

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 864

Date Received: 8-8-03

Secretary:

26 Zephyr St.
SCARNESS.
QLD. 4655.

5.8.2003

SUBMISSION TO CHILD CUSTODY ENQUIRY

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Enquiry.
Department of the House of Representatives.
Parliament House.
CANBERRA
ACT 2600
Fax 02 6277 4844

Dear Secretary,

My name is June Clancy.

I have been actively involved within the community for most of my adult life. To back up this statement I provide a list of the things I have done.

1. Shire Councillor of Wedden NSW (Grenfell) Shire.
2. State Vice President Country Womens Association of NSW.
3. Awarded Life Membership of C.W.A. NSW.
4. State Councillor of War Widows Association of QLD.
5. Awarded Life Membership of Endeavour Foundation of QLD for the contribution I made to it.
6. QLD Zone Chairman of National Seniors Association in QLD.
7. Appointed to Crime Prevention Committee Hervey Bay/Maryborough by QLD Police Minister.
8. Awarded QLD Premiers Award for services to the Community.
9. Branch President Association of Independent Retirees Fraser Coast QLD.

The current Family Law Act and The Family Court of Australia has served Australia very badly.

It is the direct cause of great misery and unhappiness among citizens in Australia.

In the community I live in people know it is UNFAIR, UNJUST, INEQUITABLE and heavily BIASED in favour of women.

That the Family Court of Australia awards sole custody of children routinely to the woman is just plain wrong.

It is wrong for the non custodial parent (nearly always the father) who is forced to contend with what is known as "Standard Contact" ie one weekend every two weeks and half the school holidays.

This results in fathers and children being stopped from having the normal family interaction that takes place between fathers and children.

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Australian society should encourage and reward both parents who actively participate in the lives of their children.

It should not impede and severely limit access by one parent to their children as the Family Court does now by the handing down of "Standard Contact Order" of one weekend every two weeks and half the school holidays.

I am aware from reports made to the Crime Prevention Committee that children from single parent families are much more prone to become involved in truancy, petty crime, damage to public property (graffiti) and exposure to moral danger etc. than children from two parent families.

Stories abound in the community of the so called non-custodial parent being stripped of over 75% of the assets in the financial pool. The justification is so that a residence can be provided for the children.

How then can the non-custodial parent provide a home for the children when they come and visit for so-called "standard contact"?

What line of gobbledegook does the Family Court use for such spurious justification?

CHILD CUSTODY.

Upon Family Separation I say that: -

1. There should be a presumption that children should spend equal time with each parent.
(Only if both parents agree can this presumption be rebutted.)
2. If either parent has been convicted in a District, County or Supreme Court of physical or sexual abuse of their child then the Family Court should, in the best interests of the child, determine whether custody should remain with both parents, one parent, grandparent/grandparents or blood relative of the child.
3. Domestic Violence Applications, Convictions or Orders being issued are not to be taken into account by the Family Court.
4. When the presumption that children will spend equal time with each parent becomes Law, the children's contact with its grandparents should take place when each parent has custody of their children.
5. Grandparents have a natural right to have contact with their grandchildren. If the assumptions made in the previous paragraph are accepted the need for grandparents to apply to the Family Court for an order for access would be very rare.

FINANCIAL PROPERTY POOL.

There are many factual stories told in the community of businesses and farms that have been in families for over a hundred years being sold by order of the Family Court. The bulk of the asset is then given to the parent who has been awarded sole custody of the children.

I have heard many stories of the bulk of personal injuries/compensation payments being redistributed to the parent who has been awarded sole custody of the children.

I say that: -

1. Any monies' property furniture clothing objects de art pictures paintings photographs personal mementos received by way of inheritance is to be excluded from the financial pool and is to be regarded solely as the personal property of the party to whom it was left to.
2. Any workers' compensation awards, personal injury compensation awards and victims of crime

awards are to be excluded from the "common pool" of assets. They should be regarded as solely for and the personal property of the person to whom it was awarded to or settled on.

SPOUSE MAINTAINANCE

In this day and age with the level of education in the community and the ability for anyone to get a job who really wants one, the concept of spouse maintenance is an outmoded one. It should be deleted from the Family Law Act.

GOVERNMENT PAYMENTS

1. Family Tax Benefits "A"
2. Family Tax Benefits "B"
3. Disability Carers Payments.

4. CHILD SUPPORT PAYMENTS.

All these payments are made to help feed, clothe, nurture, educate, entertain and provide shelter and housing for the child.

It logically follows that these payments should follow the child and be made to the parent for each day the child/children are with that parent.

CHILD SUPPORT FORMULA.

This present formula is excessive. It is unduly harsh, unjust and inequitable to the non custodial parent and is not a fair share of the actual monies spent on a child.

The current assessment base of \$11740 that is supposed to be for the basic cost of living and employment is far too low. It has no relationship to current living/housing rental costs being paid by non custodial parents.

The base should be assessed at 50% of average weekly earnings. This would then give non custodial parents a chance to reestablish themselves financially and have some sort of life after separation /divorce.

The income limit or cap currently \$113542PA to calculate CSA payments is excessive. Cap should be set at Average Weekly Earnings.

The current formula of 18% of taxable income for one child, 27% for two, through to 36% for five or more children was set at the inception of the act.

It takes no account of the very generous increases in Family Tax Benefits that are now being paid to sole parent families.

Given this scope exists for the present formula percentages to be lowered to: -

- 10% For one child
- 15% For two children
- 17.5% For three children
- 20% For four or more children

Yours faithfully,

June B. Claney

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