

**Forbes, Bev (REPS)**

**From:** brookaus [REDACTED]  
**Sent:** Monday, 6 October 2003 10:28 AM  
**To:** Committee, FCA (REPS)  
**Subject:** Re: Child Custody Arrangements Inquiry

House of Representatives Standing Committee  
 on Family and Community Affairs

Submission No: **1565**

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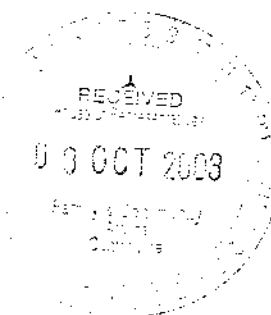
Following is a brief submission to the Inquiry which I would appreciate being considered.

2 October 2003

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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 ACT 2600



Dear Committee

This letter is a submission to the Committee's inquiry into the 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.***

I strongly support the proposal for a presumption that children will spend equal time with each parent, post separation. This gives an important starting point for negotiations regarding residential arrangements for children and acknowledges the input of each parent to the child's welfare, whether through direct child care duties or through willingness to earn income in support of the family. Many fathers who have had to work full-time to support their families should not have to relinquish residential rights to the full-time mother simply because those fathers have allowed their wives the privilege of being able to stay at home.

Bettina Arndt clearly illustrates one of the ironies of the present system:  
*If you are male, working long hours to support the family but facing a shaky marriage, watch out. In the event of a marriage breakdown, you would find that dedication to work would leave you thoroughly the loser in divorce negotiations. For a start, your busy working life would mean you would be likely to miss out in battles over custody (residence) of children and be hard pressed to gain significant access (contact). And then, under the rules*

of the Child Support Scheme which determines how much financial support divorced men are required to pay for their children, you'd be locked into continuing to work to your maximum capacity, even if that meant you saw less of your children.

The "equal time" presumption thus at least provides a level ground from which decisions can be made and reduces the previous biases which have been heavily in favour of the woman. Furthermore, it acknowledges the children's bonds with their father and his important role in bringing up his children, and is consistent with the trend for fathers to be increasingly involved in parenting.

My observation is that the objections of the vocal minority who oppose equal custody, do so out of fear that their long enjoyed financial and lifestyle privileges as "sole parents" are under both scrutiny and threat. With the burgeoning demands of our overly generous welfare system on the taxpayer, time is long overdue for some major reforms and cut-backs in the area of the sole parent pension, etc.

***b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.***

It must be appallingly obvious by now that the present Child Support System is in desperate need of major reforms. To quote Bettina Arndt again: "The glaring inequities in our child support system are at the heart of the widespread disquiet and alienation of large numbers of non-resident parents and their families. This alienation plays a role in the large numbers of children losing contact with their fathers, the astonishing (40%) of child support payers currently not in employment, the alarming rate of suicide among separated men, and the fact that more than half of lone parents receive very little or no child support. An unfair system makes for an unhappy, dysfunctional society."

In the years since my own marriage breakdown, I have seen first hand how some very fundamental flaws and biases in the formulation of the child support formula and its attendant policies, have created ongoing misery, resentment and outrage, particularly amongst fathers (who are usually the non-residential parents). I have also seen how the system encourages women to see themselves as "victims" who both need and deserve to be totally supported by both welfare payments and their former partners, for a significant portion of their lives. It is also my observation that regardless of the level of child maintenance received, and despite their tendency to publicly "cry poor", none of the sole parents I've known, have had to "do it tough", in fact most are enjoying a lifestyle which is envied by their working women friends and acquaintances.

When the child support formula dictates that such heavy payments (as a percentage of gross income, and regardless of circumstances) fall on the heads of the non-residential parent, it's no wonder that outrage and despair are endemic in the system. The system's unjust financial biases see that the normal tax deduction granted to families for dependent children, is not extended to fathers who are paying maintenance for their dependents. This has been an outrageous oversight on the part of the CSA and the Taxation Department and reflects the discriminatory and exploitative thrust of the CSA's policies in dealing with the non-residential parent. While the Tax Department has known about this issue for many years, nothing has been done to redress it.

In recent years, the proposal was made to reduce the percentage of maintenance paid by

fathers who did have regular contact with their children, and usually considerable costs associated with that contact. This was certainly a step in the right direction. Unfortunately with an election looming, this proposal was set aside. It's time to urgently reconsider ways of making the costs of child rearing more fairly divided between the parents. All the sole parents I have known (with one exception due to prohibitive travel distance) enjoy at least every second weekend, part of school holidays and sometimes a regular week night free of parenting responsibilities and costs, because the non-residential parent takes these on. Yet unless the non-residential parent consistently has care of children for at least 30% of the year, the present system treats him / her as if they contribute nothing in this way, and have no costs incurred.

There have been so many studies and so much evidence collected now that highlight the fundamental flaws in the system and its heavy biases against the non-residential parent, that it can only be lack of political will which is stalling the inevitable reforms.

Please, heed the call for common sense and fairness to at last be applied to the issue of child support and custody. I dread to think that, if major reforms are not enacted, my twenty year old son may one day, have to face the same ill-conceived and unfair laws which have made the lives of so many Australian fathers an ongoing misery or a cause for suicide.

Yours faithfully,

Janenne Kornfeld