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Committee, FCA (REPS)
Review of child access and support arrangements

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Secretary:

Firstly let me congratulate John Howard for taking the initiative to review current custody and maintenance arrangements. It is a review that will evoke strong emotions from a variety of interest groups and it will require strong leadership to effect the necessary changes if the system is to be fair to both parents. I have supported equal opportunities and affirmative action strategies for women all my working life but in this regard the pendulum has swung too far in favour of women regardless of their reasons for wanting to break up the family. My comments come from watching what has happened to one of my sons over the past four years since his wife decided she wanted out of the marriage. I have tried to keep the emotion out of my comments, however, it is very difficult to summarise what is wrong with the system unless you can give some examples of what is the reality of these situations:

* as I have indicated above my ex daughter-in-law decided after 6 years of marriage and three children later that she wanted to "find herself and have a career" - her own words. However what she did was get a removalist in and gutted the house completely while he was at work. Three days later my son received a demand from Child Support advising him of what he would have pay.

All this before he even knew where his children were! One of the other things which I found very distressing at the time was that she was able to get 4 weeks' bond for the rent of another place from Centrelink! I am not sure on what grounds that she was able to do this but it is an absolute abuse of taxpayers money. There was absolutely no physical or other kinds of abuse in this marriage, the reality is that she wanted more than my son was able to provide and spent many nights chatting to other men in internet chat rooms before she left home. The way everything was carried out traumatised not only my son and our family, but most importantly the separation has had a devastating affect on his eldest son, who four years later is still soiling his pants and experiencing behavioural problems, although he has been seeing a child psychologist for more than 18 months. He is the one who will have lasting memories of all of this. In making a conscious decision to have children my son wanted nothing more than to be there at every stage of their development both emotionally and physically.

MY RECOMMENDATION is that neither partner should be able to remove the children from the family home without the permission of the other party or in cases of dispute when ordered to by the Family Court or other recognised authority. The only exception should be in cases where there is PROVEN physical or emotional abuse.

* it has been a struggle for my son to get started again and without family support to provide him with beds for the children and a whip round for the basics it would have been impossible for him to have the children stay over. For him it has been soul destroying having to accept charity as he calls it as he has always been very independent. His child support payment is \$318 per week and by the time he pays tax, and his mortgage the reality is there is not much left and never likely to be until the system changes. The house in which he lives is badly in need of maintenance in the basic areas of plumbing and electricity for safety reasons but he cannot afford to carry out these repairs. For example he is allowed to earn only

\$10,000 unassessed income, whereas his ex-wife can earn approximately \$100,000 before her maintenance is affected and yet my son's ex-wife has a new relationship where she now clearly is in a very secure financial position in which her and her de facto husband have the following assets:

- owns a joint family home with her new partner
- two investment properties (one in her name only and the other was one which he owned before their relationship)
- my ex daughter-in-law also has third share in a property

- ex wife's has part-time income of approxiamtely \$350 from her job
- her partner's income
- family benefit payments for children of approx \$100 per week
- two cars, 1 brand new.

Even in a circumstance like this, were I in the position to give my son some money (which I am not) then his ex-wife would receive 33% of any interest this money earned.

In trying to help himself, my son decided that he would take a part-time job, even though he already works 10 days straight and 12 hours a day, at least that was his idea until he was informed by Child Support that any additional income would result in his maintenance increasing. Indeed he did hold a very small parcel of shares in the company in which he works, the value of which were taken into account at settlement. My son held on to the shares as his part of the settlement and when he sold them - I think the capital gain was only about \$500 - but this amount was added to his tax which increased his earnings for that year and consequently his maintenance went up!

One of the things which I find difficult to understand is that when my son has the children during school holidays that he still has to pay full maintenance for those weeks, even though he has to feed and clothe the children and entertain them. When I say clothe them I mean clothe them, they come with the clothes they stand up in and if they are sick he has to buy the medicine, nappies and other essential items. The strain on him is horrendous. When they come to stay for the school holidays the children always want to do things that other children do such as an occasional movie or outing. He is not able to do this and is always distressed at having to explain why he can't. The children are young and don't understand. For example they currently live and in a 4 bedroomed, 3 bathroom, 2 family roomed home with their mother, whereas at my son's place they have to share the one bedroom and there are no fancy tv's, dvds, etc. He is constantly being told "at MUM's we have...."

RECOMMENDATION - that for any nights that the children are with the non-custodial parent that that week's maintenance be paid to the father. (It is no use reducing the amount from the next year's maintenance my son needs the money at the TIME THE CHILDREN ARE STAYING WITH HIM to help with the same things that his ex-wife gets the maintenance for.)

One other matter, which is probably outside the terms of referenace but which gives another example of the inequities of the system is that my son has a serious back problem (2 ruptured discs) and as his job is very physical he would like to undertake a part-time University course in engineering so that in future years he might be able to get a job which would be less physical. However, if he took up the offer of a course (to be done externally) then he would immediately have to pay HECS, something he could not afford to do... and yet his ex-wife is currently studying at University part-time and says she will make sure that she never earns enough for the repayment of her HECS debt to cut in.

There is something very wrong with a system that allows such an inequitable situation to arise.

There are many issues which need to be looked at in depth but the terms of reference do allow for this. I hope though that this Review will open up much needed discussion and that the current situation can be changed. Many fathers these days want to take an active role in their children's upbringing something that the current situation does not allow for. In many cases the children are held to ransom - as my son's wife said to him (which I heard myself) "ALL YOU HAVE TO DO [REDACTED] IS PAY UP AND SHUTUP!".

I would be happy to discuss any aspect of my comments with you should you so wish. My contact details are given below:

I look forward to seeing the Review Team's recommendations.

Yours sincerely