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Committee Secretary on Family & Community Affairs
 Child Custody Arrangements Inquiry
 Department of the House of Representatives
 Parliament House
 Canberra ACT 2600

House of Representatives Standing Committee
 on Family and Community Affairs

Submission No: 381

Date Received: 7-8-03

Secretary:

Dear Sir or Madam,

The proposal of the Prime Minister & men's groups to make broad laws to the effect that children of relationship break-ups should be maintained by shared custody arrangements with the separating parents; and that parenting plans to this end be in place before separation is utopian and for the vast majority of separations will not be in the best interests of the child/children.

Mr Howard has enjoyed a sheltered existence with a traditional family life, the type of stable life all couples in our society crave for. However, our Prime Minister has no concept of that when a marriage/partnership is at the stage of breakdown, all the options to make that partnership work have been exhausted, and the partners grieve very much like in the death of a loved one. It is the death of their hopes and dreams for their union.

In a great number of cases the marriage/partnership breakdown is due to domestic violence AND the only way for the children and the partner (in most cases, the mother) to survive is to leave the traditional family relationship.

I sincerely ask Mr Howard how does a couple affected by domestic violence negotiate the future custodial arrangements for their child/children when one side of the partnership fears for their life. Is he asking for mother's (in most instances) to try to negotiate with a violent father the future custody arrangements for their offspring, and in the process angering the father so much that he snaps and handicaps or murders her. This is not a desired scene or a suitable outcome for their children.

My experience has been and is ghastly. However, there are some mild natured, kind non-custodial fathers that would be a huge benefit in their children's lives, and they have suffered exclusion with the present system. The same applies to some excellent non-custodial mothers.

I strongly implore that every child custodial case be viewed entirely for what it is, and that always the best interests of the child/children be the true deciding outcome for custodial issues.

The present Family Law system has this infrastructure in place, but at present children are not always having their best interests served.

The Tasmanian Family Court system is ruled very much by money, who is prepared to spend the most and who has the best draw on Legal Aid funds.

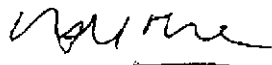
Outcomes of child custody matters are decided by who ends up with the greater cash input into the Family Court with 'expert witnesses', 'Q.C.s' and very impressive well paid for evidence.

In this theatre the child's best interests are forgotten, but their outcome is decided by enveloping some specially chosen 'precedent of law' and part of the Family Law Act' around the cleverly presented case.

The present Family Law system needs to return to it's fundamentals – truly following 'The Family Law Act of 1975' and serving the children it was designed to look after.

Mr Howard and his cabinet would much better serve Australians by placing children first on his agenda and stamping out the present corruption in the Family Law Court system, rather than advocating for shared custody for all children, and creating further problems in our society.

Yours faithfully,



Ms. C. Byrne