

Submission No: 296

Date Received: 5-8-03

Secretary:

Re: Inquiry into child custody arrangements in the event of family separation.

It is my opinion that the existing child support formula does not work fairly for both parents and is heavily biased against fathers.

In relation to joint custody I submit that, unless very positive evidence can be presented that such a situation is totally impractical and unworkable, the presumption should be made that children should spend equal time with each parent and by extension that grandparents would have the possibility of seeing their grandchildren an equal amount of time.

When custody is awarded to mothers the assumption seems to be that, as she does not have full time employment, she has more time to devote full time care to the child. This may have been true in the past but it is no longer the situation in a great many cases.

When mothers cannot be there for the child because of work or other commitments the care of the child (or children) is left to friends, neighbours, older siblings, child care agencies or grandparents. All of these resources are equally available to fathers, and, in fact many a grandparent of a non-custodial parent would more than welcome the opportunity to spend time with their grandchild.

In fact current legislation positively discriminates against the grandparents of non-custodial parents. If the grandparents of a non-custodial parent wish to see their grandchild they can only do so (a) with the permission of the custodial parent or (b) by having access during the limited time available to the non-custodial parent.

My grand-daughter (at the time aged six) made this very clear one day when she said to me "I should not be here Nanna - Mum says you are using Daddy's time".

When my granddaughter's great-grandmother turned eighty my granddaughter was not permitted to attend the party held in honour of her great-grandmother as it was not her father's turn for custody that weekend. This was a severe disappointment on what was otherwise a joyous occasion.

Children love their parents equally. However what message do we send to them when the law does not treat parents equally but has an obvious bias towards mothers?

I understand that in some cases it would not be possible for both parents to spend equal time with their children, however, I do not believe that this should be decided on the basis of the sex of the parent, but on their willingness and ability to spend time with their children.

I would ask that the Committee bring equity into this situation by making ~~the~~ presumption that children of separated parents should spend equal time in the custody of each parent unless the parent opposing such a decision can reasonably prove that it is impossible to do so.

Yours sincerely