

Submission No: 99

Date Received: 18-7-03

Secretary:

18 JULY 2003

FAX TO:

THE COMMITTEE SECRETARY
STANDING COMMITTEE ON FAMILY AND COMMUNITY AFFAIRS
CHILD CUSTODY ARRANGEMENTS INQUIRY
DEPARTMENT OF THE HOUSE OF REPRESENTATIVES
62774844

Dear Sir or Madam:

As a divorced, male parent with two of my three children living with me I was heartened to hear the proposal that in the event of a marriage breakdown the starting point for the custody of children should be a 50-50 basis. It is about time some commonsense and equity was brought into this system

I understand that currently 97% of children from failed marriages are in the custody of their mother a situation which any advocate for gender balance will realise is obviously wrong.

One recognises that 50-50 custody is not suitable in all cases but I think that in a majority of cases it is probably the ideal solution. I expect the Family Court would have some discretion over this but 50 - 50 should be the automatic starting point.

Unfortunately a lot of the bitterness that is generated over the custody issues are not actually related to the children's welfare but have more to do with property and financial issues. The matters of property settlement, Child Support, family allowance etc can make custody of the children a financial issue rather than a welfare issue. With custody split equally these factors are no longer relevant and the children's welfare then becomes the overriding factor. In my opinion it will remove much of the need for solicitors and expensive legal argument if everything is split 50 - 50. Too much money and time is wasted on both sides fighting over 60 - 40 or 70 - 30 splits of property with the children being the pawns.

I speak from experience here, two of my three children came (of their own choice) to live with me after the breakdown of my marriage, what a difference that made to my negotiations with my wife's legal representative. However my wife's solicitor still spent a considerable amount of my wife's money to end up making a settlement offer of exactly what I personally offered my wife as a settlement in the first place. I suspect that if I had wanted to I could have



got a better deal pursuing it through the family court but I was happy to get it out of the way and know that my child remaining with my wife was to be financially secure and housed.

Something needs to be changed, I work with some very bitter men who feel they have been betrayed by the system and denied access to their children because of the expensive adversarial system of the family court.

The Child Support Agency is not blameless; it seems to be geared almost totally toward the assistance of females. My wife was given a great deal of help by them without her having to ask yet it was only after having two out of three children in my custody for two years that I discovered that I had to apply separately for Child Support. No one during my numerous contacts with the Child Support Agency thought to tell me this and it was only a throwaway line by a Centrelink employee recently that alerted me to this.

Making equal custody the norm rather than the exception is a start toward making the system fairer for all but more especially for the children.

Regards,