

Submission No: 893

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I [REDACTED] make the following submission electronically noting that a printed hard copy personally signed will be posted to the required P.O. Box subsequent to this correspondence being emailed.

The current Residency, Contact and Child Support system is substantially unfair to the victims of parental separation being the children.

The current Residency, Contact and Child Support system clearly places the children at risk of losing a quality relationship (with the non-residential parent) that they had up to the point of parental separation.

The current Family Court of Australia system clearly condones children losing their rights as individuals by not automatically enforcing shared parenting 50/50.

The children go through so much stress and anxiety when the family is broken up by the parent or parents choosing to separate without the added trauma of having to either choose one parent over the other or worse still of having only limited contact with the other parent.

The parent that is "awarded" sole residency attempts to take over total parenting by the sheer fact that their status is "sole". This control is forced over the children possibly through continual discouragement and often defamation about the other parent.

Any old fashioned argument that having children reside in 2 different houses being confusing or bad for them is unsubstantiated garbage. Children can live with school environment and its rules, grandparent environment and its rules, friends environment and its rules, home environment and its rules therefore living equally with both of their parents equally is the best answer provided it is possible.

I don't want to go down the "gender bias road" but clearly in Australia, where 50% approximately of marriages are dissolved for "no fault" why is residency given to one sex 90% of the time?

Considering that both parents usually work before, during and after birth of a child, considering both parents love and care equally for their children, considering children love both of their parents then it is profoundly wrong to steal the relationship by primitive laws and controls available to parents during the traumatic time of separation. These laws clearly put the children at risk of losing daily contact with one of their parents - something they generally have been used to from the day they were born.

Yes, I am a father and yes I have children who I want to see more often than I do but I am also grateful that I had enough money at the time of separation to fight to see them at all. If I hadn't done that, my ex-wife (my children's biological mother) would have got her wish of them not seeing me at all.



I understand that many parents fail to be responsible in one way or another after separation but the biggest (by far) responsibility they have once the decision is made to separate is to equally share the parenting of the children as equitably as possible.

Arguments against shared parenting need to substantiate why children should be punished or denied proper care from both parents.

Currently the Child Support Agency (Should be called the Resident Parent Support Agency) acts to fulfil laws passed that furthermore put the non-resident parent at risk of losing a life, a relationship and a future.

The Child Support Agency (or the legislation that it runs on) should deem any property settlement that is not 50/50 as pre-payment of payments provided that the non-resident parent has willingness, room for and wants their children to be in 50/50 share . . . Like I do!

I know, that under the current laws, no matter how much money I had I cannot get shared residency without my "ex's" endorsement. This should not be a matter for the parents this should be a matter for the law! The law should default to MAKE parents 50/50 if they choose to separate and separation is a choice most of the time.

By doing this some but not all of the advantages are:

Children get the closest thing in life to a "normal" relationship with both parents!
(If this was the only advantage it would be worth it all on its own!)

Financial/Emotional and day to day care is shared as close to "normal" as is possible.

Children are less vulnerable to being used as pawns by controlling "sole residential" parents.

Children are more likely to therefore grow up knowing, experiencing and enjoying the total support of both of their parents.

Defamation of either parent is likely to be moderated by the children getting to discern through living with both parents their own values of truth, morality and fairness.

Special Days such as birthdays, Christmas etc could be alternated annually by having the 50/50 split adjusted annually to allow this.

Children get the opportunity of living a normal relationship with both parents thus reducing or eliminating the "Santa clause dad" scenario.

Children get to build quality relationships with neighbours at both parents' houses.
(Currently because my children are denied enough time with me developing friendships with my neighbours is difficult for the kids because they cling to me - not healthy for them)

Children get to CONTINUE quality relationships with their aunties/uncles cousin's grandparent's friends and associates of both of their parents. (Currently in my case and I am sure in many cases like mine, children lose contact with the relatives of their non-residential parent). Particularly if the family is all over the country like mine is. My mother for example lives 2000km away, but was a huge part of my children's lives when they were young before we moved 2000km from Adelaide where my children were born. Now, my mother who is too sick to travel may never see her grand kids again. Worse still, my children may never get to see their grandma again!

Children get to build quality relationships with their parents new partners (if applicable). By spending 50/50 with both parents children get to experience the ongoing new life of both parents and are thus able to also get to build quality relationships with step brothers/sisters more easily. (Currently as the children get so little time with me they can be prone to feeling jilted if I spend time with my new wife instead of them, but if they lived here 50/50 they would see that this is part of living in a family).

Children would have the chance to feel part of a FAMILY 100% of their lives instead of just part of the time.

I don't think for a moment that any solution is an easy one. Surely prevention is better than cure, but if ultimately separation happens then the children must be priority one of the laws. Protecting them from the loss of a "normal" life and relationship with both of their parents and the extended family and friends that they had prior to separation should be paramount.

In a near ideal world, the Child Support Agency could be abolished or significantly scaled down if the figures were turned around so that 90% of separations ended up with 50/50 care of kids and only 10% went to "sole residency".

Sole residency should be reserved only for those situations where 50/50 is not possible due to reasons that at the point of separation can be proven to the Family Court are in the child's best interest.

Yours faithfully,

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A hard copy will be posted this day