall under the category of feminist advocacy research. One expensive two volume report took their sample from women's services, a naturally self selecting group of disaffected. The appointment of formerFamily Court judge Richard Chisholm, whose hostility to shared parenting was already well known, to produce one of the many reports was simply shameful.

Yet the Labor Government, led by Julia Gillard and ably assisted by Attorney-General Robert McClelland, appears determined to press on with its lunacy.

Show me a person who has not been guilty of emotional and financial manipulation and I'll show you Christ on earth, but this is just one of the new and greatly expanded definitions of domestic violence being placed into the Family Law Act.

There can be only one result from defining domestic or "family" violence so broadly as to include much normal human behaviour, in such a gendered way and couched in such a manner as to target only men as perpetrators - and that is a return to the days when many fathers entering the Family Court of Australia rarely or never saw their children again. The resultant personal pain created a large body of disaffected men as well as grandparents and other extendedfamily members, did the community as a whole great harm, brought the judiciary into disrepute and impacted badly on the children involved.

Chaos At The Crossroads concludes: "Successive governments from both left and right have failed to listen to their constituents and respond to their concerns. Even when enacting legislative reforms, these same governments left their enforcement in the hands of institutions notoriously resistant to change. They allowed or encouraged fashionable ideology, institutional inertia and bureaucracy to triumph over common sense. Common decency was lost long ago.

"In terms of human suffering, the Australian public has already paid dearly for the failure to reform outdated, badly administered and inappropriate institutions dealing with family breakdown - and for the failure of governments to take seriously the voices of the men and women most directly affected by them. The country's failure to reform family law and child support is ultimately a failure of democracy itself."

Chaos at the Crossroads is now available directly from the internet publishers at: https://www.ebookit.com/books/0000000027/Chaos-

At-The-Crossroads.html
or from every major e-book retailer worldwide.

CHAPTER TEN CHAOS AT THE CROSS ROADS

CHAPTER TEN

THE SWINGS AND ROUNDABOUTS OF 2010

For those concerned about family law in Australia, the year 2010 got off to a lively start with the simultaneous release of three separate reports on shared parenting commissioned by the Rudd government. The reviews were conducted by the Australian Institute of Familystudies, the Family Law Council and former Family Court judge Richard Chisholm. These would be followed later in the year by yet more reports, most falling into the category of feminist advocacy research, relying on small or self-selecting samples or written with a clear agenda in mind. The Australian Law Reform Commission was also busy through much of the year, releasing mid-year a discussion paper "FamilyViolence - Improving Legal Frameworks" followed in November by their final report "Family Violence - A National Legal Response". The Howard government after a few failed attempts at family lawreform balanced the views of the various bodies which made up thefamily law industry, some of them formed as part of the Family Law Act and as part of their inquiry by canvassing the views of ordinary people - the men, women and children whose lives can be so dramatically

affected by family court decisions. The Labor Party on the other hand turned directly to the established industry and made only limited attempts to consult the views of the public or of lobby groups. By this time most lobby groups had come to the conclusion their views were ignored and only sought to give credence to the government's claim they had consulted widely. They had not. To have consulted more widely would have meant they did not get the answers they sought.

The blizzard of reports was presaged by another piece of classic Family Court behaviour. A mother found by the Family Court to be violent, untruthful, lacking moral values and responsible for the psychological and emotional abuse of her children had been awarded full custody. The father, deemed "principled" and with "much to offer his children", was effectively banned from seeing his daughters. As DOTA had always maintained, violent, drunken, abusive and drug addicted women were given custody of their children every day of the week. It was simply a lie to claim the court was acting in the best interests of children.

The Herald Sun in its report predicted the case would spark renewed debate about family law and the issue of shared parenting.

The father, who could not be named for legal reasons, was described by a Family Court judge as no threat to his daughters, a successful parent who was "courteous" and "intelligent".

The same judge found the mother abandoned her first daughter at two and spurned the child's subsequent attempts at reconciliation and had displayed "dreadful", "cruel" and "malicious" behaviour.

- **The comments from readers were also fairly classic: Ron O for**

example declared: “Best solution - sack ALL Family Court judges. None of them have a clue. They give a whole new meaning to the word incompetence. They are NOT acting in the interests if the children - they are acting in the interests of their own inflated ego's.” S. Kelvin declared “This is what feminism has led to throughout the western world: women with no character and men with no rights. Decent people are getting sick of the double standards.”

Of the first three 2010 reports by far the most comprehensive and scientific was the AIFS report, whose authors included Professor Lawrie Moloney, an occasional DOTA guest, and a team of other researchers from the AIFS.

It showed that for most parents and their children reforms had been well received and were working well. The new network of Family Relationship Centres, in particular, were helping to deflect parents from going to court to fight over the children and most people felt they were treated fairly.

The report took three years to complete and was based on the experiences of 28,000 Australians, including 10,000 parents affected by the reforms, as well as grandparents and lawyers. The evaluation was claimed to be the largest examination of the family law and service system ever undertaken.

It showed that for most parents and their children reforms had been well received and were working well. The new network of Family Relationship Centres, in particular, were helping to deflect parents from going to court to fight over the children and most people felt they were treated fairly.

The philosophy of shared parental responsibility was overwhelmingly

supported by parents, legal professionals and family relationship service providers.

"There's more use of family relationship services, a decline in court filings and some evidence of a shift away from people going straight to court to resolve post-separation relationship difficulties," said Australian Institute of Family Studies Director Professor Alan Hayes.

The report showed relationship services clients provided favourable assessments of the services they attended. Pre-separation services were regarded very highly by clients. At the post-separation level, over 70% of family relationship and family dispute clients said that the service treated everyone fairly and over half said that the services provided them with the help they needed. This represented a high level of satisfaction given the cases often involve strong emotions, high levels of conflict often lacked easy solutions.

The substantial increase in the use of relationship-oriented services, both pre- and post-separation, suggested a cultural shift in the way in which problems that affect family relationships were being dealt with.

The report found a 22 per cent drop in the number of cases going to court.

Professor Hayes said that overall, the reform goal of getting separated parents to work things out for themselves was being achieved, with most separated parents resolving their parenting arrangements within one year and without the use of the legal system.

"This is evidenced in a reduction in child-related parenting matters

reaching court, with a fall in applications for court orders and a greater proportion of parents reporting they were able to resolve their issues themselves, supported by the new family relationship services," he said.

Of those surveyed the AIFS found that 80% said they supported shared parenting and 70% of couples who were in a shared parenting arrangements said they were working well.

"More than a million Australian children currently live in separated families," Professor Hayes said. "The way in which separated couples resolve parenting arrangements, make decisions about their children and conduct their relationships all have significant and lasting impacts on their children's lives for better or worse depending on how well they manage post-separation parenting."

The AIFS found there was confusion about the new laws, leading to disillusionment, especially amongst fathers, causing anger and time-wasting. The wording of the Act had led many fathers into wrongly believing that equal shared parental responsibility allowed for equal shared care - or 50/50 time. They believed shared care was a right providing they were not violent. In fact, judges only had to consider granting shared care.

The AIFS noted the confusion could make it more difficult for parents, relationship services professionals, lawyers and the courts to get parents to focus on the best interests of the child.
Lawyers in particular indicated that the 2006 reforms promoted a focus on parents' rights rather than children's needs and that the family

law system didn’t do enough to support arrangements suitable for a child's particular level of development.

More positively, The AIFS Evaluation observed that the changes had encouraged more creativity in making arrangements that involved fathers in children’s everyday routines, as well as special activities.

Although only a minority of children had shared care time, the proportion of children with these arrangements had increased. This was part of a longer term trend in Australia and internationally.
The majority of parents with shared care-time arrangements thought the arrangements were working well for both parents and children. On average, parents with shared care time had better quality inter-parental relationships.

The AIFS recorded that generally, shared care time did not appear to have a negative impact on the wellbeing of children.

The exception was where mothers had safety concerns. Irrespective of care-time arrangements, safety concerns – real or not - had a negative impact on children’s wellbeing. The impact of mothers’ safety concerns on children’s wellbeing was exacerbated where they experienced shared care-time arrangements.

"The message out of this evaluation is clear - ongoing conflict between separated parents leads to worse outcomes for children," Professor Hayes said.

The AIFS Evaluation did detect room for improvement in dealing with issues of family violence. More than half the lawyers working in the jurisdiction felt the system did not deal adequately with the issue. This could well reflect the ideologies of those lawyers attracted to the jurisdiction. Given the low socio-economic status, high unemployment levels, poor educational attainments and dysfunctional lives of the largely welfare and drug or alcohol dependent clients who took up so much of the Court's time, there would probably always be issues of violence amongst at least some of its client groups.

Significantly, the AIFS found: "There is no evidence to suggest that family violence and highly conflictual inter-parental relationships are any greater in children with shared care time than for children with other care time arrangements."

Despite the quality of the AIFS's extensive analysis, this finding was subsequently ignored by the government, by women's groups and by the family law and domestic violence industries.

"The evaluation provides clear evidence that while there have been some positive developments, the family law system has some way to go in effectively responding to family violence and child abuse, mental health and substance misuse," Professor Hayes said.
"Where there were safety concerns reported by parents, these were linked to poorer outcomes for their children in all types of care relationships, but for those in shared care time, it was even worse. This is a small but extremely significant minority.

"But it's worth remembering that while the evaluation found that for

an important minority equal care time was a serious concern, for children where there's no violence or abuse, equal care time was found
to work well."
Key findings from the evaluation included:

- **71 per cent of fathers and 73 per cent of mothers say they've sorted**
out their care arrangements
- **39 per cent of parents who used family dispute resolution reported**
reaching an agreement
- **78 per cent of Family Relationship Centre staff and 86 per cent of**
family dispute resolution staff say that family dispute resolution is inappropriate due to family violence for up to a quarter of parents they see
- **16 per cent of children are in shared care-time arrangements (i.e.,**
where 35-65 per cent of time is spent with both parents)
- **More fathers than mothers proposed equal time arrangements when**
going to court - 10 per cent of mothers and 27 per cent of fathers
- **A majority of separated parents, just over 60 per cent, were in friendly or cooperative relationships**
- **Just under one fifth of separated parents reported their relationship to be full of conflict or fearful, with mothers twice as likely as fathers to report a fearful relationship**
- **26 per cent of mothers and 17 per cent of fathers reported their**
partner had physically hurt them before or during separation.

In his report Family Courts Violence Review that old lion of the Family Court of Australia Richard Chisholm was entirely less positive.
He said the laws were “a tangle of legal technicality” which had taken
the focus off the best interests of the child and they were both

confusing and troublesome. He advocating abandon the push towards shared parenting. His report said many people wrongly believed the changes to family law meant that separated fathers were automatically entitled to 50-50 custody of their kids. Chisholm wrote: “The presumption of equal parental responsibility has been wrongly taken to mean that there was also a presumption favouring children spending equal time with each parent”.

The retired judge argued that the provision emphasising the importance of a child’s relationship with both parents should be dropped and judges required only to consider what was in the best interest of the child.

Professor Chisholm recommended family violence be presumed in all parenting cases presenting to the Court and recommended every case automatically be assessed for violence risks. He also suggested the court should receive additional funding to do the job.
Once more displaying zero neutrality, Chief Justice Bryant, issued a statement welcoming that finding.

Former head of the Family Court Alastair Nicholson said the Chisholm recommendations were "absolutely the way I would have gone". "The fault lies with the legislation," he said. "I have great sympathy for the judges trying to interpret it. Absolutely, yes, it must be up to judges and magistrates to decide what is best for each child in

each
case."

Many within the Australian fatherhood movement believed theFamily
Court had long thrived on false claims of child sexual abuse and inflated claims over domestic violence and its secretive nature and adversarial style of determination simply encouraged this. The claims
almost invariably first appeared during custody disputes and were often used as the justification for the removal of children from their fathers. These views were neither sought nor provided by any of the
inquiries looking at the issue.
While not mentioned in any of the inquiries, the One In Three campaign
by Men's Health Australia was beginning to play a significant part in
raising doubt about the government's exaggerations and the domestic
violence industry's excesses. The organisation began systematically
taking issue with official distortion of statistics.

Their campaign lead to stories such as that in the Herald Sun in September of 2010: "The issues of child protection and domestic violence have been hijacked by politically motivated feminist cliques,
according to a coalition of men's groups."

The paper reported the claim came after an ombudsman's report found
bureaucrats guilty of "unreasonable and wrong administrative action"
after failing to correct false and misleading information that promoted the idea men were overwhelmingly responsible for domestic

violence.

The ombudsman found that South Australia's Office for Women presented erroneous statistics, such as that 95 per cent of domestic violence involves a male perpetrator and a female victim. On the contrary, raw data show that, overall, at least one in three victims were male.

Men's Health Australia spokesman Greg Andresen said the SA Ombudsman's report should make the Gillard Government think twice about rolling back the shared parenting reforms introduced to family law by the Howard government -- which effectively guaranteed fathers some level of access to their children in the event of marital breakdown.

"The picture seems to be emerging of offices of women around the country -- who advise state and federal ministers -- having taken deeply feminist lines on domestic abuse and child protection," Andresen said. "These bureaucrats have a strong feminist perspective -- and that's probably appropriate for people concerned with women's issues.

"But the problem is that when governments roll out programs relating to children, what gets rolled out is a program for women, not one that has equal regard for men and women. The conventional wisdom among these people is that the only perpetrators of domestic violence are men and the only perpetrators of violence against children are men. There is a wealth of research that shows that men are almost as likely

to suffer domestic violence or abuse."

Tony Miller from DIDS declared AVOs and false allegations were often the first tool used by warring parties in the early days of divorce or separation to secure custody of children or to exclude contact or punish one parent for the failure of the relationship.

“Once an AVO has been issued, most often against the male, it makes it extremely difficult and complex when it comes to obtaining time with their children. In the past the AVO system has been abused and the concern now is with the new reforms to the Family Law System that AVOs will be used to circumvent any chance of dispute resolution through the new Family Relationship Centres and force people back into the court system.”

Miller said he had once been one of those sad dads denied contact with their children peering through the wire fence surrounding his son's school. “I was spotted and asked to move on,” he recalled. “I explained who I was and that I just wanted to catch a glimpse of my little boy who I hadn't seen for many years. I was taken to the principal's office and after explaining the circumstances was told that I was listed to have no contact. It was many years ago but I remember it as yesterday.

“After breaking down in front of him, the principal took pity on me and let me peer through the blinds of his office. He had to point him out to me because I his father couldn't recognise my own son. I left quietly, humbly thanking him for his kindness and in tears.

“My boy grew up not knowing his dad and now I am still peering through

the fence unable to break through, only now it's not wire, its heroin addiction.

“Whilst our children need protection against any form of violence we must be ever vigilant of the use of our children as pawns between warring parents and come to terms with the reality that fatherlessness is destroying Australian society today.”

In a father free zone, the Family Law Council’s report titled “Improving responses to family violence in the family lawsystem: An advice on the intersection of family violence and family lawissues” was released concurrently with the AIFS and Chisholm reports. The report perhaps demonstrated why the previous government had tended to work around the Council rather than with it.

“Improving Responses To Family Violence” opened with the claim that the pattern of family violence which became visible in the familylaw system was only the tip of the iceberg of family violence, alcoholism, drug addiction and mental illness entrenched in Australia.

The report repeated the myths of the domestic violence industry that one in three Australian women experienced physical violence and one in five experience sexual violence over their lifetime, figures which could only be obtained by the widest definition of domestic violence and in studies where they were asked the same questions equally applied to men. The possibility there could be male victims of domestic violence received not a mention.

**The Council urged the government to address the concerns of women that
if they could not prove their claims of domestic violence they would be labeled an “unfriendly parent”.**

**It also recommended that the definition of “family violence” in the Family Law Act be widened to include behaviour by a person towards a
family member which was physically or sexually abusive; emotionally or
psychologically abusive; economically abusive or
was threatening, coercive, or in any other way controlled or dominated
a family member or caused them feel fear for the safety their well being or behaviour that caused a child to hear or witness, or otherwise be exposed to the effects of such behaviour.**

**The council also urged the clearing up of public confusion between the
2006 shared responsibility reforms and provision of equal time joint custody.**

**Rick O'Brien, the deputy chairman of the Law Council's familylaw section, said: "A law that cannot be understood by the people affected by it - or, worse still, lends itself to being actively misunderstood - is a bad law," he said. A significant proportion of the community thinks the 2006 reforms mandate equal shared time. They
do not. Shared care is only an arrangement judges must consider, though consider it they must after going through various other steps.”**

The entirely tax payer funded family law industry was back in town.

**Shadow Attorney-General George Brandis disagreed with the moves to
wind back shared parenting and dismissed Chisholm’s report as**

taking
“a fairly tendentious view of the operation of the 2006 reform." He said the Howard government's 2006 laws adequately protected children
and the proposed expansion of the definition of violence would weaken
the definition of genuine violence.

Brandis referred to the Institute of Family Studies findings that in general the 2006 reforms had worked well and there was no evidence to
suggest children had been exposed to any greater level of family violence. "So there seems to be something of a difference of emphasis,
if not a conflict, between Professor Chisholm and Australian Institute
of Family Studies."

Senator Brandis said the reports did not justify a change in direction
for family law.

"They should not be used by the Government as a pretext or an excuse
to walk away from the principle that every child has a right to a meaningful relationship with both parents on the occasion offamily breakdown, while always maintaining, as has never been in doubt, the
paramount interests of the child as the first consideration.

"The Opposition's position is that we do not believe that the shared parenting arrangements should be walked away from. We are not persuaded that there is sufficient evidence or, indeed, any persuasive
evidence that the 2006 legislation has not worked in a satisfactory fashion.”

Nor was it good policy to define domestic violence so broadly that almost any conduct could constitute violence. “If the Act does that then what it is in fact doing is watering down the concept of violence,” he said.

However Shayne Neumann, the head of Labor's social affairs caucus committee and a former family lawyer, said the shared responsibility laws had gone too far and had hurt women and children. He claimed the Howard Government got it wrong on shared parenting in 2006, moving without any social research and in a knee jerk reaction to the urgings of a vocal minority of men’s groups. He seems to forget that the changes were introduced with bipartisan support.
“By elevating the rights of parents above the need to protect children, the Howard Government fettered judicial discretion and created a legislative pathway fixated on shared parenting,” he said.
"Children were exposed to violence. The definitions in the past were too narrow and pandering to the men's rights groups. Howard listened to extremists. What Howard was doing for political expediency was listening to the Hansonite voices of the men's rights groups."

Take that with a grain of salt.

The Attorney-General said it was clear from the Chisholm report and the other reviews that women had become reluctant to raise allegations of violence, in part because the court could now punish them by hitting them with the entire bill for proceedings if the allegations are not proved.

McClelland agreed that "misunderstanding needed to be addressed" but "the question is whether you need legislation to get that information out." He said the government would be looking at the "lighter touch" approach of public education, before diving into the "deeper waters of legislative change".

For the first time McClelland agreed that there had been some positive developments from the 2006 changes, chiefly that fathers no longer assumed that they had to accept an 80-20 time split with their children after divorce.

"We've moved past that, but we are now in a situation where . . . the misconception (that each parent is entitled to a 50-50 time split) has taken hold. Our task now is to clarify that. The focus has to be on the best interests of the children, and not the rights of parents."

In an election year family law posed a peculiar conundrum for the Rudd government, bringing its feminist and working class constituencies into conflict at a time when polls showed they could not afford to lose votes. With the Chisholm report and others the Labor government had rigged or arranged enough enquiries to satisfy its feminist supporters with a plethora of recommendations to rewrite the legislation to emphasise domestic violence and the safety of mother and child above any other consideration. At the same time the Labor government, recognising the popularity of shared parenting in the community, could not afford to alienate its many backers amongst working and middle class fathers, mothers and families supportive of

the family law changes.

After the considerable amount of original fanfare and high flying words about protecting the vulnerable from violence as being of paramount concern when the Chisholm inquiry was first announced, an election year was no time to relive the emotional debates overfamily law of the Howard years.

Perhaps to minimise their impact, all three commissioned reports on shared parenting and violence were released simultaneously and without public fanfare. McClelland emphasised the importance of the AIFS Evaluation and downplayed in particular the contentious recommendations of the Chisholm inquiry, which would have seen family law issues played out in parliament for the remainder of the year.

Brisbane ABC radio presenter Madonna King wrote that the Rudd Government, in an election year, now had to decide whether to address the recommendations to change family law yet again, this time to emphasise issues of family violence, and thereby raise the ire of one set of parents, particularly fathers, or let it slide, with the promise of something less than legislation, and increase the frustration of another set of parents, often mothers.

“Either way, the Prime Minister and his team will face a sustained lobby effort that began this week, with a campaign by fathers' groups to fight any suggestion shared-care provisions be wound back.

“The problem is that the law is only one of the pillars of a system that just isn't working.

“Listen to talkback, and hear the hurt and pain as individual parents tell their story about custody battles, false allegations of violence, real violence that is not acted upon, lengthy delays in hearings, and family wars that know no bounds.

“And both sides of this debate have strong ammunition, which is at the crux of the problem now faced by Kevin Rudd.”

King retold the story of Dionne Fehring who blamed the emphasis on shared parenting for the deaths of her two young children. Her former partner suffocated her 17-month-old daughter Jessie and baby son Patrick, who was only 12 weeks old, with plastic bags, before killing himself – on the day he was due to hand the children back to her after the Family Court had reversed custody after hearing her accusations of prolonged domestic violence.

King said Fehring believed shared parenting can't always work, and the assumption that has existed since the 2006 law changes, that 50:50 custody is a right, needed to be wound back.
“You wonder, after hearing the pain in her voice, how shared parenting, and the assumption of shared custody, can be prescribed in law,” King wrote.

But on the other hand fathers groups were signalling a nationwide campaign if the laws were changed.
“There are two sides to every argument,” King wrote.
“Take the case of the father who...sought custody of his three-year-old son, against his mother's wishes.

“She shopped around at doctors, lodging numerous allegations against the father, who persisted in his attempts to be part of his son's life. He just wanted to be there for his son. He wanted to know him; to be part of his life.

“Eventually, the father was awarded custody. And the mother, two weeks before handover, killed herself and the child.”

King concluded: “With tens of thousands of Australian children in shared-care arrangements, it's not an issue the Rudd Government can fudge.”

The Men’s Rights Agency issued a press release declaring the Labor governments moves to roll back shared parenting would cost them votes.
Sue Price said a recent survey of nearly 500 people showed the issue was a vote changer.

Nearly two-thirds (64%) of those surveyed said they voted Labor at the last federal election. When asked whether knowledge of the Labor Government’s reviews into Family Law and the impact these reviews are likely to have on shared parenting has caused people to think more negatively about the Government, 93% answered that it had.

When asked about voting intentions at the coming federal election, 72% of respondents said they will not vote Labor and a further 20% said they are unlikely or highly unlikely to vote Labor.

“The swing against Labor is being almost exclusively fuelled by the expected rollback of shared parenting arrangements gained under the Howard Government,” Sue Price said. “Nearly 60% said they would have voted Labor in the coming election if they had not known about the reviews to family law.”

The following month Chief Justice Diana Bryant was playing her part in the moral panic of the day by calling for a radical change to thelaw to provide more protection to family members “at risk of violence”. While critics did not see her role as appropriate, she appeared determined to play her part in the campaign to roll back shared parenting.

The CJ said she wanted more information from confidential mediation sessions between separating couples to be given to family lawcourts if there was believed to be a risk to a child or a parent's safety. She presented her concerns with the Attorney-General.

The types of information provided would include evidence of violence or mental health and drug and alcohol issues. Judges would use the information to help with decisions about parental access and where children live.

Under existing law, any information that emerged in a mediation session was confidential.

She said there might be cases where risk factors could be missed if full information was not given to the court in the early stages of a case. She said: "You might have a mediator... who has formed a view

that mental health issues are a serious problem. They can't provide that information.

"All of the information that is conveyed to mediators in family relationship centres is privileged. They might have quite a lot of information about family violence from their screening tool which can't be shared with courts. So when people come to court they just start off fresh with an application.

"I do think we ought to look at whether we can get something more from those organisations... something more that informs the courts when an application is filed to alert them to issues that need to be dealt with as a matter of urgency."

With so much institutional propaganda, there were few voices publicly defending shared parenting or raising questions about the negative consequences of exaggerating fears over domestic violence.
One exception was Alby Schultz, the member for Hume whose percentage of the vote in his rural electorate of Hume, already high, had increased since he began speaking out on issues around familylaw and child support.

“The release of these reports should not be used by the Rudd Labor Government as a pretext or an excuse to walk away from the principle that every child has a right to a meaningful relationship with both parents on the occasion of family breakdown, while always maintaining, as has never been in doubt, the paramount interests of the child as the first consideration,” he said.

Echoing a common story heard by DOTA, Schultz said he believed

**many
instances of family conflict could be averted by a shake up of the Child Support Agency.**

**“The overwhelming similarity in cases that are brought to my attention
is that even though a separated couple have entered into a shared parenting agreement, there is no recognition of this fact by the CSA in calculating the maintenance that is to be payed by the paying parent.**

**“Is it not surprising then, why a father continually questions where his maintenance is going when it is plainly obvious that it is not being spent on what it is intended for and why, in some sensitive cases, the father becomes so disillusioned and distressed by the continual aggressive tactics employed by the CSA with respect to the
collection of his child maintenance, that a tragedy sometimes occurs.**

**“I dare say that if the paying parent was able to direct and observe through CSA administration, a certain percentage of their payment go
into a trust account specifically designed to ensure child maintenance
is used for the daily and future care of the child, these extreme cases may reduce.”**

**Lone Father's president Barry Williams condemned the Chisholm report,
saying it was plain wrong and shared parenting was the way to go.**

**Tony Miller from Dads in Distress said he was joining the men's groups
meeting to stop parenting laws being ``rolled back to the Dark Ages''.**

”We've fought hard in the last 10 years to ensure fathers and children get a fair go,'' he said. ``Since shared parenting came in, we are most definitely seeing a fairer deal in the court system than we did in the past. If it's going to be changed and rolled back to the dark ages that would just astound us. All we're after is to make sure dads get to see kids as often as they can. Any change to that and we would be absolutely horrified.''

On the other hand the Family Court’s campaign against the intent of the legislation continued apace. Again in February, the Full Bench of the Family Court clarified what it meant by "shared care" and “substantial and significant time” for children after divorce - and it wasn't a 50-50 time split between parents.

The Court posted an appeal decision to their website in a case known as Whisler and Whisler (2010).
The judgement demonstrated that fathers who won "shared parental responsibility" of their children could find they still saw them only on alternate weekends, for two hours after school on Wednesdays, and half the school holidays.

Mr Whisler had been the "house-husband" and stay-at-home dad for two years before separating. He appealed against a decision by a federal magistrate to scrap a "week about" arrangement for his children, aged six and four, and replace it with one in which the children lived mainly with their mother and saw their father on alternate

**weekends,
for 2 1/2 hours on Wednesday nights, half the school holidays and on
special occasions such as Fathers' Day.**

**Mr Whisler complained that the orders did not amount to the children
having "substantial and significant time" with him.**

**The Family Court thought otherwise.
"These orders are clearly for substantial and significant time between
father and children," the decision read. The Court said this was in part because he could see his children for two and a half hours on Wednesdays.**

"That doesn't sound like the spirit of the new law at all," Michael Green QC of the Shared Parenting Council said of the decision. "There's no way in the world that that is shared parenting."

**Just as it had done with the 1995 reforms, the Court had ignored the
will of parliament and subverted legislative reform.**

The legislators should have known this would happen.

**The decision also vindicated DOTA's editorial stance that theFamily Court would not change direction unless it absolutely had to. The 2006
laws had not been bold enough in the first instance, leaving too much
discretion to Family Court judges. The parliament's desire to lessen the pain and acrimony common amongst separated parents and to promote
cooperative parenting after separation was simply too easily ignored.**

Predictably Elspeth McInnes of Solo Mums said the decision reflected reality, “which is that equal time, or shared time, cannot work for all couples and shouldn't be forced on them".

In a brief respite to the wave of anti-father and anti-shared parenting propaganda, in May The Age ran a tribute story to shared care by Jo Case, editor of The Big Issue.

She told the story of missing her son so badly she climbed into his bed and started crying. Then she dragged herself off to bathroom and looked at herself in the mirror. “Come on, I told myself sternly, looking deep into my own slitted red eyes. He's not dead, he's just at his father's. Like he is every other week of his life. You'll see him soon. The next thought, the one that really sobered me up, was, What if his father rang you right now and asked you to take him for the week? How would you get your work done and your deadlines met?"

Case said the most common reaction from harried mothers when they discovered she shared the care of her son on a week about basis was:
"You're so lucky. You get the best of both worlds."

The second reaction was, "I could never do that. I'd just go insane with missing them. That's so good of you." Case said this also came from fellow mothers, but these were the types who disinfected their kids' toys when they dropped on the floor and no longer accepted lunch or dinner invitations because their children needed routine.

The third reaction was, "Wow. Really? That is great. Good on you."

This came from separated fathers who are only allowed access to their children for one weekend a fortnight. “They tend to beam at me like I am a saint,” she wrote.

“Sometimes I wish I had never been so ‘reasonable’, and suspect myself of having been so depressed when I left my son's father that I accepted shared custody out of exhaustion rather than fairness. But, when all my guilt-tinged analysis has been exhausted, one fact remains. Shared custody, despite its effects on me or my former partner, is the best thing for my son. He has two parents who want him, who care about him, and who are intimately involved in his everyday life.“

In mid-June of 2010 Tony Miller from Dads In Distress, was awarded a medal of the Order of Australia for his contribution to the welfare of men through his role as the group’s founder.

Miller started the group after his own personal breakdown.“My life was a mess, I was suicidal and I couldn't find someone to talk to who I thought would understand what I was going through,” he recounted. “I realise now it was a completely selfish act on my part but I wrote a letter to the Advocate and almost immediately other men contacted me with similar stories of isolation, anger and confusion.”

Dads in Distress was formed in 2000, the same year as Dads On The Air.

Although a decade had passed, Miller told his local paper the Coffs Harbour Advocate that not enough had changed.

“People are still going back and forth to the Family Court, there are still battles over the contravention of court orders and sadly men in

crisis are still taking their own lives," Miller said.

Dads On The Air ran a tribute to DIDS, with our editorial reading in part: "For Australian men, who have reached the end of their emotional ability to cope with the ravages of a Family Justice system which has removed their children, property and savings, Dads In Distress, now ten years old, provides a safe and supportive haven for them to regain their emotional strength and sense of self-worth."
It was unfortunate that the need for an organisation like DIDS remained so strong.

Miller left DIDS in 2010 for internal political reasons and when last heard of was homeless and sleeping in his car.

For the cast of characters that now made up Dads ON The Air, monitoring the issue of family law and child support reform in Australia had become like watching a back to the future movie in slow motion.

It was a time to reflect.

After all these years, the resistance of the Family Court and its flanking bureaucracies to reform in the face of widespread public and professional odium remained nothing short of astonishing.

As of 2010 the Court was the same institution that a decade or more before both public and the legal profession were so widely disenchanted with. It used many of the same suspect familyreport writers as it did back then. It had the same excruciatingly complex and distressing processes which imposed extreme, prolonged and

**unfair
pressure on litigants. It had the same leisurely pace, the same extensive delays and the same style of judgements.**

**While the Family Court made great claims for its new less-adversarial,
supposedly more child centered style of trials, with the legislation mandating that such methods be implemented, as of 2010 there remained
a need for a broader and more independent confirmation of their success, including published interviews with parents.**

**The court's own evaluation was positive, but in the AIFS evaluation of
the reforms lawyers had expressed a number of concerns, including
increased delays and costs. One lawyer said: "There is simply not the
resources for matters to be dealt with in a proper and timely fashion.
The delay is prejudicial to
all involved".**

**Several participants in the AIFS evaluation made mention of the need
to prepare or "coach" clients prior to trial and to think carefully about the evidence that was to be presented. This required clients to
engage more resources and therefore money
in preparing for the first part of the court process.**

Lawyers said the Less Adversarial Trial scheme required more preparation and more court events, and consumed more judicial resources.

"Participants noted that, along with the obvious financial costs that multiple appearances entail, clients also face an emotional cost, as

the reforms have resulted in multiple court events that heighten conflict and have a negative impact on children."

The AIFS's examination of the trials as part of its evaluation of the 2006 reforms did not examine the views of parents.

The expressed view at DOTA was that, If possible, these styles of trials inappropriately handed even more power to the Court's judges and the Court's contentious family report writers.

The development of Dads On The Air dovetailed neatly with a broader historical and international push by fathers and their sympathisers for reform of family law across many different jurisdictions. We were never short of material and were able to report on social changes, research reports, legislative ups and downs, colourful protests, debates, disasters and triumphs from around the globe.

Most particularly we were able to report on the sustained push for reform of the Family Court of Australia's style of custody order. This was accompanied by a push for change to its processes, attitudes and culture.

During the ten years in which Dads On The Air had been broadcasting, the Australian government had expended tens of millions of dollars on inquiries, committees, investigations and reports into the treatment of separated families and its overall operations. Many of these reports and the hundreds of submissions which had gone into them went nowhere or had little impact. Many of the contributions of father's groups, who opponents alleged had such influence with the

**Howard
government, saw their submissions barely acknowledged or even footnoted.**

**Despite DOTA's skepticism and at times strident criticism of the "little steps" reforms finally passed into law by the Howard government in 2006 they did in fact bring about some significant and
positive changes.**

**As a result of the 2003 inquiry and the extensive community debate and
media coverage it generated, shared parenting was by 2010 far more
widely accepted and supported as the best outcome for both parents and
children post-separation. Surveys confirmed the popularity of the laws.**

**Despite DOTA's belief that the legislation was probably not strong enough to deliver shared parenting outcomes, statistics released by
both the Family Court and the Child Support Agency demonstrated an
increase, albeit from a low base. Perhaps it was not just a matter of legislation. Perhaps it was an idea whose time had come, the necessary
revolution.**

**The government's Family Characteristics Surveys of 1997 showed low
levels of shared care - in just 3% of divorced families. TheFamily Characteristics Survey of 2006-07 conducted 12 months after the legislative changes found the level of shared parenting had risen to 8%. DOTA's view was it should be at 90%, but at least there was progress.**

**The Family Court's first release of statistics following the reforms also showed progress, with fathers being granted primary care in 17%
of decided cases; equal parenting time in 15% of these cases; and shared parenting of around five days per fortnight in 14%. In consent
cases, fathers were granted primary care in 8% of cases; equal parenting in 19% of cases; and shared parenting in 14% of cases.**

**An AIFS Evaluation had shown the majority of parents in shared parenting situations were happy, believing the arrangement worked well
for themselves and their children.**

**But more parents were reaching their own arrangements in terms of both
custody and child support, leading to less acrimony and more workable
solutions.**

**DOTA had been more than doubtful the Family Relationship Centres would
succeed, fearful they would turn into yet another secretive and counter-productive layer of bureaucracy staffed by hostile man haters,
determinedly opposed to shared parenting outcomes and determined to
take the woman's side no matter what.**

**In their early days inconsistent stories emerged from clients having both positive and negative experiences.
But the AIFS Evaluation of the 2006 Reforms suggested they had been a
success. A clear majority of parents who tried to resolve their differences in the centres said they "worked well". "A significant proportion of separated parents are able to sort out their post-separation arrangements with minimal engagement with the**

**formal
system," the report recorded.**

**Considering the frustrating, expensive and lengthy nightmare litigants
still faced if they determine to resolve their issues in the Court, that was a major achievement.**

**But the Australian community was still throwing up many heart breaking
stories of lives needlessly mangled through the process of separation
and divorce. There remained many complaints of the family lawand child support systems themselves contributing to animosity and dysfunction between separated parents, with predictably negative results on parents and children alike.**

**As evidenced by the back to the future moves of the Labor government
and its reliance on a narrow range of elite opinion, the fact that the Parliament as a whole has had so little insight into this human tragedy playing out in the Australian community remained alarming. The
Parliament's combined ignorance of the ramifications of their failure
to properly legislate for relief of the plight of the nations' fathers and their children, and indeed for non-custodial mothers, is a sad reflection of an inability to value the voices of ordinary people.**

**If implemented more boldly, the shared parenting reforms would ultimately have benefited not just non-custodial parents and their children, but single mothers. Laws requiring both genders to be treated equally in achieving the best outcomes for children could have
been heralded nationally as a proud sign of an increasingly civilised
and equitable society.**

With government research indicating single mothers remain on welfare for an average of 12 years each, the reforms would have helped break the often inter-generational cycle of dependency and unemployment characteristic of single parents. As result it would have provided many of these mothers - and as a a result their children - with richer and more fulfilling life experiences as they returned to the work force.
Perhaps, too, with a bit of realism and spirit of cooperation in place, they would have prevented or mitigated the whirl of hysteria that was now being promoted around issues of family law and domestic violence.

We as a nation, have a duty to protect the rights of our children. If we continue to get this wrong, if we continue to pretend that our current path of destroying father child relationships is acceptable in the name of ideologically driven hysteria over alleged male brutality, if we continue to shy away from a presumption of a shared parenting outcomes as a starting point for separating parents, then we are failing in one of our most fundamental duties to future generations.

While there have been some improvements, history may well see this larger failure, this continuing abuse of children, as one of the great moral evils of our time.

The moral panic or mass hysteria, being promoted by opponents of shared parenting over the issue of domestic violence will ultimately prove counter-productive, causing more harm than good, sowing distrust, doubt and dislike between the genders.

The industry's exaggerated hyperbole has already contributed over the years to many false or grossly exaggerated claims amongst separating couples. And to many innocent fathers being denied contact with their children. The claims, usually made at the height of a custody battle for the single purpose of embarrassing, humiliating, and denigrating the children's father, acquiring advantage in the dispute over property and assets, and procuring a knock out blow in the fight over their offspring, lead unthinking parents to inadvertently harm their own offspring.

While its proponents cast themselves as champions and protectors of children, many of the actions of the "family" violence brigade are misguided. Both men and women inhabit this earth, and to paint half the human race as violent abusers in such a reckless manner does great harm to society as a whole. Like all ideologically based mass movements, it will ultimately founder on a lack of truth – which is that there have always been high conflict and low conflict couples and always will be, that most people are of good will but a small percentage of both men and women are abusive.

The expansion of the definition of domestic violence to include much of what is perfectly ordinary if not always praiseworthy human behaviour – such as emotional or financial manipulation – will create a legislative quagmire which will diminish the standing of theFamily Court still further.

Passing laws which criminalise the behaviour of such large numbers represents a dramatic expansion of the role of the state in people's private lives will prove counterproductive.

But given the shibboleths involved, the intimidating high moral ground advocates occupy, most people's unquestioning wish to do the right thing, the sympathy and chivalry the alleged victim group of women and children elicits and the astonishing amount of government money poured into the arena, moving forward to a saner era may prove difficult. The astonishing number of groups, academics and lawyers making a living from the hundreds of millions of government dollars being poured into domestic violence programs ensures that the arena becomes self perpetuating and difficult to reform, or even to question. It also ensured that the misuse of domestic violence allegations in custody disputes would continue. The truth will not out before many people have been needlessly harmed.

Dads On The Air had been virtually the only media outlet in Australia to raise doubts about the operation of the domestic violence industry.
We have regularly pointed out studies in Australia and around the world that showed domestic violence was not the gendered crime feminist advocates claimed it to be.

We also pointed out the hypocrisy of failing to show concern for male victims, despite for example the Personal Safety Survey by the

Australian Bureau of Statistics showing men were twice as likely as women to be the victim of violence, either from other men or from their intimate partners.

Our editorial position had always been that, perhaps with the best of intentions, the industry's self serving promotion of what had descended into public hysteria over domestic violence, was ultimately counter productive. The failure of all this government inspired activity to decrease the level of intimate partner violence in the community is testament to this.

The propaganda and heightened fears now being whipped up various interest groups around issues of family violence and family lawhave simply validated DOTA's position. Alternative views are never sought.
The marginalisation of father's and men's voices is plain for all to see.

The Family Court of Australia is in large degree today all too much like the institution it was when Dads On The Air began broadcasting in 2000. It remains impervious to criticism, overly legalistic, out of touch with mainstream Australian society and continues to push its own out-dated agendas onto the public.

While there had been hope for positive change after the retirement of Nicholson, . While the new Chief Justice Diana Bryant had not proved to be the great reforming broom some might have dreamt about. However she was something of a relief after the long reign of her

**predecessor
if only because she did not feel compelled to comment on every major
social issue of the day from asylum seekers to the smacking of children.**

**Bryant however had not hesitated to use her position as head of the
Court to directly interfere in the debate over the shared parenting provisions in the 2006 legislation and to play a part in their potential rollback. Her pronouncements on the "problematic" nature of
the laws and the adequacy or otherwise of the violence provisions have
provided good fuel for journalists and inappropriately distorted the debate. Her position as Chief Justice should have ensured her public
neutrality.**

**The 2006 family law reforms of the Howard government, while not introducing a rebuttable presumption of joint custody, were ultimately
more successful than Dads On The Air had expected. While much about
the divorce regime remained as bad or worse than ever; a cultural shift took place in the community as a result of the heightened awareness of the problems. Many fathers now expected to share the care
of their children after separation. Many separating couples also seemed to expect the same thing. An amicable divorce became almost a
fashion accessory. While the levels of shared care are nowhere near
where they might have been with bolder and more visionary legislative
reform and expansive public educations campaigns, and the lives of**

children and parents alike are still being badly impacted by the very institutions meant to assist them, more children were getting to see both parents after separation.

To a fair degree the Howard reforms did promote cultural change and encouraged shared parenting outcomes. Rightly or wrongly, whether technically it was written into the legislation or not, separated fathers expected and in many cases believed they had the right to substantially care for their kids on an equal footing with their ex-wives or partners. In many instances starting from a different point ensured more positive outcomes.

While insufficient, the legislative changes also appeared to have engendered some improvement in in the institutional treatment of separated fathers.
Dads On The Air's editorial position had always been, perhaps from the comfortable position of pundits, that the Howard government reforms were too little too late, were not nearly as effective as they should be, left far too much power into the hands of secretive, unaccountable and ideologically driven judges and could be too easily rolled back.

We had always maintained that the government should have made the legislation bolder, stronger and more definitive, to assure the public that both parents would be treated equally after divorce and that the government expected both parents to care for their children in the tough love spirit of "you both made them you can both look after them". We supported the campaign for a rebuttable notion of joint custody aka shared parenting because it was the only solution we could

see to the wasteland of unhappy lives that the Family Court's sole custody model ad created.

But while they were nowhere near as forthright as DOTA would have liked, by 2010, as a result of the reforms, anecdotally public opprobrium of the court appeared to have diminished substantially. The offices of parliamentarians were no longer clogged with unhappy litigants. Results for the Child Support Agency were more mixed.

While DOTA criticised the reforms for not going far enough in encouraging cooperative parenting after divorce or separation, claiming they failed to tackle many of the endemic problems infamily law and were too easily wound back, the public impression was that the system's problems and its anti-father bias had been fixed.

In its various speculations on the subject DOTA maintained that one should never under estimate the power of fashion in changing entrenched social attitudes. The middle and upper classes, already financially secure, were waking up to the destructive impacts and spectacular waste of money involved in prolonged Family Court disputes. One of the tricks in expanding the benefits of cooperative parenting is to spread this cultural shift towards shared parenting, already becoming established amongst affluent sections of the community, further down the income scale.

At the end of 2010, a decade after Dads On The Air first began broadcasting, much had changed and nothing had changed. Two steps forward and one step back had become more like a hundred yard dash into a nightmare combining the worst elements of the past with a more

sophisticated totalitarianism, a higher level of state control and penetration into private lives than Australia had yet seen.

During 13 years of a "conservative" supposedly pro-familyLiberal government headed by John Howard hundreds of thousands of fathers and their children had their relationship with each other unnecessarily ripped asunder by the established divorce industry. The Howard era from 1994 to 2007 saw the percentage of single parent households as a percentage of all parents increased by a couple of points to around 22 per cent. For just over 60 per cent of one parent families government payments were their largest source of income. However the proportion of lone parents receiving some income from wages and salaries or income from their own unincorporated business was 51% in 2003–04, an increase from 44% in 1996–97. In 2006, 87% of one-parent families with children under 15 years were headed by mothers. The proportion headed by fathers was 12% in 1997 and 13% in 2006. . Almost 40 per cent had not finished high school. According to the Australian Bureau of Statistics, in 2006, towards the end of Howard's reign, 87% of one-parent families with children under 15 years were headed by mothers. The proportion headed by fathers had changed little, from 12% in 1997 to 13% in 2006.

The style of custody order favoured by The Family Court of Australia had created great personal suffering on the part of disenfranchised fathers but also had significant social consequences.

As well, during the Howard era thousands upon thousands of separated fathers were driven to despair and suicide as the Child Support Agency plundered whatever remained of their assets and income and subjected them to routine and often incessant institutional harassment.

After many years of fumbling around the issue with indecisive inquiries it finally moved in its last term of government to establish the vague notion of "shared responsibility" into law. For many fathers it was far too little far too late. The Family Court made it's reluctance to embrace the reforms very clear. It was open on the evidence before it for the 2003 parliamentary committee investigating child custody to recommend a rebuttable presumption of joint custody. It failed to do so and the ramifications of that mistake continue to the present day.

Howard could have in the political maneuverings behind the outcomes of Every Picture Tells A Story, or at least had a better oversight of its progress. He could have found a way to introduce stronger shared parenting provisions but baulked, in his final term, at more profound reform of the divorce industry and its government institutions. Perhaps as some of his followers said, he was a true conservative in every sense, making change only slowly. But this was a man who could take decisive and radical action when it suited. Howard took the country to war in Iraq, against the wishes of much of the population, in a single decisive move. The same man's incremental moves to reform

family law and child support moved through so many committees and so many inquiries over so many years, and was so watered down in the process, that the original media support and public acclaim his bold expressions of interest in joint custody generated died away.

Ironically, despite the number of commissioned reports designed to give the Labor government justification in winding back Howard's modest shared parental responsibility reforms, when it came to the steeple gate the new government also baulked. At least, that is, prior to the 2010 election. Then Prime Minister Kevin Rudd reportedly had little appetite for moving against the nation's separated dads in the run up to a difficult campaign.

Many of those separated fathers were union members, the bulwark of the Labor Party, and senior parliamentarians with close links were reported to have warned against the move. The notion of shared parenting, as others have noted, was popular in the pub.

But by June of 2010 Australia was blessed with its first woman Prime Minister Julia Gillard. While many of her pronouncements after ousting Kevin Rudd in a palace coup were decidedly mainstream, she owed much to feminist supporters and political groups such as Emily's List and was justifiably proud of her achievements. While the bandwagon was already on a roll, she made no effort to reign in her Attorney-General or the Party and its sympathisers' assault on the shared parenting

legislation.

The year also saw Labor government moving to essentially destroy another Howard initiative, the Federal Magistrate's Court, by bringing it under the umbrella of the Family Court. As a simpler, faster and less expensive court in closer contact with litigants the Magistracy had been more inclined to embrace the spirit of the reforms. Its family arm was to be folded into the Family Court as a kind of lower tier of the "superior" court. Opposition Legal Affairs spokesman George Brandis had described the plan as a shambles.

The media's treatment of father's issues has not improved significantly, although a number of separated men now working in the media have at times helped to add some realism. At least for a time after the 2006 legislative reforms a broader range of father's advocates were likely to be quoted, although that impact faded oiver time.

The tone and substance of debates over family issues, in particular shared parenting and in the latter days family violence and family law, was still largely set by feminist columnists and sympathetic journalists. A number of newspapers including The Age and The Sydney Morning Herald, the dominant broadsheets in Australia's two largest cities, still feel free to run feminist advocacy without the provision of any countervailing views.

Mirroring the outside world, male editors and chiefs of staff from intact families show little understanding of the issues and zero empathy with their separated colleagues, believing they must have brought it on themselves. Acting as champions of women during your working day is a simple piece of almost animal psychology

guaranteeing
the big man goes home to a smooth bed and a calm home life.

Unfortunately, while it had the opportunity, the Howard government did
not reform or repeal Section 121 of the Family Law Act, the secrecy provisions forbidding the naming or identifying of litigants. They continue to effectively protect the court and its operations from proper journalistic inquiry and to engender an environment where wild
accusations can be made with impunity. Nothing has changed there.

The problems at the Child Support Agency, impacting on only section of
the community, remain under-reported.

Fatherhood advocates including Sue Price at Men's Rights claim the
problems with the Agency are as bad or worse than ever. She told DOTA
it was becoming apparent from whistleblowers that the CSA was making
decisions contrary to court orders; such as those on legal and actual
residency.

"They have an ability to determine whether the child is in "legal" according to court orders or "actual" care, depending on their determination of the child's living circumstances," Price said. "A person can spend $200,000 on getting residency with their children, a
parent disobeys them and the CSA will take the mother's word on what
the actual care is, thereby financially rewarding her for defying the court. The CSA are in effect thumbing their nose at the court orders.

The Labor Government has given the CSA legislative approval to make such decisions in the latest round of amendments."

"Just how effective CSA is when one takes into account a death rate amongst their clientele which is two and a half times that of the normal population; the questionability of the CSA's performance in reducing debt levels, only achieved to any significant degree in 2003-04, when the CSA staff 4% pay rise was in the balance, (a whistleblower suggested the debt level was artificially reduced by removing missing payers who had been given a default income) and the financial viability of the cost of collection compared to the claw back savings afforded to the taxpayer in family tax benefits.

"Strangely the cost of collection was removed from the CSA published Facts & Figures data after 2004. It is now a mammoth proposition to troll through Annual expenditure figures of the CSA, Fascia and the Attorney General's department to calculate the cost of collecting each dollar of child support."

These moves coincided with researcher Richard Cruickshank's exposes of the Agency's costs.

The Howard Government had an opportunity to fix the appalling mess which is the Australian Child Support Agency. They failed because most politicians do not understand the CSA legislation nor the attitude of those driving CSA doctrine of debt collection and punitive action against fathers, who have been deliberately demonised as criminals and

falsely accused of trying to avoid responsibility for their children. And the Parkinson report they relied on to fix the mess did not take seriously the voluminous complaints coming from its clients.

It appeared the Labor government had listened to none of the numerous complaints emanating from the Child Support Agency's clients. During the election campaign in August 2010 Prime Minister Julia Gillard announced her government would hit so called "deadbeat dads" by strengthening the regime on the use of default income in child support assessments with a "new, more accurate default income arrangement".

She claimed that some parents had failed to lodge tax returns for more than seven years and a new default income of two-thirds of male total average incomes would be applied where tax returns were not filed within two years.

The default would be $39,000 per annum. She said there had been a 325 per cent increase in the use of default incomes where it was lower than the person's taxable income. As well, if no tax return was filed their last known income, as long as it wasn't lower than the default income, would be indexed to wages growth and then used to calculate child support.
In other words, the Labor government was giving Child Support officers even more power to invent father's incomes and drive many of them into lifelong debt. Gillard accepted no responsibility for the mess the Agency continued to create in the lives of separated parents. There were no plans afoot to institute a long over due investigation into

the Agency's social outcomes or its implication in the high unemployment rates amongst separated men or its associated death toll.

For a number of days in August 2010 Australia was in a kind of no-man's land after elections delivered a hung parliament. But even as the jostling went on to determine which side of politics would govern, the anti-father forces kept on shipping out their anti-shared parenting propaganda.

Feminist academic Belinda Fehlberg, law professor at Melbourne university specialising in family law noted that there had been almost no mention of family law reform during the election campaign. But, she said, the Howard government's changes to the Family Law Act continue to damage a significant minority of children.

She cited a case recently before the Full Court of Family Court of Australia, known as "Collu & Rinaldo" which involved a four-year-old child who had been travelling month-about between his father in Sydney and his mother in Dubai for 14 months, while the case awaited court hearing.

Fehlberg claimed such arrangements may suit parents, but this case – and the research – show the psychological damage that can result from constant disruption and lack of stability for such young children.

Fehlberg cited the Australian Institute of Family Studies and the

Chisholm Inquiry, saying the demonstrated shared parenting time was not working well for a significant minority of Australian children.

“They showed that fathers have been encouraged to seek shared care and more mothers now feel pressured into it. They also showed that shared care is now used by a substantial minority of parents with significant problems such as high parental conflict, substance abuse and or mental health issues. It is being agreed to by parents and, even more often, ordered by courts in cases where it seems not to be in children's best interests, partly due to community and professional misunderstandings about what the law says.”

She wrote that since the spate of reports at the beginning of the year, three further reports examining the shared parenting bill, also commissioned and paid for by the federal Attorney-General's Department and released in July, also raised questions.

Family Court favourite, clinical child psychologist Dr Jennifer McIntosh, looked at the allegedly negative impact of shared care arrangements on children under the age of four. Her report claimed that children under four who spent substantial time away from the “primary carer” were doing less well than other children on a range of developmental measures, with higher levels of anxiety, aggression and eating disturbances.

Another report by social work professors and feminist advocates

Dale
Bagshaw, Thea Brown, Elspeth McInness and colleagues was a massive two
volume document titled Family Violence and Family Law in Australia:
The Experiences and Views of Children and Adults who separated Post-1995 and Post-2006, the date of parliament's tow failed attempts
to encourage shared parenting. This piece of advocacy research was
also amply funded by the Attorney General's Department, the services
of three universities and a number of women's and domestic violence
services.

Blind in their gendered assault on fathers and the common-sense notion
of shared parenting, the Attorney-General's department had never thought to either employ neutral researchers or to at least make some
show of achieving balance through university based organisations such
as the Men's Health and Information Research Centre. Not to be. All done without shame and against the interests of many Australian taxpayers.

The authoritative sounding Family Violence and Family Law in Australia
relied on responses to on-line questionnaires and phone-ins organised
through various women's and domestic violence services. Many of the
women were involved in or claimed to be survivors of custody battles.
The researchers declared "A consistency of responses suggested the

strong reliability of the data". Give it a rest. This self-selecting group would automatically attract people with grievances, barrows to push, the mentally ill who believed their own fabrications, deluded activists more than capable of manufacturing stories - and so on. And lo and behold their responses were all much the same. They were extremely unlikely to admit to having falsified or exaggerated their claims, indeed on average they claimed to have lived with domestic violence for ten years. In Australia today, with women more than capable of standing up for themselves, that seems extremely unlikely.

But why ruin the story of the noble victim? The just over a hundred children involved in the phone-ins and questionnaires were quite possibly encouraged to participate or tutored by their parents.

The authors claimed their research demonstrated that thefamily law system did a poor job of supporting and assisting victims offamily violence. Which, of course, was exactly what they wanted to find.

The ideological advocacy for what was being paraded as a plausible piece of scholarship defied belief: "One complication is what is defined and accepted as family violence by clients, as victims do not conceptualise their experiences as being family violence in many circumstances and certainly not in legal terms that meet court definitions."

The tone was set in the acknowledgements when they thanked the "courageous children, women and men" who filled out the questionnaires and responded to phone-ins. Courage is saving someone else's life at risk to your own, not filling out a questionnaire.

The authors alleged that: “Their constant complaint was that, instead of receiving sympathy and support from the service providers, they received disbelief and disregard in relation to their experiences of family violence and their concerns for their children’s safety.”

The claims were often disbelieved for the simple reason that they were often not true, made in the context of an adversarial system which specifically encouraged parents to make claims against each other for personal gain and without consequence. There existed no proof, no photographs, no police reports, no doctors or hospital reports, no disturbed neighbours. A raised voice or a raised eyebrow is not domestic violence. Under Australian law, it may soon count as exactly that.

The report went on: “Adult victims were frequently advised by lawyers and others not to report family violence for fear of losing their children, even when the violence could be substantiated, and when they did report violence they were often not believed, or were accused of trying to alienate the child from the other parent. Women complained that the perpetrators (who were more often than not men) falsely denied that family violence occurred and this was not investigated. Women also feared for their children’s safety when they were in their violent father’s care.
“Male and female respondents were also extremely concerned that allegations and denials of child abuse were rarely investigated by the state child protection agencies when they were reported. For some women, their fear as a result of the violence and the threats of

retaliation from their male partners was so great that they reported they could not use any services relevant for separating couples. For some women, their fear as a result of the violence and the threats of retaliation from their male partners was so great that they reported they could not use any services relevant for separating couples."

In life you find what you choose to seek. In research you find what you choose to fund.

Yet another report, from the Social Policy Research Centre at the University of NSW, found that shared care was experienced differently by mothers and fathers and was most problematic when mothers had serious concerns about their children's safety or there was high parental conflict.

The report concluded that factors such as the level of parental co-operation and conflict were more important than the structure of parenting arrangements. "In other words, shared care of itself is not necessarily better for children than other care arrangements. Given this, there seems to be no justification for our current legislative approach, which encourages parents in this direction."

During the election the political party most clearly in favour of rolling back the shared parenting provisions was the Greens, who at the beginning of the year had used the Chisholm report as justification for their position.

The article concluded that the incoming government "should act on consistent evidence showing us that a significant number of children are being damaged by our shared parenting laws. What we need are laws that require us to determine children's best interests on a

**case-by-case basis without pre-conceived ideas, and laws that require
us to take family violence seriously at every step along the way."**

**That a feminist academic could quote a former Family Court judge as
justification for junking shared parenting laws showed just how closed
the circuit of logic had become. No light of reason, no reasoned truth, need enter here.**

**The Age did not publish any countering views, although they were not
hard to find.**

**The Family Court's traditional style of custody orders was once again
being paraded as being in the best interests of children.**

The Age's sister newspaper, The Sydney Morning Herald, was also at it.

**Feminist columnist Adele Horin continued her decade's old hostility to
fathers as parents on the paper's opinion pages, this time under the
headline "Next government must confront the dangers in familylaw reforms"**

**She wrote: "In an election degraded by bipartisan fear-mongering on
asylum seekers and climate change, we can be grateful the hot-button
issue of family law remained safely off limits.**

"Who gets the kids after parents separate, for how long, and in what

circumstances is an issue that is far from settled, despite the changes in the Family Law Act the Howard government introduced in 2006 with Labor's support.”

She noted that awaiting the incoming attorney-general was $7 million worth of freshly minted, government-commissioned research on the effect of the changes, specifically the impact of shared care arrangements where children spend equal or near-equal time with both parents.

“So sensitive is the subject that a senior officer in the Attorney-General's Department remarked to a researcher this year: "We have to slow this down; we know it's worth 1 million votes." Any suggestion of rolling back the 2006 reforms risked reigniting emotive campaigns by men's groups that considered the changes a victory for fathers' rights.

Horin accused the Labor Attorney-General, Robert McClelland of having done his best to bury the reports, including a two volume tone on violence and family law. She said they were slipped on to the departmental website without any official publicity, simultaneously and late in the late afternoon, ensuring reduced media coverage.

Horin also claimed that with lawyers and mediators required by the law to raise the possibility of shared care “unrealistic expectations and fears have been raised. And, without doubt, many people have been led to believe they have no choice but to agree to equal time, and that

not to do so may count against them should they end up in court. Some of these agreements, based on misinformation, may not be in the children's best interest."

Horin concluded it was a relief the issue did not become politicised in the election: "The new government can make a considered decision about how to make a good system better. It should heed the voices of respected legal experts and researchers. Doing nothing is the coward's way out."

Garbage in, garbage out.

As was the norm, the Sydney Morning Herald once again failed to run any countering views.

After Labor party succeeded in brokering its way back into power during those dramatic days following the August 2010 election, little time was wasted before pursuing the feminist inspired alarm over family law. Prior to the election that very same party had done its best to avoid the topic altogether. Democracy is a wonderful thing.

In early November of 2010 the Attorney-General Robert McClelland flagged his "concern" that the existing laws did not adequately deal with family violence concerns. He said he wanted to change thelaw to make it clear safety concerns outweighed the need for a child to have a meaningful relationship with both parents.

"We're effectively switching the two around so that in considering their discretion, the courts will be required to have regard to, first

and foremost, the welfare of the best interests of the child," he said.

He said the changes would not affect cases where there were no safety risks.

Adopting the Law Council's proposals, McClelland proposed to expand the definition of family violence to include emotional and financial manipulation.
The definition of domestic violence, as his critics observed, was being expanded to include almost any human behaviour at all, as long as it was committed by a male.

Can anyone in Australia, male or female, honestly claim to have never been emotionally or financially manipulative at some stage of their life?

On 11 November 2010 McClelland released a draft bill proposing amendments to the Family Law Act to allegedly "provide better protections for children and families at risk of violence". Public submissions were invited. However the government deliberately attempted to minimise controversy and the contributions from the unfunded fathers and family law reform sector by having a tight period of consultation spread across the festive season and a closing date of 14 January, when much of the country was still on holidays.

McClelland also claimed the Chisholm report demonstrated "that the family law system has some way to go in effectively responding to issues relating to family violence."

It did nothing of the kind. It demonstrated the entrenched biases of

the ancient regime and the ideological proclivities of the left, now back in the driving seat. The fact the Labor Party's intentions on family law, fundamental to the interests of so many Australians, was not mentioned once during the election campaign demonstrated the government's deliberate hoodwinking of the public.

The draft Family Violence Bill sought to amend the Family LawAct in areas including prioritising the safety of children; changing the meaning of 'family violence' and 'abuse' to "better capture harmful behaviour" and strengthening the obligations of lawyers, family dispute resolution practitioners, family consultants and family counselors. It also aimed to ensure that courts had better access to evidence of family violence and abuse and made it easier for state and territory child protection authorities to participate in family law proceedings.

Another recommendation in the draft bill was the deletion of the "friendly" parent provision, which obliged judges to have regard to whether a parent encouraged the child's relationship with the other parent. McClelland claimed some parents were afraid to raise claims of violence in case they were considered "unfriendly" parents.

As well parents would no longer have cost orders made against them for making false allegations or statements. McClelland claimed this provision deterred parents from raising truthful claims in case the court did not believe them.

Another change was the inclusion of the UN Convention on the Rights of the Child as a new object of the act.

The new definition contained a long list of matters including “behaviour that torments, intimidates, or harasses a familymember. That effect could be caused by repeated derogatory taunts or racial taunts, or intentionally causing death or injury to an animal or damaging property.”

Family violence would also include unreasonably controlling, dominating or deceiving a family member. This could be brought about by denying a family member financial autonomy or preventing afamily member from making or keeping connections with family, friends or culture.

Threatening to commit suicide with the intention of tormenting or intimidating a family member would also be deemed familyviolence.

Lawyers and those working in the family law system would also be required to report wider categories of abuse to child welfare authorities. Neglect and psychological harm through exposure tofamily violence would join assault, sexual assault and sexual exploitation as matters that trigger mandatory reporting.

"The proposed legislative changes will not undermine the effectiveness of the Family Law Act in promoting a child's right to a meaningful relationship with both parents where there are no safety concerns," McClelland claimed.

With such a broad definition of domestic violence aimed squarely at men, in a secretive, biased and discretionary jurisdiction with extremely low standards of proof, where hearsay and opinion counted as

evidence, it was hard to see how this could possibly be true.

Not to mention that the Bill's strongest supporters were theFamily Court's greatest apologists, Richard Chisholm and Alastair Nicholson,
whose hostility to the shared parenting laws were well documented.
The former Chief Justice said the changes were long overdue and the
Howard government's changes to the Family Law Act had not been thought
through. "There was too much sound and fury and not enough proper
analysis," he said.

There had never been any doubt about the former Chief Justice Alastair
Nicholson's partisanship and open hostility to the Howard government.
But if further proof was needed it came in June 2007, when, in his latest tax payer funded role as a Honorary Professorial Research Fellow at the University of Melbourne, he enunciated his belief even before they had lost the election that "history would come to regard the rule of the Howard Government over this country as one of the darker periods of the country's history".

At the same time as the government released the draft exposureFamily
Violence Bill 2010 and invited public submissions, it also released a consultation paper. With a short reporting period and no effort to specifically consult with the community, certainly not to garner or examine dissenting voices outside the self referencing pack mentality
of the family law and domestic violence industries themselves, the chances of the government paying any heed at all to submissions that
disagreed with their agenda was zero. They certainly had no

intention of consulting father's groups, despite the obvious impact on them. To respond to and critique this level of detailed information and a fairly complex Bill was beyond the resources of most of the unfunded groups.

The seeming armada of generously funded reports virtually all complied with the government's agenda, which was to accord as closely as it could with the stance of women's groups, feminist advocates and domestic violence services against shared parenting. It was nothing short of a snow job.

The Australian Law Reform Commission released concurrently in November its voluminous two volume report Family Violence - A National Legal Response, designed to provide the government with a legal framework on which to proceed. It recommended that the discriminatory words "Domestic violence is predominantly perpetrated by men against women and children" be inserted in front of all relevant state and federal legislation, including the Family Law Act.

It was a deliberate attempt to prejudice Family Court judges against fathers, despite the body of evidence demonstrating both genders could be equally guilty of domestic violence.

The ALRC made 187 recommendations. The consultation paper earlier in the year had run to more than 1,000 pages. The summary of the final report alone ran to 76 pages. It was introduced by Attorney-General Robert McClelland noting "the scale of violence affecting Australian

women and their children". No mention of men except as perpetrators.

The Family Violence Team, the Child Protection Team, the Sexual Assault team and the Over-arching Issues Team who produced the report were almost all women lawyers. There were 236 consultations nation wide. God knows how much this all cost.

Time and again the report repeated the ideologically driven claims that family violence was "predominantly committed by men; it can occur in all sectors of society; it can involve exploitation of power imbalances; its incidence is underreported."

Under their recommendations a man could be excluded from his own home on the basis of an accusation.

Here's a small sample of the recommendations: "That a person is not to be regarded as having consented to a sexual act just because the person did not say or do anything to indicate that she or he did not consent; or the person did not protest or physically resist; or the person did not sustain physical injury.

State and territory legislation dealing with sexual offences, criminal procedure or evidence, should contain guiding principles to which courts should have regard when interpreting provisions relating to sexual offences. At a minimum, these guiding principles should refer to "the high incidence of sexual violence within society; sexual offences are significantly under-reported; a significant number of sexual offences are committed against women, children and other vulnerable persons and sexual offences often occur in circumstances

where there are unlikely to be any physical signs of an offence having occurred."

It wasn't enough for yet another feminist academic, Annie Cousins, who writing in The Australian noted that the ALRC'S recommendations "included behaviour that many would not consider to be violence but, in the context of a family situation, would probably make a lot of sense to victims. It includes stalking, economic abuse, emotional abuse, deprivation of liberty, and causing damage to property and injury to animals. In other words, it recognises that violent men use a range of behaviours to control partners. A victim of familyviolence is a product of all her experiences of emotional, physical, economic or sexual abuse and this makes her vulnerable to delays, indifference, and bureaucratic and legal difficulties."

The Law Council, that old Labor favourite, also announced its support of the Family Violence Bill.

The Council said that having taken a number of steps over the years to raise awareness of family violence it had been working closely with the government and other agencies to explore innovative and practical ways to address the issue.

Chair of the Council's Family Law Section Geoff Sinclair said: "The current provision makes it more difficult for genuine victims of violence to present their case without fear of costs orders being made against them if they are not believed."

In their submission to the 2006 Senate Inquiry the Council had argued that the insertion of the word “reasonable” in regards to the fear of violence would only ferment dispute between the parties and distract them from the real issue of children's welfare by focusing on arguments about whether statements were, or were not, false. They claimed the word “reasonable” would encourage parties to litigate rather than focus on resolving their dispute.

Sue Price at the Men's Rights Agency said the government was trying to destroy shared parenting.
"It's the first move in rolling back shared parenting, which is very foolish, and ultimately all the blame will be placed on men," she said. "That's the established agenda. Statistics say that more biological mothers kill their children than biological fathers and more mothers abuse and neglect their children."

Sole Parents Union president Kathleen Swinbourne said the changes did not go far enough. "Broadening out the definition of violence doesn't make it easier to prove in the Family Court," she said. "And the other issue is that children need to be protected from a lot more than violence."

In Australia the blizzards of domestic violence propaganda peaked on November 25, so-called White Ribbon Day. With the majority of domestic violence allegations made in the context of custody battles, the White Ribbon Foundation’s work promoting public misconceptions and moral panic had done nothing to restore sanity to family law debates.

There were some signs of countering views but with the media rarely reporting the views of father's groups except perhaps as an afterthought and with the poorly resourced groups having little power and zero leverage with government, the organisations which channeled the voices of many members of the Australian public were largely invisible.

However Men's Health Australia continued to raise concerns over government abuse of domestic violence data.

In November they condemned the misuse of public funds by the White Ribbon Foundation with a formal complaint to the Minister for the Status of Women Kate Ellis.

Men's Health Australia pointed out the many errors in their documentation including that men were less likely than women to experience violence within family and other relationships, that the impact of violence on men's overall health was not known and that there was no evidence male victims were less likely to report domestic violence than were female victims.

"Rigorous research by the Australian Bureau of Statistics, the Australian Institute of Health and Welfare, and the South Australian Department of Human Services has clearly debunked these dangerous myths," said Greg Andresen from Men's Health Australia. "This is not the first time the White Ribbon Foundation has been caught using incorrect and misleading statistics. We now know that Australian men and women are equally likely to be physically assaulted by persons known to them; that the contribution of violence to the burden of

**disease in men is approximately 2.5 times higher than in women; and
that women are almost three times as likely as men to report being a
victim of domestic violence to the police."**

**Other demonstrably false errors in their documentation included claims
that domestic violence was the leading cause of death for women aged
between 15 and 44 and that men were less likely to suffer injury
during a domestic incident, when the opposite was true, perhaps
because of the more likely use of weapons against them.**

**Men's Health Australia went on to say that abuse of men took many of
the same forms as abuse of women - physical violence, intimidation and
threats; sexual, emotional, psychological, verbal and financial abuse;
property damage, harming pets, and social isolation. Men, more so than
women, can also experience legal and administrative abuse - the use of
institutions to inflict further abuse on a victim, for example, taking
out false restraining orders or not allowing the victim access to his
children.**

**One man described his experience of this sort of abuse thus: "My wife
would not let me see the kids. She accused me of sexually molesting my
daughter. I was devastated. I didn't see my kids for ages. After a
Court hearing which lasted ten days, the judge found that my ex-wife
herself had molested my daughter in an effort to generate evidence
against me. Despite this, she was still allowed custody. And the**

Court
and the child welfare agency refused to take any action against her.”

Andresen concluded that there were many misunderstandings about male victims of family violence. “Some argue that men aren’t affected as badly as women. Others argue that female violence is usually carried out in self-defence. Yet others assert that women’s violence isn’t part of an overall pattern of control and domination. An extensive review of Australian and international research finds little evidence to support these claims.

“As well as the effects of violence on men, their children can suffer the same impacts as do children of female victims. These include witnessing family violence by their parents or step-parents, experiencing direct violence and abuse themselves, and suffering a range of negative impacts on their behavioural, cognitive and emotional functioning and social development. Neglecting violence against men means neglecting these children.”

The prestigious site Online Opinion, the focus for many of the country’s most sophisticated cultural and political debates, was the only media outlet in the country to run a full spread of views on domestic violence and the moves to use it to abolish any semblance of shared parenting; all amply fleshed out on their active forums.

Debate at Online Opinion was lively after one of the anti-shared parenting movement’s most prominent leaders Elspeth McInnes penned her support under the headline “Safety first in family law is long overdue”. She once again told the sad story of Darcey Freeman, the little girl thrown from a bridge, ignoring the fact that statistically mothers murdered the majority of the two dozen or more children killed

by adults each year in Australia and that for propaganda purposes father's could equally tell lurid and appalling stories against mothers if they wanted to be so tasteless. Gabriella Garcia jumped off the very same bridge less than 12 months prior with her 22 month old son strapped to her chest, but there was no outpouring of grief for her or her son, no changes in legislation, her death was not used for propaganda purposes.

The McInnes article was little more than a dressed up hate campaign under the guise of exposing the difficulties which face mothers and children face leaving violent and abusive men. She wrote: "Many are advised by state child protection workers that they will have their children taken into care if they stay living in a domestically violent relationship. Once they leave, the current family law system normally ensures that the children will have time in the care of the violent or abusive parent. The task of Family Relationship Centre workers and legal system professionals has been to get mothers to co-operate in handing their children into the care of abusive parents."

McInnes quoted her own feminist advocacy research with other feminist oriented academics, all funded by the government and duly promoted on the Attorney-General's website. If men paid much of the country's taxes, that's where their usefulness ended. They certainly weren't afforded the courtesy of neutrality in gender related research.

Astonishingly for such a significant Australian media outlet, Online Opinion ran the counter view. If only some of the nation's hard

copy
publications could have done the same. Perhaps then the tidal wave of
fear mongering and empire building over so-called “family violence”
would have been more muted, the middle aged band of powerful and amply
funded advocates less certain of their unflinching belief that all men
were violent bastards, or as Gloria Steinem's claimed, "the patriarchy
requires violence or the subliminal threat of violence in order to maintain itself."

Author Roger A. Smith, who trained as a lawyer and spent many years
living in Asia, noted in his article Gender Based Approaches Missing
The Mark that the gender-centric message gives the impression that
domestic violence and partner abuse is only committed by men. “The
best evidence suggests that this is far from the truth. Nearly all rigorous peer-reviewed academic population-based studies published in
academic journals around the world have found that at least one-third,
and often one half or more, of the victims of domestic violence are men.

“If we are serious about tackling family violence, we must not ignore
these findings. Tackling two-thirds or one-half of the problem, while ignoring the other third to half, is doing a disservice to Australian families. We need to found the solutions to domestic violence firmly
on the evidence base.”

**He observed that the gender based DV campaigns of "break the silence"
enforced silence on male victims - the very thing they claimed to be against.
“The fact that this message is so insistent and that specialist services are largely withheld from male victims of domestic violence
means that this group must usually suffer in appalling silence that has lasting health consequences on them, their children and families.
The incessant message that men are perpetrators and women are victims
means that men who do have the courage to come forward and make claims
of this nature will often be treated as ‘less than a man’ or liars or both. Where are they to turn? Domestic violence policy should not become a weapon for inflicting domestic violence by making this class
of victim voiceless.”**

**Smith went on to say that like the famous line in Frost-Nixon that "if the president does it, it's not illegal", so it sometimes seems that if a woman does it, it's not domestic violence. This is how far the ideology has taken us in some instances. But implied impunity for any
group in society only makes the situation worse and will increase the
rates of domestic violence and family dysfunction.**

**“The irony of gender-based campaigns that mandate discriminatory legal
regimes is that they can only be achieved by also discarding the principles of English common law and twentieth century international
human rights law. The erosion of these principles becomes collateral
damage, or in economists' jargon, a ‘negative externality’ in the**

quest to advance a particular cultural agenda.

“We would certainly never tolerate a law against terrorism that states
that a crime of this nature is predominately committed by Muslims. Even anti-hooning laws, to be human rights-compliant, could never state that these offences are predominantly committed by young males -
even if this is statistically correct - because it would erode the ability of the justice system to fairly and effectively deal with offenders of whatever socio-demographic background.

“Unfortunately, however, these same human rights norms are not respected when it comes to domestic violence. Recently enacted domestic violence acts in several states are prefaced by the words: "Domestic violence is predominantly perpetrated by men against women
and children".
Smith condemned the Australian Law Reform Commission’s recommendation
earlier in the month that these discriminatory words be extended to include the Family Law Act.

“Racial, or in this case gender-profiling, of offenders is controversial in law enforcement procedures, but to upgrade it into legislation is nothing short of extraordinary. It creates an obvious bias in the minds of judges and magistrates that a particular class of
defendants is more likely to be guilty by reason of his gender or race
than would be the case if he were of a different gender or race (and likewise the other gender or race more likely to be innocent).

“In the case of the Family Law Act, its only possible application would be to prejudice fathers in parenting disputes since the Court would be required to assume that fathers are more likely to be abusive

**toward their children than mothers. To suggest that courts are somehow
able to discard such bias in determining individual cases, while maintaining the general rule as to which groups are most likely to commit certain offences, is naïve and stupid. And if the bias is to somehow be withheld in the determination of individual cases, then why
legislatively prescribe it in the first place?**

**“The intent to breach international human rights provisions on discrimination - in particular, Articles 2, 4, 23 (4) and 26 of the International Covenant on Civil and Political Rights, and Articles 2, 7, and 16 (1) of the Universal Declaration of Human Rights - is so brazen as to be almost beyond belief. But we need to remind ourselves
that we are entering into a world where ideology reigns.**
**“Assuming the ALRC recommendation is adopted, which seems likely, we
have to accept that for the foreseeable future at least our country will be a place where justice is blind, but apparently not gender-blind.”**
**Smith went on to say that laws of this type represented arguably the
first time in the history of our system of law, or of any civilized system of law, where statute prescribed the socio-demographic characteristics of the persons who predominantly committed a particular crime. Even the criminal codes of Apartheid-era South Africa did not prescribe which race or ethnic group was prone to committing a particular offence.**
**He concluded: “By seeming to institutionalise discrimination, the ALRC
could very well weaken public confidence and support for anti-violence
measures and weaken confidence in the legal system itself. The victims
of violence, whether male or female, deserve better than this. Family**

violence law and policy is not an arena to argue which group in society is more abusive than the other. We are never going to reduce violence with a one-sided ideological approach. The challenge now for practitioners, activists, police and legislators is to move beyond the gender blame game. Most of all, innocent children caught up in their parents' messes require us to put inclusion before ideology, safety before sexism and protection before parochialism."

In an earlier call to "end sexism in domestic violence policy" Smith had observed that since 2005 the Australian Government had been forced to spend hundreds of millions of dollars to redress the disadvantages suffered by men at the dissolution of marriage, including with respect to care and support arrangements for children and alternatives to the court and child support systems that were quite literally driving men to suicide.

Smith wrote: "The State and Territory-based laws and the attitudes of the mostly middle-aged women who run domestic violence services in Australia are still, in many respects, stuck in a 1970's time warp. It is time to remind these mostly fair-minded older sisters in charge of DV services from which men are excluded of the non-discriminatory ideals for which they once fought. There are no longer any excuses.

It's time for Western feminists to move into the 21st century and embrace the ideals of equality that they themselves once advocated.

Because at the end of the day, we are really only asking for a simple acknowledgement – 'yes', women do commit domestic violence and 'no' it is not acceptable."

And there, at the time of going to press with the first edition of Chaos At The Crossroads, the matter lies. After more than 20 years of ferment, community agitation, government inquiry, thousands of submissions and countless stories of suffering and distress, when it came to the country's most controversial institution, the Family Court of Australia, the ancient regime was back in the driver's seat. Its indifference to its clients and its resistance to reform remained as remarkable as ever. As for the "evil sister", the wretched tyranny of the hated Child Support Agency continued apace, a disgrace to the public service and the history of public policy in Australia.

The Australian government was moving in the opposite direction to much enlightened opinion in the Western world. By 2010, while reactionary forces continued to promote sole-mother custody, it was being recognised or at least debated across US, Canadian, Scandinavian and European jurisdictions that shared parenting was the obvious way out of the morass of individual pain, social consequence and gendered roles created by sole mother custody and the marginalisation of fathers.

The public submission period for Family Violence Bill, the result of some of the worst, certainly the most blatant manipulation of the public inquiry process seen in the country's recent history, ended smack bang in the middle of the holiday season. The Labor

Government led by Julia Gillard and ably assisted by Attorney-General Robert McClelland appeared determined to press on with its lunacy in not just pandering to but leading the way for the worst excesses of the domestic violence industry, along with its academic and bureaucratic cheer squads.

Successive governments from both left and right have failed to listen to their constituents and respond to their concerns. They have resorted to vested inquiries in the hands of the mandarins and publicly funded elites whose feigned attempts to listen to the views of ordinary people have then been heavily reinterpreted. They have delayed progress through the extensive manipulation of committees or other forms of alleged inquiry. They have fed off the tax payer funded industries as the industries have fed off them. These same governments, even when they were enacting legislative reforms, left their enforcement in the hands of institutions notoriously resistant to change. They allowed or encouraged fashionable ideology, institutional inertia and bureaucracy to triumph over common sense.

Common decency was lost long ago. In terms of human suffering, the Australian public has already paid dearly for the failure to reform outdated, badly administered and inappropriate institutions dealing with family law and child support - and for the failure of governments to take seriously the experiences and voices of the men and women most directly affected by them. The country's failure to reform family law and child support is ultimately a failure of democracy itself.

Thank you for your attention,

John Stapleton.

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