

Lone Fathers Assoc of Australia BRISBANE BRANCH
P.O.Box 1211 Oxley Qld 4075

20th February 2006

Mr. Jonathan Curtis.

Dear Sir,

RE :- Family Law Amendment Bill etc.

In reply to your invitation to make a submission to a Parliamentary Inquiry.

There are several issues that need to be addressed.

- (1) **Domestic Violence** should not be recognized by an allegation by one party only, but procedures must be put in place to prove such allegations. Declarations by both parties must be presented to a court before any orders can be made. The law states innocent until proven guilty this is not the case on Domestic Violence Orders when there is only one side of the story presented. Most allegations are brought about when separation and access is being arranged.
- (2) **Second Jobs and Overtime** should not be taken into account at all on assessing Child Support. Child Support should be assessed on 38 hours as a normal working week and any additional earnings should remain with the paying parent as in most cases the paying parent has to start over. These parents need additional finance to:-
 - (a) establish another home and set up with all requirements.
 - (b) set up additional bedding for weekend accessing of their children as it is generally the payee parent that remains in the house with furnishings and completely set up for the children.
 - (c) Children then become disadvantaged if the paying parent cannot afford to provide the comforts of home. eg, TV playstation, Computer etc.
 - (d) Children quite often choose to remain with the payee parent rather than access visits because of the loss of everyday equipment that they are used to. This again is an added stress for the paying Parent.
- (3) Problems of the paying parent at the moment include:-
 - (a) **Stress - caused by losing access to children with the majority of paying parents having to visit doctors for medication to help.**

- (b) **Reduction in work hours – due to stress and trying to access children**
- (c) **Added stress when Child Support Agency uses “Capacity to Earn”.**
Capacity to Earn should never be used where the Paying Parent has to change jobs to allow full access to their children or likewise where they have to relocate to be able to access children. In these instances it is the children that are disadvantaged which is against all ideas and models of the Child Support Structure.

Lone Fathers Association handles over 30,000 calls per year with the Brisbane Branch handling over 600 calls. The majority of these calls are from the paying parent in relation to not being able to live a proper standard of life on what is left after all expenses including Child Support. With the present structure of Child Support, the purchase of a house is out of the question for most paying parents until such time that Child Support payments cease. Again at that time, age presents a problem in finance for a house.

- (3) **Relationship Centres** should have a special criteria for staffing and have a 50/50 shared care as the starting point of mediation and negotiate from there. This would alleviate a lot of the problems now experienced by the paying parent.

There should be no exclusion of parties attending Relationship Centres unless the party has been charged and convicted or until the allegation of domestic violence against the party has been proved.

Lone Fathers has received many complaints from fathers attending Relationship Centres throughout Australia stating that the existing registered counselors are very biased towards them. We recommend that these counselors must provide no biased opinion and must sincerely work towards a shared core relationship for the children with both parents.

- (4) The time frame for this submission has disadvantaged various organizations due to the fact that the invitation was received on 15th February and all submissions must be in the office by 5pm on 24th February. A submission cannot be completed properly in that time frame.