

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

05-08-03

Dear Sir/Madam

My attached letter is a formal submission to your Inquiry into Child Custody arrangements.

My concerns stem from personal experience. The law specifies that the man is responsible for all children at the time of separation.

My story is as follows:

Whilst still married to my ex-wife but legally separated and having lived apart for 12 months, she became pregnant to her new partner. The lead up to the settlement had [REDACTED] and her solicitors negotiating as if the baby were mine. Apparently every man is held responsible for every child that comes out of the marriage even if it can be proven that he is not the father. In my particular case I had had a vasectomy after the birth of our daughter some 12 years before.

Because we could not agree to a settlement we went to mediation. I was then informed by the Deputy Registrar of the Family Court that I would have to pay for the child who was not mine. Neither the Deputy Registrar or the solicitors agreed with this, however, there has been to this day no precedence set.

I was then informed if I fought the case I would lose. If I appealed the decision I would lose.

The only way I may have won was to go to the High Court and try to have the laws changed. This meant I would be facing a four to eight year legal battle and endure the cost of \$100 000, with no guarantee of winning.

This gave my ex-wife so much more power over the negotiations. Finally she ended up dictating the settlement of 80% her and 20% to me. This is typical of a settlement where two or more children are involved. Please remember I only have one child. My settlement cost me about \$100 000 more than it should have.

This law is unjust and outdated. There is no reason why the law cannot be changed to reflect today's society.

My questions are –

- 1) Why did I have to pay settlement for a child who isn't mine?
- 2) Under your interpretation of the law could I be held responsible for child support if the biological father dies?
- 3) Why can't the system be simplified so that an ordinary person who has issues such as mine can have somewhere to turn, without a huge financial, emotional and time consuming burden?

Many men I have spoken to, simply give up because of these restraints.

[REDACTED]
House of Representatives Standing Committee
on Family and Community Affairs

Submission No. 1418

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Secretary

I have spoken to many women about my experience .Not one of them agree with the outcome of my particular settlement. Surely this emphasises the need for archaic laws to be modernised.

Should anyone wish to discuss my case, please feel free to call me on [REDACTED] or mobile [REDACTED]

Yours Sincerely