

Dear Senate Inquiry - Shared Parental Responsibility Bill 2005

This is a my submission to the Senate Inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005

I'd like to start by saying that the proposed family law ammendments do nothing for the non custodial parent usually fathers, in fact it will make it worse and will incure more emotional and financial hardship. Also i'm absolutly discusted in the Democrats by not wanting to let Men Fathers and Interested Groups to have any say in this. That is how this system got to the way it is and why it is so one sided. They are nothing but dictator groups that suppress a certian peoples. I wish they would openly state their views to the public.

I still cant beleive that i am not considered an equal parent in my childrens lives. Who decided that and who gave anyone the right to enforce that, people i talk to just dont beleive me when i tell them. It blows me away, until men are seen as equal parents these law changes can only make it worse for men and children and better for women.

Now as to the Democrats views that domestic violence will increase if men have more time with their children, domestic violence is purpertrated by both sexes and there is a huge amount of documentation to support this, the whole reason behind this is money. The real problem is that sole custody can create more domestic violence because both parents are no longer allowed to have any input into the childrens lives so therefore may things may go unnoticed. The women on average will have 81% custody and the man 19%. Funny how if you change the percentages by a couple say woman 79% and man 21% he is now entitled to family tax benifit, and a reduction in Child support. Why is it in the best interest of the child to only see his or her dad two days a fortnight. Why is that ok but its not ok for the children to have more contact. If most fathers are abusers as the Democrats and womens groups would have you beleive then why do most fathers have their children for 2 days a fortnight and why would increasing this time make it any worse?

The Democrats are concerned that a child having a more fatherly influence in their lives will be bad for the children, so what are they proposing that after a woman has a child that all fathers are removed from children, that a woman should not be able to remarry because there will be a fatherly influence on the child, all be it a step father. What on Gods earth are they talking about. Children need both parents, men are not criminals, men are more than capable of caring for their children and often better at it and children need Fathers in their lives. As to the family laws being adequate please see below for some questions. This is a very short list but these are some of the problems with the system as it is.

1) Why does the Custodial Parent receive the Non Custodial Parents Tax Returns when the Tax Department and the Child Support Agency can access them at any time? This has to be an Invasion of Privacy, if it is not an Invasion of Privacy please explain why?

2) If the above remains in place will the Non Custodial Parent have access to the Custodial Parents Tax Returns? If not why not?

3) You are bringing in Laws to prevent Non Custodial Parents from hiding their income. Will the exact same laws apply to the Custodial Parent? If not why not?

4) Why is the time a child spends with the Non Custodial Parent not taken into account when working out Child Support and Centre Link Payments if under 109 Nights? It is still a cost to the Non Custodial Parent, so why isn't every night taken into account? Please note that Centrelink will make payments if a person has a child for 30 nights or more per year except for the Non Custodial Parent.

5) Why is the Child Support worked out from the Taxable Income and then taken from the Net Income? This very system of working out child support creates a lot

of problems and strain for the Non Custodial Parents. This needs to be addressed as the percentages are inaccurate as to the correct percentage the Paying Parent actually pays from their net Income.

6) Why is it that any extra income earned by the Non Custodial Parent is taken into account when paying child support. There is absolutely no way a Non Custodial parent can forge a new life.

7) Why is the Payable Child Support capped at two and a half times the average male wage per annum? Why isn't it set at 1 times the average male wage per annum?

8) The custodial parent can refuse non agency payments such as school fees, why is that when schooling is compulsory in Australia and every child is required by law to attend school. These kind of payments are a necessity so therefore they should be included as payments weather the custodial parent refuses or not.

9) Upon Divorce the person who receives the majority of time with the children will not only get 50% of all assets by default but will also receive a minimum of 10% per child of all assets on top of the default 50% Why is this? Also when the Person who receives less time with the children not only loses the larger majority of all assets but now has to pay a huge chunk of their wage as well, please explain why the assets are not divided 50-50.

10) Why is it that upon separation all the assets are included in the settlement including superannuation at the percentage other than 50%. I.e., if a couple separate and they have 2 children and the woman gets custody of her children she will be able to take a minimum of 70% of all assets, house, car, superannuation, businesses etc. What justification does anyone have to take more than half of the superannuation or any of those other assets when the non custodial parent will be paying child support? Please explain why the law is like this and why you support its continuing.

11) The Non Custodial Parent does not receive the Family Tax Benefit but is paying the child Support. Can you please explain why this is so as it is a Tax benefit and should be paid to the Parent/Parents paying Tax?

12) The maximum Child Support Payable is capped at \$139347.00 and will be indexed every year at the current CPI. Will the exempt amount be indexed as well? If so will it increase dollar for dollar with the Maximum Child Support Amount? If not the gap between the two will increase dramatically is this a concern for you, has this been looked into more carefully. If not why not?

13) After Divorce once the Custodial Parent re-partners they can have up to 2 breadwinners and Tax Free Child Support, why isn't his income factored into the equation. This becomes very unfair as when the Non Custodial Re-Partners he is now responsible for two families, and it becomes even worse when he has another child to his new partner.

14) In the current system, it is the non custodial parent's sole responsibility to pay child support and can be until the child turns 21. As is often the case the Custodial Parent typically settles down with someone whose income is sufficient to maintain a household. This should be taken into consideration, since the new partner is often expected to provide some form of parental-like input into the child's upbringing, and as such would have been aware of this before and throughout the relationship.

15) Why is it that the custodial parent has a higher exempt income than the non custodial parent even though they are going to receive tax free income from the non custodial parent and child tax benefits from Centrelink?

16) It appears that no one takes into consideration how much money the non custodial parent has left to live on and pay bills, sometimes the child has a higher disposable income than the parent paying by the time they get centre link payments, child tax benefits part A and part B , healthcare cards ,etc.

17) What does number of nights spent with a parent have to do with who buys the clothes, school books and fees, pays for excursions, feeds and looks after any pets drives the child to various sporting and after school activities. How is the non custodial parent expected to be able to contribute when their income is taken away by the CSA and spent on whatever the custodial parent wants to spend it on? Who can say that the child even has the benefit of the money in question as the custodial parent does not have a say on what the money is spent on.

18) Non custodial parents feel as though they are completely disempowered by the current system where we have no say or rights and are completely exploited by a system that is completely biased in favour of the custodial parents. What will you do to change this?

19) Please explain why the system that has been created is so notoriously prejudiced as to be easily and confidently used as a tool for blackmail?

20) Why are the magistrates encouraged to ignore any documentary evidence, such as police reports, medical records, and statements from professionals and citizens, and to rely only on oral testimony? (To supposedly determine who the 'abuser' is).

21) Why is the system set up to determine who is an abuser. Why is it important for a magistrate to determine the abuser in a relationship when there may not be an abuser?

22) Why does the legal aid system not support the father equally with the mother? Don't both parents need, and have the right to, competent legal representation. This gets back to the Child Support and percentages, someone who earns \$60000.00 per annum after tax and Child Support actually has very little money left over to survive and provide anything extra for their children. And as stated the custodial parent will receive the majority of assets yet because of the initial view of the Non Custodial Parent earning \$60000.00 it's assumed that he must have plenty of money to spend.

23) Why does the system often presume the father is guilty of abuse?

24) Why does the system have no protections against perjury? As often the magistrate won't allow a father to prove himself innocent. We understand that children and for that matter all humans need to be protected from abuse, but when a person is found guilty of fabricating lies about abuse they are often let off with a slap on the hand under the guise "its not in the best interests of the child to prosecute the Custodial Parent" never mind that a crime has been committed and more importantly abuse to the affected parent and abuse to the children.

25) Indeed, why would this organization want to support so many people who deem perjury "warranted and necessary"?

26) Why do magistrates prosecute the fathers? We are not criminals, we are not born guilty, there's not even a guilty party just two people who don't love each other or don't want to be together anymore why is it that we are treated like that. Are the magistrates scared of women, maybe they don't want to create an uproar or are they too tired to do there jobs properly?

27) Why is there no penalty when access is denied to one parent after a court order has been issued? Most children adore their parents and find it very

emotionally crippling to live without one parent, but this system promotes this action by the custodial parent as there are no checks and measures, no charges and no punishments because it is deemed that it is (not in the best interests of the child) so why is it in the "best interest of the child" to keep one parent from seeing his or her children. Once again there are some people who should not have custody of children but they are very few and far between and are an exception not a rule.

28) I have a friend who has recently separated from his wife, his wife said that she needs some space and asked him to move out for a while, the very same day he received a call from the CSA. They started the Child Support deductions immediately; he informed the CSA that he also has to continue paying the mortgage and credit cards, \$280.00 for the Mortgage, \$285.00 for child Support and about \$50.00 per week on the credit cards, \$615.00 per week. That leaves him about \$300.00 per week which he needs to house himself, buy petrol, food and pay the bills etc.

He asked if his Child Support can go towards her half of the debts, they said that it was up to her, he then asked her and she said no, he then asked the CSA what he could do about it as he is in dire straits, the CSA said that they can do an assessment but that it could take 3 months to complete. This would never happen if he was the custodial parent. Because he is working he won't receive any help from the government i.e. rent assistance, family tax benefit, pension ect, so I ask you what is he supposed to do? It's obvious that the system does not care about the Non Custodial Parent has not even given any thought as to how he or she will support themselves after separation let alone their children; their lives appear to be worthless. How is he to live for the 3 Months?? And what guarantee does he have that the CSA will agree to her paying half the debts??

This leaves another huge problem, as he has moved out of his home and is living with friends, he has nowhere to house his children, and it could take many months until he is settled into a unit which is big enough to house his 2 children. Consequently a "Status Quo" is being set and reducing his level of care to bare minimum resulting in very little contact with his children until their adult lives. His only option after this would be to wait until his children are older and challenge it in court which is very expensive and time consuming. It's not rare that it could take up to 5 years or more to increase contact an extra day per week.

Thank you for reading my submission

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