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Sept 21st 2003

The Hon Ken Ticehurst MP
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The Entrance NSW 2261

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re Family Law Reform Enquiry

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	1429
Date Received:	24-9-03
Secretary:	

Dear Mr Ticeurst

The break-up of a marriage or partnership is always tragic, involving much pain and blighted hopes, especially for the children who cannot divorce their parents and remain emotionally attached to them.

Sadly there is often much bitterness, especially (?) Among the non-custodial Dads who tend to be more vocal re their rights and needs.

This subject is close to my heart as I have witnessed over the past few years the violence and gradual disintegration of one of my daughter's marriage. Both she and her husband are professionals.

Family Court settlement helped them to agree custody and the dividing of family assets. The mediator was excellent The agreements registered with the Court were that my daughter keep the family home (less disruptive for the children) and take out an extra loan on top of the mortgage to re-pay husband his share of the house, and the children would reside with their Mother and visit him on a regular basis. They agreed privately that he would provide child support at a rate calculated by the Child Support Agency (CSA).

All this has taken place with the exception of the Child Support payments. The husband has chosen to stop working within the tax system, and does not send money for his children's needs. He has invested the sum my daughter paid him as settlement in a new property where he is residing and collects rent from two people who share the property and he also does work 'on the side'. My daughter works full-time, paying before and after school care and all the other expenses eg clubs, transport etc involved with rearing children.

The CSA apparently has no power to assess her husband's income or investigate his capacity to work within the tax system and support his children. He is very employable, having worked in personnel areas of Government for over 15 years.

I asked advice from a Family Court solicitor, who I happen to know, if there was any Social Security available to increase my daughter's funding but the answer she gave was ' No. If income is above a certain limit, no help.' and no way of getting Dad to support his children as agreed.. My daughter may in fact be better off financially by stopping work herself and relying entirely on Government support.

The Solicitor's advice was to write to my MP as women complain less than the more organised men. Perhaps the women are just too busy!

I do feel that more effort should be put into helping custodial parents who are trying to achieve financial support for their children via the CSA, as well as effort into enforcing agreements made in Family Court. This situation is *so* common, where women in particular are left to cope as best they can, but the children certainly have a lower standard of living, whilst the non-supporting parent ignores their moral obligation towards their children.

Thank you for your interest in Family Law Reform and I hope you succeed in having a public hearing on the Central Coast.

Sincerely

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