

Submission No. 889

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My name is [REDACTED] My ex-wife and I separated in 1994 after 10 years of marriage. During the marriage there were two brief periods of separation, but in the later years we appeared to settle into a good relationship. We have two children now aged 16 and 14. My ex-wife and I were born and raised in Sydney. I have a tertiary education, my ex-wife does not. I am 10 years older than her. We both came from loving and supportive families but probably had quite different expectations of married life.

While we agreed to separate (myself under pressure, since my ex-wife had met someone else and wanted "out") I was reluctant because of the emotional damage likely to occur to the children (which has occurred). At the point of separation, although we were not finding it difficult to live with each other, we were not in love with each other.

The legal framework as it relates to custody of children as well as the system of Child Support are, I believe, patently discriminatory against fathers, (and particularly those in middle age who choose to remain as full time employees) and also are open to abuse and manipulation.

The problems specifically as I see them which require remediation, are:

1. There appears to be a disbelief that it is not in the children's best interests to spend equal time with both parents. In my own experience, as a "non-custodial" parent given a maximum of fortnightly visits, I did not have any significant input to my children's upbringing. This is my major source of frustration and anger with the system. Very quickly after separation, my children became sad and withdrawn and ceased to talk to me. Further, and this is confirmed by my son's school counsellor, (who has known him since age 5) the effects on children (and on my son) by the new step-parent can be significantly negative. No assessment was made as to who would make the better parent (myself or the mother). Accordingly, what is the rationale for a bias in favour of the mother? In these times of gay marriages, variety in relationships and EQUAL OPPORTUNITY AFFORDED ALL, I believe the misguided judgment of this shutting out of most fathers will be another "stolen generation", and with it related social problems.

This custody bias is the sole reason my relationship with my children has been irretrievably lost.

SOLUTION: I believe there should be an assumption of equal custody. Only in situations where professional assessment can argue harm to children, should the courts decide in favour of one or the other. Further, both parents should be restricted in their ability to move house away from each other and from the children's schools lest they forfeit their equal status.

2. The Formula for Child Support Agency payments is unfair. While the system is necessary and broadly sound, it is open to abuse and manipulation, and the percentages (and ceiling) are unjustified.

In my own experience I was paying about 50 % less to raise my children (sole worker) before separation compared to after separation when I was subject to the formula. As such there is no regard paid to the post separation ability and need of a parent to pay (debt commitments, existing life style of both parents). Also there is no regard paid to the income (coming into the new households) of new partners. As a result of these points, in

my own case I cannot afford anything (holidays, dentists, fixing my car, haircuts over \$12, to give you a sample) while my ex-wife has a house full of new furniture, and is constantly going on holidays to glamorous destinations.

Secondly there are the true stories of those in self employment who pay virtually nothing, because they can manipulate their taxable income down.

I also firmly believe that 18 % for one child and 27% for two children should be reduced to more "realistically average" percentages of around 15 % and 23% and all calculations be made on after tax income, but subject to an asset test, so that if falsifying income is an issue then the level of accumulated assets can be taken into account as an indicator of a parents true wealth.

Thirdly, the ceiling is inappropriate. Why does any parent require more money than is necessary to raise a child adequately. Why is it not possible for the paying parent to control the funds (even place them in a government controlled savings "fund") that are in excess of what is normally necessary. I believe there should therefore be an upper ceiling of perhaps the same dollar amount but beyond a certain figure (based on number of children) the money should be channeled to a "fund" that is controlled by the authorities and that the money is spent by the receiving parent on items that the paying parent has a say on (eg present and future education or dental bills).

The three foregoing points taken together are a powerful motivator for a mother to initiate a breakup and profit handsomely without even having to try.

Another minor but nevertheless serious matter affecting Child Support are the large sums of money that are compelled to be spent by access parents on their children on access weekends, of which no consideration is made in calculations. Personally, when mine were aged say 6 to 12, it was hard not to spend \$40 on them over a weekend (food and entertainment in Sydney) to keep them happy.

CONCLUSION

This is a very brief note. I could describe more fully my personal situation and how I have been unfairly discriminated against. I could make many more comments, observations and suggestions for improvement to systems. I would welcome an opportunity for further input at an interview for example.

I have been the victim of both the Child Support system's in-built flaws and my ex-wife's manipulation of both this system and the country's Family Laws. The best thing that can remedy the cruelty inflicted on children and parents is to end discrimination based on outdated values, and award equal custody in all but exceptional circumstances.

Please do not hesitate to contact me for further input or clarification.

Yours faithfully

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