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SUBMISSION TO PARLIAMENTARY COMMITTEE

ON JOINT CUSTODY AND OTHER ACCESS ISSUES ASSOCIATED WITH
SEPARATED COUPLES AND THEIR CHILDREN.

OUR STORY

My name is [REDACTED] and my wife [REDACTED] and I were married on [REDACTED] 2000 and our son [REDACTED] was born [REDACTED] 2001. He was born with congenital heart defect and has had 4 operations to date but the prognosis is good and he should live a relatively normal life.

On the [REDACTED]/2001 [REDACTED] and I separated when she informed me our marriage was over and she has custody of [REDACTED] and lives with her parents in [REDACTED]. Talking to [REDACTED] on any issue is difficult whether it be access, why the marriage ended or whatever.

MY SITUATION

I live on a cattle station 100 kilometres south of [REDACTED] in Far North Queensland and travel to Brisbane when ever [REDACTED] has had any medical procedure at [REDACTED] hospital [REDACTED]. He has been in hospital about 8 times since his birth for either an operation or catheter procedure sine he was born.

Otherwise I try to make it down to [REDACTED] at least every 8 weeks for my two days of access.

ACCESS

Formal access started in May 2002 and [REDACTED] would only allow me time in the Plaza shopping centre or a park in [REDACTED] while she looked on and this continued till November 2002.

[REDACTED] has never let me drive a vehicle with [REDACTED] as a passenger as she says I am not safe and yet I have no conviction for any driving offence and have only had two speeding tickets in the past 10 years. There is no basis for her ban on me driving but if I want to see [REDACTED] I must comply.

Even when my parents came with me in January 2003 for 3 days access 9am to 3pm, we were not allowed to take him out of [REDACTED] and had to have access in a motel room.

I had to take her to court to change this situation in April 2003 but we negotiated a settlement without going before the registrar and I agreed to her request as part of that agreement not to drive until after 01/01/2004. As a result I take [REDACTED] to my Aunts place

in [REDACTED] as long as I have a driver. After November 2003 I will be able to have him over night for the first time.

[REDACTED] is very controlling and I must fill in a book with details on what activities he under takes, when and what he eats, who he comes in contact with, how often I change his nappy and what is in them and if he gets a temperature or grunts I must ring her immediately.

All of this is supposedly because of his medical condition but it is somewhat excessive, but to keep the peace and to be able to continue my access without going back to court I must comply.

CHILD SUPPORT

In July 2002 I agreed to pay \$215/ week child support for [REDACTED], which was really more than I could afford but wanted to do the right thing by [REDACTED] and [REDACTED]. In January 2003 the Child Support Agency reassessed the amount to \$260/ a year as I had a tax loss of \$60,000 in the 2001/02 year. While I thought this was too little and continued to pay \$43/week, [REDACTED] appealed the decision and in May 2003 the Child Support Agency raised the payments back to \$215/ per, week back dated to January.

They assessed my asset base which is approximately \$250,000 and seemed to not take into account [REDACTED] liquid assets of approximately \$77,000. Every cent that I pay to [REDACTED] for [REDACTED] and every cent I live on is only by way of loan and so I go deeper into debt and there was no recognition of this fact. The Child Support Agency officer that reviewed the case quoted [REDACTED] inaccurate statements to do with my assets and debt but took little or no notice of my factual submission.

I appealed their decision but in August 2003 I was turned down and am now paying the \$215/week and the \$3,750 debt that built up when I was paying the lower figure. All of this puts a lot of pressure on my parents who I am in business with, the business financial situation and myself.

I have no problem with paying part of my income to support [REDACTED] but to increase my debt while building [REDACTED] bank account is not fair or equitable in my estimation.

EQUITY

For me an equitable situation would be to share the expense more between the two of us rather than me paying the majority. I would also like more access and for [REDACTED] to be able to spend more time with my parents. Dad has only seen him in January 2003 since his birth in August 2001 and Mum has not had a lot more contact either.

I feel both my family and I are being frozen out of [REDACTED] life and it has always been like that since the separation. I am made to feel like a criminal as far as the access rights I am

freely given by [REDACTED] and she is only too willing to wield the power she hold over me. It is expensive to keep going back to court to get a fair and equitable deal and she has never been able to justify her position but continues to very difficult to deal with.

I don't believe she has the best interest of [REDACTED] at heart but rather a payback to me and for what reason I am a little unsure. Money is the most important matter to [REDACTED]

I want a relationship with my son and I want him to know my side of his family and that he is important in my life. I don't like the fact that he has become porn in a game of pay back in a messy divorce. I have tried to avoid this situation from happening by not splitting from my wife in the first place, but one person can not make a relationship work.

People have to look past there own personal desire for monetary gain or a desire to get back at the ex-partner and focus on the personal needs of the child involved and I like to think I at least try to do this, whether I always achieve it is another thing.

The system does not cater well for one person wanting to do the right thing while the other does the wrong thing and how this can be fixed without continually going back to court is the problem? Any change to get away from one parent having excess power over the other especially using the child as a bargaining chip will be a good start.

This will be delivered by kind favor of my mother [REDACTED] whom I'm happy to have talk and answer questions on my behalf.
