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[Home](#) → [Research Journal](#) → The Australian Parliamentary Survey on Equal-Shared Parenting - 10 Total Views

The Australian Parliamentary Survey on Equal-Shared Parenting

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Title: The Australian Parliamentary Survey on Equal-Shared Parenting

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Methodologies: [Data Analysis](#), [Observation](#), [Online Surveys](#), [Quantitative](#), [Simulation](#)

Abstract: In late 2005, a survey of federal parliament was undertaken in order to determine the views of each lower house and upper house member on the topic of equal-shared parenting.

Objective: In 2005, the following question was posed to every member of federal parliament:

"Should an amendment be submitted to the family law act to incorporate a 'legal presumption of equal parenting time in the event of separation, ***rebuttable*** if child abuse can be reasonably substantiated, or if the parents

mutually agree to an alternate arrangement.', then if it went to a conscience vote, I would vote for the amendment."

Results: The responses were overwhelmingly in support of a 'legal presumption of equal parenting time' as a starting point for child custody negotiations, by a factor of two to one. The Senate count was just 3 votes short of an absolute majority, with 24 votes unaccounted for, while the house of representatives was just 5 votes short of an absolute majority, with 48 votes unaccounted for.

Conclusion: What do these results mean? Quite simply, if good laws in this country were decided upon by modern day community standards, as represented by the "unfettered" majority view of our elected officials, or otherwise by the overwhelming views of the Australian public, we would now have family laws genuinely designed to protect the best interests of the child, rather than laws reflecting a by-gone era that have no place in modern day Australia.

Unfortunately, in some cases at least, the laws of a democratic country are ultimately determined by unrepresentative pressure groups who have the resources and influence to promote their vested interests only, at the expense of everyone else. This is one of those cases.

Keywords: [Shared Parenting](#)

PDF Report:

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In late 2005, a survey of federal parliament was undertaken in order to determine the views of each lower house and upper house member on the topic of shared parenting. Every member of parliament was approached as much as three times to provide a response.

Some of the members surveyed provided an immediate and explicit response, others were undecided, and yet others simply refused to respond.

Eventually, all the received responses were collated and reviewed against the parliamentary record, in order to determine the overall views of that parliament.

In this way, it was determined what the ultimate outcome may have been, if a family law amendment incorporating a "legal presumption of equal parenting time as a starting point for child residence negotiations", was voted on in parliament as a conscience vote.

The responses were overwhelmingly in support of a 'legal presumption of equal parenting time' as a starting point for child custody negotiations, by a factor of two to one. The Senate count was **just 3 votes short of an absolute majority, with 24 votes unaccounted for**, while the house of representatives was **just 5 votes short of an absolute majority, with 48**

votes unaccounted for.

House of Representatives:

69 would vote for an equal time presumption amendment
33 would NOT vote for an equal time presumption amendment
4 is undecided
44 unknown

Senate:

37 would vote for an equal time presumption amendment
15 would NOT vote for an equal time presumption amendment
1 is undecided
23 Unknown

What do these results mean? Quite simply, if good laws in this country were decided upon by modern day community standards, as represented by the “unfettered” majority view of our elected officials, or otherwise by the [overwhelming views of the Australian public](#), we would now have family laws genuinely designed to protect the best interests of the child, rather than laws reflecting a by-gone era that have no place in modern day Australia.

Unfortunately, in some cases at least, the laws of a democratic country are ultimately determined by unrepresentative pressure groups who have the resources and influence to promote their vested interests only, at the expense of everyone else. **This is one of those cases.**

▼ WOULD VOTE FOR Shared Parenting Amendment			53
▼ House of Representatives			38
Alan Cadman	Liberals	House of Representatives	1
Alby Shultz	Liberals	House of Representatives	1
Andrew Southcott	Liberals	House of Representatives	1
Barry Haase	Liberals	House of Representatives	1
Barry Wakelin	Liberals	House of Representatives	1
Bob Baldwin	Liberals	House of Representatives	1
Bronwyn Bishop	Liberals	House of Representatives	1

Bruce Billson	Liberals	House of Representatives	1
Christopher Pyne	Liberals	House of Representatives	1
David Fawcett	Liberals	House of Representatives	1
David Tollner	Nationals	House of Representatives	1
De-Anne Kelly	Nationals	House of Representatives	1
Dennis Jensen	Liberals	House of Representatives	1
Jim Lloyd	Liberals	House of Representatives	1
Joanna Gash	Liberals	House of Representatives	1
John Murphy	ALP	House of Representatives	1
Judi Moylan	Liberals	House of Representatives	1
Kay Elson	Liberals	House of Representatives	1
Kay Hull	Nationals	House of Representatives	1
Kelvin Thomson	ALP	House of Representatives	1
Ken Ticehurst	Liberals	House of Representatives	1
Kerry Bartlett	Liberals	House of Representatives	1
Kym Richardson	Liberals	House of Representatives	1
Malcolm Turnbull	Liberals	House of Representatives	1
Michael Ferguson	Liberals	House of Representatives	1
Michael Johnson	Liberals	House of Representatives	1
Pat Farmer	Liberals	House of Representatives	1
Patrick Secker	Liberals	House of Representatives	1
Paul Neville	Nationals	House of Representatives	1
Peter Dutton	Liberals	House of Representatives	1
Peter Slipper	Liberals	House of Representatives	1

Sophie Panopoulos	Liberals	House of Representatives	1
Steve Georganas	ALP	House of Representatives	1
Stuart Henry	Liberals	House of Representatives	1
Tony Abbott	Liberals	House of Representatives	1
Tony Windsor	Independant	House of Representatives	1
Trish Draper	Liberals	House of Representatives	1
Warren Entsch	Liberals	House of Representatives	1
▼ Senate			15
Alan Ferguson	Liberals	Senate	1
Barnaby Joyce	Nationals	Senate	1
Bill Heffernan	Liberals	Senate	1
Brett Mason	Liberals	Senate	1
David Johnston	Liberals	Senate	1
Eric Abetz	Liberals	Senate	1
Gavin Marshal	ALP	Senate	1
George Brandis	Liberals	Senate	1
Jeannie Ferris	Liberals	Senate	1
Nicholas Minchin	Liberals	Senate	1
Paul Calvert	Liberals	Senate	1
Russell Trood	Liberals	Senate	1
Steve Fielding	Family First	Senate	1
Steven Parry	Liberals	Senate	1

Ursula Stephens	ALP	Senate	1
▼ WOULD VOTE AGAINST Shared Parenting Amendment			25
▼ House of Representatives			21
Annette Ellis	ALP	House of Representatives	1
Anthony Albanese	ALP	House of Representatives	1
Carmen Lawrence	ALP	House of Representatives	1
Catherine King	ALP	House of Representatives	1
Chris Hayes	ALP	House of Representatives	1
Chris Pearce	Liberals	House of Representatives	1
Duncan Kerr	ALP	House of Representatives	1
Jennie George	ALP	House of Representatives	1
Julie Owens	ALP	House of Representatives	1
Kelly Hoare	ALP	House of Representatives	1
Kevin Rudd	ALP	House of Representatives	1
Kim Beazley	ALP	House of Representatives	1
Lindsay Tanner	ALP	House of Representatives	1
Nicola Roxon	ALP	House of Representatives	1
Peter Andren	Independant	House of Representatives	1
Sharon Grierson	ALP	House of Representatives	1
Steve Gibbons	ALP	House of Representatives	1
Sussan Ley	Liberals	House of Representatives	1
Tanya Plibersek	ALP	House of Representatives	1
Wayne Swan	ALP	House of Representatives	1
Wilson Tuckey	Liberals	House of Representatives	1

▼ Senate			4
Andrew Bartlett	Democrats	Senate	1
Andrew Murray	Democrats	Senate	1
Claire Moore	ALP	Senate	1
Ruth Webber	ALP	Senate	1
▼ UNDECIDED			5
▼ House of Representatives			4
Bruce Scott	Nationals	House of Representatives	1
Chris Bowen	ALP	House of Representatives	1
Maria Vamvakinou	ALP	House of Representatives	1
Sharon Bird	ALP	House of Representatives	1
▼ Senate			1
Kate Lundy	ALP	Senate	1
▼ LIKELY TO VOTE YES – but unconfirmed			53
▼ House of Representatives			32
Alexander Downer	Liberals	House of Representatives	1
Alexander Somlyay	Liberals	House of Representatives	1
Andrew Laming	Liberals	House of Representatives	1
Andrew Robb	Liberals	House of Representatives	1
Anthony Byrne	ALP	House of Representatives	1
Bob Katter	Independant	House of Representatives	1
Danna Vale	Liberals	House of Representatives	1

David Jull	Liberals	House of Representatives	1
Don Randall	Liberals	House of Representatives	1
Gavan O'Connor	ALP	House of Representatives	1
Greg Hunt	Liberals	House of Representatives	1
Ian Causley	Nationals	House of Representatives	1
Jackie Kelly	Liberals	House of Representatives	1
Joe Hockey	Liberals	House of Representatives	1
John Anderson	Nationals	House of Representatives	1
John Forrest	Nationals	House of Representatives	1
John Howard	Liberals	House of Representatives	1
Julie Bishop	Liberals	House of Representatives	1
Kevin Andrews	Liberals	House of Representatives	1
Louise Markus	Liberals	House of Representatives	1
Luke Hartsuyker	Nationals	House of Representatives	1
Mal Washer	Liberals	House of Representatives	1
Mark Baker	Liberals	House of Representatives	1
Michael Keenan	Liberals	House of Representatives	1
Peter Lindsey	Liberals	House of Representatives	1
Peter McGauran	Nationals	House of Representatives	1
Phil Barresi	Liberals	House of Representatives	1
Philip Ruddock	Liberals	House of Representatives	1
Ross Vasta	Liberals	House of Representatives	1
Steven Ciobo	Liberals	House of Representatives	1

Tony Burke	ALP	House of Representatives	1
Warren Truss	Nationals	House of Representatives	1
▼ Senate			21
Alan Eggleston	Liberals	Senate	1
Amanda Vanstone	Liberals	Senate	1
Chris Ellison	Liberals	Senate	1
Concetta Fierravanti-Wells	Liberals	Senate	1
Gary Humphries	Liberals	Senate	1
Grant Chapman	Liberals	Senate	1
Guy Barnett	Liberals	Senate	1
Helen Coonan	Liberals	Senate	1
Helen Polley	ALP	Senate	1
Ian Campbell	Liberals	Senate	1
John Hogg	ALP	Senate	1
Julian McGauran	Liberals	Senate	1
Mark Bishop	ALP	Senate	1
Michael Forshaw	ALP	Senate	1
Michael Ronaldson	Liberals	Senate	1
Rod Kemp	Liberals	Senate	1
Ron Boswell	Nationals	Senate	1
Ross Lightfoot	Liberals	Senate	1
Sandy Macdonald	Nationals	Senate	1
Santo Santoro	Liberals	Senate	1

Steve Hutchins	ALP	Senate	1
▼ LIKELY TO VOTE NO – but unconfirmed			23
▼ House of Representatives			11
Anna Burke	ALP	House of Representatives	1
Bernie Ripoll	ALP	House of Representatives	1
Craig Emerson	ALP	House of Representatives	1
Harry Quick	ALP	House of Representatives	1
Jenny Macklin	ALP	House of Representatives	1
Jill Hall	ALP	House of Representatives	1
Julia Gillard	ALP	House of Representatives	1
Julia Irwin	ALP	House of Representatives	1
Kirsten Livermore	ALP	House of Representatives	1
Peter Garrett	ALP	House of Representatives	1
Roger Price	ALP	House of Representatives	1
▼ Senate			12
Bob Brown	Greens	Senate	1
Chris Evans	ALP	Senate	1
Christine Milne	Greens	Senate	1
Dana Wortley	ALP	Senate	1
John Faulkner	ALP	Senate	1
Kerry Nettle	Greens	Senate	1
Lyn Allison	Democrats	Senate	1
Natasha Stott Despoja	Democrats	Senate	1

Penny Wong	ALP	Senate	1
Rachael Siewart	Greens	Senate	1
Robert Ray	ALP	Senate	1
Stephen Conroy	ALP	Senate	1
			159

Survey Question:

Date: November 2005 Dear [Name] Please consider answering the following question which would lead our group (Fathers4Equality) to a better understanding of your views on this very important issue. You may choose to answer with one of the following five choices, in response to the below comment:

"Should an amendment be submitted to the family law act to incorporate a 'legal presumption of equal parenting time in the event of separation, ***rebuttable*** if child abuse can be reasonably substantiated, or if the parents mutually agree to an alternate arrangement.', then if it went to a conscience vote, I would vote for the amendment."

- (A) I agree
- (B) I disagree
- (C) I withhold my view
- (D) I am undecided

Please understand that this is not (as commonly mis-represented) a one size fits all approach. This is merely a starting point for child custody negotiations that would begin on a level playing field but the outcome would be determined by either the rebuttal, or the practical realities of the parents' circumstances. It would deny a winner takes all mentality, and re-focus efforts on arrangements that best meet the child's best needs.

If you are honestly uncertain, then you can choose option (E) for a more detailed view of our proposed joint residence amendment.

Responses – Upper House

Liberals Senate:	Vote YES Confirmed: 11	Vote YES Likely: 14	Vote NO Confirmed: 0	Vote NO Likely: 0
Nationals Senate:	Vote YES Confirmed: 1	Vote YES Likely: 2	Vote NO Confirmed: 0	Vote NO Likely: 0
ALP Senate:	Vote YES Confirmed: 2	Vote YES Likely: 5	Vote NO Confirmed: 2	Vote NO Likely: 6
Democrats Senate:	Vote YES Confirmed: 0	Vote YES Likely: 0	Vote NO Confirmed: 2	Vote NO Likely: 2

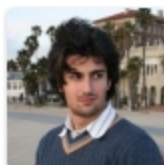
Greens Senate:	Vote YES Confirmed: 0	Vote YES Likely: 0	Vote NO Confirmed: 0	Vote NO Likely: 4
Independants Senate:	Vote YES Confirmed: 0	Vote YES Likely: 0	Vote NO Confirmed: 0	Vote NO Likely: 0
Family First Senate:	Vote YES Confirmed: 1	Vote YES Likely: 0	Vote NO Confirmed: 0	Vote NO Likely: 0
Senate Totals:	Vote YES Confirmed: 15	Vote YES Likely: 21	Vote NO Confirmed: 4	Vote NO Likely: 12
Senate Combined Totals:	Vote YES Totals: 36 /76		Vote NO Totals: 16 /76	

Responses - Lower House

Liberals Reps:	Vote YES Confirmed: 30	Vote YES Likely: 22	Vote NO Confirmed: 3	Vote NO Likely: 0
Nats Reps:	Vote YES Confirmed: 4	Vote YES Likely: 6	Vote NO Confirmed: 0	Vote NO Likely: 0
ALP Reps:	Vote YES Confirmed: 3	Vote YES Likely: 3	Vote NO Confirmed: 17	Vote NO Likely: 11
Ind Reps:	Vote YES Confirmed: 1	Vote YES Likely: 1	Vote NO Confirmed: 1	Vote NO Likely: 0
Reps Totals:	Vote YES Confirmed: 38	Vote YES Likely: 32	Vote NO Confirmed: 21	Vote NO Likely: 11
Reps Combined Totals:	Vote YES Totals: 70 /150		Vote NO Totals: 32 /150	

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Ash is a family law reform advocate, and President of Equal Parenting support group Fathers4Equality.

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