

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 544

Date Received: 8-8-03

Secretary: _____

5 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



Dear Sir/Madam,

My background:

I migrated from [redacted] to Australia in 1992 together with my ex-wife and our daughter. Shortly after receiving an Australian citizenship my ex-wife filed for divorce which was granted by Family Court.

We had consent orders (registered with Court) regarding care and contact with our daughter as follows: my ex-wife was a full time carer and I had an access described "as reasonable". My ex-wife left Australia in 1998 and since then (except 2 letters) denied me any contact with our daughter.

I pay the child support and the case is registered with the Child Support Agency.

Submission

1. Better consideration in the Legislation should be given for the situation when the access is denied and the other parent has no contact and no information about the children - especially in cases where children are taken overseas. If my daughter died before she turns 18 years of age and my ex-wife did not notify me or Australian authorities, I still could be paying child support easily enforceable under the Australian Law. The access to the children or the contact with them are controlled by caring parent and the current legislation does not give the other parent any means to enforce his/her rights. Court orders can be easily disregarded, and in the case like mine are basically useless. The only way to make the caring parent willing to co-operate is to link the access/contact rights to the payment of child support.
2. According to current Child Support laws, only the paying parent is required to lodge the tax return. At the same time, child support formula allows for reduction of payment if receiving parent's income reaches certain level. Since leaving Australia my ex-wife did not lodge any tax return with Australian Taxation Office, and for the purpose of calculating my liability her income is assessed each year as \$0. I think that this is a serious disadvantage and both parties involved should be required by law to lodge the tax return.

John Richardson
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