

Submission No: 1635

Forbes, Bev (REPS)

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From: David Buck
Sent: Monday, 20 October 2003 1:30 PM
To: Committee, FCA (REPS)
Subject: SEC: UNCLASSIFIED:-Child Custody Arrangments

Dear Senate Committee,

I have listened with interest with the submissions put to the inquiry today. I am a divorced father and although we did separate on partners request, my wife in hind sight she had her reasons. Yes we did have conflict but we also have a daughter to consider. We worked through our conflict with minor intervention from a mediator from the Family Law Court (FLC) in Parramatta. I was ARMY at that stage and our families resided in SA. My partner returned to SA for the benefit of the two of them. My partner was also going through a stressful situation and needed the support of family. This was not only beneficial for her but for my daughter, although we were separated she also had the support of an extended family.

I still am of the belief that the divorce option is too easily seen as the solution to a situation that may be resolved, but all too often the ability to support families in this stressful time within the Australian community is difficult to achieve, as the situation of every couple is different. As we as a community progress are we, family breakdown is at historical highs with breakdowns perpetuating breakdowns, this family training begins within a tight family relationship when we are children. If our children see that one parent families are the norm then this is the way they will see future relationships. Just leave you do not need to work at a relationship just start another one. This is also perpetuated in the multimedia environment of which we live. Realty we need to nurture our children, provide them with a stable relationship for them to learn. Although as our daughters parents we are separated we both try to give her positive family values.

I understand the government has tried to stipulate that a 50-50 approach to custody of a child between parents that are of good standing and are not in dispute, may I say that if two people are in this situation they are normally not within the Family Court system and therefore are not include within the statistical data.

My previous wife and I share custody of our daughter, in a shared mutually agreed arrangement, but as we live in different states by daughter resides with her mother and travels interstate to visit me whenever on holidays. She is 14 years old now and understands the situation between her parents, she does not like it but she accepts it because she has to. I do not believe we are the exception but are the norm. We do not have a perceived view of percentages available to either of us to see our daughter, but she also requires a stable base to be able to achieve in todays social environment.

We also have family in a similar situation where both parents live nearby and have a shared parenting arrangement where their daughter lives in both homes. My daughter sees their relationship and would like to be in a similar situation, she also understands we have a greater distance between us and it is not possible.

If the committee wishes to legislate for any model, all the Government will do is to put undue hardship on the two people separating. I understand that this is a emotive issue with everyone having a very real and emotional difficulty during separation any additional legislation will infer to the people in separation, that litigation is the only solution. This will leave the parties without the necessary \$ to be able to support their children as this has gone in Lawyers fees.

The 50/50 model leave the parents with an additional financial burden. We all love our children but the \$ situation in some families are a limiting factor. A number of parents after Child support payments may not be able to look after their children when they can have them. I understand that children need financial support and both parents should support their children but under the financial burden 50/50 may not be supportable.

I also believe that a FLC decision for custody pending a court hearing will generally be the final outcome of any FLC case, as the FLC judge will generally not remove a child from a stable home once it has been established. I think that at all costs the FLC

should be the last resort and parents must attend formal counselling on parenting issues in single parent families prior to a Decree Absolute being issued. Or within 6 months of receiving a financial benefit from a Social Services department.

A mother may not be the primary care giver, and if shared custody is one of the solutions the child will have two home neither of them being strange to the child as they have their own place in each home.

Good luck Senators with the selection of a suitable outcome, please try to keep the legislation to a minimum. If you need unsolicited discussion go to an airport at the start of school holidays you will find a lot of willing participants with personal views on their specific outcomes. Generally professionals in this area can only give representation in areas that are within purview and they only know what we as the parents in this situation want to tell them (normally not very much).

I hope you can make the SYSTEM a better one for Australian families.

David Buck


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