

House of Representatives Standing Committee on Family and Community Affairs
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**Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia**

Firstly, thank you for the opportunity of making a submission to the inquiry.

Background:

My name is [REDACTED]. I am the father of two young girls. I was married for two years and have been separated and divorced for most of my daughters lives. Compared to the many stories I hear, my former wife and I currently have a reasonably civil relationship. The exception is that about a year and a half ago she relocated suddenly with our children from [REDACTED]. Until then the children resided with their mother, but I was very active in their lives. Visiting several times a week and having them every second weekend.

I initiated a Federal Magistrates Court hearing in which I sought custody of the children. The Federal Magistrate made the observation that although there seemed to be no strong link between the mother and the children, the girls should go with their mother.

I now fly to [REDACTED] to have my access weekends with the children. I have purchased a unit in [REDACTED] which the government considers is an investment property. The court ordered my ex wife to pay one of the air fares down each month, and I have the children most school holidays.

My ex wife registered with the child support agency after we split. That was despite me already paying her a weekly allowance. Then the agency formula actually proved to be less than what I was originally paying her. I believe it would be much more beneficial for us not to have the agency involved. Like many people I have experienced difficulties with the agency. These include having to pay child support, despite my ex wife moving back into the family home for a period, and her ability to hide her true taxable income.

So as a parent in that situation I would like to make the following submissions.

2.

Family Hearing:

Before any family splits, an independent counsellor tells the party's together what the ramifications are. This is conducted in a fairly forthright manner in which each party is told that without doubt they must respect the other, even though there will be deep anger and resentment. The cold and hard facts of the next few years! Many parents are also overcome by emotion and make commitments they can't keep when the reality sets in.

Also what long term issues will develop, and the importance of a child's right to have both their parents in their lives. Many fathers walk away from parenting after a split. They existing system almost encourages them to do so.

Nor should a wife be allowed to make it difficult for fathers to have a role with their children. The interview will also point out the various roles agencies will play, and the options parties have if the other does not play fair.

The best thing I did was buy a book on parents splitting written in plain speak by a former solicitor, himself a non custodial father.

Child Support Agency:

The child support formula is wrong. Earlier this year I attended a meeting at which there were 30 parents from split families. It was hosted by the agency. There was a woman there who has since remarried. She raised an interesting argument. Her new partner has to pay child support to his old partner for one child. Her former partner [REDACTED] pays child support for their one child to her. It's about a hundred dollars more a week than her new partner has to pay his ex wife. She says it dose not cost that amount each week to bring up their child from her first marriage. The message that also came though from many parents is that they would like to earn extra money to provide for their children, and that they would like more control over where the money goes.

It must be deeply offensive to parents to be paying large amounts in support but see their children going without. There is little control as to how custodial parents spend the money. I would like to be paying directly to my children's education, instead of watching my former wife spend it on herself and her new partners expensive tastes.

Legal System:

I think there needs to be more explanation and control of the legal system. There are solicitors out there pretending to be experts in family law but aren't. They give poor advice which can be very expensive in the long run. There also seems to be no ceiling on what people can charge. A person charged with a criminal offence can receive legal aid; but not for advice on family law.

3.

Relocation:

How can a court allow a mother to relocate denying access for a father, then ask more in child support when he can't make those visits because of the expense of travel. I get no deductions for travelling once a month to spend time with my children. I bought a unit for them and I to live in for access weekends. Any deductions I can make from that unit are added back in as income on which I pay child support on. The alternative is living in Motels and Caravan Parks for access weekends. That's not something I would like my children to experience. I also have to rent a car every weekend I come down which is not deductible.

Overseas Travel.

I live in fear that the next step will be to take my daughters out of the country. I believe passports for children should be held with the courts. If a custodial or non custodial parent wishes to take them overseas, then applicants must lodge a bond with the court. This could take the form of security like property. It is too easy to take flight, regardless of the reassurances of the authorities.

Once again thank you for this opportunity.

