

House of Representatives Standing Committee
on Family and Community Affairs

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**SUBMISSION TO
THE INQUIRY INTO CHILD CUSTODY ARRANGEMENTS
IN THE EVENT OF FAMILY SEPARATION**

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

I. C. Hambly

From Mrs. I. C. Hambly

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6/8/2003

Considering the TERMS OF REFERENCE**Item (a) (i)**

There should **not** be a presumption that children spend equal time with each parent. That option is already available to separated parents, given goodwill by both parents and the children, and practical day to day problems are not created or exacerbated. Consider the availability of adequate housing, proximity to schools, transport, sporting arenas, other extracurricular activities, specific hours of work by the non-resident and their level of parenting skills.

In considering parenting skills, attention would have to be paid to the circumstances of the separation/divorce. A history of violence, adultery, aggression, domination, control and parsimony etc. does not allow for the goodwill and respect needed for cooperation.

I would expect that in the normal course of events, an equal time share would be unachievable for all but a small percentage of circumstances. In my experience, the safety and welfare of my grandchildren has not been their father's main concern. He has shown total lack of concern for society's laws, such as wanting to transport them in a van without proper seating and safety belts. At other times has ignored their medical needs. He has also assaulted their mother in the children's presence, needing police intervention. Why should she have to suffer a Court case to rebut his demands? The presumption of equal time would generate a high volume of **rebuttal court cases**, a similar situation to the days of "at fault" divorce.

Item (a)(ii)

There **should** be a presumption that children of separated parents will have contact with other persons and **grandparents**. This is the right of children to experience and enjoy relationships with the extended family, unless by their own decision they choose otherwise.

J. C. Hambley

Item (b)

Existing child support formula

The theoretical basis of financial support for the cost of raising children is fair and adequate, but problems arise when payments are not properly made, or taxable income levels of the non-resident parent are manipulated with the object of reducing the amount paid, and Child Support Agency is unable to contain the escalating debt, especially in relation to self-employed non-resident parents. In my experience, money has been spent on extended overseas holidays, whilst thousands of dollars have been owed to Child Support.

Any fault lies not with the formula, but with its application.

J. C. Starnoby