



Australian Federation of University Women (SA) Inc.

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

Submission No: 1158

Date Received: 8-8-03

Secretary:

August 6, 2003

Dear Committee,

We submit the following for the consideration of the Committee's 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*

AFUW (SA) Inc. endorses the submission prepared by Eva Cox for WEL in relation to this aspect of the Terms of Reference.

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

Each child should be entitled to unique consideration to determine its best interests. The child's safety should be of paramount importance in this consideration. Where violence or abuse is established on the balance of probabilities, there should be a rebuttable presumption of 'no contact' with any person who has used violence until they can demonstrate that contact would not pose a threat to the safety of the child, or other family members.

Where the court can establish that best interests of the child are served by such contact, a person who would have constituted a part the child's normal domestic environment, prior to parental separation should be able to have contact with the child.

As current family law provisions enable grandparents to make applications with respect to grandchildren when they cannot make agreements without court intervention, we submit that 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.*



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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. However, when paid, it makes a valued contribution, which acts to alleviate child poverty and improve 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 care parent. Linking child contact with financial outcomes may function to direct parents away from children's needs and interests towards financial outcomes as their primary focus.

To reduce child poverty in single parent households the threshold of the maintenance income test should be increased by 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,

Mikele Barrett-Woodbridge
Acting President
AFUW (SA) Inc.