

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: **518**

Date Received: **11-8-03**

Secretary: .....

**Peninsula Community  
Legal Centre Inc.**

7 August 2003

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

Via Email: [FCA.REPS@aph.gov.au](mailto:FCA.REPS@aph.gov.au)

Dear Committee,

**RE: Inquiry into Child Custody Arrangements in the Event of Family Separation**

Further to our submission of 6 August 2003, we detail below a case study which illustrates some of our concerns regarding a presumption of joint custody in the event of family separation. A copy of this document will also be forwarded by mail.

Ms T is a separated parent with a boy and a girl aged 9 and 11 years. Her former husband was not a very involved parent during their marriage, usually dividing his time between work and his sporting interests. He continues to work and has re-partnered, but was never very happy about paying child support. His new partner has two children of her own.

A while after separation (at which time the children remained with Ms T), Mr T instructed a solicitor to make an application for joint residence, and Ms T, without any money or representation, was persuaded to agree to his proposal and consents were drawn up. These have been in place now for almost two years. As a result, Ms T lost most of her child support and her pension was reduced, although because of the fluctuating requirements of the residence agreement, she is unable to get any regular work.

Almost from the beginning of joint residence, Mr T has collected the children late, sometimes days late, and often returns them a day or two early. They are sent with clean clothes, and return with them dirty, or not at all.

There have been a number of complaints from the children's school about children being sent to school without lunches, and occasionally with no underwear. Mr T has no involvement with the school, nor does he take

*(Continued on page 2)*

Registered No. A8T  
ABN: 23591244622

**HEAD OFFICE**

Chatsworth House  
Suite 2-4,  
431 Nepean Highway,  
Frankston Vic 3199  
Telephone: (03) 9783-3600  
Facsimile: (03) 9770-5200  
Free Call: 1800 064 784  
DX 19953 Frankston  
Email: [pendc@vicnet.net.au](mailto:pendc@vicnet.net.au)

**BENTLEIGH BRANCH**

82 Brady Road,  
Bentleigh East Vic 3165  
Telephone: (03) 9570-8455  
Facsimile: (03) 9570-8466  
DX 37509 Bentleigh  
Email: [sthn@vicnet.net.au](mailto:sthn@vicnet.net.au)

**PINES BRANCH**

2A Candlebark Crescent  
Frankston North Vic 3200  
Telephone: (03) 9786-6980  
Facsimile: (03) 9785-3582

**Regular Visits to:**

- Hastings
- Rosebud
- Mornington
- Cranbourne
- Chelsea
- Monash University  
(Caulfield & Peninsula Campuses)

**Consumer Affairs Program  
also visits:**

- Emerald
- Mordialloc
- Narre Warren

**Covering:**

- Frankston City
- City of Casey
- City of Kingston
- City of Glen Eira
- Mornington Peninsula Shire
- Shire of Cardinia  
(Consumer Affairs Program only)

**Donations over \$2.00  
are tax deductible**

Celebrating  
25 years of service  
to the community  
1977 - 2002

Inquiry into Child Custody Arrangements  
Additional Submission by Peninsula Community Legal Centre Inc.

---

*(Continued from page 1)*

the children to social or sporting events. In fact, most of their time at their fathers is spent in front of the television, or in their (shared) room because of perceived misbehavior at the direction of Mr T's partner, whom they dislike and say favours her own children. Mr T is often not at home.

Ms T has spent the past year compiling a calender, which shows that she has the children over 2/3 of the time, and other evidence to support an application for sole residence, although her chances of success are not great in view of the fact that she is unlikely to get legal aid. Her poverty has been exacerbated by the lack of child support, as well as the fact that she still bears most of the expenses of caring for, clothing and schooling the children, and so she cannot afford private legal representation.

The children themselves are unhappy and becoming troublesome, and blame her for agreeing to the joint arrangements.

Ms T was a client of Peninsula Community Legal Centre. Names and minor details have been changed, but from our experience, the situation would be repeated in numerous instances should joint residence be the norm.

Yours faithfully,



VICTORIA MULLINGS  
PRINCIPAL SOLICITOR  
PENINSULA COMMUNITY LEGAL CENTRE INC.

Enc.0