

From: [REDACTED]
 Sent: Sunday, 10 August 2003 10:55 AM
 To: Committee, FCA (REPS)
 Subject: Fw: Standing Committee on FCA

House of Representatives Standing Committee
 on Family and Community Affairs

Submission No: 1194
 Date Received: 10-8-03
 Secretary:

----- Original Message -----

From: [REDACTED]
 To: minister.vanstone@facs.gov.au
 Sent: Wednesday, July 09, 2003 9:42 PM

I have only just become aware of the opportunity to write a submission. As the date for a submission to be sent has passed (I was not aware of the opportunity to write a submission until this weekend) I am sending a letter. I believe that the opportunity to write submissions was not well advertised.

re: discrimination and inequities in Family Law Court and Child Support Payments against fathers; what this means to my son and myself.

Dear Committee Secretary

I am writing to you to express my wife and my support of the governments reviewing the issues of fathers access to their children following separation. I would like to state that we are impressed that for the first time a government is addressing the issues of discrimination against fathers and their children.

When a couple become divorced they are expected to show what provision has been made for the care of children from the relationship, this is not the case when the couple have been in a defacto relationship there is no such provision- although the non-custodial parent (usually the father) is still expected to pay child support. Furthermore the father (as in my case) is expected to pay high child support but have no say in how the money is spent, where the child goes to school or any decisions about medical treatment.

My situation is that I was separated from the mother of my child and defacto when my son was 2 years of age. The separation was by mutual agreement I had regular access to my son however this access was completely dictated by my son's mother. My wife and I largely went along with this arrangement hoping that my ex-defacto would eventually get on with her life and in time improved relations and equitable access arrangements would eventuate. When my child was 6 years of age his mother commenced a relationship with her current defacto and was soon pregnant, within a short period of time they moved interstate; I was given 2 weeks notice. When I asked her what access arrangement would be made she stated it would be worked out - I was concerned but did not want to make any moves to block her and her partner pursuing employment opportunities elsewhere. After the move I pushed the issue of organised access and my son's mother stated that I was lucky to see my child at all as many fathers did not see their children and she would let me know when it suited her. Ironically, she was correct this is exactly how the Australian Family Law Court has viewed the value of fathers.

Following the move interstate my son needed counselling due to his separation from my wife and myself; I strongly believe that he has since developed behavioural problems. I decided to seek legal advice and was told that my rights due to the fact that I am a male parent were limited; I felt very discriminated against but pursued access through the Family Law Courts. My wife and I are both professional people and we have since moved to a remote area, to work in the field of Aboriginal health, I pay \$160 per week child support and have to pay all travel expense to see my son. I am allowed access to my son for 3 school holidays per year (a total of 43 days per year) the cost in travel on top of the child support I pay is \$1,500 per visit. I had to pay hefty lawyer fees to be able to have any access, I have no input to where my son goes to school or any medical issues, I have to stick rigidly to the day to school holidays even though my son is frequently taken out of school for his mother to visit relations elsewhere. The only recourse I have is again to pay for legal representation without much hope of changing things.

I cannot always get holidays from work when my son has his school holidays, I have therefore cut visits down to 2 visits per year (32 days per year). His mother after not wanting me to have 3 school holidays access per

16/08/2003

year now tells my son that I don't want to spend money on getting him up on the extra visit. She now has 2 small children with her defacto and they are now keen for my child to go away in the holidays. Last Christmas they went on holiday, when my son was with us, and left no contact number nor did they contact him at any time which was very distressing for him. I would love to have my son for half the time but believe that even though his mother would like the break from him (which is totally reasonable) that the child support payments generated would be missed, when he visits us he is often not dressed appropriately and I then also have to buy him shoes and clothes. When I ring him I get an answer machine message and I often don't get to speak with him, even though it was part of the access agreement that I have unlimited phone calls again there is no fair way of policing this and as time has gone on I try less and less but send him letters and gifts to have contact.

I feel the strong bond that my wife and I had with my son when he was younger is, understandably, not the same given the limited contact we have and that now he is 10 years old there really is not much left of his childhood. The truth is that my main concern is to be actively be a part of the coming years of my son's life but I believe the issues of paying high Child Support when you are seen as only a source of income and a holiday babysitter must also be reviewed. I hope that even if your investigation doesn't give myself and my son the opportunity to have some time to have a normal father son relationship and help ensure he grows into a mentally healthy young man that it addresses the discrimination against fathers that may in the future lead to compensation claims. I honestly believe that an important part of my son's rights as a child and mine as a father have been stolen from us.

I thank you, for showing concern for fathers and their children, especially but not exclusively boys, and I would like to have the opportunity to be a part of your inquiry as would just about every man that I know who has been separated from their children.

Sincerely

A large black rectangular redaction box covering the signature area.