



Ken Ticehurst MP

Federal Member for Dobell



working for the Central Coast

House of Representatives
on Family and Community Affairs

Submission No: 1364

Date Received: 18-8-03

Secretary:

Submission to
House of Representatives
Standing Committee on Family and Community Services
*Inquiry into child custody / residents arrangements in the event
of family separation.*

For many months now, I, Ken Ticehurst, Federal Member for the NSW Central Coast seat of Dobell have been urging the Howard Government to acknowledge the outcry of non-custodial and custodial parents on the Central Coast and around the country relating to laws governing child access rights and our family law system.

In 2002, after having many mothers, fathers, grandparents, aunts and uncles in the electorate of Dobell and beyond approach me with their painful experiences of the current family law system, I formed a discussion group of politicians to address the need for family law reform.

The recent announcement by Prime Minister John Howard of an inquiry into the issue was good news for many people in the Central Coast region who have expressed to me their frustration with the Family Law and Child Support Acts and their administering. I have been literally bombarded with phone calls and letters from constituents congratulating the Howard Government for its efforts and wanting to find out how they can do more to lessen the impact of marriage break-ups on families.

The family is the most important element in our society. At the same time, the strength of our families depends on the quality of the relationships between its mothers and fathers.

When you consider that around 2000 married Central Coast couples called it quits last year, it is vital that current laws enforce a child's right to know and be cared for by both their parents, regardless of whether their parents are married or separated, for their emotional well-being and for the future of Australian society. Of course, this should only happen when the relationship enriches the child. It certainly should not happen when it harms the child.

Most recently I held a Child Access Forum to allow Central Coast residents and a range of field experts to work together to define, based on the terms of reference for the inquiry, the key areas in which family law reform is required and the common difficulties people are experiencing with the current system.

The forum brought together around 150 residents wanting to reshape family law and a panel of specialists from the Family Court, Child Support Agency, Wyong Shire Council, a family law specialist from Aubrey Brown & Partners and representatives from community organisations including Dads in Distress and the Child Abuse Prevention Service.

I accepted many individual submissions on the night from people wanting to make a difference to this inquiry. This submission to the inquiry is based on valuable feedback I received from the forum.

Emotions flared during the forum but acceptable conduct was defined and enforced by local radio host and moderator for the night Steve Allan, and no outbursts were directed at the panel of eight.

The forum was a great way to measure the extent to which family law in Australia is not working.

Through the forum, several common themes emerged including:

- Lack of enforcement of Family Court rulings with respect to access, further legal action by non-custodial parent is too expensive
- More support to encourage self-representing litigants
- Life education in primary and high schools with emphasis on negotiation and conflict resolution skills, and their future role as parents
- Perceived bias toward custodial parent in the Family Court
- Not enough emphasis on mediation
- Family Court delays in interim access orders
- Calculation of Child Support Agency payments far too onerous, formula is unsuitable
- Non-custodial parents' living arrangements not fully considered when determining child support payments
- Non-custodial parents' children not considered in child support assessments
- Child support payments made to custodial parent while children in care of non-custodial parent
- No progressive review of custodial arrangement as child grows
- Grandparents and great-grandparents not recognised formally in custodial arrangements

- Ease of gaining an AVO
- Unsettled separation arrangements creating higher incidences of child abuse/childhood depression and male suicide
- More funding for support networks to help families affected by separation

Quite obviously, current family law and child support arrangements promote a winner/loser arrangement between parents and it is this arrangement that creates unworkable situations for families experiencing separation.

The most important issue raised in the forum and agreed to by everyone present was the inquiry should focus on the rights of children to see their parents, not the other way around.

The inquiry is not about a better deal for fathers. The above issues were raised by mothers, fathers, non-custodial parents, custodial parents, grandparents and extended family.

Given the interest in this issue by my constituents, I have written a letter to inquiry chairperson Kay Hull asking for a formal public hearing to take place on the Central Coast.

I commend the Howard Government for announcing this inquiry to deal with important social legislation affecting some of the most important and vulnerable people in our community; our children.

The current system is causing hardship and pain to many families and is directly impacting on their children's futures.

Sincerely



Ken Ticehurst MP
Federal Member for Dobell