

To Paul Neville AND STANDING COMMITTEE ON FAMILY + COMMUNITY AFFAIRS  
 From [REDACTED] CHILD CUSTODY ARRANGEMENTS INQUIRY  
 Re Sole Care and Child Support Arrangements

House of Representatives Standing Committee  
 on Family and Community Affairs

Submission No: 640  
 Date Received: 7-8-03  
 Secretary:

Dear Paul,

I was heartened to hear that someone of your stature was prepared to go into bat for dad's in what has surely become an unfair situation. In an attempt to ensure that each parent fulfils their child rearing obligations and that absent dad's provide support, the legislation became unbalanced. Blanket rules for so many different family situations were always going to be nightmarish. The case loads of CSA personnel trying to re-balance the equation are enormous. I fully support the idea that each parent has the responsibility to care for their children. The initial premise is moral and just, making it workable needs an overhaul. It is not the government's job to pay for my children's upbringing.

However, I believe a quick account of my own situation will strongly highlight the gaps in the system we have.

My wife and I are both trained teachers and are about as equal as any couple could be in career, qualifications, religion, age, standards, wage earning capacity and working hours. Our marriage failed as she fell out with members of my family and insisted the children be used as part of a vendetta, a stance with which I could not agree. It is important to establish there was never any abuse or maltreatment contributing to our break up. When told she had been to the solicitors to end our marriage, I was naturally devastated and then quite shocked when she insisted that I leave the family home with a few belongings, with no child contact rights in place and let the solicitors sort it all out in time. Under those conditions I did not leave but remained in the house, separated under the same roof.

My wife went to Centrelink, told them of the separation and applied for Child Support.

I have been a teacher in [REDACTED] for 18 years (easy to get my work number) and Child Support knew my home number but they tried to contact me twice on an incorrectly given mobile number. After those two attempts failed, I was shocked to receive a letter stating that a child support order was now in place.

So here I am, living in the same house as my family, paying bills, having daily contact with my children and being their dad, while current legislation tells me that my wife is now the sole carer of our children and I have to pay her about \$200 a week. CSA personnel apologized for their weak attempt to contact me before orders were put in place but would not change their ruling as they take their cue from Centrelink.

I was informed that now the orders were in place the best thing to do was to start paying the child support and stop paying for everything else. How is one suppose to refuse to help pay for the children when they are really still in joint care?  
Had CSA made a better attempt to contact me, I'm sure this never would have happened while I was still in the home. I was not hard to find.

To ensure that the agreement with CSA could be properly enforced and my objections nullified, my wife began to refuse to accept money for groceries and clothes and to began a regime of behaviours which effectively froze me out of my own family and has caused a fallout from which I am finding it difficult to recover. Eventually, after about a year, I found separate accommodation.

Had Shared Care been the default ruling upon separation, a lot of the suffering could have been avoided. My wife would have had to accept joint responsibility. She is now of the opinion that since she is sole carer that my access rights are optional and I am frequently without my children on access days. I am loathe to take her to court and spend hundreds of dollars simply to get her to obey the rules already laid down by the family court.

**Why should it cost me, to get her to follow court rulings?**

She is continually applying for more money above the amount provided by the CSA formula and some of that load could easily be reduced if she would simply bring the children around on time and on the correct days and let me care for them.  
Our working hours and holidays are the same and our ability to care for our children is equal. Shared Care would have been the sensible option and ensured that my wife would not be under undue financial pressure. I could then have fair contact with my children.  
Current legislation supports the situation where she is under financial pressures while I would like to spend more time with my children.

To help out financially, I have **let my wife keep the entirety of the Family Tax Benefit** and not accessed my share even though I have them for 97 nights of the year. Just a small amount shy of the days needed for Shared Care. **CSA is not allowed to recognize this gesture as a financial help.**

I am now in a position where I have to take this money from my wife each week and then give it back to her before the gesture is recognized. How ridiculous is that? Apologies again from CSA personnel but their hands are tied until **someone such as yourself, Paul**, can put some sanity back into the equation.

Why is it also allowed that a father can have his children for 110 nights of the year and still not have Shared Care while another father can have them for 120 nights and get the Shared Care benefit? There must be a pro-rata system put in place to recognize the true level of care provided by dad's.

Why is it allowed that a dad can pick up his children at 8:00 am, care for them all day till 8:00 pm but because they don't sleep under his roof that night, he gets the same ruling as if he cared for them not at all? Care is not just about where a child sleeps.

I sincerely hope you can cause reasoned debate to highlight the fact that **SHARED CARE** should take place as a matter of course. If it was good enough through the marriage then in most cases, barring parental working hours and abuse cases, it should continue after the marriage.

My name was also removed from the Medibank Private health care insurance we shared as a family. It was 6 months before I found this out and was medically uninsured for that time. **How can this happen?** Surely better attempts must be made before a third party can change the health care arrangements of someone without their written permission. I must now endure a waiting period before my full benefits are restored.

The same occurred with my car insurance and it was fortunate that I suffered no accidents during my uninsured period.

My wife rang Telstra and Ergon and got her name removed from those bills. After 17 yrs of paying from a joint account, I cannot understand how this was completed without at least contacting me for some sort of confirmation. Our house was in both names.

Better care must be taken to ensure an angry spouse cannot cause such havoc to these important arrangements.

The ground swell for fairness is growing stronger,

I sincerely hope you can be at the forefront of this just cause,

Yours faithfully,