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Secretary:

Committee Secretary,
Child Custody Arrangements Inquiry,
Dept. House of Representatives,
Parliament House,
Canberra ACT 2600

Dear Sir/Madam,

I wish to include the following submission to your inquiry:

Over 2.5 years, I have been involved in a custody arrangement, not as a participant, but as a witness to some of the absolutely disheartening and shameful situations the male involved had to endure in seeking some meaningful parenting rights to his child, who was taken without notice from him as a small infant by her mother.

In this particular situation, the mother had a 17 year heroin and other drug addiction which was controlled by large amounts of prescribed drugs per day and an uncontrolled alcohol addiction, the father having been misinformed of these before the child was conceived. Taking a very large part in parenting the child as an infant, he also encouraged the mother in counseling, rehabilitation and trying to balance nightwork three times a week to sustain an income.

After having to locate his child 800 kms away, he started the process of 'begging, appeasing, negotiating etc.' to the mother who 'let him' have two hour contacts visits if it suited her, with the father having to drive for five hours for a two-hour 'visit' at a shopping centre and then driving home.

After numerous court appearances, including two emergency ones in the local magistrates court to secure some access, and desperately worried about the welfare of the child, it was quite apparent to me that the father was not only discriminated against, but the current system consumes large amounts of legal time and energy. As I observed, if the mother refused to abide by court decisions (for reasons such as 'the judge wasn't qualified enough, or 'only full court orders matter' or 'I don't have to - they can't do anything') and continually breached orders, there are no rights afforded the male, no enforcements and little consequence. Order for drug/alcohol testing ignored, orders to provide contact ignored, refusal to attend the compulsory counseling, failing to turn up after the male driving four hours for a 'visit'. If the reverse prevailed in this situation, the male would have encountered a much more difficult time, and indeed would be seen as 'almost kidnapping' the child if he failed to return the child from 'access'.

Desperately trying to speed up the process to 'full orders', he had to endure false claims of harassment, drive 800kms again to defend himself against an intervention order with no legal representation as legal aid does not provide this. I myself witnessed the mother fabricate evidence and perjure herself, and not having prior notice of what the matter was about, the father was unable to provide evidence against this. (The so-called incident happened in a room with security camera and security guard called in by the father to provide independent witnessing) The guard has since supplied an affidavit supporting him, however the father still cannot afford the legal fees of removing the intervention order to date. The police do not take action where a person commits perjury in these situations) Financially, it costs the accuser nothing, and the partner everything to even contest these things. What a bizarre situation where the male, already in a desperately torrid time, has to stand up in court against a barrister and run his own defence without having had opportunity to know the accusations, and not having the ability or education to do so. He couldn't even question himself, being main witness!!!! And yes if the mother can get an intervention order, she's on the way to denying access!!

The father spent two years of driving enormous distances, never once missing a requirement, following every order, had to find piece-employment, was utterly broke, had to endure continuous actions to force the mother to abide, had to endure false accusations against him, is still almost

monthly reassessed by centrelink, or whenever the mother makes complaints against him. His health has suffered greatly, and at times he had periods out of work with terrible psoriasis from stress. And myself? Nine-hour trips twice a fortnight over several years to witness a 30-second child exchange, numerous court appearances – some across the state, accomodation expenses etc. As a mother of four children on a modest income, what a huge disruption to our life – and what if I couldn't do it? If he was alone, there would be accusations of all sorts. As soon as he disproved one thing, something else surfaced.

Fortunately, he gained approximately one-third access at his final hearing, to increase to one-half access when the child begins kindergarten. His final case in the federal court took an entire day for the mother to make agreement, where she still made new and ridiculous claims against him. The legal-aid barrister on that day asked him why he didn't seek full custody, given the mothers fragility. This matter he had raised with every person who had represented him to that time, and each time he was told 'you will never get full custody, you are a male'. No doubt if he had the same history and problems as the mother, he would have had trouble getting custody at all!!

By his own request, the child is still exchanged in a police station, the mother still makes complaints to anyone that listens, he has relocated to the child's hometown on his own. He has no support, he works everyday he doesn't have his child at the moment, he lives on the bread line, there are no men's supports groups, grants or any other help, and yet he is the reliable parent to the child. His elderly mother has to travel 800 kms to see the child, and he has no opportunity to bring the child to his close relatives. He has little opportunity to improve his life, and sees himself having to battle this system for the next ten years and live on the poverty line for the same duration. Despite great cost, he is content to do this though knowing he has significant input to his child's life, and knowing his child is close if something goes amiss in the child's mother's situation.

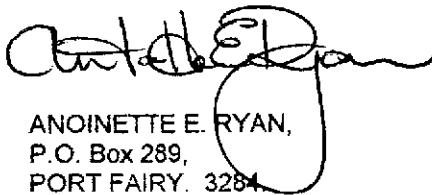
Like many other people in the community, I also know other fathers who are enduring the current system and I would like to comment on the following issues:

1. Why is the mother usually automatically given 'prime parent' status? Why is it assumed without evidence that the mother will naturally be the better parent? Or that a male cannot perform a prime role? One finds it difficult to accept in these times of equal opportunity, where some men take leave to parent small children, that they can be judged to be less fit if separation occurs.
2. If the parents of children involved with separation were given equal parenting rights, then they would enter all negotiations on a fair and equal footing, which may reduce so much of the spiteful and malicious behavior that sometimes happens with custody cases. Why does a mother 'let' a father have child access and a father have to 'get' access? Equal footing would reduce the awful 'power game' and heartache that some families have to suffer.
3. If the mother works or undertakes activities away from parenting as is her right, why can't the child/children be looked after by the father if he is able to instead of being placed in other child-minding systems? Some men are denied reasonable access to find their children are in other peoples' care anyway.
4. Why does the system not allow for a selection of models to suit varying families and situations if the participants fulfill certain criteria, and that participants choose a model they wish to negotiate on after separation?
5. Why aren't all parties given 'separation counseling' before any legal matters can proceed? As many separations are not amicable, it would be far wiser and cheaper to spell out custody issues and the notion of 'sharing the parenting' in a compulsory way before parents engage in legal procedures.
6. Why some mothers allowed to flout legal procedure and yet attract no real penalty? Either parent should incur some penalty (e.g. not accepting further evidence if flawed or malicious evidence is given, or procedures continuing without their input, or being considered as a less-reliable parent) if procedure is flouted. A mother continually causing impairment to access is a form of harassment in my view, and yet men are often facing intervention orders

for farcical reasons. It often appears that females are portrayed as 'victims', whereas it is also possible and reasonable to assume that some men too are 'victims'. It seems fathers must 'dot every I' just to be considered a fit parent.

6. Why are the mothers rewarded when they manage to restrict access by receiving more support payments and benefits? Some women have financial reasons for restricting access and the current system then encourages them to 'find reasons' to make this happen.
7. The current system makes fathers 'baby-sitters' and walking wallets, not parents. Where a father only gains access one or two days per fortnight, he is not able to impart his own values to the child and give the child balance. In the particular case mentioned above which I was involved in, the male is managing well, has attended parenting courses, the child is well and content, and no matters have arisen to cause any changes to the 'generous' custody he gained.
8. Uniform state regulations should apply in these matters. I have heard cases where the father has been successful after much time in gaining custody, to have the mother simply move interstate and to have to repeat the process over again.
9. Why can't the system be quicker, less expensive, less exhausting and less discriminatory? Some parents go through years of ridiculous procedures, to finally agree on the day of final orders, when the same result could be negotiated much earlier if the two parties were brought together in the same manner. When they finally move to the next stage of their lives, most parties seem to adjust to their new lives, even if it is not quite what they expected. It would be beneficial for the child/children and all concerned if a separation did not take away so much of their lives.
10. Many men that are working, and paying child maintenance, end up with little access, as they do not qualify for legal-aid and cannot afford the legal fees, especially if they have new relationships or no other form of support. The time consumed by the current system also discourages those who work from seeking extra access, as many cannot take the considerable time off-work needed for success. The legal-aid system seems to favour those who rely on government aid or are unemployed etc, or have large amounts of money.
11. In cases where there are changes in a child's life, e.g. a parent dies, then other people who have had a relationship with the child (grandparents, family, step-parent etc.) should be able to apply to have some access if that access was normal to the child. In our world of changing parents, people are often denied a relationship when a separation occurs, often to the detriment of the child.

Yours faithfully,



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