



The Men's Advisory Network (M.A.N.) is the umbrella/peak organisation for service providers, organisations and individuals concerned with men's health, wellbeing and other issues affecting men and boys in Western Australia. It receives financial support from the Western Australian Department of Health. Some background material on M.A.N. is contained in Attachment 1.

The United Nations Convention on the Rights of the Child influenced the 1995 Family Law Reform Act to a significant extent. That legislation emphasises the rights of children and the responsibilities of parents.

M.A.N. agrees that the best interests of the child are the paramount consideration. We believe that it is essential to the best interests of the child (both boys and girls) that their fathers as well as their mothers raise them. Children love, want, and need both parents. Both parents are fundamental to a child's wellbeing and development.

As such, M.A.N. supports the proposal that there should be a presumption that children will spend equal time with each parent. Research consistently shows that children suffer far fewer detrimental effects from the breakdown of their parent's relationship when they are able to continue their relationship on equal terms with both parents.

This submission focuses on the important role that fathers play in the lives of their children.

Professor Mark Henaghan, Dean, Faculty of Law, University of Otago, in a paper titled Above and Beyond the Best Interests of the Child, in commenting on the situation in New Zealand states:

It has also been said numerous times in the Family Court, as well as the High Court, and the Court of Appeal that the continuing involvement of both parents in a child's life after a relationship ends is important for the child.

Lambertz et al (2000) quoting from the report on Principles Concerning the Establishment and Legal Consequences of Parentage, Council of Europe, Committee of Experts on Family Law, Working Party on the Legal Status of Children, state:

It is well known that, in most cases, joint custody is in the best interests of the child and preferable to sole custody. Joint custody often promotes a good relationship between the child and both parents. At the same time joint custody takes on board both parents' right to a family life.

David Blankenhorn, in his book Fatherless America (1995), summarises the effects on children of having no fathers available in their homes or in their lives. He suggests that this may be the key to many of our social problems. It is clear that children who have close contact with their fathers are better off.

He claims that boys and girls have greater self-esteem, they do better in school and stay there longer and consequently are better qualified and more likely to be employed. They are less likely to be sexually abused, less likely to offend and less likely to be the victim of an assault. Girls are less likely to be involved in early sexual activity or teenage pregnancy or to be raped.

Blankenhorn states that boys with little contact with their father are more likely to be violent and to be a member of a teenage gang. Girls who grow up without the influence of their father, are more likely to be submissive and inclined to please men, than are daughters who are secure in the love and respect of their father. He also points out that the greatest threat to children's safety is the mother's boyfriend.

Wendy McElroy reports in her article, "In the Best Interest of the Children," (2003) that:

In arguing for the importance of fathers, joint custody advocates point to research such as 100 studies presented and analyzed in "The Importance of Father Love: History and Contemporary Evidence," an essay published by the American Psychological Association. The essay concludes that good fathering is as important a factor as good mothering in the "social, emotional, and cognitive development" of children. Father-deprived children were far more prone to drug abuse, crime, depression, and violence.

Rebecca O'Neill, in the monograph Experiments In Living: The Fatherless Family, (2002) states

It has long been recognised that children growing up in lone-mother households are more likely to have emotional, academic, and financial problems and are more likely to engage in behaviour associated with social exclusion, such as offending, teenage pregnancy, alcohol and drug abuse or worklessness.

She backs up this statement with an extensive review of the literature before going on to discuss the impact of this situation on the social fabric. O'Neill summarises the impact of children growing up without their fathers as follows:

Children living without their biological fathers

- *Are more likely to live in poverty and deprivation*
- *Have more trouble in school*
- *Tend to have more trouble getting along with others*
- *Have higher risk of health problems*
- *Are at greater risk of suffering physical, emotional, or sexual abuse.*
- *Are more likely to run away from home*

Teenagers living without their biological fathers

- *Are more likely to experience problems with sexual health*
- *Are more likely to become teenage parents*
- *Are more likely to offend*
- *Are more likely to smoke*
- *Are more likely to drink alcohol*
- *Are more likely to take drugs*
- *Are more likely to play truant from school*
- *Are more likely to be excluded from school*
- *Are more likely to leave school at 16*
- *Are more likely to have adjustment problems*

Young adults who grew up not living with their biological fathers

- *Are less likely to attain qualifications*
- *Are more likely to experience unemployment*
- *Are more likely to have low incomes*
- *Are more likely to be on income support*
- *Are more likely to experience homelessness*
- *Are more likely to be caught offending and go to jail*
- *Are more likely to suffer from long term emotional and psychological problems.*
- *Are more likely to develop health problems*
- *Tend to enter partnerships earlier and more often as a cohabitation*
- *Are more likely to divorce or dissolve their cohabiting unions*
- *Are more likely to have children outside marriage or outside any partnership*

In discussing the influence of paternal attention, O'Neill states:

Social psychologists have found that fathers influence their children's short and long-term development through several routes:

- *financial capital (using income to provide food, clothing, and shelter as well as resources that contribute to learning),*
- *human capital (sharing the benefits of and providing a model of their education, skills, and work ethic), and*
- *social capital (sharing the benefits of relationships).*

The parent/child relationship: Studies indicate that a father can contribute uniquely to the development of his children independently of the mother's contribution. In other words, in areas such as emotional intelligence, self-esteem, competence, and confidence, the father's influence cannot be duplicated or replaced easily by the mother, no matter how good a mother she is (note that mothers wield similar unique and independent influence in other areas, such as some behaviour problems). Other studies indicate that fathers can be especially important in cases where families are experiencing difficulties, such as poverty, frequent moving, or where children have learning disorders.

Stephen Baskerville, in his article "Divorce as Revolution" (2003) claims that:

Virtually every major personal and social pathology can be traced to fatherlessness more than to any other single factor: violent crime, substance abuse, unwed pregnancy, truancy, suicide, and more. Fatherlessness far surpasses both poverty and race as a predictor of social deviance.

This statement is expanded on in his earlier paper The Politics of Fatherhood (2002) in which Baskerville states:

Fatherhood is rapidly becoming the number one social policy issue in America. President Bill Clinton stated in 1995 that "the single biggest social problem in our society may be the growing absence of fathers from their children's homes, because it contributes to so many other social problems." In 1997, Congress created task forces to promote fatherhood, and in 1998 the governors' and mayors' conferences followed. President George W. Bush recently unveiled a \$315 million dollar package for "responsible fatherhood." Nonprofit organizations such as the National Fatherhood Initiative were formed in the mid-1990s. Fatherhood was seen as the most serious social problem by almost 80% of respondents to a 1996 Gallup poll (NFI 1996, 1).

Fatherhood advocates insist that the crisis of fatherless children is "the most destructive trend of our generation" (Blankenhorn 1995, 1). Virtually every major social pathology has been linked to fatherlessness: violent crime, drug and alcohol abuse, truancy, teen pregnancy, suicide—all correlate more strongly to fatherlessness than to any other single factor. The majority of prisoners, juvenile detention inmates, high school dropouts, pregnant teenagers, adolescent murderers, and rapists all come from fatherless homes (Daniels 1998; NFI 1996). The connection is so strong that controlling for fatherlessness erases the relationships between race and crime and between low income and crime (Kamarck and Galston 1990).

In an article titled "Fathers are not optional" in *The Australian* on 7 May 2003, Janet Albrechtsen wrote:

*And thousands of children still go to bed each night unable to say goodnight to their dad. The only cultural shift they know is fatherlessness, which David Popenoe, Professor of Sociology at Rutgers University, describes as "the most basic, unexpected, and extraordinary social trend of our time". Says Popenoe in his book *Life Without Father*: "Father absence is a major force lying behind many of the attention-grabbing issues that dominate the news: crime and delinquency; premature sexuality and out-of-wedlock teen births; deteriorating educational achievement; depression, substance abuse, and alienation among teenagers; and the growing number of women and children in poverty."*

She also quoted:

A detailed study last year by Robert Bauserman in the American Journal of Family Psychology found children in joint custody enjoy higher self-esteem, better family relationships and higher school performance than those in sole custody (usually maternal).

In the monograph, The Principles of Equal Parenting: Some Questions Answered, (2003) Robert Whiston, provides similar evidence from Great Britain. An appendix to that report is contained in Attachment 2.

Australian research has shown similar psychological benefits to children in maintaining the links with both parents, following the breakdown of a relationship. Chief Justice Alastair Nicholson (2003) states:

Research carried out in Australia and elsewhere over the past two decades has constantly shown the psychological benefits to children in maintaining the links with both parents, regardless of the fact that the adult relationship has broken down. Increased self esteem, psychological resilience and better educational performance are some of the outcomes.

Ron Baker and Brian Bishop, in their paper “Non-Residential Parents: The Forgotten Partners in Children's Education,”(2002) report that there are major problems in recognising the role of non-residential parents in their children's education.

Two hundred and twenty one non-residential parents completed a questionnaire designed to investigate non-residential or non-custodial parents' involvement in their children's schooling. The survey primarily drew upon Western Australian parents but also drew responses from across the country. Eighty six percent of the participants were non-residential fathers and fourteen percent were non-residential mothers. Preliminary data analysis revealed that 79% of participants rated themselves as either "not involved" or "very little" involved in their children's schooling and less than half the participants reported they received copies of school reports. The vast majority of the participants (91%) reported that they wanted increased levels of involvement. The parents particularly wanted increased contact with their children's class teachers and increased communication from school, including school reports and notices of forthcoming events. The findings from this survey of non-residential parents' involvement in their children's schooling indicates little effect of recent Family Law reforms, aimed to encourage ongoing involvement by both parents in the lives of children, following parental separation and divorce. Moreover, the results strongly suggest that, despite changes to the W.A. Department of Education's policies in these matters, there appears to be tacit culture of exclusion towards non-residential parents' involvement in their children's schooling.

In his paper titled Family Breakdown in Australia, Malcolm Mathias, analyses the statistics relating to marriage, divorce, child support and suicide in Australia and states:

Family breakdown is further compounded by relationship breakdown between the non-custodial parent and the children. Statistics show that five years after separation, only one in four fathers is able to maintain contact with the children they love. It is almost impossible to maintain a "full-time" parenting relationship on "part-time" access. The breakdown in the "non-custodial parent/child" relationship is virtually inevitable over time, despite the extra-ordinary efforts which most non-custodial parents pursue, and at least partly due in many cases, to custodial parent pressure. The "win at all costs," and the "ownership" attitudes of many custodial parents creates an intolerable situation. The non-custodial parent suffers immediately, but the long term damage to the children is a study for the future.

Mathias lists some of the consequences of the current situation as:

- *the forced separation of non-custodial parents (92.2% male) from their children, creating a new "stolen generation."*
- *the forced loss of the father's involvement in the raising of the children, to the detriment of the children, the father and the broader community.*
- *the emotional trauma of forced separation for the non-custodial parent, the children and significant others including the paternal grandparents.*

He describes the access situation as:

The children have right of access to their non-custodial parent, but the non-custodial parent does not have right of access to the children. The Family Court consider normal access for the children to their non-custodial parent to be one day per week (or one weekend per fortnight) and half of school holiday periods. In all, 52 days at weekends, plus half of about 11 x 5 day weeks, a further 27 or 28 days. A grand total of 79 or 80 days each year, for as long as 18 years, in which to have a "meaningful" relationship with one's own children.

Most non-custodial parents never see their children go to school in the morning, or participate in the excited chatter at the evening meal, after the challenges of a school day, because they don't have access on a school day, only weekends and school holidays. Most non-custodial parents feel largely left out of their children's school life, and don't know their school friends.

Some "lucky" non-custodial parents are able to have a couple of hours on a weeknight to have some time with their children. Regional shopping centres have become the "entertainment centres" for non-custodial parents who want to have an evening meal with the children, but to do it within an affordable warm environment. It is sometimes hard to feel anything more than "refugee" or "homeless" status. But at least the regional shopping centre is warm in winter for the two hours with their children that week.

Then there are the "pick-up" and "drop-off" sagas. Each of these access occasions creates one "pick-up," frequently punctuated with demands for more money, and one "drop-off," always clouded by the personal emotion of having to say "Goodbye" yet again, to children that you want to know, but just don't seem to be able to in the short space of an access visit. For many it is like watching your best friend die on a weekly basis, and particularly frustrating for those non-custodial parents who did not choose the divorce option.

Access creates a false environment in which, despite the best intentions of the non-custodial parent to provide some quality caring parenting, the time is spent at a polite superficial level outside the normal day-to-day life of the child. "Non-custody" prevents meaningful "parent participation" by the non-custodial parent. Non-custodial parents are put in the access situation, one in which they "can't care." This is then frequently interpreted as "don't care" by both the custodial parent and the children. After five years only one in three non-custodial parents is able to maintain a caring, frequent, access arrangement with their children, through no fault of the non-custodial parent. The grieving during "drop-offs" ceases, to be replaced by an emptiness that was once filled by a family.

And concludes:

*The Family Court should recognise and take into consideration the **reciprocal access rights** of children, both parents, grandparents, and significant others, and the children's right to receive assistance in their development from all these people.*

Lambertz et al (2000), make an important point in commenting on the rights of the child:

When dealing with the protection and the rights of children it is, however, no doubt well motivated to give such a preference, as has been done in the UN Convention on the Rights of the Child. But we must be aware of the risks entailed, the most important being that other interests may be unjustly set aside. Suppose that in a specific case sole custody for the mother and joint custody are, on balance, equal alternatives for the child, whereas it would mean a lot for the father's wellbeing if he would be given joint custody.

The objection by one parent to a proposed shared parenting plan should not be an automatic right of veto of such an arrangement. This point is made by Lambertz et al (2000):

In Sweden, a law was passed in 1998 allowing for the court to decide on joint custody even if one parent is opposed to that solution, provided that this is in the best interests of the child. One important argument invoked in favour of the reform was that there must exist a possibility to go against the will of one of the parents in those cases where joint custody is in fact in the best interests of the child but one parent does not want it.

Another point that we wish to make is that the current system perpetuates an adversarial approach to custody arrangements (with the only real winners being lawyers). We believe that there should be an increased focus on assisting parents to achieve a workable post separation relationship in order to best accommodate the needs of their children. Lambertz et al (2000) point out that:

We know more today about children's needs than we did ten years ago. For instance, we are much more aware of the fact that a conflict between the parents exposes the child to serious risks, both psychologically and socially, and we know much more about the nature of those risks.

We further believe that the discussion has moved overly to the outcome of separation (an obvious situation given the institutions-led emergence of this agenda so far). This position presumes motivation, commitment and skills in child raising up to a point of parents separating, and then someone losing their opportunity to continue this contribution to their children's lives.

This is not common in the 10% or so of custody cases where adversarial situations critically contaminate parenting after separation. Therefore, advocacy of and access to relationship enhancement opportunities and services while a marriage is intact are also part of the equation. That is, greater attention to the 'process' of partnering and parenting is as much in need for families as are 'outcomes' centred on installing/recovering some degree of satisfactory parenting when the family breaks up. The former are aimed at preventing the latter, of course, and bring empowerment and ownership into the frame with less attention to winners and losers (which can actually only ever be losers, losers and losers over the lifespan of those impacted by dysfunctional families and parenting).

We also wish to comment on the need for work places to become more family friendly, particularly in their support of fathers. There is mounting evidence that fathers wish to have more involvement in the life of their children. However, they are often limited in their ability to do so, by the work practices of their employer. An extreme example is the fly-in/fly-out practice that is becoming widespread in the mining industry in Western Australia.

However, even in more traditional situations, often the work practices of employers are more favourable to the mother being involved with her children than they are with the father playing an equal role. This appears to be a clear case of discrimination against fathers.

If such a situation operated prior to the separation of the parents, it should not be used as an argument for children to be placed with their mother rather than with their father, provided that the father has now been able to make satisfactory arrangements for the care of the children. .

There are a variety of situations where discrimination against one parent (father or mother) may occur due to bias based on some people's stereotypical thinking. The legislation should make it very clear to the family court that such situations will not be tolerated. There needs to be equality of opportunity for parents who may have a disability, suffer from an illness, or come from some minority group, to be able to fully participate in the raising of their children.

It should not be assumed that because one parent comes from mainstream society and the other does not, that the former is better placed to raise the child.

There should not be any discrimination against a homosexual father (or a lesbian mother) in deciding where a child should reside. In fact, it is probably even more important in these situations that the child has equal access to both parents.

Where parents come from different cultural or religious backgrounds it is important that one parent should not be able to deny a child exposure to the culture or religion of the other parent. Every child has a right to know and fully understand its family background and heritage.

Parents (fathers and mothers) with a disability, or those suffering from a mental health illness, should not be denied being able to have their child live with them, provided they are capable of caring for the child. Such parents may require some support, but this should be provided through the disability services system. Having a disability or a health problem should not automatically prevent that parent from having his or her child live with them.

Similarly, it should not be assumed that a mother is any more capable of caring for a child with a disability than is the father.

It appears that there is currently considerable bias exhibited against fathers. There is anecdotal evidence that family law specialists are advising fathers they are wasting their time in attempting to have greater access to their child than the standard arrangement, which is that the child should reside with the mother and spend every second weekend and half the school holidays with the father. It appears that this advice is provided, based on their experience of observing the gender bias of the family court system.

One father, who was prepared to accept this arrangement, reported that the family court counsellor told him that it was not possible to vary the order by allowing the child to spend every second Sunday night at his place so that he could take the child to school on Monday morning once per fortnight. Such rigid adherence to the status quo is cause for major concern. Surely there is room for some flexibility in how orders are made.

The Men's Advisory Network calls on the Standing Committee on Family and Community Affairs, the Parliament and the Family Court to recognise the essential role that father's play in raising happy, healthy and well adjusted children. It is clearly in the best interest of the child that they have full access to their father. In the context of a broken relationship, the starting point to best achieve this is if there is a presumption that children will spend equal time with each parent.

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M.A.N. is the umbrella/peak organisation for individuals, service providers and organisations concerned with men's health, wellbeing and other issues affecting men and boys in Western Australia.

M.A.N. was established in 1997 (previously known as the Men's Health Independent Advisory Council) and was incorporated in 2000. The objects contained in the constitution are:

- (a) To promote the prevention of diseases, both physical and mental, in men;
- (b) To raise awareness of men's health and wellbeing issues in a holistic sense covering physical, mental, emotional, social and spiritual components;
- (c) To be the peak body representing men's health, wellbeing and other men's issues in Western Australia;
- (d) To collect, generate and distribute information, literature and resources on the health and wellbeing of men;
- (e) To initiate and carry out appropriate data collection and research on aspects of the health and wellbeing of men;
- (f) To establish and contribute to the maintenance of regional networks concerning the health and wellbeing of men;
- (g) To promote awareness of educational services that specifically address; life style and health issues, relationships, sexuality, violence and anger management, fathering and fatherhood, recovery from sexual assault, youth development, suicide prevention, gender issues, personal meaning and life mission, rites of transition and ageing;
- (h) To provide a forum for leaders of men's groups and other community leaders, who are concerned with the health and wellbeing of men.

The aim of M.A.N. is to raise awareness of issues impacting on men and boys and to advocate on their behalf in order to promote their health and well-being in a holistic sense covering physical, mental, emotional, social and spiritual components. This is based on the World Health Organisation's 1986 definition of health and encompasses all aspects of a person's life.

The Charter of M.A.N. states that the focus is to:

- Raise awareness in the community of issues impacting on men and boys.
- Facilitate a forum at which men's issues can be openly discussed.
- Advocate on behalf of men's interests to government and non-government organisations and agencies.
- Support, encourage and provide relevant resources for services, agencies and community groups that work with men.
- Promote and facilitate inter-agency co-operation.

As the peak organisation representing men's issues in Western Australia, M.A.N. will achieve this through the adoption of the following principles:

- Adopt a whole of life approach and represent the diverse views surrounding men's issues, with no restrictions being placed on the issues to be represented.
- Be inclusive of all interested organisations and individuals. Exclusion from membership will only be on the basis of promotion of illegal or unethical activities.
- Consider men's issues in the context of empowering men as individuals and in their roles in their family, their community and Western Australian society as a whole.
- Promote healthy masculinity and the wellbeing of men and boys as being essential to society.
- Promote harmony with women, believing that men and women are equal partners in society.
- Advocate on behalf of men and boys, but remain non-aligned with any political party.

In 2002, M.A.N. received funding from the Department of Health to investigate the options for establishing and maintaining a viable network for community based men's groups in Western Australia. Under the terms of the service agreement M.A.N. was required to:

- Investigate options for a viable network for community based men's groups in Western Australia.
- Articulate the role of M.A.N. in the context of facilitating the coordination of activity associated with improving outcomes for Western Australian men.
- Prepare a database of services and organisations involved in men's health, wellbeing and other men's issues in WA
- Develop a communications process linking service providers, organisations and individuals involved in men's issues in WA

The rationale for this funding may be found in the government's election commitments contained in the Men's Health Direction Statement.

Membership of M.A.N. is open to all men and women who support M.A.N's objectives and its charter.

There are three categories of members:

- Individual Members, who have one vote
- Organisational Members, which may be incorporated under the Associations Incorporation Act 1987, unincorporated groups, local government authorities and registered businesses, which have two votes
- Associate Members, which may be any commonwealth or state government department, agency or branch, but do not have a vote

The weighted voting recognises that M.A.N. is a peak body and as such many of its members are other organisations. However, it also recognises the important contribution made by individuals and has retained this category of membership.

The fee structure for the 2003-2004 financial year is:

Individual Member	\$40
Individual Member (Health Care Card Holder)	\$10
Organisational Member employing paid staff	\$100
Organisational Member with no paid staff	\$50
Associate Member	\$75

M.A.N. produces an electronic newsletter. If you wish to receive a copy please reply to: man@iinet.net.au

The Men's Health & Wellbeing Association of WA recently dissolved and transferred its assets to M.A.N.

M.A.N. is affiliated with the Confederation of Men's Organisations, the Australian Federation of Men's Health & Wellbeing Associations Inc., and the Shared Parenting Council of Australia.

Currently people are elected to all positions on the Committee of Management for a two-year term. There are no restrictions on the number of years that someone may serve on the committee.

The members of the Committee of Management and their current vocations are:

David Cain, Chairperson, Program Manager, Osborne Division of General Practice

Janet Armarego, Deputy Chairperson, Health Promotion Officer, City of Melville

Dr. Gerry Jones, Secretary, retired Associate Professor, University of Western Australia

Terry Olesen, Treasurer, consulting psychologist in private practice and doctoral candidate

Dr. Geoff Paull, Committee Member, consulting psychologist in private practice

David Robinson, Committee Member, Principal, North Morley Primary School

John White, Committee Member, Co-ordinator, Mid-West Men's Health, Geraldton

Attachment 2

From: Whiston, Robert, The Principles of Equal Parenting: Some Questions Answered, The Coalition of Equal Parenting, England, May 2003:

In 1996 the British Exeter Report drew attention to the impact on children of their father's departure from the home in divorce proceedings. The impact manifested itself in confidence behaviour and educational attainment. It echoed the conclusions of other work principally undertaken in the US

In regards educational attainment and social behaviour, Wallerstein and Blakeslee, two highly regarded US academics concluded, "Children of divorce soon taught us very early on that to be separated from their fathers was intolerable." This single research observation cuts straight through much the verbosity surrounding the misery caused by the divorce "processes" and lone parenthood.

The Exeter Study found that it was the reorganisation of the family structure, particularly the fathers' departure that most upset children. This rather than financial hardship or marital conflict led to poor health and poorer 'outcomes' in education and social behaviour. They reported that only 30% of fathers had regular and frequent contact with their children - a figure validated by other independent research.

This has a direct bearing on the separate argument that arises from time to time. Namely, that it is far better for children to be taken out of what is termed 'high conflict' families, and situations, than remain inside them and witness the tension. This precludes the concept of normal development and socialisation of children necessitates that they learn to cope with varying degrees of conflict if they are to cope with adult life.

Numerous studies amongst children demonstrate how importantly they view attachment to their father. This attachment is discernible not only at the time of their father's departure but for many years afterwards, even into adulthood. It also appears that the age of the child when the event occurs is immaterial.

Clinical and biological researchers can now demonstrate that "in the 2nd half of the babies first year an emotional bond is formed between the infant and one or both of its parents. The sex of the parent is immaterial. Between 9 and 24 months, infants form direct attachments and affiliated responses to parents and strangers. However, babies do not show a clear-cut preference for either mother or father where both are available. If preferences are shown it is from the parental side. In other words, favouritism stems from parent and not from the child". This finding cannot be over-emphasised.

Divorce or becoming a single parenthood per se is not a 'damaging' factor, e.g. widowhood, it is the jarring nature of the father deprivation process that inflicts damage and needs reform. To argue therefore, that the process should be eased and speeded-up is to miss the point. It is the trauma inducing "father departure" which is the problem.

For many years principally during the 1980s and 1990s it was fashionable to deny the positive contribution of fathers.

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