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Secretary:

From: [REDACTED]
To: <fca.doc.reps@aph.gov.au>
Date: 10/16/03 10:29am
Subject: submission re CSA from [REDACTED]

Hello.

I have been in contact with John Forrest (MP) and he knows my case well and has been trying to help me. I would like to make a submission, as a change of CSA laws would not only help me a lot, also the community, and if they had been in before now would have saved me considerable pain and hardship.

I would also like the opportunity of sitting before the committee if this opportunity is available.

Briefly and in dot points -

Since my separation my husband has continued to run a business (as a bankrupt!) and has hidden his income in company structures. The tax department, the CSA and the ASIC has not taken any notice of any of my requests to have him investigated even though he has been committing considerable crimes.

I am left in the dark and given no feedback. When ringing places like the CSA I get someone different all the time and have to repeat my considerable story over and over again and then no-one seems to take any notice. It seems to be too hard for them.

When I apply for change of assessment he always gets a copy of what I have to say, and can see on the forms they send him my personal details. I object to this strongly. The privacy act sometimes prevents justice, and leaves people who are the innocent party vulnerable. When he sees what I have said, because he is very devious, it gives him a chance to try to cover his tracks. Action by CSA is very slow, if there is action at all. In the meantime he has information about me. Contact to him from the CSA as a result of my application should simply state that I have made an application. If he is innocent, he should not be worried, as he would have nothing to hide. Giving him my details is like giving the robber details about when the security guard will visit!

There has been an outstanding CS debt for years and no action becomes and yet my children are growing up now and therefore need it now! What is the good of having a debt without having it recovered. Every time the CSA makes a noise to begin to collect it he gives them some payment to shut them up and send them away and then stops again when it suits him. It then takes another phone call from me to have it looked at again. It is a very tiring and frustrating experience for me and it gets me nowhere. Where is the action?

Woman and children do not fight back generally if the father is not declaring his income because they are tired and exhausted being left on their own to make ends meet, and they feel the system is not on their side. Many men may have legitimate grievance, but they are certainly making more noise than, what I believe is a larger number of quietly suffering woman and children living on low income levels and struggling to make ends meet.

There must be some sort of legal aid offered to people who have these sorts of problems, not the sort of plastic, band aid legal aid that is offered presently, which I have never been able to access anyway. How could I have organised legal representation for myself when I was on the verge of a nervous breakdown for years, and felt like the system would not work for me anyway when he could afford legal representation to run rings around me on my own!

These sorts of issues need to be addressed effectively and as quickly as possible so people can move on with their lives and children are not being caught up in years of battle and frustration which is sending some responsible carers over the edge and damaging our future generations.

People who cannot accept fair decisions based on a just and fair assessment (this has not occurred in the past!) should be made to attend psychological appointments by people especially trained in this area. Sometimes people, in my case my husband, will not be told by anyone and acts in a way that is violent, psychologically manipulating and intimidating if cornered. I cannot protect myself because I have to let him see the children and have contact, unless he proves physical violence. This sort of violence is more insidious as no one sees it, and people just think I'm just a scorned and bitter wife (not those who have witnessed my life first hand).

My ex has a debt but was able to leave the country for an overseas trip this year. How come? Could he have taken money with him/ organised for offshore transfer. By the time we find out it's too late. He is well ahead of any system in place and his passport should be taken. When I put in a 'Change of assessment' form it is not seriously investigated. The first assessment came back with his income seriously underestimated and me being told I was in a better position to bring up the kids, even though I am carrying his debt on an every day basis and he is not declaring his income! It was only when I got John Forrest on board and put in an appeal did a proper investigation occur ! This is not on. Many women would throw their hands in the air and not fight because they feel the system is not on their side and it is a waste of effort.

It is imperative that the CSA is able to audit people with business connections at any time, and even more importantly, they should be able to get hold of company assets if the person running the business has outstanding CS debts.

There should be action taken against those who go on the dole as soon as they have to pay CS or arrears. My husband has told me he will, and therefore I may always be running short of money and the community will be picking up his bill. He has a history of earning big money and this should continue without a very good reason given.

When CSA debt is worked out, there is no place for past debts to be taken into account other than those connected to CSA. Considering that there is no legal aid available, woman who have suffered 'sexually transmitted debt' as a result of their partners like myself, have no access to the courts because it is too expensive. We are left very broke, destitute and broken and cannot get into courts to fight for justice, made all the worse, when the person having caused it all is living like a king because he is running a business where he does not declare his income. These sorts of partner incurred debts does influence your ability to raise your kids!

A more holistic approach to helping those affected by this sort of debt should be taken by the government. There are a great number of woman and children all over the country loosing all they have, being kicked out of their houses, for want of a few simple changes to laws to help to protect innocent families, and some real and effective help. The CSA picture should be rolled into this sort of help and in my case, the Tax Department and the Federal Police. In my case, his company assets, income etc should all be taken from him not only to pay child support but other debts I'm owed but cannot retrieve on my own. I am just a single mother without the might to be able to deal with this effectively on my own.

In my case I have lost my home and community, payed out about \$160,000 in legal fees, lost my investment units, burdened my parents with debt, had my superannuation stolen with nothing happen (that is just some of it). I have had this happen while for 7 years he has been not declaring his true income.

I get very upset when you hear the argument that men who have had their children taken away should not have to pay for their upbringing. Cases need to be looked at individually, and in some cases it is in the interest of the kids and the main carer to relocate. In my case I stayed as long as I could, hoping he would help us, and to show some commitment to the children. In the end after further abuse, I have taken the children and myself away from him to my family who can care for us and help us. It was painful though as I miss my friends. Don't punish me for doing what I was forced to do, and for doing what was best for my children, while at the same time giving him an out for being responsible!

I probably have rambled on enough for now. It is all very hard to go over in an e-mail, but you may get a gist of where I have been. PLEASE change company law, PLEASE collect debts and PLEASE get audits done quickly as a first step and PLEASE make sure that irresponsible parents do not continue to find loopholes to get away with it. The money spent will be well worth it, and will benefit everyone but the irresponsible.

Regards

[REDACTED]

Addendum

A little addition to the one I sent yesterday. It relates to the point I made about feeling left in the dark.

- There is no acknowledgment on any regular government correspondence from the Family Assistance Office and CSA about which part of the fortnightly payment consists of maintenance contribution from the other parent. You have no idea from one week to the next if they are paying what they should be. The only way to find out is to ring the CSA which can be time consuming. It may be quite some time before you are aware that the payments have not been made.
- A similiar point can be made about when an outstanding debt payment is made. It just appears in your account and can be very haphazard. It makes planning your budget very difficult. You never know when a payment is going to be collected, when it is going to stop and start etc. If you live on the breadline this is very difficult to deal with.

[REDACTED]