

Submission by a private individual Philip Gordon Craig

29 July 2003

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	55
Date Received:	30-7-03
Secretary:	

**TERMS OF REFERENCE TO THE STANDING COMMITTEE ON FAMILY
AND**

COMMUNITY AFFAIRS

**INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF
FAMILY SEPARATION**

Having regard to the Government's recent response to the Report of the Family Law Pathways Advisory Group, the Committee should inquire into, report on and make recommendations for action:

- (a) given that the best interests of the child are the paramount consideration:
 - (i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and
 - (ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.
- (b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.
- (c) with the Committee to report to the Parliament by 31 December 2003.



28 July 2003

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To the Committee:

**INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF
FAMILY SEPARATION**

Introduction

Submission by an individual.

Philip Craig, male ,46 years old.

- Full time paid employment until 1993, then made the transition to,
- Full time house husband, primary carer of two children for 7 ½ years. My children are now aged 10 years and 12 years, one girl one boy.
- As the primary carer I had a complete role, including the visits to the Health Centre, Playgroup (President for 3 years, the Playgroup having between 80-93 families enrolled), Pre School and School involvement along with sport duties and all other aspects, dental, medical etc..
- In 2000 successfully returned to full time employment
- Currently Project Manager and parent in a blended family.

Summary

One

The Government response to the Family Law Pathways Advisory Group Report May 2003 highlights **the uncoordinated provision of information**. Such uncoordinated information is **costly to the community and the children** of separating parents.

Reference to the **maze** may be appropriate; I suggest that you need parents (separated, both male and female) to be able to:

1. **See the maze, initially,**
2. **Engage with the maze of services, and**
3. **Navigate the maze successfully.**

Two

There is a **societal presumption about the lack of the ability of fathers to nurture their children**.

Three

In regard to the Terms of Reference;

(a)

(i)

I would like to see the **introduction of presumption of 50/50 caring of children** between parents.

(ii)

I accept the clause for rebuttal of this 50/50 arrangement based on sound criteria i.e. Criminal convictions related to the children's welfare, intervention orders, early intervention records. In general the use of the Department of Children's Early Intervention criteria for risk assessment in the development of criteria for rebuttal. Also on the positive – demonstrated skills in relation to the child's special needs eg, sign language, specialist care training for a child with specific disabilities.

(b)

Child support formula is not fair and equitable in regard to special circumstances. The need for a transparent process, transparent criteria and the additional layer of objection before objector has to go to Court.

Four

Funding for father's support groups to increase for father's parental education.

Five

Child Support Agency overhaul of the processes and criteria used in addressing special case submissions and a change/ **shift in attitude of staff**.

Six

The **promotion of the concept to fathers that increased access can lead to decreased maintenance payment as a means of engaging men with the 'Maze'**.

Supporting Case / Background

It is essential to ensure that children have the benefit of the love and care of both their parents and **extended** families – when a couple separates.

In reading the Government response to the Family Law Pathways Advisory Group Report May 2003, I was made aware of a number of programs of support to **couples** who separate. What surprised me was, that as a male who has separated in the last four years, I knew of virtually none of these services.

In my situation I have dug deep to utilise resources to assist me through this period and was not aware of a number of the groups referred to in the Government response to the Family Law Pathways Advisory Group Report May 2003. This highlights, as the report states, **the uncoordinated provision of information**. There is a consequential cost to the community at large and the children of separating parents when such valuable resources are not readily accessible. This is of major concern and an area that needs redress.

Reference to the **maze** may be appropriate; I suggest that you need parents (separated, **both** male and female) to be able to:

- **See the maze**
- **Engage with the maze of services**
- **Navigate the maze successfully.**

In regard to **Terms of Reference**

(a)

(i)

I believe there should be a presumption of 50/50 care time with each parent, with the proviso for rebuttal on certain grounds.

Children require shared parenting for effective development and full life experiences. The basis for this is the equal input in an ideal situation so the 50/50 principle should be adopted where the parents separate.

This could go a long way to changing the current entrenched societal view that emphasises the mother's role in parenting.

To support the notion that there is an **entrenched attitude of bias toward women** being the major carers I cite the following: I was a house husband in my former marriage, by mutual agreement. My former wife was the primary earner and I was the primary carer complete with Health Centre, Playgroup, Kinder and School duties. On separating, my wife informed me that according to the advice she received I would be entitled to see the children only every second weekend! There was no reason for this shift in caring level, from primary career shared role to this inequitable arrangement.

No account had been taken of the fact that I was the primary carer for 7 ½ years.

It demonstrates the entrenched attitude towards males and their caring role in our society. It does not align with what occurs in practice.

(a)

(ii)

Rebuttal of 50/50 arrangement. The default should be 50/50 shared care.

Where there have been intervention orders – **child protection intervention evidence or relevant police psychiatric reports, records of violence or incest then the exception to the 50-/50 shared care rule** should be considered. It would be important that a set of criteria for exclusion be developed with input from groups such as the children's welfare early intervention groups in regard to risk assessment. Similarly a set of criteria for promotion of care level to one parent over another in regard to specialist needs of the child that one parent may be better equipped to deliver, eg sign language or care of a specific disability.

In the case of a proposed interstate move by one parent, this should not automatically rebut the 50/50 arrangement. The 50/50 arrangement should stand until all the **interstate arrangements/options** are explored fully.

(b)

I believe that the support formula while fair in basic structure and principle has flaws around the area of **special considerations**.

I currently reside in Sydney and commute to Melbourne each week to continue my 50/50 parenting of the children.

The focus for me being the children and I have given up career opportunities and lost earning potential to attend to the children's well being.

The CSA has rejected my submission for special consideration in relation to the additional costs of travel between Melbourne and Sydney and the need to run effectively a home in Melbourne and Sydney. **It demonstrates a lack of understanding** of the real world situation. I have appealed the decision.

What is lacking, clear criteria to address when submitting special circumstance cases and further more there has been no criteria set out against which my application was rejected.

The process is veiled and secretive and the criteria not evident. It appears a veiled process of case evaluation from an **organisation (CSA) that has a reputation of not dealing fairly with people** in need of special consideration. Be that assumption true or not **it persists in the community** and is the public perception of those who have dealt with CSA.

The community **needs a transparent set of criteria** against each of the special case categories.

The community **needs a clearly defined process**.

The community **needs a third level of appeal** before the individual is forced to pursue review in the Court system, currently the individual has two opportunities to appeal and then he/she must pursue it in the Courts at their own expense.

Additional Items

- (a) **The education of the males** in regard to the fact that 'the increase in quality contact with the children can result in the decrease of maintenance costs' could be an effective strategy and could benefit the children and long term the community. This **policy** can be **utilised as a leader** to draw men in to engagement with the **maze of services**.
- (b) The education of males in parenting skills is vital and work carried out by organisations is of benefit to the children and broader community. As a recipient I can vouch for this.
- (c) **There is a need for research on evidence of the impact of these groups and a strategic co-ordination of the services.**
- (d) **Funding is disproportionate against male's** education in parenting areas and accordingly the outcomes reflect the disparate funding.

I am willing to discuss any of these matters further with you.

Yours sincerely

Philip G Craig

Submission to:

Committee Secretary
Standing committee on family and community Affairs
child custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
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