

Submission No: 1525

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Forbes, Bev (REPS)

From: [REDACTED]

Sent: Thursday, 21 August 2003 8:15 PM

To: Committee, FCA (REPS)

Subject: Family Law Pathways Advisory Group

The Committee Secretary
Standing Committee on the Family and Community Affairs
House of Representatives
Parliament House
Canberra Act 2600

I firstly write to you with surprise that a letter I received [REDACTED] dated 24 July, 2003. The letter is post marked 5 Aug 2003 from the CMC I assume (Canberra Mail Centre). I received the letter on the 7th August, 2003 advising me that "Submissions are due by 8 August, 2003." giving me 1 day to respond. I find this time period unacceptable with a matter which is so complex.

I have current matters now before the Family Law Court [REDACTED]. We have had lengthy Court matter in 2001 for relocation of my children by my former wife to Queensland. They were prevented from relocated for a period of 12 months. They have now relocated in February, 2003 and now within six months of that relocating has now applied to reduce my contact that she had previously agreed to which I believe was a determining factor in the Judge making the Orders that contact was agreed to and would continue after the relocation. This is clearly an abuse of the system that is presently in place. If there was presumption that children will spend equal time with each parent as suggested in section (a) (i) was in place I would not be in the current position that I find myself. That is being taken back to Court again to have to fight to have contact with my children because she made false promises to the Court that after relocation contact would continue.

There is no doubt in my mind that contact preventing and relocation is being used as a source of income by increasing child support and a greater share of family assets. It is in most but not all peoples nature to be greedy for money and things of value. They also show that in possessing things of value or even taking possession of the children to achieve what they want. People do use the domestic violence law against the other parent to threaten and intimate and prevent contact.

If the presumption of equal time was in place this would prevent other laws from being used for wrongful purpose and more in line with what the laws were put in place for.

The government is presently trying to get more male teachers into our schools so that children have a male role model because some children do not have male role model at home. Perhaps your committee if able to achieve a shared care presumption would be fixing other problems which is currently plaguing the Government.

If children are given as much contact with both parents as possible then I think there would be less regrets later in life. I have heard people say things like, I hardly new my father, I wish I had spent more time with them, If only I knew then what I know, and so on.

Section (a) (ii) relates to other persons having to obtain a Court Order to have contact. If the equal time presumption was introduced it would greatly take away the need for this to occur. Most of the time in shared care arrangements the other people see and have contact with the children with even having to reach an agreement. This does not resolve all the problems but it certainly would go a long way towards it. Having said that there will always be times when other people (including grandparents) in the children's lives require a Court to intervene and make a Court Order.

Section (a) (iii) relates to child support and it current formula. I do understand and generally agree with the concept of Child Support. But if I use my case as an example. My children were living close to me and I was paying the child support based on shared care under the current formula. I believe that the current formula needs to be reviewed. To put a few things in context. The other parent was receiving child support based on shared care, Family allowance, working part-time/casual able to earn up to \$1000 per fortnight plus single parent pension because she had more than 51% residence, or when she began to work and earning the equivalent of \$40,000 plus a company car which was not declared. Then to go to a situation where my

children whom I would like to live with me or close to me have then been taken away from where they have grown up there family and friends to be relocated. I then have to pay a large amount of additional money for the other parent to relocate and prevent me from see or having contact with my children. It just does not make sense.

If the equal time presumption was introduced then the Government would more than likely save bucket loads of money because the single parent pension would need to be paid to either parent.

As can be seen there is more benefits for a parent to prevent shared contact than for them to establish or encourage appropriate contact.

In fairness the scales need to be equally balanced before the legal arguments start tipping them one-way or the other.

I have attached a copy of an Email I have sent to the Change Of Assessment Team Leader of the Child Support Agency to give you an idea of what the current formula allows and creates. I have also found that if a parent is allowed to relocate and the paying parent needs to expend money for contact then the Child Support Agency puts the payer in a catch 22 situation where they need to establish and show that contact and the expenses relating to same, but also they expect the payer of Child Support to continue paying the Child Support at a level which does not take into account the money being expended. It also does not take into account the fact that after a suitable period to establish the contact costs has taken place but also that a change of assessment application then needs to be lodged and processed which takes a minimum of 3 months.

I make my comment with a greater understanding of Family and Community behaviour and laws that relate to same as I have been a serving Police Officer for more than 16 Years. I am not only reflecting on my situation but also my experiences I have had over the years as a Police Officer.

If I can be give any further assistance please contact me.

Regards