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I don't envy those who sit to consider the issues before the inquiry; to make decisions that suit all when so many cases are different will be a difficult task.

I write as a father who loves his children, believes strongly that he has not abandoned them yet my former spouse and the government prevents fairness and equity when it comes to matters of the family.

Background

My marriage dissolution is not important to the matters before you suffice to say that mental and emotional health has progressed for me since the separation. These reasons should not effect the judgment of care yet in some way should be recognised for the system says I am a bad man for leaving my family when I had no real choice in the matter.

Battered wife syndrome is a recognised defense in cases when a woman murders her spouse. I am unsure whether there is a male equivalent and there are certainly no support systems for men seeking help in similar circumstances. No support or recognition leads to the only choice that is acceptable and that is separation. The problem with this action is that once a man leaves he loses all rights to his family and accumulated wealth, what ever that might be. Although the system seeks fairness and evidence may indicate that it does, the clear facts in my case is that I am discriminated against and there is no recourse available.

So although I was the 'victim' in a marriage the system sees me as the antagonist.

Further background:-

In 1998 I lost employment and was not engaged in the workforce until 1 July 2002.

During that period I was the primary carer for my three children. I received the government benefits and cared for them fully. My spouse a qualified teacher moved in an out of employment, notably it wasn't until 2002 that she moved back into teaching where employment opportunities were plentiful.

During this period whilst searching for employment and caring for our children I enrolled in a university undergraduate degree.

Employment was difficult for me to obtain and eventually I had to seek engagement interstate. I was successful in securing employment in Melbourne thus having to leave my family in Perth.

I was not able to complete my degree (3 units remain) and primarily forced to take employment when offered as my spouse had indicated her intent in securing full time employment was not an option. Therefore as the male and the so called responsible member of the family it was incumbent upon me to provide for the family although my spouse had greater employment opportunities.

I left my family with a few suitcases of clothes to a city without support to begin a career without security. Needless to say the marriage faulted and within four days of my discussion with my spouse she had engaged the CSA. No other discussion with my spouse could be had; no discussion about my children's welfare; no discussion about care; no discussion about anything. I was shunted with out choice into the CSA system.

Current Status

Although I began sending money to my family immediately and paying accumulated bills I was required to complete forms and analysis of my earnings and other issues associated with my living expense.

I was required to be interviewed by an officer who lead me through the process but clearly he was hamstrung by regulation an was very evident in his tone and demeanor. It was difficult for him to listen to my story but it was useless in me telling him my story for he was not interested nor could he respond.

He had a formula and anything outside of that formula he was not interested in.

I have three children and earn more than \$130,000 per annum therefore I was catagorised at the maximum requirement under the CSA formula. I was considered to be wealthy and therefore I should not argue my case.

The maximum rate could be considered fair and reasonable but there are a number of assumptions and expectations which make up this determination.

The CSA, under its formula does not take into account family access, how the allowance is spent, whether there is a need for the full allowance to be provided, the living circumstances of the payee (normally, and in my case the father) nor the cost associated with the payee seeing the children. It is formula driven in an emotional environment that places CSA officers within circumstances that are difficult to manage.

There is no easy solution but the formula solution does not work for all cases and there needs to be greater consideration given to absent parents.

I was the primary carer for my children, now I see them rarely and I wonder what effect that has on them. It certainly has a difficult emotional effect on me when through no fault of my own I am forced to deal with a government department rather than my children's mother direct. It becomes worse when the mother uses government formulas to punish me when I have no recourse.

Let me explain some of my issues.

Property:

1. I own outright the family property. It is not my intent to have the property sold and settled, yet I pay a property allowance to my former wife to provide property whether through rent or mortgage.

There is not a requirement for rent or mortgage, yet in the formula I am required to pay such an allowance.

What this is forcing me to do is to seek a property settlement, which may mean the sale of the family home so money I don't yet want is paid to me.

This is caused through the double dipping of the CSA formula. I have provided a no cost home yet I am required to pay a hefty allowance for rent or mortgage that clearly is not required.

Therefore the CSA is forcing me to sell the house.

2. When I was left the family home in search of work I was required to establish another home suitable to have my children stay with me. Why should I be required to fully fund this new home when I have already contributed heavily to another home.

There seems no consideration about the requirements of an absent parent establishing a new additional home for the children when there are enough assets and income to make such allowances.

This aspect treats the absent parent as the guilty party in separation and in many cases this is not the case. The absent parent may not be guilty but the system deems that he or she, mostly he, is.

Allowance:

1. How much does it take to care for a child? It seems that there is no definitive figure on this.

Does it cost more to fund a child in a high social economical area than another, surely not? Yet this is what the CSA seems to believe. The current formula means that if an absent parent works harder to improve all incentive to do so is taken from the parent.

What this effectively means is ... if a parent was earning \$50,000 a year and had an opportunity to take another job paying \$60,000 would they take it? The first reaction is yes but if it meant that CSA increases and a new tax level comes into place then the answer is probably not.

Why would say \$8,000 paid for child maintenance be acceptable prior to a pay rise and not acceptable after a pay rise?

Given there are CPI allowances within the CSA formula why then does it have to be linked to wealth creation of the absent parent. This is especially apparent when the caring parent has no compulsion to provide to the wealth creation of the family.

If an absent parent betters themselves to create wealth to reestablish themselves why does the formula discriminate and demotivate that process?

In my own case I was the primary carer and my family was living on meagre income yet were healthily enjoying life. Suddenly when a parent seeks and gains employment the cost of a child becomes exceedingly different.

Of course I want to care and provide for my children but it must be done where both parents provides a contribution.

In my case these are the 2002/2003 annual figures:-

Absent parent

Income	\$130,000	
Less		
CSA	32,570	
Tax includes HECS	58,192	
Subtotal	\$39,238	net 30% of my income.

Home Parent

Income	\$35,000	
CSA	32,570	
Undeclared net income	14,400	(Student boarder)
Less		
Tax	7,119	
Subtotal	\$74,851	net

My former spouse works three days per week at a nearby school and has net earnings almost double than the absent parent. Is this fair?

2. I have no difficulty in providing for my family yet the money investment is not reconciled nor accounted for. How do I know the money is being used to provide for my children? What methods are there to ensure it is not used on other forms of luxury items other than the children.

In my own case my former spouse had extensive cosmetic surgery four months after separation to the value of \$10,000 minimum.

Does the committee see that this could be an issue when so much funds are directed to the parent rather than the children?

This particular issue is rather galling as the home parent did not advise of the circumstances and I was to learn that my children were left for a week and half by themselves with occasional adult supervision whilst the mother was in hospital. Why was not the absent parent advised about the children being left by themselves? Is this not a welfare issue?

The issue of how the allowance is spent is an important one and perhaps there is an answer through trust accounts or reconciliation at the end of the financial year.

This weekend for instance (1/8/2003) my former spouse is holidaying in Broome and the children are left to fend for themselves. Which they can do quite well as I have taught them; although I am concerned for the welfare of the 8 year old. But do you see the concern the absent parent has ... where does the money go?

Seeing the children:

1. For me to see the children requires me to travel to Perth from Melbourne or to bring them over to Melbourne. To bring them costs a minimum of \$1,200 in airfares.

The CSA officer determining my case said that this amount would not be considered as I could afford the cost in travel. Clearly from the above figures this is not the case.

If the CSA allowance is used for the welfare of the children why then can't travel costs be part of the monthly consideration?

2. When the children are with me for a month, why am I required to pay CSA when the costs associated with this visit are incurred by the absent father. Surely there must be a reconciliation of monies that goes beyond the 104 day formula?

3. Why isn't the costs of travel and accommodation to see my children taken into account in a significant way. To see my children in Perth I am required to stay at hotels and cater for them at restaurants and cafes. In Melbourne I am required to take them away as I cannot afford accommodation other than a shared squat thus imposing my three children upon other residents becomes very hard.

When I raise these issues with the CSA they tell me I can afford it and I have the process of appeal. Having been through that process without success I am loath to go through it again.

Family separation

Are my children as close to me as they were when I was a primary carer? The answer is clearly no. Only the other day my mother told me that my daughter was suffering with anemia and required iron infusion. Why as a parent was I not advised by the mother?

Do you see where this poor communication attitude does not sit well with the issue of providing monies yet having no say, nor input into the family. This situation is not my fault yet I am lead to believe I am at fault by the system. There is no recourse and no understanding of the particular case, just formulas.

When it comes to my family we are not formulas, yet it seems the father is punished for being a good provider. There is no reward in the system for him. No help nor does the system care.

My advice from a solicitor is, that no matter what asset comparison prior to marriage, which skews towards me, no matter the input I had in developing a family wealth (80% my work), no matter how much influence I had as a primary carer for the years as a parent (at least 50% of my children's lives) the apportionment of assets will be 70% to the mother, 50% of superannuation no matter when I started the fund and a spousal maintenance on top of the CSA allowance ... is this fair?

Perhaps the issue of fault for divorce should return when this injustice is considered.

Why am I, as an absent father treated with such disdain by the system when I have not abandoned my children yet my former spouse chooses to use the system to continue to punish me?

Issues to be considered

1. Not all family breakups are the same and some cannot be as simple as following a formula.

2. Absent parents need to have a mediated system that allows for fairness for all parties, but moreso the children and there relationship with both parents.
3. When children live with a parent for an extended period (two weeks plus) then that month's CSA allowance should reflect the care the absent parent provides. This is not a year by year situation. It is a week or month at a time situation.
4. A proper reconciliation of CSA funds should be made to ensure the children are benefited not the home parent only.
5. The system needs flexibility to allow for the absent parent to have a greater say in the family well being.
6. Travel costs for the absent parent need to be considered when determining CSA allowance.
7. A PAYE taxpayer is penalised by high tax rates yet cannot seek any form of reduction in tax for being a parent.
8. There is no allowance to the absent parent for accommodating the children when they visit.
9. There is no requirement for the home parent to inform or advise the absent parent on any family issues. There is no calling to account actions and activities that may be detrimental to the welfare of children by the home parent.
10. There are two parties to the system as it currently stands; the home parent and the absent parent. A third party that is not considered yet is more important is the children who are not accounted for separately nor are they represented.
11. The winner takes all approach to family separation must stop.
12. There is a belief from the CSA that the truth lies with the home parent and that any funding issue has to be approved by the home parent first before it can be counted towards the welfare of the children.
13. The CSA system is based upon total abandonment by one parent. It does not consider a caring, providing parent who wants to participate. The CSA formula systems drives these people to distraction.

Recommendations

1. Separate the system.

Have a system that picks up the deadbeats as it currently does, but also allows for those absent parents who are not and want to contribute directly but the system does not allow them to.

2. Account for the cost of the children fairly where both parents contribute fairly.
3. Allow for the absent parent to do better for themselves without penalising or demotivating them by taking even more money from them through tax and CSA.
4. Establish a children's travel fund based upon equal payments from both parents which can be apportioned from the CSA payments.
5. Have a reconciliation of children's welfare costs at the end of the financial year. This is a requirement for tax and Family Assistance, so should not be an issue for the home parent. If the costs are above a recognised average for the cost of a child then a rebate should be available to the absent parent. Either directly or through the tax system.
6. More welfare counseling assistance, administrative protocols and help for the absent parent. Overcome this anti absent parent feel within the system.

I wish you well in your considerations and don't envy you.

The system statistics will support no change, please believe your colleagues and those absent parents who suggest there needs to be a change.

Absent parents are neither villains, nor are they the guilty parties yet the system and the law seem to suggest they are.

The system needs fixing and may you have the power to do so. Good luck

Yours sincerely