

Submission No: 263

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Secretary:

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Dear Committee,

I have never considered entering a submission to a government inquiry before, however the matter of child custody is something that I feel very strongly about.

I am a primary school teacher and have come across many instances of children who have no contact with their fathers. This has not been as the result of a Family Law Court ruling but has been something decided upon by the mother. This failure to allow contact is often accompanied by snide comments about their father and general put-downs regarding his character. I have seen first hand the doubt and confusion in the hearts of these children who for one reason or another wonder about their fathers and think that the father doesn't care about them because they are not around.

I have a boy in my class who lives with his father as his mother is an alcoholic and abandoned her son. The father does very well with his sons' care and is a proud parent. Another boy will be going to live with his father at the end of the year. He has difficulties with his stepfather and his older brother is already living with his father. The boy is incredibly excited and pleased by this. Three children live with their grandparents as both parents were found to be negligent in their care and the court ruled that the grandparents were to have custody. They are extremely well cared for and loved and have supervised access visits with their father. The mother is not interested in seeing the children and doesn't visit.

I am writing this submission from my viewpoint as a woman, teacher, and someone who considers child custody to be one of the most important issues of this time.

Inquiry into child custody arrangements in the event of family separation.

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.*

I am definitely in favour of custody to be shared equally with both parents. This would give children a sense of belonging and to have the opportunity to actually know who their parents are and where they themselves have come from. There would be balance for the child. It would also be a fair and equitable system for both parents as they should both be able to see their child grow and develop.

I am unaware of the factors that are currently involved in keeping women the majority custody holders. It appears to be a foregone conclusion that children live with their mothers. However, I can comment about an "amicable" arrangement between mother and father that all of a sudden becomes a female exercise in control. Many women decide, for whatever reason: jealousy, nastiness, power, revenge etc that they will make the lives of their ex-partner difficult by refusing any access to the child. This is not because of any direct order from the Family Court. It is something that these women implement as a result of manipulative behaviours.

Over 41% of all fathers have been denied access to their children in this way. As a woman and teacher I find it reprehensible that a child should be used like this and that a mother should have all the say and control over the raising of her child whilst denying access to the father and still demanding that the father pay child support. The CSA supports women in this by not taking into account this issue.

If a parent (male or female) can supply his or her child with shelter, food and clothing as well as direction and guidance then there is NO reason why custody should not be given on an equal basis. It is time in 2003 for governments to realise that men have emotions and feelings. These men deserve to be considered under the "Equal Opportunity Act". Instead it appears that equal opportunity exists only for the female or minority groups in our society.

Many men are forced into the role of parenthood by the female (females traditionally control aspects of contraception) and then, if pregnancy occurs it is again the female who has the final say on whether or not a pregnancy will continue.

Men have no choice. If the relationship breaks down following the birth the men's feelings again do not come into it. Females rule (Over 91% of children are currently with their mothers) and the man must pay regardless of whether he sees his child or not.

A man is quite capable of performing the day to day tasks of caring for a child. The only fair and equal way to decide custody is to allow each parent 6 months each. The provision of this timeframe does not exclude telephone contact etc from the other parent but would be long enough for a balanced life for both the child and the parent to establish itself. 2 weeks here and there is more disruptive and penalises those parents who do not live in a close area or the same state.

Rebuttal

The only reasons I feel a parent should not have equal access to their child are if:

- They are in prison.
- They are physically incapable of caring for the child i.e. hospitalised, severely handicapped or otherwise incapacitated. (This should not exclude contact but day to day living may be too difficult.)
- They are a known pedophile or child abuser. (this is not just about the mother claiming unsubstantiated child abuse as a method of refusing access to the father).
- They themselves wish no contact with the child.
- They lived and worked in a place not suitable for a child (Antarctica etc)
- They are a drug addict, alcoholic etc who is incapable of proper care of the child and who would be a detrimental role model for the child.

ii. In what circumstance a court should order that children of separated parents have contact with other persons, including their grandparents.

If equal time custody is awarded then contact with both sets of grandparents is also the most appropriate way to ensure that the child has all the love and attention they deserve.

Many grandparents miss out on any contact with their grandchildren if they are on the paternal side of the relationship. (or the non-custodial side.) Again this is hardly fair or just. Children benefit from an extended family and a sense of belonging, culture and personal history.

If a child is being denied any contact with his/her grandparents then a court should have the power to rule that contact be allowed. This should not be at the mother's convenience all the time as the grandparents often end up as emergency baby sitters for when it suits the mother. The child was created by two people who have parents and other relatives who also have a legitimate bond or tie to that child. Extended families are a wonderful opportunity for children to grow and develop a sense of self and belonging. They should not be denied this right.

The same reasons for rebuttal would apply.

b) whether the existing child support formulae works fairly for both parents in relation to their care of, and contact with, their children.

I would have to say categorically that the current form of child support being the Child Support Agency is a complete and utter failure and should be abolished immediately.

Research provided by Richard Cruickshank of PIR Research Group 2002 clearly highlights the negligence and complete incompetence demonstrated by CSA. I myself have written two letters to a Regional Registrar Glenda Scott in WA dated 4th June 2003 and 30th June 2003 and I still have not had any reply at the time of writing this submission (29th July). Information available through the media shows that it costs CSA \$2.80 for every dollar recovered going to the supporting parent. This is my tax dollars that are being spent here.

The whole premise of "child support" is farcical. Children are being used as a way for the mother to obtain extra income.

In many cases divorce is implemented by the female. She then has the majority claim on marital assets. She then denies access to the father, poisons the mind of the child towards the father and holds out her hand for money from the father who has been stripped of any fatherly duties and is expected to just pay up. In the case of fathers with two or more children he may actually find it impossible to survive or start a new life for himself as he is left with so little money.

As a woman I find the behaviour of these women absolutely inexcusable. Believe me this is not the minority that I am talking about. The current CSA organisation supports this behaviour. One hour spent on the internet on CSA issues will provide you with horrifying facts regarding male suicides. Figures quoted by leading charities and male organizations quote 8000 men committing suicide in the term of the present government. 8000 men is more than the whole population of Katherine!! These suicides were linked with family breakdowns, custody troubles, persecution by CSA - the human face has not yet surfaced in the CSA department, denial of access to their children by their ex-wives and general despondency at the loss of their family and in many instances the hope of ever having another one with the ridiculous calculations imposed on them for child support payments.

Does it cost more in real terms to support a child when you earn more money? Or is it simply becoming a status symbol that my Mary attends an expensive private school because my ex-husband had a promotion and my 18% is now \$18000 a year." Surely K-Mart shoes won't do for Mary, daddy must pay for Nikes". This is the attitude that is currently supported by the government and CSA. The whole formula used for basing child support payments is irrelevant. IT DOES NOT COST MORE TO RAISE A CHILD IF YOU HAVE MORE MONEY! It is your choice to spend more money, especially if the source of the extra income is from your ex partner.

The calculations are a percentage of gross income - not net income but gross income. Why are payments not calculated as a flat rate and worked out after tax?

Many women work, have new partners and are well set up in their lives whilst "caring" for their child. For many child - support paying men this is not the case. Many resort to unemployment or not filling in tax returns.

An alternative to paying child support to the care giver would be to set up a trust fund for the child. This would give the child a great start to his or her adult life. It could be administered by trust agencies. The money would be of direct use to the child - not to the mother to purchase things to make her life even more comfortable.

I realise that not every child lives in luxury, and that many just scrape by. If really needed, claim could be made for monies to be released from the trust for immediate use for the child. This is of course open to misuse. As a teacher I see too much abuse from families on welfare and low incomes who always have money for alcohol and cigarettes but not for their childrens' lunch or shoes.

CSA is not an effective organization.

- It costs too much of tax payers money to run. (over \$350.00 per person in 2000/2001)
- The formulae for working out support payments is discriminatory.
- The formulae works for the recipient not the payee.
- The CSA as an organization is unapproachable and fails to return phone calls, answer letters or take into account differing circumstances.
- CSA charges penalty rates for non payment. They then take any tax refunds and pay the money to themselves (as penalties) rather than to the care giver.
- Payments are made to the care- giver not to the child regardless of need.
- No guidelines or control is exercised over how the money is spent and whether it actually benefits the child. The payee has absolutely no say over how his money is or isn't spent on his child.
- CSA payments are not dependent upon whether or not the non-custodial parent even has contact with their child.

End of Submission



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