



## Submission to the Inquiry into Child Support

4 July 2014

The Committee Secretary  
House of Representatives  
Standing Committee on Social Policy & Legal Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

02 6277 2223

Dads4Kids priority is to help the children of Australia. Its mission is to help turn the tide of fatherlessness in our nation by strengthening and supporting Australian fathers, mothers, marriages and families.

To this end it convened a national Fathering Forum at Parliament House, Canberra on 10<sup>th</sup> February 2003. The many delegates, representing a diverse range of organisations, agreed on a 12 Point Plan (attached). Included in this plan was:

**Point 6:** Acknowledge that after divorce or parental separation, every child has a fundamental right to equal contact with both the mother and the father, unless there are proven mitigating circumstances, and,

**Point 7:** Examine all current and future legislation both federal and state in terms of how it impacts on fathers, marriages, families and children and make adjustments accordingly. This includes such things as the Family Law Act, tax reform for families, child support legislation and much more.

Dads4Kids is concerned that over 1 million Australian children are living without their fathers. The social and economic consequences of this for our nation are catastrophic. The personal impact of this on the well-being of children, mothers and fathers is devastating and often overwhelming:

- |                |   |   |
|----------------|---|---|
| Fatherlessness | - | increases poverty                             |
|                | - | lowers educational performance                |
|                | - | increases crime                               |
|                | - | increases drug abuse                          |
|                | - | increases mental health problems              |
|                | - | costs Australia \$12 billion per year         |
|                | - | divorce costs Australia \$14 billion per year |
|                | - | increases child abuse                         |

Fatherlessness and family breakdown are the major social problems of our society. This crisis is escalating and cannot be ignored.

(For further details see The Facts on Fatherlessness – the Appendix in the National Fathering Forum's 12<sup>th</sup> Plan)

Dads4Kids believes that the legislation underpinning the Family Court of Australia and the Child Support Agency has been a major factor contributing to this crisis of fatherlessness.

This legislation and the organisations enacting the legislation need to be scrutinized and reviewed by this Inquiry with a view to it being either abolished or radically overhauled.

The outworking of the Family Law Court and the Child Support Agency are based on unsound ideological underpinnings and invalid or false economic, social and behavioural theories. Whilst much of the legislation is based on a genuine desire to help minimize conflict, the actual practice has been devastating for all concerned. This includes fathers, mothers and children.

We commend to you the scholarly and detailed research on the CSA undertaken by John Flanagan and included in the submission to you from the Fairness in Child Support group. This research is unsurpassed and needs to be treated seriously. It confirms our own carefully considered view that the CSA is poorly managed, has failed both fathers and mothers and has done little to alleviate the poverty that characterizes post-separation families.

The child support formulas are seriously flawed and unworkable. Mothers are receiving less now than they were when the CSA was first established. Not only have the children's relationship with their fathers being impaired but the children also bear the brunt of lower support.

In fact John Flanagan's Fairness in Child Support submission proves that children would be 37% better off today if the CSA did not exist. The other reality of the Child Support Agency is that it is a massive waste of precious government resource. The basis and justification of the Child Support legislation was the belief (not supported by well-researched evidence) that there was a low level of payment and a low collection rate.

The CSA in its booklet 'Child Support Scheme Facts and Figures 2000-2001' states that 'Child support compliance prior to the introduction of the Child Support Scheme was poor. It was estimated that only one third of parents in Australia who were ordered to pay child support did so regularly'. This claim is wrong and unfounded.

On the basis of this 'estimate', the Child Support (Registration and Collection) Act 1988 was introduced. This legislation gave the Commissioner of Taxation the responsibility, authority and power to collect child support payments. As a consequence 44% of all child support payers are now effectively unemployed and 76% of all unemployed men over the age of 20 are payer clients of the CSA. Displacing the authority of Australian fathers with that of government officials has had the effect of non-compliance.

The Child Support (Assessment) Act of 1989 introduced the method of determining the exact amount to be paid in Child support. This effectively deems each and every father, from the very moment of separation, to be incapable of making independent and fair

decisions regarding the financial support of his children. Prior to separation this responsibility was undertaken without any government 'assistance' or involvement.

If fathers were not systematically deprived of their children post-separation, the perceived 'need' for authoritative intervention in the financial support of children would fade into irrelevance.

The introduction of true shared and equal parenting after separation would provide the opportunity for a fresh and workable solution to the issue of child support.

Dads4Kids believes that true shared parenting, that is, the rebuttable presumption of joint residency, in cases of family breakdown, would solve many of the problems and conflicts associated with child support and child custody and access. It would result in happier children, mothers and fathers and ultimately a greater level of fiscal support for mothers and their children.

To achieve this, the introduction of true shared parenting needs to be partnered with a thorough and comprehensive overhaul of arrangements for the financial support of children. The CSA deprives fathers of the opportunity to take responsibility for the care and financial support of their children. It deprives mothers of the assistance that they need.

Fathers need to be both encouraged and allowed to exercise the role, the duty, and the responsibility of providing for their children with the reciprocating joy of equal access as they exercise this responsibility.

Under the current system the parent who wins custody of the children wins the assets and the financial support of the other parent. Whilst it is important to ensure that those parents who bear the major cost of child raising, whether the mother or father, receives the higher level of support, it is also important that custody of the children is not driven by financial gain.

Dads4Kids acknowledges that divorce or separation is a painful process and that both the mother and the father need maximum support from the community if that separation goes ahead.

Dads4Kids believes the emphasis on government spending should be on prevention rather than cure. It is more important that children and teenagers are educated in relationship and conflict resolution early in life. Parenting and marriage courses should be compulsory at school. Pre-natal fathering / mothering courses and relationship courses should be mandatory for all couples expecting children. Governmental family benefits should be given only after people have completed relationship enrichment and parenting courses.

Dads4Kids believes that excellence in fathering should be the goal of the social Security system to help reduce the \$12 billion annual cost of fatherlessness to our nation. Our children need both fathers and mothers, not just mothers, or just fathers. To quote from The 12pt Plan as formulated by the Fathering Forum, (page 1), 'The overwhelming conclusion of current social science research has shown that the best environment for children is a close, warm, sustained and continuous relationship with both biological parents.'

The best way to ensure strong families is to ensure strong families is to support strong marriages. This traditional family unit – a loving father, mother and their children is the best way to nurture, educate and protect children. This is the best social security system the world has ever known’.

Dads4Kids believes that the greatest thing a father can do for his children is to love the children’s mother. Whilst marriage is a shared partnership between a man and a woman, Dads4Kids believes that marriage is deeper than a mere partnership, and that it is a unique spiritual expression of a love covenant that actually says, ‘what’s yours is mine and what’s mine is yours’.

The sexual union is a deep and freewill expression of this covenant love commitment by both parties. For this reason Dads4Kids is deeply committed to a preventative course of action in relationship breakdown through marriage counselling and pre-divorce counselling. These measures should be mandatory in relationship breakdown, because the cost to children, mothers and fathers of relationship failure is more than any possible monetary valuation.

Whilst Dads4Kids fully supports a rebuttable presumption of shared parenting and radical reform of the Child Support Agency, Dads4Kids reserves the right to also stand equally for the best interests of the mother and children in separation. The children’s right to equal access to both natural father and mother should always be upheld.

### **Suicide and the CSA**

Under the heading, “Suicide – Key Characteristics” the Australian Bureau of Statistics [ABS] reported that: *“There were 2,191 deaths from Suicide registered in 2008. Over three-quarters (78%) of Suicides were males.” .... “Although death by Suicide is a relatively uncommon event (occurring at a rate of about 10 per 100,000 population per year), the human and economic costs are substantial.”*

Figure 6.2 shows that suicide accounted for 24% of all male death at age 30 in 2008. Figure 6.3 shows the highest age specific suicide death rate for males in 2008 was 26.4 per 100,000 at age 40-44.

From further information published by ABS under the heading Births Summary Tables in Tables 2.20 Births, Australia - Selected years under the column headed 2009 it is shown from a total 295,738 births that for 292,152 births the father is aged between 15 and 49. That equates to 98.79% of all births where the father is aged between 15 and 49.

Table 4.5 of the Child Support Agency’s “Facts and figures 02-03” shows that there were a total of 603,043 cases where payers were male. Of these cases it is known from the answer to Question on Notice No. 978 that of the 603,043 CSA payer father customers in 2003, 1,527 died during that period which can be expressed as 2.53 deaths per 1,000.

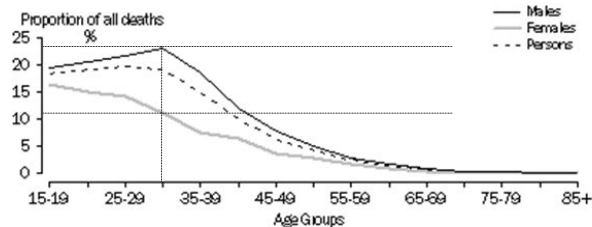
During the same period the number of males residing in Australia in the 15 –49 age group, excluding CSA customers, totalled 5,070,719. Of these males there were 7,304 deaths which can be expressed as 1.44 deaths per 1,000.

The death rate amongst child support payer fathers is 2.53 per 1,000 in 2003 and was almost double the rate of Australian males who do not have administrative child support assessments at 1.44 per 1,000.

### Suicide as proportion of total deaths

While Suicide accounts for only a relatively small proportion (1.5%) of all deaths in Australia, it does account for a much greater proportion of deaths from all causes within specific age groups (see graph below). For example, in 2008, 24% of all male deaths aged 15-24 years were due to Suicide. Similarly for females, Suicide deaths comprise a much higher proportion of total deaths in younger age groups compared with older age groups.

#### 6.2 Suicides, by Selected Age Groups, 2008 (a) (b)



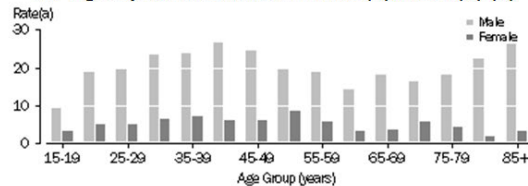
(a) 2008 data have been subject to process improvements which have increased the quality of these data. See Technical Note 1: 2008 COD Collection - Process Improvements for further information.  
(b) Causes of death data for 2008 are preliminary and subject to a revisions process. See Technical Note 2: Causes of Death - Revisions process for more information.

Figure 6.2

### Age-specific rates

Age-specific death rates are the number of deaths during the reference year at a specified age per 100,000 of the estimated resident population of the same age (see [Glossary](#) for further information). The pattern of age-specific rates in 2008 for Suicide in males and females is shown in the following graph.

#### 6.3 Age-Specific Suicides Rates (a), 2008 (b) (c)



(a) Deaths per 100,000 estimated resident population for each age group and sex. See Glossary for further information.  
(b) 2008 data have been subject to process improvements which have increased the quality of these data. See Technical Note 1: 2008 COD Collection - Process Improvements for further information.  
(c) Causes of death data for 2008 are preliminary and subject to a revisions process. See Technical Note 2: Causes of Death - Revisions Process.

Figure 6.3

The highest age-specific Suicide death rate for males in 2008 was observed in the 40-44 year age group (26.4 per 100,000 population). As a proportion of total male deaths in this age group, Suicide deaths represented 16%. The age-specific death rates for the 85+ years age group was 26.2 per 100,000 males, and 24.5 per 100,000 males in the 45-49 year age group. Suicide as a proportion of total male deaths for these age groups were 0.2% and 10% respectively. The age-specific Suicide rate for males was lowest in the 15-24 year age group (9.4 per 100,000), however, this represented 20% of all deaths in this age group.

For females the highest age-specific Suicide death rate in 2008 was observed in the 50-54 year age group with 8.6 deaths per 100,000. The lowest age-specific death rate for female Suicide deaths was in the 80-84 year age groups (2.0 deaths per 100,000).

Shared parenting and massive reform of the Child Support Agency, including the Family Law Court, are the only reasonable options available. Dads4Kids has had a long history of support and advocacy around men's health. The National Men's Health Policy, now supported by both the Coalition and Labor parties and all members of parliament, was placed before government by Dads4Kids during the Men and Fathers' Family Friendly Policy Forum 2007.

## **Key Recommendations**

1. The negative effect that the Child Support Agency has on men's health in general should be addressed urgently.
2. The 'almost double the death rate by any cause' for male child support payers which make up 87.5% of child support payers be addressed urgently.
3. The fact that male child support payers who make up 87.5% of child support payees, as compared with women, and the inequity associated with this figure be addressed urgently.
4. The fact that 44% of all child support payers are unemployed as compared with the general rate of 5.9% unemployment (June 2014) and the inequity associated with these figures be addressed urgently.
5. The fact that Family Law Courts invariably rule in favour of the mother in over 80% of the cases shows the innate bias against fathers and the governmental promotion of fatherlessness which is then accelerated by the Child Support Agency which further confirms the anti-male bias within its administration. This needs to be urgently addressed.
6. We call for full reporting of the suicide statistics of child support payers both male and female.
7. We ask the Minister for Health to include, in the National Men's Health Policy, a system of open reporting on the adverse impact on men's health by both the Family Law Court and the Child support Agency so these inequalities can be urgently addressed by all government departments and anti-male bias be removed from all government departments for the sake of the children of Australia.

Warwick Marsh  
Dads4Kids  
PO Box 542  
Unanderra NSW 2526  
02 4272 6677  
[info@dads4kids.org.au](mailto:info@dads4kids.org.au)

## **List of Supporting Documents**

1. The 12 Point Plan 2003
2. Family Law Submission 2005
3. Shared Parenting Senate Inquiry Submission 2006
4. Men and Fathers' Family Friendly Policy Forum 2007
5. Senate Inquiry Men's Health 2009
6. Family Law Legislation Amendment Bill 2011
7. Protecting Women & Children from Sexploitation 2012
8. Mortality over 20th century AIHW
9. Male Deaths on CSA database 2011