

House of Representatives Standing Committee  
on Family and Community Affairs

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Secretary: Matthew Brouwer

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Committee Secretary  
Standing Committee on Family & Community Affairs  
Child Custody Arrangements Inquiry  
Department of the House of Representatives  
Parliament House  
Canberra ACT 2600

To the Secretary

I write to you in relation to the inquiry into child custody arrangements in the event of family separation. I write to you as a confused and frustrated father whose only wish is to have fair and equal time with his son and make just contributions to his upbringing without the high handed and almighty wishes of the Child Support Agency.

As some background information, I separated from my ex-wife when our child was 6 months old. Upon separation I still wanted to see my son as much as possible. At the time, I was told by my solicitor that as the child was very young, if I sought a court judgement in relation to access that my time would be limited to one visit every fortnight, which apparently was the norm. This was unacceptable to myself as I wanted to spend as much time with him as possible due to the fact that I work a full time position and live one hour away from my son. I was able to negotiate with the child's mother to be able to see him once a week.

My son is now three and a half years old and on most weekends I am allowed by his mother to see him both Friday and Saturday nights. However, whenever this arrangement is not suitable to herself I am then told that I can only have him for one night or sometimes not at all. To relate this back to the inquiry, surely if a parent wishes to spend as much time as physically possible with the child then this should be the norm instead of being told that once a fortnight is. I also feel that just because the father works a full time position it should not be automatically assumed that the child would stay with the mother upon separation. This is particularly justified when the mother places the child in childcare for a very substantial amount of time during the week, as is the case with myself. I could also place the child in care during my working hours and provide the same level of care.

The right of the child to spend equal time with both parents should also be taken into consideration post separation. Why should a child be disadvantaged from spending time with his father just because the automatic assumption is that the child will be better off or should stay with the mother? The child then, through no fault of its own, misses out on bonding with its father. I don't think that anyone could tell me that a child, spending time with its father once a fortnight, is going to develop a closeness or a strong sense of loving that it would otherwise be entitled to.

The child support formula is unfair and flawed for numerous reasons. Why should it be that just because the father receives a pay rise, due to his own hard work and dedication, that his maintenance payments are increased even though the costs of raising the child have not increased. The formula should be based on an average cost of raising a child, aligned with CPI increases, not solely on a set percentage of the father's disposable income. This would then make the calculation of maintenance payments so much fairer and not penalise fathers for performing well in their employment.

How is it honestly fair, for a father who wishes to spend as much time with his son as possible, to be told by the mother of that child that he can not have the child more than twice a week as it will affect the amount of money she receives from the CSA in child maintenance payments. The fact that any variations to the decision set by the CSA need to have the approval of the mother before they can be put into place is also an unfair practice. Of course, the mother is not going to agree to any variations that will affect the amount of money she is going to receive. This then leaves the father with no where to go, unless he has the means to take court action which most of the time results in judgements for the mother and very high legal costs.

In conclusion, children should have the right to spend equal time with both parents wherever practical. This decision should not be based which parent is or is not working, but it should be made with the child's best interests and rights in mind. I submit that most fathers, like myself, have no problems in making a contribution in the upbringing of their child. However, the formula to calculate the dollar amount needs to be changed to ensure that the amount of maintenance paid is aligned with the actual costs of raising a child depending on their age. For instance pre-schoolers obviously do not cost as much to care for as a secondary student. I certainly hope that the committee takes all factors into consideration and reports back to parliament with a new system that will be fair and just for all concerned.

Yours Sincerely

Matthew Brouwer