

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No

69

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Secretary

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Submission to the  
Child Custody Arrangements Inquiry



There are in my view many irregularities in the current formula for assessment and I would like this opportunity to detail my personal frustrations with the system. To give you a brief background on my situation I offer the following.

I am married with two sons aged 8 months and 3 years. I am a shift worker on a wage in the top tax bracket and work 6 weekends out of eight on average with an irregular roster. Due to the irregularity of my shiftwork my Wife is unable to work also due to the high cost of childcare, and a chronic health problem.

My ex wife lives in the former marital home, with two boys from this previous marriage, aged 13 and 11, both attend school. She has a part time job, a live in boyfriend (who maintains a private address so to avoid her loosing the pension). The former home is still in joint names (after six years) and she refuses to settle the property and she continues to rack up debt (in particular the council rates) in my name without my consent. I cannot afford a lawyer and court fees to sort it out.

#### Gross wage ..

As I fit in the top bracket every thing is based on that in assessment for Legal Aid, Healthcare, Childcare rebate, Taxation, and so on. Yet we live on the breadline struggling to meet commitments. Second families receive no breaks whatsoever and are punished in a lot of areas.

#### Reviews ..

We were facing real bankruptcy; even as an urgent request it takes 90 days to get in to talk to someone, meanwhile keep paying the large amount. Also in review it was suggested to us that my wife take employment which seems ludicrous due to work commitments of myself and the costs involved and her health problems.. Also the Childcare rebate is based on gross wage. No suggestion to my ex wife in regard to employment with the children being in school all day long. My latest review stated that I had no capacity to pay child support however I would still have to pay it anyway and was reduced slightly.

#### Legal Aid..

As mentioned above, my ex wife will not settle the property and still lives in the former marital home. Credit cards and other were in my name and I have been stuck with the bills.. Lawyer costs are as you know very high and have to be financed by me directly with no access to Legal Aid due to my Gross wage.

#### Baby Bonus..

Due to my wife being the primary care giver and the age of our children we are outside the guidelines of the criteria for the Baby Bonus and find it discriminatory to stay at home parents.

#### Formula..

The formula is unfair in many areas. Children from the previous marriage receive allocation based on percentage of gross wage yet my other children are a set amount making one child worth more than another in dollar terms. Any wage my wife might earn is not supposed to be taken into consideration yet in review it was taken into account. My ex wife's wage and earnings and assets are not considered. Any overtime worked is taken into account, so if you do a bit this year you have to do twice as much next year to get ahead if the opportunity exists to do so.

#### PBS healthcare

As mentioned under "gross wage" we have no access to any subsidies, health care etc. and due to my wage I need to maintain private health cover

### Dependant without court order ...

My wife under the formula is not considered dependant on me, however my ex wife in written documentation is considered to be dependant on me for support, not the children as you expect to be the case.

### Ex wife..

As well as subsidised child care if needed she receives free retraining and other benefits, healthcare card, access to legal aid, rent assistance subsidised school fees, and subsidies in car registration, electricity and other utilities to which we receive nothing. In documentation from the family court my ex wife is still called the wife, it may seem trivial but to my wife it is not, and does nothing to help this emotive issue when involved with the family court.

### Custody..

What better a tool to give an ex wife.. As with many fathers I have experienced trouble at the times when I would most like to see them birthdays and xmas etc.. Having viewed the court documentation to get access on these dates its all top late and after the event anyway with the custodial parent having the ability to use the children as tools of hurt. With the court being reluctant to punish the custodial parent. I read in the news somewhere that 70 percent of non custodial parents can not afford to see their children due to the cost involved and the uncooperative efforts of system and the custodial parent.

In closing I am available for further comment if required and hope my letter has brought forward to you some of the inequalities of the system and would hope you don't focus solely on the first family, as the system has a direct influence on second wives and subsequent children and how they relate directly to Child Support issues and custody of the other children. Its also been stated that second marriages are more likely to fail and in my view the CSA and Family Court is directly involved in this statistic.

Yours sincerely

A handwritten signature in black ink, appearing to be 'RB' with a flourish extending to the right.

Ron Bryant 3/7/03