

SUBMISSION ON INQUIRY INTO CHILD CUSTODY ARRANGEMENTS.

The Honorable Chairman,

I wish to submit the following submission for consideration by your committee. Many of the suggestions / comments I have made are the result of 13 years experience and observations into the harsh reality of marriage breakdown

- To gain a more realistic picture of community views may I suggest you hold public hearings in capital cities & regional centres across Australia. Limit the appearance before such hearings to people who have been divorced or embroiled in the Child Support Scheme. Do not allow lawyers or special interest groups to appear just ask questions of, and listen to the hurt of the fathers that have not seen their children for years or the mothers who are raising their children with no financial support from their former partner, or the grand-parents who have not seen their grand-children yet their son is still living at home with them because he cannot afford to live due to his obscene child support payments, etc etc etc.
- Before the issues in front of this committee can be resolved, it needs to be understood that unless the whole Family Law Act is completely overhauled any changes will appear cosmetic and are hiding the true problems that exist in our community.
- Property settlements must be 50-50. This will remove the notion that who-ever has the children gets the larger piece of the pie.
- Divorce (and marriage) must be made harder. Remove the no-blame clause. The facts are a larger percentage of women are instigating the separation process. Why? Is the financial rewards of Parenting Payment & Child Support + all the material assets of the relationship a far bigger incentive than the hard work of making the marriage work?
- Secrecy provisions of the Family Law Court must be removed. The proper authorities MUST investigate allegations of physical, mental and sexual abuse. It is not acceptable to make these allegations in the Family Court to gain custody or deny access yet not report these so-called offences to the police.
- Each & every case in relationship break-up is different, and so are the circumstances upon which the relationship failed. To assist parents in making the important decisions regarding their children, as opposed to being ordered by a judge, may I suggest mediation / counseling centres funded by the Commonwealth. Upon notification of the breakdown of the relationship, (The first step in new Divorce rules) the parents immediately negotiate a "parenting plan" with the assistance of the "Family breakdown" centre. This will avoid the costly court battles and the spiteful litigation mostly instigated by the Legal fraternity. The Billions of dollars spent every year in Australia on Family Law disputes would be better spent on the children than in the pockets of Barristers & Lawyers.
- The Commonwealth must work with the States to have uniform "Domestic Violence Laws". Custodial parents who deny their former partner access to their children are constantly abusing these laws. If they make an allegation and it is shown to be malicious they must be punished. The same goes for those women who refuse to obey Family Court Orders and do not let their children see his/her father. Why are they allowed to continually break court orders with immunity from prosecution?

CHILD SUPPORT FORMULA.

The question asked here is: Whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

The child support formula in its current form is harsh, unfair and commits payers to a life of poverty if they are P.A.Y.E. taxpayers, as they are relentlessly pursued by the Agency if they have any sort of debt, and are shown no respect or courtesy if they disagree with the Agency's flawed biased decisions.

The attitude of many of their staff is that they are "The child Support Agency" and they can do whatever is required to collect", even if it means acting illegally and lying to their superiors about events etc.

It needs to be recognized that family relationship breakdown & child support issues are intertwined and cannot be separated, eg: Why should a father pay \$180.00 per week in child support yet not be allowed to see his kids. If he does not pay support he is pursued like a common criminal but if his ex breaks family law orders nothing is done to enforce those orders.

The answer to the question is quite simply NO.

1. All child support assessments must be based on a payers BASE salary (excluding overtime & shift penalties). Under the current system the harder a payer works to get back on his feet the more his child support liability increases.
2. If the payer is "self employed" by not lodging his tax returns, or not stating his actual income he is failing to meet his legal & moral obligations to support his children. The Child Support Agency in this case is powerless to do anything. Would it be so hard as to legislate that all payers MUST lodge their tax returns EVERY financial year? (Under CSA Law) Alternatively a minimum amount of child support per child could be assessed at for example 50% of the current Youth Allowance of \$169.00 per fortnight.

Another suggestion that I wish to put forward for your consideration is: The maximum amount of child support that is to be paid per child is again 50% of the current youth allowance subsidy. This would allow separated / divorced payers the opportunity to re-start their lives and rent flats, buy furniture etc as well as have the financial resources to enjoy their children's company and meet their Childs expectations.

3. All alleged child support debts must be proven in a court of law. It IS NOT acceptable for the Child Support Agency to have the attitude that "they are right, you want to dispute the debt, you go to court" All this does is promote antagonism between two parents. When the dispute is over the amount of the debt, I believe, the Agency MUST take the payer to court and prove the alleged debt is accurate not place the onus on the payer to disprove the debt. Over the years the Agency has exhibited a weakness for instigating litigation yet the powerful legislation that they operate under gives them tremendous powers. Why are they afraid of litigation through the courts? In my own particular case although I challenged them