

Submission No. 1149

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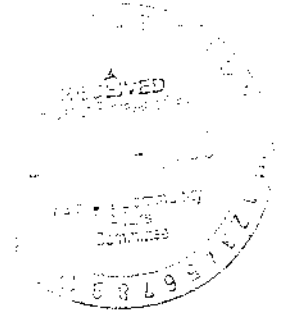
Secretary: \_\_\_\_\_

Sally and Patrick Robles

5 Little Boy Court  
Endeavour Hills VIC

23 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  
Australia**



I hope this submission is not too late. I thought it was a senate inquiry and have been looking at that site by mistake.


I am writing to say that I support the automatic 50:50 child custody arrangements when parents separate. The current system is inequitable and not in the interests of the children.

My husband is a high income earner and he pays \$27,000 per year child maintenance for two boys aged 13 and 15 that reside with their mother. The relationship was terminated some time ago by their mother. She remains unmarried and works full time earning just below the amount where maintenance payments begin to reduce.

My husband pays a high level of maintenance and yet has no say in what is happening with the children's education. He wanted to get custody originally but was advised by his solicitor it was hopeless. He reluctantly gave the boys over to his wife. My husband is well educated and highly intelligent and he wants his boys to do well at school and go to university if possible. There was no violence of any sort in the relationship. His ex wife told him the day before that she was leaving and took the boys interstate along with \$30,000 out of their joint bank account. He [REDACTED] tried to repair the relationship. His younger son used to call him on the telephone and cry asking when he was coming to be with them (clearly a lie was told here).

The problems are this:

- There is no accountability as to where the money he pays his ex wife goes. She spends large amounts of money on herself and has recently purchased a new car. The boys receive very little of the money he pays. When he questions her about it she becomes agitated and aggressive. His ex wife has not purchased a house nor made any provisions for the boy's future. In other words when the maintenance runs out the house of cards tumbles. She spends much of the money on herself and up to the minute home furnishings, electrical gadgets and other [REDACTED]

- The boys are performing extremely poorly at school and we have asked her if they could come and live with us as we could help them do better. With the money we pay her they could both go to private schools. We could also provide them with a more academic residential environment. She of course says no.
- We have been to a solicitor and have been told it would be difficult to get them from her care.
- There's nothing wrong with them living with her except they will not achieve their potential which is so absolutely frustrating because they are both very clever.
- The support payments are based on gross and not net income so they take no regard of your actual financial situation. **THIS NEEDS TO BE RECTIFIED IMMEDIATELY.** The money my husband pays her equates to half his wage as the payments are based on gross and not net or income. This leaves us in a difficult position financially and more often than not I am having to support the household.
- At the very least once the minimum level of upkeep is reached, the parent receiving the income should have to lodge a return or be accountable in some way.
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- My husband should have the same rights as his ex wife in terms of having a say in their living arrangements and education.
- The decision as to where the children should live ought be based on the environment that will provide the optimal environment allowing them to reach their fullest potential. The current situation where the money automatically seems to get them along with 70% of the joint assets is unfair.
- As the situation stands I see a lady spending a lot of money on herself, two boys that will be lucky to even achieve Year 6, and a very unhappy father who is just so exasperated by the current arrangements he finds it difficult coping.
- My brother who is now 60 had the same thing happen to him. His two children who are now very aware of what really happened, both say they wish they had gone onto university. Yes they both have trades but they did not reach their fullest potential. (Their mother encouraged them to leave school and get a trade) One is now going back to study. He is thirty and many years have now been lost.
- How can reducing a man down to nothing financially and giving him no say over his children while having to sit back and watch their lives be ruined, be a good outcome.
- My husband does not have any trouble seeing the children but as we live some distance apart it is not easy to have daily/weekly contact with them.

In summary we:

- Support an automatic 50:50 custody arrangement if this is in the best interests of the children.
- Support an assessment if its required by the parties, of determining who the children should reside with.
- Consider the maintenance requirements should be based on net rather than gross income.
- Want some form of accountability put into the system for those ladies who just spend up big on themselves without passing the funds onto the children.
- Recommend a Tribunal rather than court system for the hearing of disputes. This would be more cost effective and fairer on all parties. The Victorian Civil and Administrative Appeals Tribunal system operating in Victoria (dealing with planning disputes) is an excellent example of a situation where each case is dealt with on its merits. Mediation is also available but is not compulsory.

The current arrangements are unfair and not in the best interests of the children. The fathers have no rights and no say over their children.

Yours faithfully

SALLY AND PATRICK ROBLES