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Secretary: _____

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
CANBERRA ACT 2600

07 August 2003

We wish to make a submission to the House of Representatives re 'Inquiry into child custody arrangements in the event of family separation' as grandparents of a child in this situation.

We have a grandson who is 3 years and 5 months old who we love dearly and he loves us, but we are not allowed, by the mother to see him or speak to him on the phone or have any contact with him what so ever. Up until 8 months ago we played a very big role in this little boys life even up to the point where his mother left him in our care for 5 days while she went for a trip to Bali. Then one day the mother decided she had had enough of the lifestyle that she was living in Cairns and took our grandson away from us. We have a solicitor's letter detailing the reason why she left Cairns, which were not very valid reasons, but they were enough for her to tear this little boy away from his father and grandparents. We believe that our grandson is suffering under these circumstances where he is suddenly taken away from a comfortable and stable environment and all things that are familiar to him. It has taken his father 6 months to access the legal system to an extent where he has some rights that enables him to see his son but these rights do not make any allowance for us as grandparents to see our grandson. Quite the contrary; If the mother knew that we were seeing our grandson at the times that he was with his father, she would undoubtedly put greater restriction on the father's access. The tragic part about this situation is that we don't know why she has this negative attitude towards us, as in the past we have only supported, assisted and helped in any request that she has put on us as in the upbringing of our grandson.

As grandparents we only want to be able to have access to our grandson to play our part in his upbringing without causing any trauma or agitation to his mother. Our grandson is probably wondering what happened to all of us as we were just cut out of his life so abruptly.

When we as mothers take on the responsibility of being a mother we should also look at the big picture of the most important person in the world and this being the child, because unfortunately they do not have a voice except of that through the parent. The child's welfare should be the most important issue in this whole equation.

Under the present system that we have in place here in Australia, the mothers have all the rights and the grandparents, as in our case, have none, and it is only when the child is old enough to fully understand what role grandparents play in his/her life does he/she then have a right to see the grandparents, but this cannot and will not happen if an unreasonable mother influences the child's perception about the grandparents who have largely no control or defence in what is portrayed of them. For the basic rights of the child, the grandparents have to fight through the legal system to get any sort of entitlements to their grandchildren.

The mothers have the right to make all decisions on behalf of the child and these decisions are not necessarily for the benefit of the child but usually for the mother and unfortunately the system allows this to happen. A mother does not have the moral right to defame the child's father and other family members to the child. They are certainly not thinking of the interest of the child when they pursue this method of punishment for persons whom they don't fully agree or bond with. Therefore we believe in years to come there will be a complete breakdown of the family unit if it this has not already happened; but the system as it stands today is just tearing families apart and there is not much done about this situation at present. We in this country have lost our basic rights to a normal family life today and this is a very sad situation that we now find ourselves in. I know that not everyone in this country is in this situation but there is a very big percentage that is.

I am a woman and ashamed of the fact that some women use the system to obtain what they believe is their right in Australia today with regards to custody. One may think that the system that is in place is adequate but we know that is not the case otherwise there would not be the present inquiry into this unfortunate situation.

I believe that every case should be looked at as an individual case. At present the system perceives that all cases are the same but we all know that this is not correct and it is not until somebody does something about it that the differences are identified and the control measures to fix the concerns are implemented. Not all fathers want to have contact with their children after a break up, but this number would be very few and then again there are some who want to just walk away because it is less painful in the long run, but you can rest assure that in every case, the grandparents want to have contact with their grandchildren as being a grandparent is a feeling that is almost impossible to express and possibly overrides the initial feeling of parenthood. There is no feeling on earth that can compare to being a grandparent.

We suggest also that the system be more accessible to grandparents and other responsible family members as we had great difficulty in obtaining any information for this submission. We rang the local family law court but they were of no help; we rang the local federal member and his office was not aware of any submission or investigations. As a last resource we contacted a men's help line and they were the only ones who could put any light on the method we are undertaking in this submission.