

Committee Secretary,  
Standing Committee on Family and Community Affairs,  
Child Custody Arrangements Inquiry,  
Department of the House of Representatives,  
Parliament House  
Canberra, ACT 2600

Submission No: 932

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Secretary:

7<sup>th</sup> August 2003

Re: SUBMISSION INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE  
EVENT OF FAMILY SEPARATION

This submission is made in full support of joint custody of children in the event of family separation. Such a notion has not been arrived at from an observational perspective, from hearsay, or as a result of heightened public awareness due to media "spotlighting" of family issues; But rather from the perspective of one wishing to provide both the very real and sometimes intangible offerings, only a father can provide to his children.

For too long, Australian fathers have been forced to accept a range of unfairly applied "legal" separation measures, specifically designed to humiliate, degrade, and minimise contact with their children after family separation, to the point of complete alienation. Australian fathers have no right to participate in and contribute to their children's upbringing, but rather, are forced to sit as mere spectators at the whim of their ex-wife, allowed occasionally to participate in their children's lives in the sole role of "visitor" !

A father can only listen in horror upon finding out that his children were left alone in their home on the Gold Coast - overnight - to get themselves fed, dressed, and off to school the next day, simply because the mother wanted (and felt deserved), to have a night away with her boyfriend in Brisbane. It would appear that not only do Australian fathers have no rights, but in this case, children's rights to protection and well-being are also being eroded.

To add to the daily concerns a father lives with the findings of the NSW Child Death Review team study which clearly shows in that state, stepfathers, boyfriends and mothers are four (4) times more likely to murder children than the biological father.

However, Australian fathers can rest easy in their fatherly redundancy tonight, because a new force is out there looking after their children, with their best interests at heart - It's called the CSA !! This Government department has the power to "deem" the fathers income - regardless of "actual". CSA then calculate a percentage of the "deemed" income, and call it the fathers debt !

Despite the father lodging an objection, and prior to the objection being resolved, the CSA's first course of action is to garnish the father's bank account for the amount it deemed appropriate. Meanwhile, the objection to the incorrectly assessed amount - still had not been heard. Such a situation results in extreme difficulty for the father to play the vital role of "parent" when left with \$79, while an ex wife is asset rich due to entrenched gender bias in the property settlement process.

It would appear that little has changed in the way of acceptance of the role of the father in separated families during the last ten years of court determined custodial situations. A report prepared in 1993 <sup>(1)</sup> indicated that despite small gains in workplace gender equity, little change had been observed in the perception of Australian men's and women's roles in parenting. This report proposed that while the stereotyped role of the father and mother remained, "custody and access will continue to be viewed as part of the property settlement process".

This fundamental flaw in parenting ideology was suggested as requiring remedy by the legal system. "If parental roles were balanced so that both parents were required to share in the care, nurturing, financial support and entertainment of children perhaps society would begin to accept men's roles as including the capacity for competent and committed child care . "

This paper continued by stating that the (then current) research indicated that serious problems existed in custodial arrangements which should be drawn to the attention of the (then) family court system. Despite protestations by the legal fraternity to the contrary, it would appear that little has been learnt or changed in the last ten years.

Some frightening CSA (2000/2001) statistics compiled by Richard Cruickshank <sup>(2)</sup> indicate that;

- 33% (195,000) of CSA payers with child maintenance debts (\$358 mil) earn between \$0 - \$20,000 per annum
- 39% (206,000) of CSA payers are regarded as unemployed
- 45% (261,000) of CSA payers earn less than half of average weekly earnings

There is no doubt, that a combination of lack of access to their children, outrageous legal costs and gender biased court systems, concerted attacks by vindictive ex-wives ably supported by callous, illegal/immoral tactics employed by the CSA, are together, taking their toll on a fathers desire and ability to effectively contribute to Australian society.

An unacknowledged victims group in Australian society today are the "second wives" of divorced fathers. They often have to endure abusive phone calls from irrational ex-wives and work extra jobs to pay household bills during periods of their husband's unemployment whilst being subjected to the tyranny of the CSA. They are additionally required to "turn the other cheek" during the often infrequent visitations of their husbands children, where the children's poor manners and an ingrained upbringing of day-long TV games and fast food diets manifest themselves in anti-family behaviour. All of which has been established by a biased family court custodial arrangement, and funded by the children's father through his payments to the CSA !!

Notwithstanding this, even children acknowledge the very real need for "their dads". A statement made to me during a phone call with my thirteen year old son last night seems to sum it all up – *"its so nice to talk with you too dad, there's some things that mum's just don't understand and you can't talk to them about – like boys stuff."*

I urge the committee in the strongest possible terms – please give Australian families, fathers and children a fair go, acknowledge fathers as real and valuable contributors to Australian society, and give fathers joint custody of their children !

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(1) McMurray A and Blackmore A.M. (1993). *Australian Journal of Marriage & Family* Vol. 14 No. 3

(2) R. Cruickshank (2003). *Working Age Taskforce Commonwealth Department of Family and Community Services*