House of Representatives Standing Committee on Family and Community Affairs
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Secretary:

[redacted]

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Family & Community Affairs Committee

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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
Australia

TO WHOM IT MAY CONCERN

RE: Inquiry into Child Custody arrangements in the event of family separation - Terms of Reference

Item (a) (I) The presumption of equal time is an impractical and unrealistic option and is not supported.

In our case, parents live on either side of Sydney Harbour and the child has to travel long distances. When she starts primary school next year, the presumption would entail:

- the father travelling across the bridge to drop her and pick her up which may impact his employment situation;
- means the child does not have a stable 'home' in one place;
- the child may not wish to go and we will not force her;
- the implementation of this kind of arrangement is not policable ie. ensuring that the child spends the allocated time;
- does not allow for child development - they go through different phases of development where they prefer to spend different times with each parent;
- equal time does not make any reference to the capacity of either parent to be a good parent - some parents may be better with shorter periods together as longer periods become too much for them.

We have Consent Orders certified by the Family Court that both parents consented to and that our child agrees to do. This thereby presumes that the arrangement suites both the child and the parents. On review of the first Consent Orders both parents wished to change the weekend arrangement, but the child prefers the original routine where the mother is

the primary carer and lives with her mother, to longer blocks of time, and so by agreement, we do this as it is in the best interests of the child. There is some flexibility here to allow for different circumstances that arise.
It has been found that when the child will not go with one parent, unless our child wishes to and both parents have agreed that the child will not be forced under any circumstances or in any way. We are of the belief, and this was a very acrimonious separation and divorce, that it will not be nurturing for the child, if she is forced to be with a parent, putting aside separation anxiety etc.
(ii) In our Consent Orders, we have already included a list of 'Suitable and experienced Carers'. This approach can of course include grand parents if they have the physical capacity to look after the child.

Item (b) It is the only option is to keep the child support formula independent of the Orders as it is currently. Whilst it is an odd way to go about it I imagine it is difficult to quantify and regulate the emotional contribution that a parent makes.
Both parents must have responsibility for the upkeep of their children regardless of whether there are personal issues at stake and/or whether the parents believe they are not getting value for money - this implies that children are products with monetary value not people that require emotional upkeeping.

In my experience it is not uncommon for the 'wronged' father that the mother has left to:

- make attempts to use the child as a means of regaining control of the relationship including financial;
- to argue that the mother is accountable to him for the way in which she uses child support;
- to undermine her into stopping the garnishing of his wages which is the only way that any responsibility can be ensured. In our case he was given the option to go fifty - fifty but as he did not provide a decision on this choice, then garnishing was the only option and thankfully it was there as an option to protect the child.

I thank you the opportunity to provide a comment on this most serious matter.

Yours Faithfully

T Macgowan

Tempe Macgowan