Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
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Dear Committee
This letter is a submission to the Committee's inquiry into the Child Custody Arrangements Inquiry.

(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.
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 of 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.
(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents. 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.
(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children. 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 percentage 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. The percentages of payer contact used to calculate changes in the formula should not fall below the current definition of substantial care as there is no proportionate reduction in costs to the primary carer parent. Closely tying child contact and financial outcomes for parents also directs parental focus away from children's needs and interests to dollar outcomes and therefore functions in practice against children's best interests. To reduce child poverty in single parent households the threshold of the maintenance income test should 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. The payee's income should be disregarded as a factor in calculation of child support payable because that income does not change the payer's obligation to contribute to the support of their child. Yours faithfully

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