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

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 530

Date Received: 8-8-03

Secretary:

THIS SUBMISSION requests your consideration of the following;

1. the discouraging of access by custodial parents to increase maintenance payments to themselves,
2. attempts by custodial parents to prevent access as a means of punishing the non-custodial parent,
3. consideration of more flexible access for non-custodial parents, particularly those who work seven day rosters,
4. where custody is contested legal aid is directed to the child only.

As a Director of a registered club, a Vice President of an R.S.L Sub-Branch and assistant to that clubs Welfare Officer I have an opportunity to talk to a lot of people. Many of these people, like myself, find your inquiry most refreshing. Those who have had experience with family law, usually though their children's divorce or separation find both the whole act and D.o.C.S. overdue for reform.

It appears that since maintenance payments are governed by the number of nights the custodial parent has the child those who regard their children as an income do all in their power to make access impossible. Even at times going to the extent of applying for an A.V.O. or shifting to a distant location.

By shifting to a distant location the custodial parent can gain maintenance, cheaper accommodation and find work harder to get thus ensuring additional social security payments. This has apparently been done on occasions.

Another scenario is where the custodial parent sees denial of access as a means of revenge for perceived injustice by their former partner, often by an application for an A.V.O. or merely by being late to hand the child over or by claiming the child has some minor illness. Once again the shift to some distant location can occur.

Yet another major problem I see, is where the non-custodial parent cannot enjoy their access due to their work roster or their duty to their employer. On occasions the non-custodial parent will change jobs, refuse advancement or refuse overtime in order to maintain contact with their child/children. Provided the child/children

can be delivered to and picked up after school I see no reason why mid-week access cannot be granted. Thus allowing the child to bond with their non-custodial parent.

In all these cases the person who suffers most is the child, since they are denied access to one of their parent and often denied the right to know and form their own opinion of that person. Too often I have heard it said "I wish I knew my father".

Another problem often brought to my attention is the high cost of seeking access through the Family Court. Too often I hear of a non-custodial parent struggling to pay maintenance, left over joint debts and legal bills Usually because the other parent has had legal aid. Further the policy regard child representation is extremely complicated and beyond the comprehension of non-legal minds, surely if the child is of primary consideration they should always have legal representation.

I believe the following;

1. that consideration should be given to making maintenance payments independent of the number of nights the child is accommodated,
2. when access is due it should be the duty of the custodial parent to meet half the cost of the travel required when that distance is greater than a set number of kilometers,
3. setting access rights those responsible give the non-custodial parent greater flexibility,
4. where the Family Court is involved legal aid should at all times represent the child/children.

Yours sincerely,

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Walter George Munro
