

Submission No: 193

Date Received: 1-8-03

Secretary:

From: [REDACTED]
Sent: Friday, 1 August 2003 3:30 PM
To: Committee, FCA (REPS)
Subject: Committee inquiry submission.

Dear Committee,

This letter is a submission to the Committee's inquiry into the following terms of reference.

(a) given that the best interests of the child are the paramount consideration:

(i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

(c) with the committee to report to the Parliament by 31 December 2003.

With respect to (a) (i)

The best interests of the child can only be paramount when each child is entitled to unique consideration of its interests and circumstances, rather than any presumed model of parental division of the child. I am therefore opposed to any presumed division of children of separated parents.

The factors listed in Section 68F of the Family Law Act to define a child's best interests should be weighted towards safety as the threshold determinant of a child's best interests.

The Government should establish a national child protection service for the family law system to assist the courts in the investigation safety issues where violence or abuse is alleged. Where violence is established on the balance of probabilities, there should be a rebuttable presumption of 'no contact' with the violent party which would require the person who has used violence to demonstrate how contact would not pose a threat to the safety of the child, or other family members. The service should also be able to investigate and review the outcomes for children following orders which expose the child to risk of violence, abuse or other harm arising from the orders.

With respect to (a) (ii)

Current family law provisions enable grandparents to make applications with respect to grandchildren when they cannot make agreements without court intervention, therefore the provisions do not have to be changed.

With respect to (b)

The existing child support formula imposes modest requirements on payer parents after exempting a self-support component and capping the income to be considered and it should therefore be maintained. The formula does not reflect the actual costs of raising children, as one child in a couple

family is likely to consume more than 18% of wages, but it makes a valued contribution, which, when it is paid, reduces child poverty and improves outcomes for children of separated parents. To reduce child poverty in single parent households the threshold of the maintenance income test needs to be increased by at least 50 percent, and the FTB taper rate on child support received should be reduced from 50 cents to 30 cents in the dollar.

Yours faithfully,

Julian Crooke

(Address: 41 Deans Rd, Upwey 3158, VIC)