

25th September, 2003

Submission No: 1541
Date Received: 30-9-03
Secretary:

Dear Mrs Hull & Members of the Committee - Child Custody Inquiry

I have just attended your hearing in Darwin and would like to submit a few words.

Firstly, you are to be highly commended in bringing such a sensitive issue into the public arena with the view of making it a fairer outcome for everyone. This is all that is asked by many people. Naturally, all situations are different and are to be decided upon case by case but as we heard today, the starting block in most separations is "eighty/twenty" regardless of the children's or fathers wishes.

The birth of a child involves 2 parents and in most cases, both parents love that child dearly and equally.

With life being the way it is today, families are breaking up at an alarming rate. It is some-thing that is without a solution so it is some-thing that we must accept. How-ever, the child's life should not have to be effected the way it currently is.

I am an Aunt to 2 children who are in an "eighty/twenty" situation. My brother requested "fifty/fifty" contact as did his children - but yes, their future was decided upon by strangers; the Judge, the Solicitor and the Counsellor. Can you imagine how it would feel to be told by a stranger that you can only see your children every second weekend. These are the children that you have nurtured and cared for from the moment they were born. The children you hugged and kissed every day. The children that you read "goodnight" stories to at bed-time and tucked them into bed to sleep safely and happily at night. Can we even begin to feel the loss the children experience?? They have done nothing wrong, Daddy has done nothing wrong and yet they can only see Daddy 2 days every fortnight.

Some people are extremely lucky to be able to come to an agreeable arrangement that is happily accepted by all. Children would dearly love their parents to remain together as they love them both. This cant happen so the next step is agreeing on the time the child spends with each parent. In some cases, the male parent is happy to accept "eighty/twenty" contact regardless of what the child may want. In some cases, the male parent may not want to have contact with the child at all. BUT in some cases, the male parent who dearly loves their child and their child loves them, "fifty/fifty" would be the most logical solution but this is not even allowed to be considered. The old "eighty/twenty" decision is already there before you even begin anything.

My brother had a "good case" for "fifty/fifty" contact with a huge amount of support and back-up from his family and support from his employer. This was all totally disregarded. His separation was not out of the ordinary. His ex-wife met some-one else and decided to move on. There was no violence nor any other adverse material that could have made the decision as it is. Before going to the Family Law Court, he financially sought the advice of many Solicitors who all said that the decision would most likely be "eighty/twenty". This is the advice given by Solicitors who have not even met/spoken with the children. He asked his children what they wanted - they wanted to share their lives with both parents. Despite the advice given by the Solicitors, he felt that he had to have a go/fight for his children as that is what they wished and he also wanted his children to know that he did at least have a go/fight to have them more than just every second weekend.

RECEIVED
26 SEP 2003

The words "eighty/twenty" rule and what is happening statement.

I realise that there are/will be many different scenarios but if we can change that statement to "fifty/fifty" as the starting point in discussions concerning children to begin with, we are certainly going a long way to creating a 'fair' starting point for both the child and parents. It is so true that men are told not to waste their time with the Family Court or Solicitors as the "eighty/twenty" rule applies no matter what. Even when the man bravely decides to take the system on as he wants to have fair access to his children, he is absolutely trodden on in both the outcome and financially. If a man is willing to sacrifice so much money and time to gain more access to their children, isn't this telling us some-thing!!

If the norm was "fifty/fifty", wouldn't a lot of families/children be a lot happier – the Family Law Court would certainly not be as busy as most of the cases they deal with are simply parents/children asking for more time with each other. Both parents and their extended families would have equal access to the children they all love so much. What right has a stranger to tell you that you can only see your child 2 days every fortnight when this is clearly not the wish of the child.

Then not only does the male parent (I say male as they are the majority that are left with the lesser access to their children) have to deal with the heart-ache of the break-down of their marriage, the loss of their wife and then the loss of the daily contact with their children, he then has to deal with the very unsupportive Child Support Agency. As mentioned in the hearing, they have the powers to garnishee your wages, tax return payments etc so would very many men really be able to get out of not paying the required child support? Also, as stated in the hearing, most men do pay the required payments, on time!

The Child Support Payments are calculated on a percentage of Gross salary and do not take into account any other payments/loans that the man may have to make after receiving his Nett salary. The calculation also takes into account any overtime that may have been worked and yes, it gets included in the calculations for the pre-tax Child Support Payment. How can the man try to get ahead & keep his head above water.

I feel that the Child Support Payment should be a fixed amount per child calculated as per how pensions, etc are calculated. This could be tiered with various thresholds depending on the income. Or as mentioned in the hearing, perhaps have the payments made accountable by the receiving party or deposited into a trust account.

Then comes the extremely worrying time for families who are witnessing their son, brother, etc loosing all that they love and struggling to make ends meet. Ex-partners some-times not providing even the 2 day a fortnight visit by not being at home for the change-over etc. In a lot of cases, the ex-partner does not even provide phone contact. The issue of suicide then becomes a very real issue with the statistics speaking for themselves.....

I know that you are hearing a lot of these same words & many more from many people from all over our wonderful fair country so I will sum up with the following.

If you are able to change the current status from "eighty/twenty" to "fifty/fifty" for the parents that equally love their children & vice-versa I could almost guarantee that a lot of the problems being experienced by our 'children' and the parents today would cease to exist.

The children would be an equal part in both their parents lives - and as some-one quoted these words from their son, they would have the best of both worlds.

I thank you for your time and for also giving many fathers, daughters, sons, sisters, brothers, cousins, aunts, uncles and grandparents hope for a fair outcome from the beginning.