

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: **1326**

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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  
Australia

Submission - Inquiry into child custody arrangements in the event of family  
separation.

From

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[REDACTED]

Re: Inquiry into child custody arrangements in the event of family separation.

It is my opinion that the existing child support formula does not work fairly for both parents and, in fact, positively discriminates against fathers.

In relation to joint custody I submit that, unless very positive evidence can be presented that such a situation is totally impractical and unworkable, the presumption should be made that children should spend equal time with each parent and by extension paternal grandparents would have more time with their grandchild.

In my case, under the present system, custody was awarded to my former wife. She also had custody of a child from a previous relationship. In both relationships it was her decision to walk away. It is my belief that as she herself was the child of a broken relationship she had not learned how to live within a stable relationship.

I do not want my daughter to suffer in the same way. At present when my daughter is with her mother and sister there is no stable male presence in her life. Her maternal grandmother is a single woman, and at home there are just her mother and her sister.

When she has limited time with me, she comes to a family. I have a new partner and a new baby. So if the ideal family is Mum, Dad and children, it is at my home she has this experience.

Also when she has limited access to my parents she observes a couple who have been married for forty years and have a happy and stable relationship.

When custody is awarded to mothers the assumption seems to be that, as she does not have full time employment, she has more time to devote full time care to the child. This may have been true in the past but it is no longer the situation in a great many cases.

In my particular case I have arranged my work so that I am perfectly able to have joint custody. In every month I work 14 days in 20 and have 8 consecutive days off. Both my parents are retired and have expressed their desire and willingness to have care of my daughter should a situation arise where I would not be available for a few hours or even a day.

On the other hand my former wife works 5 days per week and is not always available after school hours to care for my daughter and it is my belief that on many occasions her half sister, aged 13, has the care and responsibility for my child.

When mothers cannot be there for the child because of work or other commitments the care of the child (or children) is left to friends, neighbours, older siblings, child care agencies or grandparents. All of these resources are equally available to fathers, and, in fact many a grandparent of a non-custodial parent would more than welcome the opportunity to spend time with their grandchild.

Children love their parents equally. However what message do we send to them when the law does not treat parents equally but has an obvious bias towards mothers?

I understand that in some cases it would not be possible for both parents to spend equal time with their children, however, I do not believe that this should be decided on the basis of the sex of the parent, but on their willingness and ability to spend time with their children.

Financially I will never recover. My ex wife decided to leave six weeks after I got a redundancy package from State Rail for 17 years work. We were together for only 5 of these 17 years yet she walked away with over half of the accumulated assets. I now have a \$180,000 mortgage. I bring home just over \$4,000 a month, the mortgage accounts for \$1,650 and child support takes another \$950. That leaves just over \$350 per week for my family to live on yet I have to pay my former wife gets almost \$250 a week for my daughter. At this rate I will be almost 55 before my debts are cleared for a relationship that lasted only 6 years.

My daughter also spends what child support would consider substantial care time with me, but since my ex wife denies this figure is correct child support believe her and will not make the fair and necessary adjustment. My ex wife says that if I do not stop pursuing this avenue she will stop my daughter from coming to my place as often as she does. I have found the child support agency to be an absolute nightmare to deal with. The change of assessment process is horrendous. I feel I have been unjustly treated but do not have the financial resources to take the matter to court to get a just ruling. I can give names and experiences of this process and I am continually warned by my case officer to stay away from the "change of assessment process" because in almost 100% of cases they rule against the non custodial parent.

I would ask that the Committee bring equity into this situation by making the presumption that children of separated parents should spend equal time in the custody of each parent unless the parent opposing such a decision can reasonably prove that it is impossible to do so.

Yours sincerely

Stephen Hatch