



PARLIAMENT OF AUSTRALIA • THE SENATE

SENATOR BRIAN HARRADINE

12 August 2003

Ms B Forbes
Secretary
Standing Committee on Family and
Community Affairs Child Custody
Arrangements Inquiry
Parliament House
CANBERRA ACT 2600

B. Harradine
Dear Ms Forbes

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **1322**

Date Received: **18-8-03**

Secretary: _____

I wish to submit some points to the Committee's current Inquiry into Child Custody Arrangements.

Whilst I see some positive aspects in the sharing of child custody following the separation of parents, I am most concerned that this may in some cases place the child/children in "at risk" situations. For example, what consideration and checks and balances will be put in place where one parent has temporary custody of a child because of either neglect or abuse by the other parent or his/her new partner? Will consideration be given to the wishes or fears of the child especially when that child has been removed from one parent for that child's safety?

The following experience of a constituent is a good example of what the Committee will no doubt consider. I regard the constituent as being sensible, trustworthy and competent with years of service to the community. After the break-up of a relationship, the father returned to live with his mother and they had on-going regular contact with the child (every weekend and all school holidays). The mother of the child formed a new relationship (they have since married) and as time passed the child would pass comment to the father and grandmother that her mother's new partner was "horrible to me" and "is not a nice man". Subsequently, through intervention by the family doctor and the Intake and Assessment Unit of the Tasmanian Department of Health and Human Services, it was found that the child had been abused and was then placed in the care of the father and grandmother on an on-going basis. The grandmother continues to take the child to visit her mother in order for them to maintain contact.

Some cautionary questions on the proposed shared custody for separated parents needs to be raised and responded to:

- Who makes the decision that shared custody is in the best interest of the child? Would the decision only be made when there is a Family Court order or Police order in place?
- Will the concerns of the child/children or either parent that shared custody will place the child/children in an "at risk" situation be heard. If so by whom?
- Will the concerns of all parties be required to be contained in an Order from the Family Court or will the Commonwealth set up a hearing process when there are disputes?
- Will the current non-custodial parent view the proposed shared custody as an opportunity to claim part family allowance?
- Where there are Child Support orders in place, and then shared custody arrangements are made, which parent will be responsible for ongoing costs of the child/children? For example, which parent will pay school fees, medical costs, etc?

We are all strongly of the view that the welfare, safety and happiness and overall best interests of every child should be paramount when formulating legislation. I trust that these matters can be considered by the Committee in its Inquiry.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Brian Harradine". The signature is written in dark ink on a light background.

SENATOR BRIAN HARRADINE