

House of Representatives Standing Committee on Family and Community Affairs	
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Committee Secretary
 Standing Committee on Family and Community Affairs
 Child Custody Arrangements Inquiry
 Department of the House of Representatives
 Parliament House
 CANBERRA ACT 2600

Dear Sir

I refer to the Government's request of the Committee to report on its recommendations resulting from the Report of the Family Law Pathways Advisory Group.

Firstly, I would like to state that I wholeheartedly agree with the recommendations of the Advisory Group pertaining to the implementation of improved cooperation and streamlining of communication between all social and legal parties involved in family law matters with particular reference to children.

Equal Time

The recommendations before the Committee concern me in that a presumption of a 50/50 equal time with relation to the children at separation would, I believe, be detrimental to the welfare of said children. Given the Advisory Group's comments relating to the state of mind of newly separating parties it would appear much more difficult for the children to adjust to the actual separation given the frequent conflict present at that time. Should the presumption of equal time eventuate the circumstances under which such a presumption could be rebutted would have to cover an even wider range than at present.

My own experience is as a grandparent with a daughter who was obliged to use the legal system relating to custody of her daughter. The emphasis in the Advisory Group's report is on actual bodily violence and although in my daughter's case this was not so, the affect of intimidation and efforts to 'control' were, and still are, as damaging as a physical blow and, in my opinion, much more far reaching. This behaviour has been the case since separation four years ago. My daughter has complied with all Court Orders relating to Contact and has only once returned to the legal system since the issue of Final Orders, when those Orders were temporarily changed for the welfare of my granddaughter. Based on this experience I would respectfully suggest that any rebuttal be the subject of an independent Family Report.

In my daughter's case both the Final Orders and the subsequent temporary change were as a result of a Family Report ordered by the Court. As the Court appears to make its decisions based on a Family Report it would seem appropriate to make such a Report a requirement when making an application for rebuttal. I do not consider actual bodily violence to be the only reason to rebut a 50/50 equal time as I would also consider the following of primary importance to a child's welfare:

- continuing conflict between parents;
- housing conditions and suitability for child/children; (e.g. number of rooms)
- evidence of distress caused to children; (completely conflicting parenting)
- daily care, health and wellbeing. (e.g. Asthma - one parent pro-medicine the other anti-medicine).

In my opinion, it is unfortunate that the system does not see and judge each case on its merits.

Grandparents and others

As I have no experience relating to this I feel unable to comment. My granddaughter sees her other grandparents and associated relatives each school holidays.

Child Support

In my opinion the introduction of the Child Support system has increased the pressures already in existence relating to all matters concerning families and children. It has put a price on contact and this colours everything. Unfortunately there are many receiving child support who deny the parent paying the support contact which is totally wrong. Again I quote from my own experience; my daughter receives \$80 per week and when questioned regarding this in Court (the Magistrate queried the small amount) my granddaughter's father showed the Magistrate a payslip showing a \$300.00 a week car allowance; the bottom line is that a good Accountant and the present tax system work well together. Plus there is no way to enforce the payment of a property settlement, also my daughter's case, as her ex-husband was asked if he had 'given away' his asset to which he reply 'yes'. Fortunately my daughter works and is able to provide for my granddaughter.

However, I personally do not agree with the compulsory nature of the system and would prefer a voluntary system. Although a voluntary system would not be fair in many cases at least it would negate a lot of the animosity presently surrounding family law matters and money saved from imposing the system could be spent on improving the family law system for the benefit of all, including the enforcement of Orders relating particularly to contact.

I would add that family law has totally lost sight of the children and appears more influenced by pressure groups from both sexes. Family law is constantly changing because every system tried does not work for everyone. I would like more effort and funding put into the system we already have rather than changing everything, yet again, and hoping that works. Children are too valuable to be experimented with.

Yours faithfully