

House of Representatives Standing Committee
on Family and Community Affairs

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Secretary:

STANDING COMMITTEE ON FAMILY AND COMMUNITY AFFAIRS
HOUSE OF REPRESENTATIVES
PARLIAMENT HOUSE
CANBERRA ACT 2600

6 AUGUST 2003,

THE HONOURABLE MEMBERS OF THE COMMITTEE

SUBMISSION
ENQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF FAMILY SEPARATION/ AND THE OPERATION OF THE CHILD
SUPPORT FORMULA

DEAR COMMITTEE MEMBERS,

SUMMARY

THE INFORMATION THAT I WILL SUBMIT TO THIS ENQUIRY WILL HIGHLIGHT THAT THE PRESENT FAMILY LAW SYSTEM AND THE CHILD SUPPORT FORMULA HAS FAILED US AS INDIVIDUALS AND AS A SOCIETY AND MORE IMPORTANTLY HAS FAILED OUR CHILDREN. WE CAN NO LONGER AFFORD TO NEGLECT THE CHANGING STRUCTURE OF FAMILIES IN OUR SOCIETY.

SINCE THE INCEPTION OF THE COURT IN 1976 11% OF CHILDREN LIVED IN JOBLESS FAMILIES. BY 1998 THIS HAS INCREASED TO 18% AND SINGLE PARENT FAMILIES ACCOUNTED FOR 75% OF THIS INCREASE.
49% OF SINGLE PARENTS ARE JOBLESS AND TOTALLY RELIANT ON SOCIAL SECURITY AND CHILD SUPPORT.

ALMOST 25% OF OUR CHILDREN LIVE IN SINGLE PARENT HOUSEHOLDS, THAT IS TODAY ONE MILLION CHILDREN
THERE IS APPROXIMATELY 500,000 SINGLE PARENTS WITH DEPENDANT CHILDREN UNDER 16 YEARS OF AGE, 77% RECEIVE A SOLE PARENTS BENEFIT AND 7% OF THESE ARE MEN.
97% OF SINGLE MOTHERS ARE OVER THE AGE OF 30 AND ONLY 3% ARE TEENAGERS.

CHILDREN IN SINGLE PARENT FAMILIES ARE TWICE AS LIKELY TO LIVE IN POVERTY COMPARED TO CHILDREN THAT LIVE IN INTACT FAMILIES.

THERE IS A 59% HIGHER RISK THAT CHILDREN WILL DROP OUT OF HIGH SCHOOL IF THEY ARE LIVING IN A SINGLE PARENT FAMILY.

1 IN TWO MARRIAGES ARE BREAKING DOWN WHILE 2 OUT OF EVERY THREE DEFACTO RELATIONSHIPS ARE FAILING. IN THE 1999- 2000 YEAR 52,000 DIVORCES WERE GRANTED
WITH THE AVERAGE FAMILY CONSISTING OF 1.9 CHILDREN.

AFTER 5 YEARS OF SEPARATION 40% OF NON-RESIDENT PARENTS LOSE TOTAL CONTACT WITH THEIR CHILDREN.
WITH OUR FALLING FERTILITY RATE MEN SHOULD BE ENCOURAGED TO COMMIT THEMSELVES TO A PERMANENT RELATIONSHIP AND RAISE CHILDREN. HOWEVER WITH OUR PRESENT SYSTEM THE OPPOSITE IS HAPPENING.

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IN OUR THE PRESENT SYSTEM THE FAMILY COURT BOASTS THAT IT THE LARGEST SUPERIOR COURT IN AUSTRALIA AND TODAY IT IS A SUBSTANTIAL BUSINESS OPERATION WITH (50) JUDGES AND 850 STAFF ACROSS 20 PERMANENT LOCATIONS WITH AN ANNUAL BUDGET OF 110 MILLION DOLLARS (SOURCE SMH DECEMBER 1999 POSITIONS VACANT CEO) TODAY IT HAS A BUDGET OF 120 MILLION.

IN THE FAMILY COURT THE AVERAGE LITIGANT SPENDS 42 DAYS PREPARING FOR TRIAL
THE COSTS IN A CONTESTED ACTION CAN RANGE FROM \$10,000 TO \$100,000 PLUS FOR EACH PARTY
THE MEDIAN ANNUAL INCOME OF PEOPLE IN THE COURT IS \$25,000 TO \$30,000.
SOME LITIGANTS SPEND 2 TO 3 TIMES THEIR ANNUAL INCOME ON LEGAL FEES

THIS ADVERSERIAL SYSTEM MUST BE REPLACED BY A CONTROLLED AND COMPULSORY MEDIATED OUTCOME.
LAWYERS HAVE NO PLACE IN FAMILY BREAKDOWN AS THEIR MONETARY SELF INTERESTS TAKES PRIORITY OVER A FAIR AND EQUATABLE SETTLEMENT THAT ENSURES THAT THE INTERESTS OF THE CHILDREN ARE OF PARAMOUNT CONSIDERATION.

SUICIDE RATES FOR MEN ARE RAPIDLY CLIMBING AND ARE (5) TIMES HIGHER THAN THAT OF FEMALES. FIVE MEN COMMIT SUICIDE EVERY DAY OF THE WEEK. IF WE HAD LOST THIS NUMBER OF OUR TROOPS IN EAST TIMOR THEN THERE WOULD BE OUTRAGE THE ONLY DIFFERENCE IS THAT THESE MEN DIE QUIETLY.

POLITICIANS ARE NOT IMMUNED FROM THIS AS YOU WOULD BE AWARE OF THE LOSS OF ONE OF YOUR OWN COLLEAGUES MR GREG WILTON MP MEMBER FOR ISAACS , WHO IS NOW SADLY ONE OF THE STATISTICS.

46% OF MEN REGISTERED WITH THE CSA EARN LESS THAN \$16,000

1/3 OF NON-RESIDENT PARENTS ARE UNEMPLOYED AND UNEMPLOYMENT BENEFIT IS THERE ONLY SOURCE OF INCOME.
GOVERNMENT WELFARE PAYMENTS TO LIABLE PARENTS IS \$1.74 BILLION.

THE CHIEF JUSTICE OF THE FAMILY COURT STATED ON 20 OCTOBER 1998 AT THE THIRD NATIONAL FAMILY COURT CONFERENCE WHERE HE STATED " IN THE PROPERTY AREA, MANY MEN FIND IT DIFFICULT TO ACCEPT THAT A WOMAN'S CONTRIBUTION AS A HOME MAKER AND PARENT IS VALUED AS HIGHLY AS THEIR ECONOMIC CONTRIBUTION".

THIS IN ACTUAL FACT, MEN DO NOT HAVE A PROBLEM WITH AT ALL BUT, THEY DO HAVE A PROBLEM WHEN THEY ARE TOLD THAT THEIR ECONOMIC CONTRIBUTION IS HARDLY VALUED AT ALL WHEN IT COMES TO A CARER ROLE.

EQUAL PARENTING IS THE ONLY ANSWER.

NO MORE SHOULD A JUDGE OR MAGISTRATE AUTOMATICALLY GIVE RESIDENCY TO THE MOTHER AS IS IN 93% OF CASES AND GRANT ACCESS TO THE FATHER OF EVERY SECOND WEEK END AND HALF THE SCHOOL HOLIDAYS (IN MOST CASES THIS IS THE MAXIMUM AMOUNT OF ACCESS GRANTED).

UNDER THE PRESENT SYSTEM HOWEVER THESE ACCESS ARRANGEMENTS ARE BY NO MEANS ADHERED TO AS CONTRAVENTION OF THESE ORDERS ARE COMMON. THE FAMILY COURT OF AUSTRALIA DO NOT ENFORCE THEIR OWN ORDERS
A 50/50 SHARED PARENTING ARRANGEMENT SHOULD BE THE STARTING POINT.

IT IS QUITE OBVIOUS THAT CHILDREN NEED BOTH PARENTS AND A PARENT DOES NOT CEASE TO BE MOTHER OR A FATHER BECAUSE THEY ARE SEPARATED.

ANY STUDY OR PIECE OF RESEARCH WILL CONCLUDE THAT INTACT FAMILIES WILL CREATE A MORE STABLE AND BALANCED ENVIRONMENT FOR A CHILD IN EVERY FACET OF LIFE. HOWEVER IT IS IMPOSSIBLE THAT EVERY MARRIAGE OR RELATIONSHIP WILL LAST FOR EVER. EVERYTHING MUST BE DONE TO BUFFER THE IMPACT ON CHILDREN WHEN THE RELATIONSHIP DOES FAIL.

CONCLUSIONS MADE FROM A REPORT PREPARED BY THE FAMILY LAW COUNCIL IN 1992
TO THE MINISTER FOR JUSTICE AND CONSUMER AFFAIRS

STATED

- A) MOST CHILDREN WANT AND NEED CONTACT WITH BOTH PARENTS. THEIR LONG TERM DEVELOPMENT , EDUCATION, CAPACITY TO ADJUST AND SELF ESTEEM CAN BE DETRIMENTALLY AFFECTED BY LONG TERM OR PERMANENT ABSENCE OF A PARENT FROM THEIR LIVES. THE WELL BEING OF CHILDREN IS GENERALLY ADVANCED BY MAINTAINING LINKS WITH BOTH PARENTS AS MUCH AS POSSIBLE
- B) MANY SEPARATED PARENTS WHO ARE NOT THE PRIMARY CARERS OF THEIR CHILDREN HAVE LESS AND LESS CONTACT OVER TIME WITH THEIR CHILDREN
- C) THERE IS A STRONG LINK BETWEEN SINGLE PARENTING AND POVERTY.
- D) SOLUTIONS FOUND BY PARENTS THEMSELVES FREQUENTLY MINIMISE DISTRESS FOR CHILDREN WHOSE PARENTS HAVE SEPARATED.

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THE IDEAL CIRCUMSTANCES FOR 50/50 PARENTING ARRANGEMENTS WOULD BE WHEN BOTH PARENTS ARE LIVING WITHIN A REASONABLY DISTANCE FROM EACH OTHER SO THAT THE CHILDREN (WHEN AT SCHOOL AGE) CAN REMAIN IN ONE SCHOOL AND THEY LIVE ALTERNATIVE WEEKS WITH EACH PARENT. THIS SHOULD BE THE STARTING POINT FOR RESIDENCY.

AN EQUAL PARENTING ARRANGEMENTS MAY NOT BE PRACTICABLE IN ALL CASES AND THIS WOULD BE QUITE COMMON DUE TO BUSINESS COMMITMENTS, SHIFT WORK, LACK OF SUITABLE ACCOMODATION, OR MORE IMPORTANTLY WHERE INDIVIDUAL CASES WHERE ABUSE OF THE CHILD OR CHILDREN HAS OCCURRED, OR WHERE SERIOUS FAMILY VIOLENCE EXISTS.

GRANDPARENTS HAVE A LEGAL RIGHT TO HAVE ACCESS TO THEIR GRANDCHILDREN. THEIR RIGHTS HAVE BEEN ROCOGNISED BY THE COURTS. HOWEVER, THE NORM IS TO GRANT ACCESS TO THEM BY INTRUDING ON THE ACCESS OF THE NON- RESIDENT PARENT AND NOT GIVE EXTRA ACCESS TIME TO GRAND PARENTS.

IT IS OBVIOUS TO ASSUME THAT IF THE NON-RESIDENTIAL PARENT IS NOT GETTING ACCESS TO HIS CHILDREN THAN IT FOLLOWS THAT NEITHER ARE THE GRANDPARENTS

IN A 50/50 PARENTING ARRANGEMENT ACCESS ARRANGEMENTS WITH GRANDPARENTS WILL BE RESOLVED AS THE EXTRA ACCESS TIME OF THE NON-RESIDENT PARENT CAN BE SHARED WITH THE GRANDPARENTS. SOME GRANDPARENTS HAVE VERY CLOSE TIES TO THEIR GRANDCHILDREN ADD GREAT STABILITY AND LOVE TO CHILDREN AND THEIR SURROUNDING ENVIRONMENT.

SINCE ITS INCEPTION 1 OCTOBER 1989 THE CHILD SUPPORT AGENCY WOULD BE THE MOST HATED AND DESPISED GOVERNMENT DEPARTMENTS EVER, AS THEY HAVE THE POWER TO DESTROY PEOPLES LIVES AND LIVELY HOODS. THEIR POWER IS OVERWHELMING AS THEY GARNISHEE WAGES AND SALARIES AND TAX REFUNDS, WIPING OUT BANK ACCOUNTS EVEN THOUGH IT MIGHT BE A BUSINESS ACCOUNT WHICH DISABLES A BUSINESS, WRECKS THE CASH FLOW, AND BOUNCES CHEQUES FROM THE ACCOUNT. ALL THIS WITH THE PERSON NOT EVEN KNOWING UNTIL AFTER THE DAMAGE IS DONE. CONFISCATING PASS PORTS AND PROPERTY EVEN THOUGH THE EQUIPMENT MIGHT BE BUSINESS EQUIPMENT NECESSARY FOR A PERSON TO EARN THEIR LIVELIHOOD.

IF A PAYER IS IN ARREARS WITH CHILD SUPPORT ACCORDING TO THE CSA THE PAYEE IS FACED LATE PAYMENT PENALTIES AND INTEREST PAYMENTS EQUIVALENT TO BANK CARD RATES. THIS EXTRA INCOME DOES NOT GO TO THE PAYEE BUT GOES TO GENERAL REVENUE

THE LEGISLATION SHOULD BE APPEALED TO HAVE FRINGE BENEFITS EXEMPT FROM CHILD SUPPORT WHY IS THE INCOME OF A PARTNER OF A PAYER TAKEN INTO CONSIDERATION FOR ASSESSMENT WHEN A PARTNERS INCOME OF A PAYEE IS IRRELAVENT. THE SAME PRINCIPAL APPLIES TO CAPACITY TO EARN.

THE BASIC FORMULA OF 18%, 27%, 32%, 34% & 36% OF GROSS SALARY DEPENDANT UPON THE NUMBER OF CHILDREN THAT YOU ARE SUPPORTING HAS NOT CHANGED SINCE ITS INCEPTION. THE COST OF LIVING AND THE WAY IN WHICH WE LIVE HAVE SIGNIFICANTLY CHANGED. THE FORMULA IS OUTDATED GROSSLY UNFAIR TO NON- RESIDENT PARENTS

- 1) AS IT DOES NOT TAKE INTO CONSIDERATION THE BASIC COST OF RAISING A CHILD
- 2) IT DOES NOT TAKE INTO CONSIDERTAIION THE COST OF ACCESS.
- 3) SOME PARENTS HAVE TO TRAVEL GREAT DISTANCES FOR ACCESS FUEL AND WEAR AND TEAR OF MOTOR VEHICLES ETC
- 4) IF YOUR ACCESS IS LESS THAN 108 DAYS PER YEAR (NORMAL ACCESS IS EVERY SECOND WEEK END AND HALF THE SCHOOL HOLIDAYS) WHICH ONLY AMOUNTS TO APPROXIMATELY (87) DAYS, THEN THE COST OF ACCESS WITH REFERENCE TO FOOD CLOTHES & ENTERTAINMENT FOR THE CHILDREN IS ALSO DIS MISSED.
- 5) IT DOES NOT TAKE INTO CONSIDERATION THE EQUAL COSTS OF RAISING A SECOND FAMILY
- 6) THERE IS NO ACCOUNTABILTY IN THE SYSTEM! CHILD SUPPORT MEANS CHILD SUPPORT NOT SPOUSAL MAINTAINENCE. THE CSA IS NOT INTERESTED IF THE MONEY IS SPENT ON THE CHILDREN OR NOT!
- 7) CHILD SUPPORT SHOULD BE LINKED TO ACCESS AND SHOULD BE WITHHELD IN THE EVENT THAT ACCESS IS DENIED FOR NO APPARENT REASON.
- 8) WE USE BSU FORMULA FOR SOCIAL SECURITY PAYMENTS BUT WE USE THE LEE FORMULA FOR CHILD SUPPORT PAYMENTS HOW CONTRADICTIONARY !
- 9) 50/50 PARENTING ARRANGEMENT WOULD CANCEL OUT CHILD SUPPORT AS UNDER THE FAMILY LAW ACT BOTH PARENTS ARE RESPONSIBLE EQUALLY FOR THE FINANCIAL WELL BEING OF THE CHILDREN.

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10) IT SHOULD BE ALSO NOTED THAT AFTER DNA TESTING DONE BY DNA LABS 15% TO 30% OF TEST CONDUCTED SHOWED THAT THE MAN WAS NOT THE FATHER WHEN CHILD SUPPORT CLAIMS WERE MADE.

AN ANNUAL OF INCOME OF	\$27,500 WEEKLY CHILD SUPPORT	BSU \$31.00
		LEE \$61.00
	\$50,000	BSU \$57.00
		LEE \$138.00
	\$80,000	BSU \$90.00
		LEE \$242.00

IN 1994 THE JOINT SELECT COMMITTEE DESCRIBED THE SERVICE OF THE CSA AS APPALING AND SYSTEMICALLY CORRUPT. IN 1994 THE JOINT SELECT COMMITTEE COMMISSIONED AND PRODUCED THE 1998 BSU REPORT, INTO THE COCTS OF RAISING CHILDREN.

THE CSA & FAMILY LAW COURT HAVE REFUSED TO USE THE BSU REPORT TO CALCULATE THE PAYERS LIABILITY

TOTAL CHILD SUPPORT COLLECTION 2000/2001	\$1.4 BILLION
BUDGET OF FAMILY COURT	\$ 120 MILLION
LOSS OF TAX REVENUE BY UNEMPLOYED NON-RESIDENT PARENTS	\$1.527 BILLION
SOCIAL SECURITY PAID TO NON-RESIDENT PARENTS	\$1.74 BILLION
RUNNING COSTA CSA	\$ 221 MILLION
OVERALL COST TO THE TAX PAYER	\$ 2.208 BILLION DOLLARS

DEAR MEMBERS

DO YOU THINK THE ENTIRE SYSTEM NEEDS OVERHAULING ? OR WILL YOU SIT BACK AND LET OUR WONDERFUL COUNTRY AND SOCIETY DESTROY ITSELF EVEN FURTHER PLEASE REMEMBER YOU HAVE TO LIVE IN THIS SOCIETY TOO! FOR THE BEST INTERESTS OF OUR CHILDREN AND THEIR FUTURE AND FOR THE FUTURE OF OUR NATION PLEASE SUPPORT CHANGE TO OUR PRESENT LEGISLATION .

BACKGROUND

I AM A NON- RESIDENT FATHER NOW AGED 48 YEARS WHO SEPARATED IN OCTOBER 1989 WITH TWO CHILDREN . I HAD ACQUIRED THE FAMILY HOME WHILST SINGLE. I HAVE NEVER BEEN UNEMPLOYED AND HAVE PAID TAX ALL OF MY WORKING LIFE. I HAD NEVER BEEN IN ANY COURT BEFORE HOWEVER I WAS NOT WORRIED AND EXPECTED A JUST OUTCOME FOR MY SELF AND MY CHILDREN.

THE BIAS AND DISCRIMINATION THAT I HAD RECEIVED WAS APPALING.

I HAD NEVER MET OR SPOKEN TO THE SOLICITOR THAT HAD BEEN REPRESENTING ME DURING THE ENTIRE CASE. WHICH DRAGGED ON FOR (3) YEARS. HE WAS DISHONEST AND A FRAUD. MY COUNSEL WAS INCOMPETENT AND THIS ALL COULPLED TO MY TOTAL DEMISE.

THE ADVICE TAKEN FROM COUNSEL LEFT ME WITH VERY LITTLE ACCESS AND AS A RESULT I HAVE NOT SEEN MY CHILDREN FOR THE PAST 9 YEARS

I HAVE NEVER HAD ANY CRIMINAL CONVICTIONS OR ACCUSATIONS OF VIOLENCE OR ABUSE AGAINST ME.

I WAS AN ORDINARY HARD WORKING LOVING FATHER BUT THE WHOLE FAMILY JUSTICE SYSTEM COLLAPSED AROUND ME.

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FOR THE PAST 9 YEARS I HAVE BEEN IN SUPPORT GROUPS HELPING AND GUIDING NON- RESIDENT PARENTS THROUGH OUR APPALLING SYSTEM. FOR 6 YEARS I USED MY MOBILE AS A HOT LINE AND RECEIVED NUMEROUS CALLS EVERY DAY FROM NON-RESIDENT PARENTS GRANDPARENTS ,SIBLINGS AND IN SOME CASES RESIDENT PARENTS. I ATTENDED SUPPORT GROUP MEETINGS EVERY FORTNIGHT. THE NIGHTMARE STORIES CONTINUED OVER AND OVER.

OVER THE PAST 9 YEARS I HAVE ASSOCIATED MYSELF WITH GROUPS LIKE DADS AUSTRALIA, LONE FATHERS, FAMILY LAW REFORM ASSOCIATION, PARTNERS OF PAYING PARENTS, GRANDPARENTING NSW, SECOND FAMILY REGISTER, FIGHT AGAINST CHILD SUPPORT SYSTEM, FAIRNESS IN CHILD SUPPORT. I AM THE FOUNDER AND SECRETARY OF THE NON- CUSTODIAL PARENTS PARTY

I HAVE SPOKEN TO THOUSANDS OF PEOPLE OVER THE YEARS INCLUDING NON -RESIDENT AND RESIDENT PARENTS , GRANDPARENTS AND POLITICIANS. I HAVE ALSO ATTENDED CSA SEMINARS AT PARRAMATTA, ST MARYS, CABBELTOWN, CAMDEN AND GLENQUARRIE. ALL WERE PR EXERCISES AND A WASTE OF TAX PAYERS MONEY. THEY WERE CERTAINLY AWARE OF THE HARDSHIPS OF PAYEES AS THEY HANDED OUT BROCHURES ON LIFELINE, GAMBLING AND FINANCIAL PROBLEMS AND FAMILY SUPPORT INFORMATION. 95% OF ATTENDANCE WERE NON- RESIDENT PARENTS GRANDPARENTS AND SECOND WIVES AND PARTNERS. AT THE ST MARYS SEMINAR NOT ONE RESIDENTIAL PARENT COULD BE FOUND. SEEMS AS THOUGH THEY ARE QUITE HAPPY WITH THE SYSTEM. I HAVE ALSO DONE A LOT OF RESEARCH ON BOTH OF THESE TOPICS AND AM ABLE TO PUT REAL FACES TO THE UNDERLYING PROBLEMS WITH THE SYSTEM.

I HAVE RE ESTABLISHED MY LIFE AND HAVE A SECOND FAMILY WITH THREE CHILDREN UNDER 8 BUT NOT A DAY GOES BY THAT I DO NOT THINK OF MY OTHER TWO CHILDREN NOW AGED 14 & 21. MY ONE WISH IS THAT MY 85 YEAR OLD MOTHER WHO HAS 35 CHILDREN, GRAND CHILDREN & GREAT GRANDCHILDREN WILL SEE MY FIRST TWO CHILDREN ONCE MORE BEFORE SHE PASSES AWAY AS SHE HAS NOT SEEN THEM FOR SOME 11 YEARS, NOR HAS THE REST OF MY FAMILY.

I WISH THE COMMITTEE ALL THE BEST FOR THIS ENQUIRY. AS THE ELECTED REPRESENTATIVES OF THE PEOPLE PLEASE PUT THE BESTS INTERESTS OF YOUR CONSTITUENTS AND THE CHILDREN OF OUR WONDERFUL NATION AUSTRALIA BEFORE PARTY POLITICS. THE DECISIONS MADE BY THIS ENQUIRY MAY WELL SET DOWN THE PLATFORM FOR OUR FUTURE SOCIETY.

YOURS FAITHFULLY


ANDREW THOMPSON