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House of Representatives Standing Committee
on Family and Community Affairs

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

Dear Madams and Sirs

Submission in support of rebuttable presumed shared parenting

Summary of main points

Anecdotal evidence supports the view that statistics tabled by the Family Court and Child Support Agency regarding the supposed success of the present regime are misleading.

Our daughter's residence and contact arrangements are regulated by Consent Orders from the Family Court. The Court counts our case as one they successfully resolved. However, the statistic and the facts tell different stories.

The Family Law Act has no gender bias. Section 60B(2) of the Act states that children have the right to know and be cared for by both their parents and have a right of contact, on a regular basis, with both their parents. If there was a definitive, numerical guideline (though rebuttable) indicating how this section of the Act should be implemented, there probably would be fewer court cases between parents who can not agree about residence and contact arrangements. Lacking such a guideline, the way the Act is administered by the Family Court results in bias in favour of mothers and is not in the best interest of children, fathers and other family members.

One solution to reduce the effect of the cultural bias in the Family Court (or any other court) is rebuttable assumed shared parenting.

Often one parent can influence the amount of time each parent spends with children before separation. Therefore, time spent caring for children before separation should not be used to ascertain whether or not rebuttable assumed shared parenting applies after separation.

Some parties will attempt to spuriously create 'facts' to rebut assumed shared parenting. I suggest the federal government ask state and territory governments to review their AVO legislation so an accused has a more reasonable expectation of refuting spurious allegations.

Presently, excess child support payments (more than a child support assessment) which are made while the CSA is NOT collecting do not reduce a payee parent's Centrelink payments nor does the paying parent receive a credit for the excess child support payments.

Child support payments made while the CSA is not collecting should have as much validity as child support payments made when they are collecting.

From my experience, the administration of child support legislation by the CSA is slanted toward going after 'easy targets' of parents who wish to contribute to raising their children while ignoring the 'hard cases' of parents who attempt to avoid all responsibility.

Legislation needs to refocus CSA efforts on parents who are not taking any responsibility for their children.

It is a pleasure to raise a child. But, under the present system, children are treated as property, a financial burden or an income source. Some take on the mantra 'pay me to raise my child'. Child support provides the motivation for some parents to covet their children for financial gain rather than the benefits of the children.

When both parents are willing and able to care for children and one parent wishes to covet the children, the coveting parent should 'put their money where their mouth is' and be able (and willing) to pay a larger share of the cost of raising the children. A coveting parent should not receive any child support or government payments.

I have a lot more to contribute to raising our daughter than finances. She will benefit greatly if I can make that contribution. But I have little chance of doing so under the present regime.

I have not seen any proof that fathers are worse parents than mothers. Why do we continue to deny so many children the pleasure and other benefits of having two parents rather than one?

Rebuttable presumed shared parenting and a disincentive for coveting children will have several positive results, among them

- with the existence of a guideline for child residence and contact, it is possible there will be fewer cases on the subject
- more incidences of both parents being involved in raising their children, resulting in greater pleasure and benefit for children
- more incidences of both parents being active in the workforce, resulting in more income available to raise children with less Australian taxpayer support and
- fewer demands placed upon the Child Support Agency (CSA), so they can place more effort on parents who are not willing to contribute to raising their children in any way.

Note: So that the main points could be placed in a logical order, their order above is not the same as their order in the submission body. Bold is used in the submission body to identify the location of main points.

Appearance before the Committee

I am eager to appear before the Committee if it so wishes.