

15 July 2003

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House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 91

Date Received: 16-7-03

Secretary: _____

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

Dear Sir/Madam,

I wish to submit for the Committee's information, a submission in respect to the above mentioned Inquiry. I hope to give some working insight into the bias of the custodial and child support payment arrangements that exists for divorced payers (male & female), and pose suggestions at the end of this submission for consideration.

There has been a proliferation of mens' services in the last year, including excellent media coverage to advertise these services. However, as per much Government policy (not singling out any political party), this campaign to assist divorced men is targeted at treating the symptoms, not the cause! Whilst it is admirable to help men deal with the overwhelming feeling of loss and loneliness when a marriage breaks down, it does not in any way look at making divorce a more rigorous process or the father's financial ability to get on with his life. By the time a man gets in contact with these services, he has more than likely lost contact with his children, and been stripped financially of most of that he owned, and then told he has to pay additional monies to his former partner to raise the children, in many circumstances without input as to how the children are raised!

I am by no means professing that child support is not required, on the contrary, I believe in the equitable sharing of the costs of raising children; not the antiquated system that currently exists. The Family Law Act states that both parents are financially liable for raising the children, but the Child Support Assessment Act doesn't put this theory into play!

I hope by sharing my very personal circumstances with the Committee, hopefully they will begin to understand the daily issues faced by divorced men, and particularly those trying desperately to pick up the pieces of their lives are divorce

My story:

I am the father of two children **B & J** (ages 6 & 8 respectively) from my first marriage that dissolved some four years ago. The dissolution was by the hand of my first wife (**O**), whose words to a marriage counsellor at the time were: "Mark is the perfect husband and father but I don't want to be married". How does one deal with this? I'm doing everything right, love my wife and children, but she wants to revisit her youth and asks me to leave the matrimonial home.

I then fathered a child (**L**) by a woman (**S**) whom I had a six week relationship with shortly after separating from my first wife. I was in a vulnerable emotional state, and had made it very clear to this lady that I was only looking for companionship at that

stage, which she accepted, fully knowing of my circumstances. I was informed of the pregnancy after this relationship broke off, and discovered it had been an attempt to 'trap' me, as I had been careful, so to speak, during this relationship. I have never seen this child, and the mother is extremely vindictive.

I then met a woman (M) whose love and understanding helped me rise above all the issues I was facing, accepted my first two children lovingly into her life as if they were her own, and made me feel a worthwhile human again. This woman is now my wife, and we have been blessed with a child of our own (T).

Here's where the story gets complicated.

I have been paying child support for the first three children as deemed by the CSA, and accept I have a duty to do so. I have custody of my first two children for 40% of the time, and have been told by my solicitor that the court's would not permit further access if I tried to get it; my ex wife denies me further access as I would pay her less child support; And you talk about a system that helps divorced fathers!!

As I have a fixed agreement with O (formed before L was born), and I get no alleviation in the monies payable to S, thus I am paying much more child support than I should; the CSA have rejected all approaches for change.

I have now become a more confident individual, and with the help of my new wife, obtained a higher paying job, with more responsibility, but the CSA keeps rewarding both my ex wife O and S with increased child support payments every time I get a pay rise. The CSA's argument is, if I was living with any of those kids they would be subject to a lifestyle from those earnings; what a load of crap! When I was with my first wife, I specifically worked in a lower position with less time constraints so I could be at home. L has never been exposed to a lifestyle by my hand, and his two siblings (S's children from previous marriage) are supported by their father at a child support rate of half of what I pay for L. My monies are being used (I have documentary evidence) to assist in raising S's other children; I'm basically picking up her ex husband's tab!

Given the cap on the payee is \$119,000, and unachievable by the majority of working people, I cannot get over the threshold to offer my new child and wife a reasonable lifestyle, and when I have my other two children, we cannot afford to do anything fun, and hence they are starting to not want to stay with us as it's "boring". The calculation of the two exempt income amounts cannot be explained by any person I have ever spoken to at the CSA. I will answer it for you: one is based on full time employed earnings, the other is on all earnings. Why set the caps on different base amounts?

Consider this, as I am in the top tax bracket, every dollar I earn is affected as follows:

Payrise of \$1.00	+\$1.00
Tax (incl Medicare)	-\$0.50
Child support to S	-\$0.11
Child support to O	-\$0.22
Reduction in Centrelink payments for T	-\$0.30
Net result	-\$0.13

- Can anyone in the Government explain how a person can get a pay rise, and actually lose 13 cents in the hand for every dollar raise?
- Where is my incentive to better myself and provide for my family?
- Does this system encourage people to work harder, or rely on social security?
- Where is the fairness in ex partners benefiting from self improvement and hard work by the payer?
- My new wife is frustrated by seeing everything I earn go to support other people, and our own child gets nothing nice.

When T was born, under the formula system of the CSA, I received \$20 of alleviation per week to raise my new child and dependent wife. I believe the legislation is discriminatory, making me pay \$150 per week to raise each of my other three children, yet we get \$20 per week to raise T! Yes, I pay \$450 per week for child support, out of my after tax pay. I ask you, where is the fairness here? If my wages drop for what ever reason, both S & O can apply to have me continue to pay at the higher rate. This places undue pressure on me, the payer, and this is no doubt one source of where men's problems begin.

Many payers get to a point where they give up work, purely as they are financially better off; the Government picks up everyone's tabs through Centrelink. We are leading people to a life reliant on social security payments rather than away from them, and despite all talk of generating employment etc, the child support system and its ineffectual operation must be costing this nation a fortune.

There was some hope in 2000 when the Liberal party put forward the *Child Support Amendment Bill*, although the Labour party and the Democrats blocked the reasonable suggestions of lowering the payer's cap. There were several aspects passed that help second families like ours, but in all honesty they do not really help. I can go out and get a second job to raise my new family and not have the earnings assessed for child support, but then when do I see my family?

The men's groups are well intentioned, but they are too idealistic, with even the Lone Father's Association seemingly a toothless tiger. I have been to the local meetings, and all they keep saying is 'talk to your Federal Member'. I've done that, and you get nowhere. Some other men's groups are fanatical, and whilst I can appreciate their venting of emotions, their approach to the issues lacks credibility.

The women's group are too focussed on the woman, NOT the children. I am fully appreciative of the fact that there are many permutations of how marriages dissolve, and the male is often the catalyst. However, the sexual revolution was in the 60's and we are still pandering to the needs of women first. Call me sexist, but it would appear that in many of the cases I have discussed with divorced men (and I have talked to a lot!), the woman want all the independence to get on with their lives, and expect the male to pick up the tab!

Suggestions:

- 1) Fix the level of child support payable at that applicable at the time of separation (or birth in the case of indiscretions), indexed annually at CPI. There is no incentive for payers to improve themselves, and thus their level of self esteem languishes. This is why men are committing suicide; the level of self esteem (or lack thereof) is disturbing. There is a feeling that their situation is never going to improve, so why go on?
- 2) Lower the payers cap to 2.5 times the cap for payees exempt earnings.
- 3) Implement a fairer level of child support payments versus contact time. The current levels of contact versus the reduction in child support are farcical. Even when the non-custodial parent has the children, they generally have no money to enjoy the time! The custodial parent gets the cash, so they can afford to do fun things with the kids, thus making the other parent appear boring/dull, and the kids don't want to be with them.
- 4) Fairer determination of contact time, and non-custodial parents' input into how the children are raised. Parenting Plans should be mandatory, and payment of child support subject to a PP being place.
- 5) Further mediation services for resolution of custody/support arrangements. These mediators should have more human skills and experiences than the current regime; many of them are solicitors who couldn't cut it!

As you no doubt realise, as a voting sector, divorced people (both sides) are becoming quite a force. I can see custody/child support becoming more of an election issue, and unless a Government is prepared to deal with the issues, eventually they will be held accountable.

I would welcome any approach in this regard, and am prepared to travel to Canberra at my own expense to address the Committee in person, and discuss the "on the ground" issues.

Yours truly,

A large black rectangular redaction box covering the signature area of the letter.