Friday 8th August 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
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Submission from Peter Marsh

Inquiry into child residence arrangements in the event of family separation and the operation of the child support formula

Dear Sir/Madam,

Please accept my personal submission to this inquiry. I believe this submission addresses and satisfies the requirements of the terms of reference as set out below.

I believe that I will clearly demonstrate the failure of the current systems of family law relating to residence and contact arrangements and I will show that the rebuttable presumption of shared care for families after separation should be implemented by the government, with mediated settlements with parenting plans processed through a Family Law Tribunal Service (FLTS).

Additionally I will show the abject failure of the formula and review processes of the child support scheme, its management, and its administration, and that the government should overhaul the child support system, repeal the Child Support (Assessment) Act 1989 and Child Support (Registration and Collection) Act 1988, and place the responsibility for child support assessment and collections with Centrelink.

TERMS OF REFERENCE

(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; and

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

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

I welcome the opportunity to provide this submission for the benefit of all Australians, and in particular on behalf of my son and daughter.

I wish to state in this submission that I would also welcome the opportunity to be heard as a witness at the parliamentary committee hearing.

Please do not hesitate to communicate with me at the contact details as listed below in relation to this submission.

Yours sincerely

Peter Marsh

Confidentiality Clause : I request that by providing this submission to this government inquiry, that my personal details, specifically, my address, mobile phone number and email address be kept strictly confidential and not released to any person outside the inquiry without my prior written approval.

Contents

1. Quote of Prime Minister John Howard

In July 2003 the Prime Minister John Howard, in a media address, when relating his thoughts on a particular social issue stated :

"there should be a level of boldness with trying things that work"

I believe the standing committee should take the above advice from the Prime Minister with regard to the subject of this Family Law Inquiry which undoubtedly is the most important social issue facing Australia today, and that the standing committee should include the recommendations for action as outlined in **section 5** of this document when producing its report to the Parliament by 31 December 2003.

2. Background

I am the [redacted] father of [redacted] aged 14 and [redacted] aged 11 1/2. I separated from the childrens mother 11 years ago and both myself and my children have been subject to the failures of the current family law system and child support scheme ever since.

Demonstration of the abject failure of the Family Law Act of 1975 is that on only one occasion has either of my children benefited from sharing the simple pleasure of being with their father and other extended family members on their birthday. On not even one occasion since separation in 1991 have my children benefited from being together with their father on a Christmas day, Fathers day, or any other celebration day in the entire 11 years since separation. This is due largely to the inability of the Family Court to produce workable contact orders or enforce its own child contact orders which has fostered and even promoted Parental Alienation (PA) by the mother.

Demonstration of the abject failure of the child support scheme is that after a successful 20 year career including managerial positions in a niche technology industry the Child Support Agency (CSA) through its malfeasance and misfeasance of office, managed to reduce this father and his career to a state of current unemployment and a ruined future.

The damage caused by the CSA Part6A review processes since 1997 has forced me and my children to suffer the effects of losing a home, losing the rented premises of ten years that my children knew, my career, my dignity, my health and my future prospects of self support and finally all contact between my children and myself. The CSA has been and still is the largest obstacle between myself and my children and the largest impediment to the future of my children and myself.

During the last 3 years I have been an active member of the Australian community pushing for reform to the Family Law and CSA schemes. In that capacity I have direct knowledge of many Australians who have suffered as my family have.

This submission is made after numerous years activity involving researching Family Law and the CSA, in an effort to find an understanding and reasonable explanation of

what happened to an average father like me and his children when confronted with the Family Law system.

My active involvement in this process has included :

- family court hearings
- family court reports
- independent child assessments
- assisting the community with parenting plans
- running for political office
- community group involvement
- community radio involvement specifically regarding family law
- media interviews
- community representative CSA National Regional Advisory Panel
- meetings with a variety of Federal Ministers including Mr Anthony
- meeting with Prime Minister John Howard

My experiences and the outcomes my children have endured are typical of many other ordinary Australians experiences and I offer this submission as a relevant outline of the failings of both the Family Law Act and the Child Support Assessment and Registration and Collection Acts.

"Few people understand the interaction between the Family Law Act, the Child Support Acts, the Social Security Act and taxation legislation. It is not clear to the Advisory Group that the fundamental principals of the family law system are consistently reflected in these Acts" **[4]**

3. Children and the Family Law Act of 1975

The Family Law Act of 1975 specifies the rights of the child and obligations of the parents of that child.

In particular, Section 60B is the primary section that underpins most of the remainder of the Act dealing with children's issues.

60B Object of Part and principles underlying it

(1) The object of this Part is to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

(2) The principles underlying these objects are that, except when it is or would be contrary to a child's best interests:

(a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together; and

(b) children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development; and

(c) parents share duties and responsibilities concerning the care, welfare and development of their children; and

(d) parents should agree about the future parenting of their children.

There is no doubt that the presumption of shared care in the event of separation, is entirely consistent with the principles of 60B(2).

3.1 Shared care in relation to section 60B(2)(a) of the Family Law Act 1975.

"children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together".

By definition, a rebuttable presumption of shared care satisfies this principle to the maximum extent.

It has been recently argued by some in the community that a father who works while his wife is the homemaker is not in fact caring for the child, and somehow that lack of care should be interpolated into the care arrangements following union dissolution.

This argument is flawed for the following reasons:

- It is in the child's best interest to be breastfed, so it is most appropriate for the mother to stay at home during these early years.
- It is in the family's best interest to maximise income.
- The high cost and unavailability of child care facilities mean that both parents working is not always a suitable alternative.
- The high cost of living, coupled with reduced social security benefits, mean that both parents not working is not a suitable solution.

For these reasons, the father is almost compelled to work. This is not necessarily through choice. By working, it should be recognised that the father is missing out on much of the joy of a young child's life. That is, the father is paying a personal cost to support his wife and children.

The time that a father forsakes with his children so that he may provide as best he can for the family he is supporting is grossly undervalued by society at large.

Indeed, father finds separation a particularly galling experience for the following reasons:

- The time a father spends with his children is reduced to being negligible, because of the roles he and his wife assumed during the marriage, as the courts, and legal profession in general, assume the mother will retain residency, and persuade the father that the idea of regulated contact (sometimes only a few times a year) is a fair compromise,
- The father retains as little as 20% of the matrimonial property, because he has a demonstrated earning capacity that the courts expect to be met indefinitely,
- The father is compelled to work to continue support his child and his wife to within his demonstrated earning capacity and in many cases the CSA deem an unsustainable or unachievable earning capacity.

By working at the expense of time with children, particularly young children, the father is indeed caring for the child, and indeed for the mother of the child, in the most practical way, but at great personal and emotional cost.

Indeed, just as the mother forsakes career opportunities to become a homemaker, and that is recognised by society, and most particular the courts, the father has forsaken much in working, however this has yet to be recognised.

Post-separation, the sacrifices the mother has made in being the homemaker are considered and recognised by the courts, and an adjustment of the matrimonial property pool is made accordingly.

The sacrifices of the father has made in working at the expense of time with his family are not ignored by courts, but rather used against him to ensure that those sacrifices continue into the longer term.

The presumption of shared care will in address this inequity, in the same way that a presumption of shared property is an attempt to address the inequity in the financial resources of the mother and father.

3.2 Shared care in relation to section 60B(2)(b) of the Family Law Act 1975.

"children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development"

By definition, shared care satisfies this principle to the maximum extent.

Indeed, the current state of the law is such that residence is granted to one parent, who then retains overwhelming control and responsibility of raising the child. A recent study **[1]** showed that more than one-third of children of separated parents in Australia do not see their fathers, ever. A further 17% of children only have day-contact with their fathers.

If the mother re-partners, the statistics are even more alarming, with only 51% of re-partnered mothers reporting that the child had any contact with their father.

Clearly, the current system is not producing a result consistent with the principles of Section 60B(2)(b) of the Family Law Act 1975.

The same study indicated that 41% of mothers and 74% of fathers would like the child to see more of the father.

Indeed, one of the reasons why contact fails over the longer term is that the emotional bond between the child and the father is not established in the absence of frequent overnight stays.

By establishing shared care as the default position, both parents are then able to establish the meaningful emotional bonds with the child that will last the lifetime of the child, and work to reduce the incidence of fatherless children.

3.3 Shared care in relation to section 60B(2)(c) and (d) of the Family Law Act 1975.

"parents share duties and responsibilities concerning the care, welfare and development of their children"

and

"parents should agree about the future parenting of their children"

By definition, shared care satisfies these principles to the maximum extent.

Because both parents will be bound by the one common set of life choices for their child, they will face the very persuasive proposition of agreement to a realistic and sustainable parenting plan focused on the child's best interests, or face a less attractive alternative which is to have an agreement imposed upon them by a higher authority such as a court.

With this presumption as the default position for separated parents it will engender a culture of mediated settlements with the best interests of the children paramount. It will alleviate the current, almost universally despised, adversarial system.

3.4 Shared Care Rebuttal

Shared care should not be the forced position where it is impractical, or clearly not in the child's best interest because of violence, on either of the parents part, however shared care is a reasonable starting position after separation for each parent and their expectations as to the future relationship with their children.

It is difficult to imagine a group of people with a greater vested interest in the perpetuation of the current system than the Law Society, and that is displayed in the recent media release by the Law Society of NSW which states **[2]:**

"Rather than consider each family's special circumstances and needs, the current proposal for a presumption of 50/50 residence will set up parental expectations. An outcome that doesn't result in this split may leave the parent who has 'lost out', feeling disappointed and angry, and the presumption may encourage more litigation"

Parents would be quite right to expect a meaningful relationship with their child, and the current system, as I have already demonstrated, is clearly not working to foster any sort of relationship between the child and both their parents in many cases.

Further, if you are one of the 33% of non-resident father who never see their child, surely you would feel as though "you had lost out". The obligation imposed on the father to support those missing children while at the same time trying to rebuild his own financial and emotional resources, would undoubtedly further build on this feeling.

Research **[3]** has found that 41% of fathers want to change the living arrangements of their child 5 years after separation. Currently, any changes to the living arrangements of a child involves repeated iterations through the Family Law industry, with each iteration through the industry involving an astonishing cost to both parents.

The reasons for modifying the amount of time a child spends with one parent compared to another are numerous, but it is important to note that once the reason why shared care was not practical ceases to exist, then the care arrangements for that child should again be based on the presumption of shared care.

Opponents of shared or equal parenting may cite situations in which it is suggested that parents would find shared care logistically difficult. Below are some examples of how different situations **CAN** work.

Example 1: the parents are located too far away for shared care to be practical. If at a later stage one parent was to move so that shared care was a practical alternative,

there should not a complicated and costly court procedure to justify the new arrangements.

With regard to relocation, if a parent chooses to relocate, then the parent that did not relocate should be the resident parent of the child, unless the circumstances were such that this was clearly not the child's best interest.

This would not necessarily limit the freedom of either parent, but would encourage them to weigh the consequences of their actions in terms of their parental responsibilities. Bringing a child into this world also brings responsibilities to that child, and to the other parent, that override personal wishes from time to time.

Example 2: one parent is unable to have overnight care because she works shift work. After a while, she starts working straight day shifts, so is able to care for the child. She should be able to do this without a complicated and costly court procedure to justify the new arrangements.

Example 3: the child is a breastfeeding infant, so it would be impractical for the father to have sole care for an extended period of time. However, one day the child will cease to be breastfed, and the father should be able to care for the child for extended periods of time. He should be able to do this without a complicated and costly court procedure to justify the new arrangements.

3.5 Shared Care and Cost of Care

Clearly, in the situation where care was equitably shared between the two parents, then each parent would presumably pay half the living expenses of the child.

However the costs of the child whilst in the parents care needs to be adjusted by the relative financial position of the parents to determine if the cost apportioned to each parent is indeed equitable.

For example, consider the case where the father earns twice as much as the mother. In this situation, an equitable split of the costs of raising that child would be 1:2. Using the Budget Standards Unit cost of raising a child, it is estimated that the cost of a child is $66 per week, or $132 per fortnight.

The father is responsible for two-thirds of this amount, or $88, while the mother is responsible for the remaining $44. The father then pays to the mother the difference between $66 and $44 a fortnight, or $22.

Both parents should be eligible for any government benefits in accordance with the rate of which care is distributed between the two parents.

It has been recognised that there is a positive relationship between the amount of contact a parent has with their child and their willingness to pay child support to the other parent **[1]**.

3.6 Adversarial System & PA of Father, Grandparents & Extended Family

The current adversarial system of the Family Court is a win/lose situation that causes untold damage to Australian families and the wider Australian community.

The parental alienation (PA) of fathers in particular is causing widespread problems among separated families and in particular the children suffer greatly. There is substantial research to indicate the variety of problems that children of adversarial divorce suffer. **[12]**

A true example of the utter failure of the family Court in matters of the children's best interest is the detriment caused to my children Aimee and Cameron through the *unnecessary litigation and adversarial behaviour* **[4]** of the mother and the parental alienation of myself as father and the alienation of their grandmother Valerie Hargreaves and other extended family members.

In stark contrast to the charter of the family Court to make children's interests the priority, the failure of the Family Court to make suitable or workable contact orders or to even enforce its own orders has led to my children being alienated from their grandmother and grandfather, their Aunty Gillian and Uncle Michael, and their similarly aged cousins, Sarah, Megan, and Annie.

I believe this inquiry should identify the PA of innocent Australian children, by the resident parent using them as pawns in a game, as one of the major issues for redress by this government.

This author's sad 11 year case is little different to many of the outcomes of the failed Family Law Court and is but one statistic embodied within the research mentioned in section 3.4 and most certainly falls well outside the intent of section 60b of the Family Law Act.

At the time of writing my children have become part of the 33% statistic of children who lose all contact with their father.

It remains my deepest concern that the effects upon my children of being rendered fatherless will culminate in them becoming part of the statistics for children from fatherless homes which account for :

63% of youth suicides
71% of pregnant teenagers
90% of homeless and runaway children
70% of juveniles in state institutions
85% exhibiting behavioral disorders
71% of high school dropouts
75% of adolescent patients in substance abuse centers
Reference **[12]**

4. The Operation of the Child Support Formula

4.1 Child Support Act 1989

The intentions of the Child Support Act, 1989, are clearly defined in Sections 3 and 4 of the Act.

3 Duty of parents to maintain their children

(1) The parents of a child have the primary duty to maintain the child.

(2) Without limiting subsection (1), the duty of a parent to maintain a child:

(a) is not of lower priority than the duty of the parent to maintain any other child or another person; and

(b) has priority over all commitments of the parent other than commitments necessary to enable the parent to support:

(i) himself or herself; and

(ii) any other child or another person that the parent has a duty to maintain; and

(c) is not affected by:

(i) the duty of any other person to maintain the child; or

(ii) *any entitlement of the child or another person to an income tested pension, allowance or benefit.*

4 Objects of Act

(1) The principal object of this Act is to ensure that children receive a proper level of financial support from their parents.

(2) Particular objects of this Act include ensuring:

(a) that the level of financial support to be provided by parents for their children is determined according to their capacity to provide financial support and, in particular, that parents with a like capacity to provide financial support for their children should provide like amounts of financial support; and

(b) that the level of financial support to be provided by parents for their children should be determined in accordance with the legislatively fixed standards; and

(c) that persons who provide ongoing daily care for children should be able to have the level of financial support to be provided for the children readily determined without the need to resort to court proceedings; and

(d) that children share in changes in the standard of living of both their parents, whether or not they are living with both or either of them.

(3) It is the intention of the Parliament that this Act should be construed, to the greatest extent consistent with the attainment of its objects:

(a) to permit parents to make private arrangements for the financial support of their children; and

(b) to limit interferences with the privacy of persons.

In particular, Section 3 of the Act establishes that each parent has a responsibility to maintain the child, but not at the cost of either maintaining themselves or other people for whom they have duty.

Section 4(2)(a) of the Child Support Act 1989 states:

"that the level of financial support to be provided by parents for their children is determined according to their capacity to provide financial support and, in particular, that parents with a like capacity to provide financial support for their children should provide like amounts of financial support"

This is a crucial section of the Act, as it directs the parents to share the cost of raising a child equitably, in accordance with their respective financial capacities.

4.2 The Cost of Children

To date, the Family Court has preferred the Lee method for establishing the cost of children. There have however been some recent decisions where the more comprehensive BSU **[6]** approach has been used in applications for departure from the Child Support formula, and the figures produced using this approach have been accepted by the court.

The maximum a liable payer should ever have to pay is 100% the cost of raising a child, and that should only occur only if the other parent is not earning anything, and has no capacity to earn anything. If more than 100% the cost of raising a child, is assessed that it is in fact paying spousal maintenance. However, spousal maintenance is covered under the Family Law Act, and should not be collected using the authority of the Child Support Act.

Regardless of the method used to determine the cost of raising a child, it is clear that the non-resident parent does pay more than they should.

The British Child Support System has recently been changed so that the child support amount is calculated based on the after-tax income of the non-resident parent.

The current formula does not take into account the time that my child is in my care. A non resident parent may care for the child for 108 nights, or 29.5% of the entire year, but receive no relief or recognition for this contribution under the existing formula.

Further, the formula does not take into account the effect of Family Tax Benefit, which is a non-means tested pension to single parent families. Using the Lee tables, the cost a child is about $250 per fortnight. The value of the Family Tax Benefit is about $140 per fortnight. The nett cost to the resident parent of raising the child is $110 per fortnight. If the non-resident parent then gives $412 a fortnight to the resident parent, the child is now a source of tax-free income to the resident parent of $302 per fortnight.

The combined effect of the tax system and the child support formula can result in marginal tax rates for higher income earners of between 68% - 86%. This acts as a major disincentive for people in this position to increase the earning capacity through accepting additional responsibilities, training or working additional hours.

The resident parent receiving child support from a high earning non-resident parent also has a disincentive to increase their earning capacity. Child support paid to the resident is tax-free, and is far more attractive than the equivalent money earned in taxed employment.

Shown below is the author's actual CSA case, which clearly demonstrates the unjust and inequitable outcome. A serious indicator to the abject failure of the current Child Support formula and review assessments processes.

Figure 1 : displays the actual percentage of costs apportioned

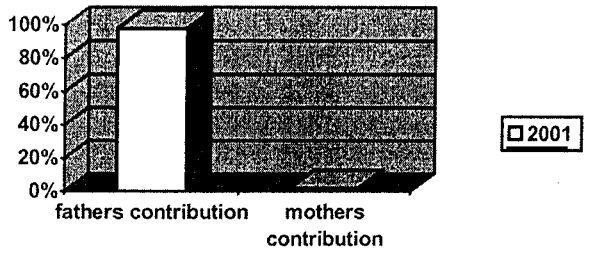


Figure 2 : displays each parents actual income for that same year

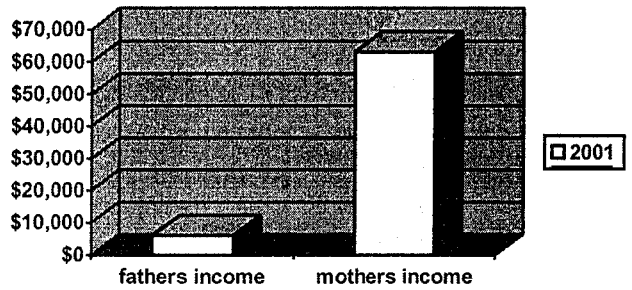


Figure 3 : displays accumulative costs per child per year via (BSU research) which should be apportioned to each parent according to their financial circumstances

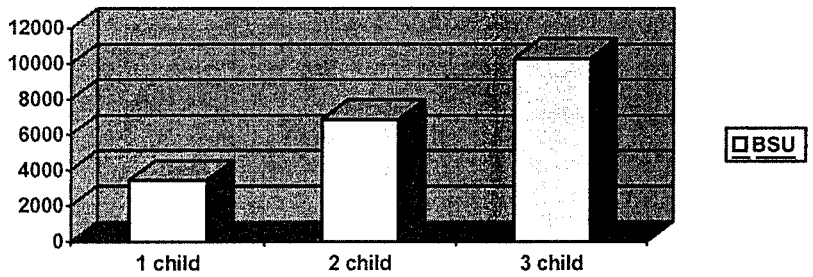
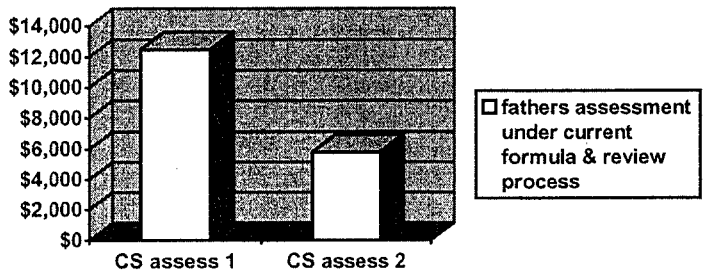


Figure 4 : displays the CSA formula and review process at work on 2 separate occasions, represented as the fathers liability in dollar terms for 2 children for year 2001



4.3 The Child Support Scheme – A fairer formula

In the preceding sections, I have outlined the following crucial failings of the Child Support Formula:

1. It makes no reference to the true cost of child.
2. It can result in determinations that exceed any estimated cost of the child.
3. It treats the income and financial resources of parents inequitably.
4. It does not take into account any proportion of care less than 30%.
5. It is based on gross income, and is therefore not representative of the true take-home financial resources of the parents.
6. It is a major disincentive for payer liable parents to earn an income.
7. It is a disincentive for the resident parent to earn an income
8. demonstrable bias in the disregarded income amount for the **payee** liable parent of approximately **$35,000** to approx **$12,000** disregarded income amount for the **payer** parent.
9. demonstrable bias in the reduction in child support income amount of the **payer** parent by only **50 cents** for each dollar earned above the disregard income amount of the **payee** parent.

The following Child Support Formula will result in a more equitable determination.

$$CSP = \frac{A}{A+B} \times C \times (1-D)$$

Where:

A: *Is the child support income of the payer, which is their income net of tax less any allowances for dependants.*

B: *Is the child support income of the payee, which is their income net of tax less any allowances for dependants.*

C: *Is the cost of a child, which may be calculated from published research and adjusted for inflation on a yearly basis. It may be that this value is dependant upon the sum of A and B, to reflect the increasing cost of care as it relates to increased family income.*

D: *Is the proportion of time the child is in the care of the non-resident parent. This proportion should be based starting from zero.*

Neither parent should have their income considered for the purposes of Child Support if that income, net of tax and the cost of dependants, falls below a reasonable amount. This amount should be the same for both the resident and non-resident parent.

Using this formula, it is not possible for the paying parent to pay more than 100% the cost of raising a child to the resident parent.

"the tragedy is we have reached a stage where the current scheme is almost at the same level of disrepute as the system it replaced. Everyone, whether in government or opposition knows the formula is not working but we don't have the political will to move on" **[9]**

4.4 The Part 6A review process

The following is examples of the abject failure of the Child Support Scheme and the Part6A review process. It is important to note that a considerable amount of angst held towards the CSA has been due its operation of the review process. It is without doubt the largest cause of injustice in the system and is most definitely a systemically corrupt process endorsed and supported by the current management of the CSA.

It is clear that Parliament is aware of the problems of the Part6A process and its abuse of statutory powers. The JSC report noted that :

"the Child Support Review Office (CSRO), was administratively established in July 1992, that is, the CSRO was not specifically established by legislation...There is no formal delegation of the Child Support Registrars functions to the review officers" (JSC, 1994, p219). **[10 & 11]**

"despite his explicit evidence to the contrary (JSC Hansard, October 1993)..once the Registrar registers a liability, even if it is demonstrably wrong, there is little avenue for rectification other than through a new application to the Family Court". **[10]**

"Neither the Commissioner of Taxation as Child Support Registrar, or any ATO/CSA officers are judicial officers as defined by Chapter 3 of the Constitution. The problem this poses for the CSA is that as the CSRO is NOT a judicial body then it has no authority to hear appeals about matters of family law. The architects of the Family Law Act never intended that a body such as the CSRO would supersede the court, otherwise they would have made specific provision in the Act". **[10 &11]**

"the principal avenue of appeal about the actions of the Registrar or the review officers is to the Family Court. However the actions, information or evidence used in the review hearing process are generally exempted from review by the court, thus, an appeal to the Family Court is in effect a new action in which the applicant 'payer' faces a reversal of the onus of proof. The application of costs often outweigh the child support liability. **[10 &11]**

"The practical effect of this is that the CSA officers and their departments have been provided with a level of bureaucratic protection which is beyond the normal avenues of appeal and remedy. Anecdotal evidence and Hansard reports from the JSC clearly show how the lack of accountability led to, "..the CSA not giving the effect to peoples rights and entitlements under the legislation" (JSC,1994:8). It is worth restating that section of the JSC report, quoted earlier at some length, as the parliaments criticism is levelled at the CSAs most senior officer, the Registrar". **[10 &11]**

A non-exhaustive list of the issues identifying the failure of Part6A of the Child Support Scheme is as follows :

1. No rules of evidence apply during a review
2. No availability for legal representation
3. Unqualified outside contractors performing the reviews
4. Improper delegations by the Registrar
5. Predetermined outcomes of the CSA in the review process
6. Ignoring supplied evidence
7. Ignoring procedural fairness
8. Ignoring natural justice
9. Breaches of duty of care
10. Failure to make proper legal notice and advice
11. Making review decisions outside legislation
12. Malfeasance and misfeasance of office

The conclusion that can and should be made from these facts are that the practical and political failures of the CSA, the constitutional/legal doubts, the conflicts of interest, the appalling client service delivery, the inappropriateness of the formula, and the complete lack of accountability of the review function, should lead to a dismantling of the Child Support Agency and a transferral of the registration, assessment and collection functions of child support to Centrelink.

4.5 Indemic CSA Culture

Whilst the operation and effectiveness of the CSA has been covered here previously the endemic culture of the CSA can be established with my own personal experiences of the most senior of officers of the CSA.

As a community representative I was invited to attend the National Regional Advisory Panel (RAP) of the CSA held in Canberra on a regular basis.

In 2001 in a RAP meeting I asked a question regarding payer parent suicides to [redacted] the General Manager and [redacted] the Assistant General Manager of the CSA. The response to that question was a tirade of invective from other members of that committee who proceeded to endorse the operations of the CSA and I quote,

"Mothers also commit suicide but you should feel happy that men seem to be at least better at it than women"

Neither [redacted] or [redacted] ever responded to the question, and nor did they attempt to prevent this abuse in a forum controlled by them. They did however prefer to let the abuse from others in that meeting answer for them.

Further example of the culture of the highest officers of this administration is found in the lack of action by both [redacted] and [redacted] when I was subjected to a unsavoury approach by the very same members of that meeting mentioned above who informed me and I quote :

"men are just disposable cheque books" and "children do not need fathers, they only need mothers"

Subsequent to these events, and what I can only presume to be out of spite [redacted] wrote to me falsely portraying that I has resigned from the RAP meetings.

Suffice to say, I was never invited back and the most senior of officials had orchestrated my removal as a community representative and stakeholder in the operation of Child Support in this country.

These factors are an identifier of the endemic culture of the CSA and throw weight to the proposition that the CSA should be [redacted] and [redacted] should be removed from office and the CSA dismantled.

5. Recommendations for Action

5.1 Rebuttable Presumption of Shared Care

The Parliament should listen to the will of the Australian people **[7]** in which 91% of the poll vote was in favour of shared care.

This submission respectfully requests the Parliament act by acting to implement the *rebuttable presumption that children will spend equal time with each parent* and move Australia forward into a less adversarial system focused on the best interests of Australian children and their parents.

In addition the Parliament include grandparents within the framework of a rebuttable presumption of shared care.

To achieve this objective I contend that the Family Court of Australia and the Federal Magistrates Service be amalgamated under a change of operation to a Family Law Tribunal Service focused on adopting operations and services which provide mediated parenting plans with the specific objective of implementing equal or shared care.

5.2 Child Support Agency

The Parliament should heed the damage being caused by the adverse effects of the CSA and the potential for ongoing legal actions and issues regarding the operation of the CSA.

The Parliament should repeal the Child Support (Assessment) Act 1989 and Child Support (Registration and Collection) Act 1988, and place the responsibility for child support assessment and collections with Centrelink

Centrelink already use the BSU research into the costs of raising children and the transferral of the operations would be simple and effective for minimal intervention in peoples lives and save the taxpayer somewhere in the order of **$200 million +** in CSA operational costs alone.

The savings to the public purse in terms of the overall costs associated with the operations of the CSA, including lost taxation revenue are in the tens of $Billions over the next decade.

Catherine Argall and Shiela Bird of the CSA should be sacked from the public service and prevented from holding a position in the public service again.

"Does the Child Support Agency need an overhaul ? Yes 90.14%" **[7]**

"The chairman of the 1994 Joint Select committee on the Child Support scheme, Roger Price MP, says no one should think the CSA was set up to benefit children. He says its sole rationale is to save taxpayers money while clawing back social security payments, as each dollar paid by a parent reduces the amount of social security paid to the recipient. It is not about the best interests of the child, it never has been" **[8]**

If all the evidence stacked against the CSA and its operations are not enough, the government should look to some startling statistics at the cost of what is an unjust and inequitable system in the first place. PIR research **[5]** has indicated that 206,700 of male payers are unemployed which represents a whopping 76% of

national unemployment. Add to this the estimated cost of child support since inception at $28 billion or $2,700 per taxpayer.

Yet there is no greater indicator that the Child Support System is not working under the CSA, than the damning statistic that the amount of child support collected now is approximately $26 per week per child, as opposed to approximately $46 per week per child prior to the CSA.

The system and the Agency have failed and failed miserably. And most importantly the CSA, its management and its operations have failed the children and parents and families of this country.

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