

House of Representatives Standing Committee
on Family and Community Affairs

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Submission No: 1173

29 Pancote Street
KELMSCOTT WA 6111

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SUBMISSION TO THE STANDING COMMITTEE ON FAMILY AND COMMUNITY AFFAIRS

Secretary:

My name is Elizabeth Tobal and I wish to submit for your consideration some points in relation to matters of child custody and monetary support as occurs in the case of 'separated' families. It may be of relevance to know that I myself am divorced and have three dependant children aged 12 years and under.

I fear it may be presumed that separated women (mothers especially) have little opinion on the matters which are the subject of your Inquiry, since their opinions seem to be seldom sought, or represented in the media (at least that seems the case here in Western Australia).

Let it not be assumed that this is the case. Mothers have a very strong conviction of their position in relation to their children and their welfare, whether they are aware of matters under discussion elsewhere or not. Their area of devotion is the home and hearth, to which they will always be fundamentally attached.

Since the dawn of human time mothers have assumed the natural role of care-giver to their own children. Usually only in cases of severe adversity or heartbreak have they been separated, otherwise the idea of being parted from one's own children would not be considered for a moment. It seems incredulous that, in the modern age, consideration could be given to taking children from their mothers' arms because of political correctness, legal posturing, or worse, to placate the demands of a vocal minority. It is akin to imagining a portrait of the Madonna and Child, only the mother's arms are empty....

Most women I know personally are not aggressive enough to make their opinions known, outside of a small circle of acquaintances. Separated or divorced women may be even less likely to do so, after the trauma of separating and given the time constraints of caring for children.

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Please consider the following:

ON MOTHERS WORKING :

Much has been made in recent years of the 'changing family dynamic' i.e. role reversal, women working outside the home, stay-at-home dads, etc. One cannot help but wonder just how widespread these changes really are, and what are the driving reasons behind them.

Is it not a fact that surveys have shown that most working women would prefer not to have to work outside the home at all, at least not on a full-time basis? You see, it is a natural instinct for a mother especially to create a warm and loving place for her family, and she is greatly restricted in doing this if leaving the home for any extended period of work-time.

It is a pertinent fact also that separated women receiving Parenting Payment through Centrelink are now being encouraged to retrain and seek paid work outside the home once their youngest child is school-aged. As a consequence of this Government initiative, Separated mothers will no longer have the choice of remaining a full-time homemaker whilst those still married or in a de facto relationship will still have the right to make their own decision. Worse, the fact of their working outside the home may be used as justification by some for not retaining full-time care of their children. I have seen allusion to this fact in several instances, in various media.

Clearly, separated mothers are being given fewer choices in determining their own and their childrens' lifestyles. It would be sad to think that this was as a result of a Government initiative simply to cut welfare expenditure in one quarter.

ON CHILD SUPPORT :

Much has also been said and written on this subject over the years since it was first introduced. I do not claim to be an expert in this field however I will point out some things I have learned about it:

- not all custodial parents wish to receive child support. Many prefer to have no financial link at all to their ex-partner.

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- it is compulsory for custodial parents receiving a Parenting Payment from Centrelink to pursue their ex-partner for child support, or risk losing their payment.

What happens then if you do not wish to be paid child support? You can argue your case with Centrelink, but the bottom line is that you must take the required steps to pursue your ex-partner or otherwise you and your little family can be cut off instantly from full support. If there is no outside work organised and thus no extra income you have been landed in a real crisis situation.

I have been in this situation as a result of refusing to pursue payment of child support by my ex-husband. It is a terrible price to pay for mental and financial freedom after a strained marriage or relationship. And yet we so often see separated mothers criticised for being in receipt of child support at all.

- the issue of child support should never be used as a bargaining tool for time to be spent with children.

I am concerned that over the years non-custodial parents have come to equate payment of child support as some kind of penalty inflicted on them and now wish to retaliate by seeking custody of their children.

What must never be forgotten by all concerned is that children are not property, nor are they a financial transaction. Their affections cannot and should not be traded for money, or vied for as in a contest.

ON FATHERS :

No-one in their right mind would propose that fathers be denied access to their children. Once a parent, always a parent and hopefully a loving one. Traditionally in marriage break-ups, mothers have retained day-to-day care of the children and fathers have seen them at weekends, birthdays, holidays or other special times.

Most people I know seem happy with this arrangement because:

- the fathers work during the day (more usually than not)

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- the mothers are happy to continue the daily routine which is already in place
- there is less traumatic change for the children
- each parent still has a say in matters affecting the children.

When parents put aside their dislike of their ex-partner (and it usually is this strong an emotion) and try to make amicable arrangements and solutions for their children, things can really work out very, very well and the children not suffer at all as a result.

Why then change arrangements that many people regard as fine for them, because of the dissatisfaction of a seemingly minor few whose aims may not be in line with the majority. In a matter of such monumental importance as this (at least to separated mothers) will the opinion of those affected most, even be sought?

Fathers have never traditionally wanted to have day-to-day care of their children, being happy to work outside the home and support their family whilst the mother attended to the childrens' needs in the home. One cannot help but wonder what motivates some of them to want it now.

ON MULTIPLE HOUSEHOLDS :

I would ask that the Committee consider very carefully the possible long-term effects on children of living between two households, should shared care of children be further advocated.

This is because every household has its own rules, likes, dislikes, behaviour standards, etc. Whatever those may be the key to children fitting in and being comfortable is the constancy of those household ideals. Once a child knows the boundaries and the requirements at home, they will breeze through and be able to direct their energies into more deserving spheres, be they academic, sporting, social etc.

But what happens when there are two different and varying codes to be adhered to?

Is there a confusion in the mind of a child as to 'which master to serve'? Would split loyalties lead the child to 'play off' one parent against the other in the pursuit of material possessions and favours? Unfortunately it seems many parents are drawn into the 'play off' game to outdo the other parent in their childrens' eyes.

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Could children possibly be happier and better adjusted by being forced to cope with two 'half-homes' rather than one complete home, albeit with one parent missing (and believe me, this is not an impossible feat) ?

I believe that many custodial parents would be loathe to change the present custody arrangements of having one residential home for the reason of constancy for the children.

ON NEW PARTNERS :

Mention has been made that some men's mothers and new partners are concerned with the current Family Law system. This may well be, but how and why should this impact on the matter of child custody and residence?

Surely the biological parents of a child are entitled to opinions in these matters which outweigh those of new partners? New partners are naturally going to support their partner and their wishes, not the wishes of an ex-partner. It is unpalatable to think of especially new female partners being given credence when, more often than not, they are capable of bearing their own offspring and will be supported by their partner. Could they in fact be more concerned with foreseen monetary loss by the partner due to child support liabilities?

Why is there no mention of the concerns of some fathers and new male partners of separated women? Surely many of them would have an equally valid opinion on the matters in hand.

ON GENDER BIAS :

We hear much of this term today, being one of the newly-coined 'buzz' phrases that comes often to our ears.

Gender bias has been thoroughly examined and can be dealt with in the outside workplace via various instrumentalities. But what about gender bias in the home?

Well happily gender bias is alive and well in many homes, simply due to our own maleness and femaleness, and the roles engendered by each. Gender is what allows a woman to physically bear children in the first place, to breastfeed them and keep them close to her physically. Conversely, gender allows a man the strength to defend his home and its inhabitants, to work using physical strength and to deal with many

issues outside the home.

It has become popular to play down these roles as 'old-fashioned' or 'outdated'. However it is well to remember that many folk are comfortable within these parameters. Separation within a family does not and should not mean that separated parents are required to switch to the opposite role.

Gender dictates the roles we are best able to perform for our children.

IN SUMMARY :

I strongly urge the Committee to consider adopting some or all of the following measures in relation to child custody and support:

- 1) 'CUSTODY' be a term which recognises your parenthood of, and legal obligations to, a child and to be considered to be joint between parents.
- 2) 'CARE' referring to the day-to-day care of the child.
- 3) 'RESIDENCE' to be restricted to one home only, preferably unchanged from the current practice of staying with the mother.
- 4) CHILD SUPPORT be reviewed and perhaps be considered discretionary on the part of the receiving parent, i.e. the custodial parent could choose not to receive support and have their Government entitlement reduced in part accordingly (but not in whole). Rates payable by the non-custodial parent should also reduce on the occurrence of either they or the custodial parent remarrying.
- 5) ACCESS to non-custodial parents not be denied unless certain adverse conditions were provable.

Perhaps as a nation we need to look at wider issues such as educating our children regarding tolerance of and goodness toward others; the fickleness of modern relationships; media influences in all of the above.

I sincerely hope that my input is of some value to your Inquiry.
Thankyou.

ETotal ELIZABETH TOBAL