

Submission No:

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Committee Secretary
Standing Committee on Family & Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra Act 2600
Australia

REF: Submissions to the inquiry into child Custody Arrangements.

To whom it may Concern.

Dear Sir/Madam.

Recent inquiries to the Child Support Agency (CSA) about how my assessment notification was served has raised several concerns. In discussions with the staff the concerns are well known to them and it was stated that they also concerned that the system is not handling the situations quite fairly or economically. They said that my comments along with many other peoples are noted and submitted to internal action groups for assessment & deliberation for possible recommendations to change & or implement.

I asked if there was another way to assist in getting change to occur. I was recommended to raise with my local member who has suggested writing this submission to you.

HISTORY

- I became a victim of the systems in 1998
- 1st introduction to the system, a bill for child support, using incorrect information on my situation at the time, causing a massive back payment, with no supporting information, which arrived on a Friday, with no contact with the agency until the following week.
- I am a ~~single~~ single father of 3 children aged 10, 9 & 6
- I have ~~custody~~ orders in place that gives me residency with my children 5 days out of 14 and half school holidays.
- I have problems with my ex-partner's application of the order causing inconsistency in the rotation of weekends, causing I believe deliberate breaches by her, to ensure a level of care is maintained, which causes me to be assessed by the CSA as not shared in some cases, which increases the amount of child support paid by me by up to \$4000-odd, for not having my children for 1 or two nights.
- I have an average income.
- My ex-partner doesn't work.

CONCERNS

I feel and felt at the time, that all stakeholders do not give full consideration to the family unit as a whole. I found out that one of the support services for my ex-partner was actually advising her maybe it would be best if you just left him.

Consultation of this type and I believe further enquiry with Centrelink made the breakdown of relationship accelerate, providing no support to family building but family breaking. It was too easy and to this day I am still none the wiser as to why my family breakup occurred. She needed help but not this kind.

I find that the Government's policies and those of its agencies do not compliment each other, each have different views policy/rules/interpretations on issues, time, income etc. The CSA is an agent of the family court, clearly says so, but doesn't exercise powers thereof dealing with issues raised through it via child support! e.g. determining level of care.

The law, courts and government departments, in many aspects have made me quite angry in how the system operates at times. Initially due to the frustration and feeling of hopelessness due to the amount of people involved the demands of life etc I could see how men in particular would just put it in & opt to do one of a few things e.g. - leave altogether & drop out of society & have nothing to do with their children

- leave work & become one of the recipients of the Social Security system
- Commit Suicide

The latter is of greatest concern, and the stories on the news of this at this time highlighted the desperate that these fathers were under.

The system I understand is not bias on the base of gender, but the overwhelming feeling of just being a working, loving, caring father, can't do nothing but instill the feeling that the system is bias towards the female partner. It is all too easy for them.

* If a system could be developed, initiated by one of the support services, Agencies or Courts, when someone expresses the desire to separate, then a register in a central body to all could be constituted initiating a well informed information package commo

to all stakeholders to be issued. It could set out a preferred developed system of all parties which assists all partners with the separation. This would I hope start with some form of professional Conciling to determine if this is what the couple really wanted advise of paths to reconciliation instead. If not then the other available, contacts, rights, responsibilities etc.

This may give some control and order to the situation and relieve tensions etc. It will definitely lead to a better informed and up to date community and assist in giving some control back to the parties.

I felt no control of my future with my children when they all left and in hindsight I would of probably handled things differently having a better knowledge of the system and my rights now.

- Policy:
- All Stakeholders should develop and educate themselves on a single unified policy common to all.
 - Information services need to guide to a central body.
 - Information needs to be consistent across the board.
 - Information needs to be accessed by a number of media and after hours by face to face and phone to assist working parents.
 - Central Body would give accurate information & keep accurate records for individuals, monitoring trends, developing strategies etc. Statistics.
 - Reduce the amount of paperwork and sort out the path through the maze of expert networks which exist at present.
 - unify the team.

Concerns

Domestic Violence orders.

* I was expected to an attempt to have one. Must open me. It was withdrawn but left an uneasy feeling and raised a lot of questions.

- No supporting evidence required to support allegations
- False allegations taken at face value.
- Cost of defence to allegations, legal aid unable to obtain as I work. However if you are on a pension you can use this resource to your hearts content.
- If enough muds been flung some sticks. So allegations submitted even though unproven, have an influence on potential future legal action in courts under the Family law jurisdiction in particular. This leads to it be considered without justification causing a prejudice.
- Local & District courts don't ask if there are legal proceedings between parties outside of their court system, which a DVO or AVO could have some influence over.
- FLCA. should not accept unfounded AVO, DVO etc.
- Legal practitioners in giving state that they are taken into consideration which also influences parties to consider the AVO/DVO course of action.

- Women are violent also towards ex-partners & children.
- * - System of investigation should be set up to assess the validity of all allegations made on AVO/DVO applications
- records of findings also to made & kept for reference to the courts so a history is established.
- Investigation undertaken by professional body e.g. Police within 48 hrs of allegations been made.

Concerns

Counselling and mediation.

- not enough available.
- That that is inconsistent and operatives I feel are untrained or trained in specific areas properly.
- FLC Counselling Service to many options for parties not to participate.
 - Joint Counselling a must
 - Counsellors must know interpretations of the law. I had 3 interpretations in one sitting. Very inconsistent & Cost Money.
- Records of attendance & attitude to be made and to be available as evidence.
- Participation by all parties not one of central be established with both parents for every session
- FLC knows when hearings are on so why do they also insist on having counselling at the same time. This causes undue delay and added costs for lawyers to sit around waiting for counselling to end, to proceed to court etc. Get it up for different parts of the day or evenings.
- Professional Mediation sessions should be mandatory for separating couples to promote fairness and promote to assistance
 - Would reduce costs to community
 - ✓ ✓ back log of cases incur
 - ✓ Simplify process.
 - ✓ give parents opportunity to reach agreements themselves.
 - etc
- Mediation or Counselling must be appropriate and guide to the most appropriate service provider referred if not.
- Costs & timing of service providers. All parties will be under cost constraints & workers miss out also due to the hours most plus even at.

Concerns

Child Support.

- no introduction to system. Rude shock. Receive a bill
- no information collected from paying Parent at instigation of assessment. Instant debts incurred due to misinformation
- No information package delivered explaining services provided
 - payment types.
 - payment locations. (Now no longer Tax office)
 - mediation to discuss payments with ^{parent} both parties.
- No power to determine level of care when it is seen a party can break the law to ensure a level of care is sustained to cause higher payments.
- No power to insist, promote, encourage non working parents to work to provide financial support of their children.
- Formulas are too far apart for different levels of care.
- instills incentive through formulas to breach contact and residency orders; to maintain a level of care to benefit only one party. - This confuses and upsets the children as to whom they turn up.
 - Thus uncertainty on work commitments and finances throughout the year to paying parent.
- Costs the CSA in administration and reviews of assessments
- Formula changes in exempt income amounts between shared care & Submajor care substantial. In my case approx \$6000.00 for one or two nights which still costs me the same to run the household & provide for the children. NB. Due to formula change increase liability by \$4000.00/yr for 1 or 2 nights. Formula's not fair.

* The Child Support Agency constantly reminds me that "it is the responsibility of both parents to support their children"

In a phone call to [REDACTED] Ministerial Officer of the Newcastle CSA office, she also told me that it was the responsibility of both parents to support their children.

I believe that

I conversed that society has culturally accepted that there is one bread winner in the family, mothers generally do not work therefore the system is bias against ~~mothers~~ the bread winner generally the father who works, cannot see his children as he would like and victimized in the system.

* She disagreed with me saying again that it is the responsibility of both parents and that generally both parents do work both prior to & post separation. If this is the case the policy of the Government should be to ensure all avenues are taken to enhance the work ethic of single mothers sitting at home spending off the system.

It was made too easy for them.

- * - It should be mandatory that senior case officers assess the income potential of non working parents to be taken into consideration in their assessment for child support.
- This should also be reflected in the formulas used to assess the amount of child support payable.
- Senior case officer should have the power to act from the Family Law Court to determine & set administratively the levels of care or rates payable on the basis of formulas.

Concerns

Courts.

- There should be no Question to the level of care initially between parents. It should be 50/50.
- Lawyers negotiate the level of care towards the Mother. This maybe Cultural but Children need their fathers too.
- The cost associated with attendance at court are out of reach of most people. Cost drive acceptance of alternatives in level of care which do not promote the best interests for the children as fathers also need their children and can be better nurturers than their mother. Notwithstanding the above. Fathers provide Nurturing of a different kind which develops the child differently to that of their mother which is of significant also.
- * - All existing residency orders should be and all future orders should, now be made as 50/50 shared care.
 - This benefits all parties esp. The children.
 - "We do different things in both homes"
 - Establishes consistency with rules & behaviour.
 - ✓ Trusting loving relationships with parents & children.
 - Promotes responsibility of parents. Which many otherwise have been lacking when together.
 - Expells the overwhelming hopelessness of the system that is felt on separation.
 - Makes family life worth living for.
- Generally - legal aid representation not available to a working parent - additional costs. But for a pensioner they can abuse this service.

Concerns

General

- Re-partnering and current CSA assessment doesn't make life easy. Financially it is very difficult.
 - a happy home and a strong existing relationship, create a tighter, happier, loving environment for children to grow up in. Promotes better wellbeing in the children.
- Limited Contact with extended family. If 50/50 contact then more chance of contact with, Aunts, Uncles, Cousins and Grandparents on BOTH sides.
- Guide lines should be produced and be used as mandatory in courts for the interpretation of the meaning of wording in orders. Make them more Black & White.
 - e.g. School Holidays are those dates gazetted by the government. Not what you think they are or when they are not at school.
 - e.g. School Holidays exclude pupil free days or include
- Out of hours legal advice services - access too. face to face & phone - working people
- Supervision - promoted by Government to protect welfare payments of the future. CSA, ATO & Centrelink & family Court are all different in their approach to its acceptability, as essential payments. CSA & Family Court don't accept. ATO, Centrelink & Government do.
- Supervision is protection for the future & is necessary for society as a whole so our children's children if necessary be maintained within welfare system.

Recommendations

- Extend Powers of the Family Court within limits to Senior Case Officers of the CSA with respect to setting a rate or determining level of care.
- Review Child support formula brackets and include new levels & formulas.
- Review Exempt income amounts in CSA assessments again brackets to be apart.
- Mandatory level of care be shared care for separating partners. ie. 50/50.
- Align Policy with all stakeholders.
 - Promote & Provide consistent rules & interpretations.
- Establish mandatory interpretations to meaning of wording in courts.
- Supervision acceptance across the stakeholders.
- Central Body established for stakeholders as point of contact on separation to issue & collect appropriate information & set up Mandatory counselling.
- Review DVO & AVO System. Review FLCA use of DVO & AVO's. System of instant investigation established to determine Merit.
- Review & Educate Mediation & Counselling Services.

- Promote Back to work for non working Parents.
- Ensure income potentially assessed and forms part of the formula for child support assessment.

I hope that the above will help the committee with some of the problems within the systems out there I have presented mine which of course are of only a few that the community is faced with.

If in future you seek community input to the committee perhaps you could supply information through your agencies in a flyer requesting it. It was only by chance that I came across this request.

Thank you for the opportunity for my input.

Kind Regards :-

A large, solid black rectangular redaction mark covering the signature and any text that might have been below it.