

From: [REDACTED]
Sent: Thursday, 7 August 2003 10:09 PM
To: Committee, FCA (REPS)
Subject: Child Custody Arrangements Inquiry

House of Representatives Standing Committee
 on Family and Community Affairs

Submission No: 1443

Date Received: 7-8-03

Secretary:

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

[REDACTED]

Thursday, August 07, 2003

To Whom It May Concern:

My Name is [REDACTED]; I 29 years old IT professional, single, living alone in a one bedroom unit in Sydney.....trying to play the cards that life has dealt out. I come from what I would deem as a good middle class family. My parents have provided me with a good solid up bringing, a foundation for me, to one day have a family of my own. My story is the same as many other stories that I'm sure you've read to date.....it just starts out a little bit differently

Almost 10 years ago now, I drove myself up to Byron Bay for a two week holiday. I had recently broken up with my high school girlfriend and wanted to get away from Sydney for a while. I met a girl who at the time was originally from Brisbane. She was 18 years of age at the time, traveling around Australia with the help of the unemployment pension, otherwise known as "The Doll" I slept with this girl on several occasions whilst in Byron Bay, using all the protection a 20 year old could. After ten days in Byron, I drove back to Sydney and proceeded to get back to work. I never saw her again.

Well not quiet!! Four years later after not I receive a phone call to say that she had a 3 year old son and that I was the father. At first, she wouldn't allow me to have any DNA test done.....to this day I have no idea why. So initially I was near impossible as a 24 year old male to really accept being thrown into fatherhood. Let alone my family and friends. It wasn't for at least another 18 months until I received my very first letter from the CSA, that a DNA test finally agreed to.

Sure enough the result was positive, to my disbelief. No sooner had the positive results come through, the CSA demanded the first child support payment. No sooner had I got over shock a being a father, I made feel like the "bad male" who has to pay a whopping 18% my pre tax out of my post tax income. Not bad hey.....one minute living my live as a young male with big dreams and ambitions, next, father paying money to a woman I really didn't know.

Despite how unfortunate this may seem, the 'Terms of Reference' don't allow me to go any further with that point. However I can't submit this without it also being noted that she did it again with another man just three years after me. As a result has a second child.

The main focus is on my son. I made a conscious decision to establish a relationship with my son and be the best father I could under the circumstances.

So in order to build relationship, contact was in order. The mother after getting pregnant moved back to Brisbane her family. She then moved down to the Byron Bay region in the North Coast of NSW. She chooses to live an alternate life removed from the main stream. Living in Sydney with a full time job, contact in Byron Bay was difficult. At first I tried driving on the weekend.....almost 10 hours drive from Sydney made it a dangerous drive and my time with my son short.

My alternate was to fly up to Coolangatta, hire a car, drove down and stay in a motel for the weekend at a total cost ranging from \$600- \$800 each trip. This worked as far as contact time was concerned.....but on top on the CSA payments, the cost was too much. I continued seeing my son on a monthly basis as a means of making up for lost time and to build that relationship however it got to a point were I eventually drained all my savings.....I couldn't afford to do it any more.

As you may have gathered the mother has done nothing to stop me having contact.....just as long it was on her terms, and to give her credit.....is a a loving mother. When my son was almost 7, I requested that I fly him down to Sydney as the total cost would be far cheaper. By reducing the air fare to child, removing the cost of a hire car, long distance fuel expenses, accommodation and either parking or taxis expenses, getting myself to and from the airport in Sydney, I could

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afford to fly my son down on a more regular basis.

Apart from my son having more contact with me, he would also be able to spend time with his Grand Parents, two uncles and many many circles of family friends. Due to the cost associated with flying up, my Mum, Dad and two brothers have only met my son 3 times....can you imagine the love and balance my son is missing from my family alone.

So when I asked the mother if I could start flying him down she refused to let it happen. Taken away by this, I got some legal advice. According to my lawyer, I what I was asking for (one weekend a month and alternate school holidays) was reasonable. With her legally appointed lawyer she managed to put us through two C\$A 4 hour mediations sessions. At the end of each session, the mediator indicated that it was clear we were dealing with a woman who was not being reasonable and they could do nothing to help.

Next step.....the Family Law Court. As part of standard practice we had 2 session with the a Family Law Court appointed counselor. Despite who ridiculous it was, the mother just wouldn't allow contact down here in Sydney. The concellour was absolutely hopeless, added nothing to help in the situation. After spending \$11,000 in legal fees over that 8 month period that she and her free legal aid lawyer dragged it out.....I was broke and emotionally stuffed. I agreed to the mothers contact conditions for the next 12 monthsthen I'll go it again.....if I can aford it. Those contact conditions were for me to see my son in his area of residence only.

To make it worse, my C\$A payment jumped up a substantial amount that year. It jumped to over\$1300 per month....yep, that's right, for one child.....living in Mullumbimby were cost of living is ¾ that of Sydney. It also more than four times the cpst associated with raising a child. To make it worse, my son wears clothes and shoes with holes and rips in them.

Obviously my income had increased to a level were the 18% C\$A amount equated to \$1300+ a month.....but what gets me is that C\$A payment is calculated based on my pre-tax salary. So effectively every dollar I earned over \$50,000 pay the tax man 50 cents and the mother 18 cents...leaving me with a 32cents in very dollar. If you then include the cost of living and the costs associated with contact, I'm left with nothing. Did I mention to you the mother was still on the pension.

Worse yet, I have had to reduce my contact with my son down to once every 3 months, as that's all I can afford. When I requested an assessment by the C\$A, they rejected my claim stating that if I caught the train to the airport instead of a cab and reduced some of my living costs, that I would be able to afford it....and that a \$600 per month contact expense was reasonable. No change!!

The current government needs to look out how to protect men from woman throwing them into fatherhood. The current C\$A rules seem to have been written around the assumption that there has been a relationship/partnership/marriage and treats all men the same. There was no separation for me, no relationship.....I became a father 4 years later.

The current government needs to acknowledge that the 18% C\$A payment rate doesn't work for everyone. There needs to be a sliding percentage on the C\$A rate based on the more tax you pay, contact expenses

The current government needs to take into consideration that cost of living of the mother Vs the father and the associated contact cost.

The C\$A and the Family Law Court need to ensure that fathers have more contact with there children. The C\$A and Family Courts need to be harder with the mothers who are just plan unreasonable and look at what is best for the child. My son needs regular contact with me.....I am the only male figure in his life. He needs to know his extended family. He needs to know the environment that extends past his own. He needs to spend time with his father without the holiday type atmposphere. He needs to have his own room in his fathers home.

My son often ask why he doesn't see more of me.....he just doesn't understand and for that matter, neither do I.

I can only hope that the cry of hundreds of Australian Men will be heard and some one will do something about it.

Regards,

