

Submission No: 329

David J Hyde, Date Received: 6-8-03  
28 Drumcondra Avenue  
Drumcondra Secretary  
Victoria 3215

5<sup>th</sup> August 2003

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

By email attachment

Dear Sir / Madam

I am writing in relation to the current inquiry into child custody arrangements recently commissioned by the Minister for Children and Youth Affairs

***By way of background :-***

I am a father of two children who are currently residing with their mother after a separation in November 1997.

I am currently in a long term relationship with a new child.

During this period of time I have been paying the top rate of child support, currently some \$25,000 per annum, and have never missed any of my obligations.

At the time of separation my gross annual salary was around \$55,000 pa, I have worked extremely hard to provide for all parties and as such I am now on a salary of around \$110,000 pa

There are court orders in place for me that allow me to have fortnightly weekend access as well as for 2 school holiday weeks and a week at Christmas.

***Problems with current system:-***

In my case over the last twelve months I have had access to my daughters on two occasions, the court orders have been broken many many times, but I do not have the financial resources or the emotional strength to keep going back into court. There is no penalty implied on the mother, nor is there any incentive for her to make the girls available, as the more I have them the less money she is likely to get. The children are the ones missing out.

The system where the amount of child support is reduced to the custodian parent, the more the non custodial parent has access with the children, unfortunately can, and in my case does, reduce their willingness to comply with any court orders. Knowing full well that they will rarely be challenged

I strongly suggest that any new system that is adopted, creates an easier way for non custodial parents to have access to the children by way of:-

- Financial penalty for custodial parents/ carers for non compliance of orders, this could be administered by the Child support Agency.

- Easier / cheaper alternatives for non compliance of orders to be heard, rather than expensive and time consuming for the courts as the process currently is. The only winners currently are the lawyers.
- Non custodial parents assessment of child support payments should be reflective of appropriate child support assessment calculations in conjunction with actual court orders of access arrangements. Monies could be held back from being passed onto custodial parent/carers for a period of time until proof of compliance with Court Orders. If non compliant than monies would be returned to non custodial parent.
- There should also be an incentive for custodial parents to contribute financially to the household. In my case as I am sure in many others as well, the custodial parent gets a significant amount of TAX FREE money from the non custodial parent as well as payment of pension, health benefits etc etc without making any financial contribution themselves to the community . Total income would be in the range equivalent to approx gross \$60,000pa. This would also reduce the burden on the Government purse as well.
- There is no incentive for non custodial parents to strive to achieve more. I am sure you would be well aware that in a high percentage of cases the non custodial parent after separation is left with very little and needs to rebuild entire financial position. I work hard to provide for two families, if I am fortunate enough to say get a pay rise for over performing in the work place , or even a bonus, the non custodial parent benefits more than I do. Genuine bonus's and performance pay increases non custodial parents obtain, **should not** be included in child support assessments. You could say pay increases above CPI increases could be excluded from assessments.

#### Example

Bonus received by non custodial parent of \$5000 with two children on highest tax rate

Child support of 27%	= \$1350.00
Tax payable 47.5%	= \$2375.00
Net amount available to non custodial parent	= \$1275.00

How can this be considered fair and equitable if custodial parent/carer receives more than the non custodial parent? And in my own circumstances , I don't even get to see my children.

This would also apply to any pay rises received as well.

I fully support paying for the well being of my children, however the well being of my children is far more than money in a bank account each fortnight.. The current system is starving my children's needs of spending valuable emotional time with their father and from a selfish point of view is starving my emotional needs of time with my daughters.

I hope the above has provided you with some information that may go some way to helping you formulate a fairer and more equitable system for the future.

Your sincerely

