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Robert Garrett
8 Ivory Lane
Ormiston
QLD 4160
[REDACTED]

INQUIRY INTO CHILD CUSTODY & SUPPORT

Unfortunately we live in a world where nothing stays the same forever. Some things that change are the way a family can be broken up because the parents feel they no longer have the desire to be husband and wife living under the same roof. But when children are involved it is a very tough topic and unfortunately from my experience one that has never had much thought put into it in Australia.

When I say that I'm talking from my personal experience which has taken me from being a young, successful, loving father who made the hardest decision in his life of leaving his two beautiful daughters because I could no longer live with their mother, to being a person who has been destroyed both mentally and financially and left punished by the governing bodies that deal with marriages ending in divorce.

Those being the Family Law Court of Australia and the Child Support Agency. I personally found the legal profession to be very disappointing because all they are worried about is getting their fee, and as soon as the case is over it's goodbye. They don't care who wins (they are the only winners) or if it was a fair outcome. They don't care if both parents have the right to have equal rights regarding the children of the marriage, or more importantly the affects placed on the parents of not having the chance of seeing their children before they go to bed every night because the marriage of their parents broke up, or that because the paying parent under the CSA scheme has been financially destroyed that they cannot even afford to phone the children.

The CSA is nothing short of being an absolute disgrace. I realised after dealing with this organisation why the suicide rate amongst the paying parent (usually the male) was so high. Not that I would ever let this unfair system get to me in that way, the way you are treated is nothing short of the treatment that a second class citizen would receive. These people are only doing their jobs but some seem to get enjoyment out of making life difficult.

I don't think the government has ever taken into account how hard it is to restart your life after a divorce that has taken 75% of everything you have worked for and is also going to take 27.5% of your gross wage until your youngest child becomes of age, regardless of what tax bracket you are in. The Government must look at this huge financial strain they are placing on paying parents because if that person moves on and enters a relationship with another person it is virtually impossible to have any type of lifestyle with your new partner or your children because of financial strains placed on you. This ultimately will lead to the relationship breaking down with your new partner.

I believe that the Government should look at the following;

1. A total revamping of the Child support System, percentages are totally unrealistic as I mentioned before they are taken of your gross wage not your net. Use me as an example, I'm in the 48% tax bracket, pay 27.5% child support as well as a mortgage and support my new family of 4. You don't need to be a genius to work out things

aren't right especially when your ex partner has a permanent job and investment properties and shares. I think that a child should have a value put on them as to the cost of raising them. So in Australia a 7 year old child is rated at \$100 a week, therefore the paying parent pays \$50 a week for this child. Government must keep in mind that the child is only half of the paying parent's responsibility.

2. I am at the belief that all property settlements should be split 50/50. When I tried to restart my life and purchase a house I had to consider the amount of child support I had to pay each week, which was equivalent to a \$200,000 mortgage for the next 15 years. This resulted in my borrowing capacity to be lowered to a level that I could not afford to live in Sydney where my children live, I had to relocate to Brisbane.

3. I am at the belief that this system in place was taken from the Americans (we should have learnt not to touch anything American by now). It has also failed in America so why shouldn't we look at getting rid of it here and putting a fairer and Australian system in place. When we took on this system, we did not take into account that they have a different tax system, which is not as high as Australia. If anything is to come out of this inquiry it must look at giving the paying parent some sought of tax relief.

4. They need to have a review of how each parent can have equal access to the children. When I spoke to my solicitor about having custody of my children he said that unless my ex wife had a drug or alcohol problem it would be impossible. But I haven't got these problems either. He then informed me that traditionally the mother always will get custody.

5. The most important thing for the government to look at in this inquiry is the post divorce effects the systems of the Family Law Courts, Legal Profession and the CSA has on parents. Any parent would go without to make sure that their children were well cared for. It seems to me that in Australia under the current systems in place if you are divorced and the paying parent you are punished. This is not fair and that's why we need a fair system.

6. People who are not PAYE (business owners) seem to be able to escape their responsibilities of paying child support. This is something that also has to be looked at. Also, how people like the former Senator O'Chee, can cash in a million dollars in superannuation as well as having an indexed pension for the rest of his life but his two children don't see a cent. Especially considering he held a similar inquest into this topic not long ago. As I said before not really fair.

I wish the committee the best and hope something fair and workable comes out of the inquiry.

Robert Garrett