

Forbes, Bev (REPS)

From: Peter Carroll [REDACTED]
Sent: Thursday, 31 July 2003 8:55 AM
To: Committee, FCA (REPS)
Subject: submission on shared parenting

>
> Committee Secretary
> Standing Committee on Family and Community Affairs
> Child Custody Arrangements Inquiry
> Department of the House of Representatives
> Parliament House
> Canberra ACT 2600
> Australia
>
> 01 August 2003

> Dear Committee

>
> Please accept this letter as a submission to the Committee's inquiry
> into
> the Child
> Custody Arrangements Inquiry.

>
> (a) given that the best interests of the child, not just the mothers
> interests are the paramount
> consideration:

>
> (i) what other factors should be taken into account in deciding the
> respective time each parent should spend with their children post
> separation, in particular whether there should be a presumption that
> children will spend equal time with each parent and, if so, in what
> circumstances such a presumption could be rebutted.


>
> The best interests of the child can only be paramount when a family
> law
 system is put in place which is not biased towards the presumption that
 the mother is the only person with the capability and the willingness to care for
 their children.

>
> The factors listed in Section 68F of the Family Law Act to define a
> child's best interests should be weighted towards safety as the
> threshold determinant of a child's best interests. The Government
> should establish a national child protection service for the family
> law system to assist the courts in the investigation of safety issues
> where violence or abuse is alleged so as to swiftly establish whether

> the
allegations
 being made are factual or just being used as a tool to the access of the non custodial
 parent. In a case where violence is established, there should be a rebuttable
 presumption of 'no contact' with the violent party. Any person found guilty of false
 accusations would ofcourse be dealt with equally and swiftly.

>
> (ii) in what circumstances a court should order that children of
> separated parents have contact with other persons, including their
> grandparents.

>
> Current family law provisions enable grandparents to make applications
> with respect to grandchildren when they cannot make agreements without
> court intervention. In a great number of cases grandparents are not in
> the
 financial position to undertake this action and in some cases are just too afraid



House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	1595
Date Received:	31-7-03
Secretary:	

to "rocking the boat".

>
> (b) whether the existing child support formula works fairly for both
> parents in relation to their care of, and contact with, their
> children.
>
> The existing child support formula imposes grossly unrealistic
requirements on payer
> parents. Whilst I would not entertain the notion that the non
> custodial
parent should not
contribute to the upbringing of their child financially, but this must be done within
their
means. In a great number of cases the financial restraints put on the payer of child
support restrict them from ever moving on with their life.
>
> Shared parenting would reduce child poverty in single parent
> households so
the threshold of
> the maintenance income test should be decreased by at least 50
> percent, and the formula should be based on net income rather than
> gross. The
payee's income should be
> taken into account as a factor in calculation of child support payable
because
> the interests of the children are what child support is about, not
destroying the payer
financially in what amounts to nothing more than a government assisted payback system.
>
> In summing up, the opposers of this law reform will through about
statistics such as those
in relation to the number of separated couples who come to arrangements where as the
mother
has residency of the children without going to family court. I know that in a lot of
cases
including mine, this was done only because of the excessive cost of going to court
knowing
that you were most likely going to loose just on the law of averages, then finding
yourself on the
end of another court battle with the CSA regarding child support you were unable to
pay.

> Yours faithfully
>
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