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Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600

House of Representatives Standing Committee on Family and Community Affairs	
Submission No.	980
Date Received	7-8-03
Secretary	



6th August 2003

Dear Sir/Madam

I offer the following account of events of my life experiences as a submission for consideration by this committee.

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2.b. Observed perceptions of possible legislative changes by other persons known to the author.

At the time that this inquiry was announced a perception appeared that implied that a regime of Equal Parenting would result in the legislated creation of restrictions that would prevent a parent from moving vast distances from the former matrimonial home.

I feel that this perception is flawed as any legislation that would give reality to this perception seeks to use the children of a marriage to prevent a person from lawfully moving to any region that they choose to relocate to for any lawful reason what so ever.

Whilst being mindful of the obligations of both parents to their children I feel that imposing such restrictions on a person would be an unacceptable imposition on their civil liberty to settle where so ever they choose.

I do feel however that some form of compulsory counselling prior to any move should be a part of any reforms to legislated parenting arrangements post separation with some form of penalty imposed on those who move without counselling and/or the consent of the other party.

If the person being left behind by the party leaving the marriage were to receive a summons to attend a compulsory counselling session then that party would have the option to seek a restraining order from the court if any doubt persisted in respect of the other persons' intentions for the children.

I have personally heard numerous other perceptions similar to the one noted above that involve restrictions of some form or other being placed on a party to prevent them from moving children of a marriage vast distances from the other parent.

I feel that these perceptions and expectations are flawed for the same reasons as above.

Similarly there is a perception in those cases where one parent moves a vast distance from the other it would be impossible for equal parenting to be a viable option.

The above perception appears to be a component of an entrenched belief that equal parenting will only work if both parents enjoy an amicable relationship post separation.

I feel that both of these perceptions are critically flawed as they assume that equal parenting means week about from homes not more than two streets apart.

In the event of high levels of hostility between the parties post separation it might actually be in the childrens best interests for the parents to live at opposite ends of the country and instead of week about take 3, 4, 6 or even 12 months about.

Such a regime would allow the children to enjoy significant amounts of uninterrupted time with each parent in turn whilst also giving a far broader range of learning experiences to the child which would hopefully be of priceless benefit to the child.

Regardless of wether a child enjoys a family that is a complete unit or not the placing of restrictions on the development of the child can inhibit the child for life resulting in an adult that never fully reaches or realises their full potential.

2.c. Perception of possible outcome had equal parenting been applicable at the time of first marriage failure.

Had equal parenting been an available option at the time of the failure of my first marriage I don't feel that the outcome would have been essentially different. There would still have been nothing to prevent a New Zealand national returning to her homeland with her children without a passport and despite one of her children being an Australian citizen by birth.

Unless protocols existed to enforce orders from the Australian Family Court the end result for my case would probably be the same.

That not withstanding, in the present time protocols do exist between those two countries to enforce parenting orders and whilst changes to legislation have come far to late to be of use to me, I have no hesitation in doing anything that I possibly can to prevent some other father and his children from having to endure what myself and my children had to endure.

Therefore based on the experiences of my first marriage and the events following its collapse, my position is unreservedly in favour of equal parenting being the default position in the event of a family breakdown.

3.b. Perception of possible outcome had equal parenting been applicable at the time of second marriage failure.

As was the case with the aftermath of my first marriage, I don't feel that the proposed changes would have been of assistance to me had they been available at the time my second marriage collapsed. This is due to the fact that to the best of my knowledge the proposals before the inquiry do not extend to stepparents/step grandparents etc.

My step grandchildren are currently 10 years old (boy) and 7 years old (girl). Even in the event that step relatives were to be covered by legislative changes my step grandchildren have had no contact with me for so long and are now at an age that I have probably become irrelevant in the overall scheme of their lives.

I do feel however that I would be able to bring positive influences to their lives at a time when I believe a strong and stable influence is needed in their lives. I do not believe that they are currently being provided with the necessary stability by their mother and her associates.

4. Concerns in regard to "Rebuttable" provisions in light of 2nd marriage false DVO experience.

I have grave concerns in regard to the possible misuse of the "Rebuttable" provisions of any changes to the current legislation.

My experiences with the perverse manipulation of well intentioned Domestic Violence legislation leaves me to feel that very strict rules of evidence must be applied to any rebuttal provisions of any future equal parenting legislation.

In the arena of domestic violence cases the presumption of innocence, a basic and vital part of our justice system is set aside and replaced by a need to satisfy the magistrate of the day of the "Plausible Believability" of the allegations. In other words the applicant (usually the wife) needs only to satisfy the magistrate hearing her application that she "Might" be telling the truth. The fact that the respondent husband probably is telling the truth is irrelevant and usually simply ignored.

For any rebuttal provisions to be fair and not simply an adjunct to the currently easily misused Domestic Violence legislation, rebuttal provisions must enshrine the concept of the presumption of innocence on the accused and place an onus of proof on the accuser that can not be waived under any circumstances.

Despite misgivings associated with possible rebuttal provisions of possible future legislation I am still unreservedly in support of the proposed concept that is under investigation by this committee.

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5. **General opinions of "The Marriage/Relationship Breakdown Industry".**

The Family Breakdown Industry in Australia is an insidious disease akin to cancer that is steadily undermining and destroying our society.

As this social tragedy unfolds the law politicians that can arrest this decline either steadfastly refuse to allow constructive and balanced changes for the better or simply engage in political grandstanding.

The vast majority of the legal profession engaged in this industry are nothing more than parasites leeching a fortune from the misery of the people that they purport to represent.

It has been my contention for a significant part of my life that many of the marriages that are currently ending in divorce could be saved by the intervention of competent and compassionate counsellors rather than those with a vested interest in seeing marriages fail.

A common catch cry is "In the best interests of the children".

What could be more in the best interests of the children than having their parents act like adults and honour the contract of marriage between them in order for their children to enjoy the strength of a loving and complete family?

Is it too hard for parents to treat each other with respect, honour and integrity in a complete partnership for the benefit of their children?

No difference between any two people is completely irreconcilable if there is a genuine desire to achieve reconciliation.

However, if there is a sizeable financial incentive for a difference to remain irreconcilable then greed will take the place of respect honour and integrity.

Is this in any way in the best interests of any child?

While there is a huge financial benefit for a mother to have irreconcilable differences with the father of her children the already out of control divorce rate in this country will spiral even further out of control until the institution of marriage fails completely.

Well intentioned laws to protect the interests of those who are genuinely unable to reconcile their differences have been perversely corrupted by the unconscionable manipulation of self interested minority groups and the unscrupulous to the point where few men are prepared to risk a lifetime of poverty and continuing emotional trauma for what will most probably be a marriage doomed to fail if not encouraged to fail by a system that rewards failure rather than success.

Whilst this inquiry is as good a place to start as any, reform must be an ongoing process by all concerned and certainly must not stop here.

The entire marriage breakdown industry must be reformed for the well being of this nation and for those of its citizens who still believe in the rights of the child to know and be raised in a loving environment by both of its parents.

Preferably together.

I pray that this committee be granted the enlightenment and strength to make what will undoubtedly be difficult decisions in regard to this inquiry.

I remain
Yours faithfully

A R (Tony) Unger

