



# Fathers for Family Equity Inc

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## FAMILY BREAKDOWN IN AUSTRALIA

**An attempt to get at the truth about the magnitude of the problem.**

The Australian Bureau of Statistics estimated the total Australian population to be 18,631,126 at December 31, 1997 (ABS Pub 3101.0, *Australian Demographic Statistics*). How many of these are in broken family situations? How many children live with only one of their natural parents? How many people have been through the process of divorce, Family Court and the Child Support Scheme?

Family breakdown in Australia is creating an increasing number of one parent families and an increasing number of children living with only one of their natural parents. Non-custodial parents are increasingly looking at the parts played by the Family Court and the Child Support Scheme as factors in creating a climate conducive to the formation of one parent families.

The feeling of isolation which the non-custodial parent feels after the forced separation from the children is intensified by the apparent lack of statistical data, and the lack of community concern. The non-custodial parent often feels forced to fight a lone battle against the Family Court, the Child Support Agency, the Child Support Review Office, Federal politicians and an ignorant community.

However, far from being alone, the number of non-custodial parents caught in this trap is increasing rapidly, but the Family Court, the Child Support Agency, and the Federal Government attempt to keep the magnitude of the problem a secret. The "non-disclosure" provision in the Family Law Act (Section 121) denies the "media democracy" which is available to other community issues, thereby maintaining community ignorance of details about the magnitude of, and factors contributing to, family breakdown.

This article attempts to remove some of the secrecy surrounding the magnitude of, and factors contributing to, family breakdown, by presenting data from the Australian Bureau of Statistics and the Child Support Agency. Two key documents have been obtained from the Child Support Agency:

- **Child Support Agency Facts and Figures** - Data to June 1996. Prepared by Strategies and Research Unit, Child Support Agency, Canberra, ACT
- **CSA Client Profile Series No 1**, January 1998. Data to June 30, 1997. Prepared by Research & Policy Unit, Policy Branch, Child Support Agency, Canberra, ACT  
(Note: Other reference material is presented in the bibliography.)

The Family Court and the Child Support Scheme have created a welfare system which continues to grow at an alarming rate. Non-custodial parents appear to be the victims of the escalation.

## BACKGROUND

In 1975 the Commonwealth Parliament enacted the Family Law Act, and in so doing not only substantially changed the law relating to divorce and matrimonial causes but also created a new code of law relating to the custody and guardianship of children, the maintenance of children and spouses, the declaration and alteration of the interests of spouses in property, and matrimonial injunctions. This Act also created the Family Court of Australia to administer Commonwealth family law.

(Dickey, A 1997 *Family Law*, p 15).

The Family Law Act introduced "no-fault" divorce to Australia, making it much easier to obtain a divorce. The simple criterion was an irretrievable marriage break-down after twelve months' separation:

***Dissolution of marriage*** (as defined by the Family Law Act 1975)

48. (1) An application under this Act for a decree of dissolution of a marriage shall be based on the ground that the marriage has broken down irretrievably.
- (2) Subject to subsection (3), in a proceeding instituted by such an application, the ground shall be held to have been established, and a decree of dissolution of the marriage shall be made, if, and only if, the court is satisfied that the parties separated and thereafter lived separately and apart for a continuous period of not less than 12 months immediately preceding the date of the filing of the application for dissolution of marriage.
- (3) A decree of dissolution of marriage shall not be made if the court is satisfied that there is a reasonable likelihood of cohabitation being resumed.

In 1988-89, the Commonwealth Parliament enacted two statutes to reform the law relating to the assessment and enforcement of liabilities for child maintenance. These were the Child Support (Registration and Collection) Act 1988 and the Child Support (Assessment) Act 1989.

(Dickey, A 1997 *Family Law*, p 15/16).

The Hon Brian Howe, then Minister for Social Security introduced *The Child Support Assessment Scheme: A User's Guide - How the Scheme Operates and How to Work Out Child Support Payments Step-by-Step* with the following Foreword to the User's Guide:

"The Child Support Scheme will deliver fair, adequate, secure and regular child support (or maintenance) to children of separated parents. Assessment of the level of support by the Child Support Agency under a formula set out in legislation is a fundamental change from the procedures we have been used to in Australia.

It will mean that the Child Support system becomes more accessible and certain.

Parents will be able to settle their child support affairs without the need for the trauma and expense of court processes.

Simple private agreements can be registered with the Child Support Agency - which will then collect the regular amounts of child support payable under them.

Alternatively, parents who have custody of children can apply for assessment by lodging a three-page form at Social Security regional offices or Child Support Agency offices. The Child Support Agency will collect the amount of child support assessed by it under the formula."

The introduction of the Child Support Scheme allowed parents to accurately calculate the amount of child support that should be paid after marriage breakdown, before separation had occurred. Leaving a marriage became an alternative with known financial options. The child support amount, the sole parents pension and other welfare benefits made it possible for parents to plan their personal income outside and beyond the former matrimonial income.

Many took immediate advantage of this change of affairs, and a growing number continue to do so.

## **MARRIAGE AND DIVORCE IN AUSTRALIA**

The Australian Bureau of Statistics 1995 publication *Marriages and Divorces: Australia* (ABS Catalogue No. 3310.0) presents a range of statistics about marriage and divorce rates in all States and Territories from 1901 to 1995. *Marriages and Divorces* highlights the decline in registered marriages and the increase in divorces granted over the period 1975 to 1995.

"Prior to 1945 the crude divorce rate in Australia remained below 1 divorce per 1,000 population. Subsequently the rate fluctuated but did not exceed 1.8 until 1976 when the

Family Law Act 1975 came into operation (on 5/1/76). The Family Law Act 1975 allows only one ground for divorce, an irretrievable breakdown in the marriage measured as the separation of the spouses for at least one year. This legal change resulted in a large increase in the crude divorce rate in 1976 (4.5 per 1,000 population). The rate then declined until 1979 as the backlog of applications was cleared. Subsequently the rate fluctuated with a slight increase evident since 1987. The divorce rate was consistently higher in the 1980s and the first half of the 1990s than at any time before 1975. In 1995 the crude divorce rate was 2.8 per 1,000 population."

(*Marriages and Divorces*, ABS, 1995, p.47).

Year	Marriage Aust Total (ABS)	Divorce Aust Total (ABS)	Additional Divorces per year (cf 1970/71)	Cumulative Additional Divorces (cf 1970/71)	Crude Marriage rate per 1000	Crude Divorce rate per 1000	Divorce as a %age of Marriage
1970	116,066	12,198	0	0	9.3	1	10.50%
1971	117,637	12,947	0	0	9.2	1	11.00%
1972	114,029	15,655	2,609	2,609	8.6	1.2	13.70%
1973	112,700	16,195	2,699	5,308	8.4	1.2	14.40%
1974	110,673	17,688	4,082	9,390	8.1	1.3	16.00%
1975	103,973	24,307	10,803	20,193	7.5	1.8	23.40%
<b>1976</b>	<b>109,973</b>	<b>63,230</b>	<b>49,179</b>	<b>69,372</b>	<b>7.9</b>	<b>4.5</b>	<b>57.50%</b>
1977	104,918	45,150	31,041	100,413	7.4	3.2	43.00%
1978	102,958	40,608	26,105	126,518	7.2	2.8	39.40%
1979	104,396	37,854	23,295	149,813	7.2	2.6	36.30%
1980	109,240	39,258	24,718	174,531	7.4	2.7	35.90%
1981	113,905	41,412	26,622	201,153	7.6	2.8	36.40%
1982	117,275	44,088	28,885	230,038	7.7	2.9	37.60%
1983	114,860	43,525	27,980	258,018	7.5	2.8	37.90%
1984	108,655	43,124	27,723	285,741	7	2.8	39.70%
1985	115,493	39,830	23,898	309,639	7.3	2.5	34.50%
1986	114,913	39,417	23,650	333,289	7.2	2.5	34.30%
1987	114,113	39,725	23,173	356,462	7	2.4	34.80%
1988	116,816	41,007	24,604	381,066	7.1	2.5	35.10%
1989	117,176	41,383	24,830	405,896	7	2.5	35.30%
1990	116,959	42,635	25,581	431,477	6.9	2.5	36.50%
1991	113,869	45,652	28,094	459,571	6.6	2.6	40.10%
1992	114,752	45,729	28,141	487,711	6.6	2.6	39.90%
1993	113,255	48,363	30,451	518,162	6.4	2.7	42.70%
1994	111,174	48,269	30,392	548,554	6.2	2.7	43.40%
1995	109,386	49,666	31,928	580,482	6.1	2.8	45.40%
1996	106,103	52,466	34,374	614,856	5.8	2.9	49.40%
1997	106,701	51,286	32,970	647,826	5.8	2.8	48.10%

Figure 1: Marriages and Divorces in Australia (Adapted from Australian Bureau of Statistics *Marriages and Divorces* Publication No 3310.0)

Note: Marriage and Divorce statistics are from ABS *Marriages and Divorces*  
 Child Support Agency statistics are from CSA *Client Profile Series No 1*  
 De facto relationships are not "Registered" marriages and are therefore not included

During the period 1973 to 1997 there have been 2,898,265 marriages, and 1,057,522 divorces. This can be presented as a "net" divorce rate of 36.5% over that time period. If the 1970/1971 divorce rate of 1.0 per 1,000 population is taken as a reference point prior to 1975, then the increased divorce rate can be calculated relative to the 1970/1971 statistic. Divorces have increased over the 1973 to 1997 period. There have been **647,826 additional divorces** in the 25 years 1973 to 1997. Marriage has become a consumable commodity, with the median duration of marriage for separating parties declining to just 11.0 years in 1995. The divorce rate measured against marriage rate reached 49.4% in 1996, and 48.1% in 1997. The "no-fault divorce" concept must be modified.

The solemn "contract" of marriage is not being enforced, and those who instigate the break in the contract (females are in the majority) are in many cases being rewarded through favourable property, custody, Sole Parent pensions and Child Support arrangements. Divorce has become a growth industry through "welfare" oriented Government policies and associated Family Law. The increase in divorce after 1987, following the introduction of the Child Support Act, is evidence of the effect of introducing financial incentives to divorce.

The "Main Features" of the ABS report listed on pages 5 and 6 of *Marriages and Divorces* show the progressive change in Australian society from 1985 to 1995:

	1985	1995	% change
Marriages registered	115,493	109,386	-5.3
Divorces granted	39,830	49,666	24.7
Estimated resident population (persons 15 years and over at 30 June)			
Never married	3,410,112	4,343,898	27.4
Currently married	7,303,428	8,081,229	10.6
Widowed	792,733	870,814	9.8
<b>Divorced</b>	<b>556,498</b>	<b>890,437</b>	<b>60.0</b>
Total	12,062,771	14,186,378	17.6

Figure 2: Changes in marriages and divorces by marital status in Australia 1985 to 1995 (Adapted from Australian Bureau of Statistics *Marriages and Divorces* Publication No 3310.0)

The number of marriages have decreased by 5.3% over the period, while divorces have increased 24.7%

## DIVORCES

The Australian Bureau of Statistics *Marriages and Divorces* Publication No 3310.0 records that women with children are more likely to seek divorce than men with children:

Applicant	1986		1986		1996		1996	
	With children No.	%	Without children No.	%	With children No.	%	Without children No.	%
Husband	8,727	37.1	6,497	40.9	8,888	31.6	8,117	33.4
Wife	13,485	57.3	7,801	49.1	14,875	52.9	9,280	38.1
Joint	1,318	5.6	1,589	10.0	4,375	15.5	6,931	28.5
Total	23,530	100.0	15,887	100.0	28,138	100.0	24,328	100.0

Figure 3: Applicant for divorce (Adapted from Australian Bureau of Statistics *Marriages and Divorces* Pub No 3310.0)

"Since 1984, when joint applications became available, the number of joint applications for divorce have been increasing. In 1996, 22% of divorces were the result of a joint application by both husband and wife, compared with 7% ten years ago. However, most applications are still lodged singly, with 46% being lodged by wives and 32% by husbands in 1996.

Wives are more likely to apply for divorce than husbands. This difference was most marked when children were present. In 53% of divorces where children were involved, the wife was the applicant, compared with only 32% for husbands. However, in divorces where children were not involved, the proportions were much closer (39% and 33%, respectively)."

(Australian Bureau of Statistics 1996 *Marriages and Divorces* Pub No 3310.0)

A study by Peter Jordan, *The effects of marital separation on men - 10 years on*, published by the Family Court of Australia as Research Report No. 14 provides some interesting insights into men's attitudes, feelings and reactions to separation/divorce. In 1984 Jordan asked 168 respondents to complete a questionnaire about their experience. In 1994 Jordan was able to get further "follow-up" responses from 38% of this original set of 168 respondents. Jordan also asked the same questions of a new 1994 sample of men.

One of the questions asked "Who made the decision to separate?"

By Whom	The 1984 Sample %	The 1994 Sample %	The follow-up sample %
Wife	65	58	56
Husband	19	24	25
Both (Husband & Wife)	16	18	19

Figure 4: Who made the decision to separate? (Adapted from *The effects of marital separation on men - 10 years on*, by Peter Jordan)

Another question related to "Did the husband want the separation?"

Husband wanted separation?	The 1984 Sample %	The 1994 Sample %	The follow-up sample %	Average %
Yes	34	40	38	37.3
No	66	60	62	62.7

Figure 5: Did the husband want the separation? (Adapted from *The effects of marital separation on men - 10 years on*, by Peter Jordan)

If the data from the "Applicant for divorce" and "Who made the decision to separate?" tables are combined, the values provide an interesting overview:

By Whom	The 1984 Sample %	1986 With children %	The 1994 Sample %	The follow-up Sample %	1996 With children %	Average %
Wife	65	57.3	58	56	52.9	<b>57.84</b>
Husband	19	37.1	24	25	31.6	<b>27.34</b>
Both	16	5.6	18	19	15.5	<b>14.82</b>

Figure 6: Comparison of decision to separate (Adapted from ABS data and Jordan study).

Women with children are making the decision to separate/divorce 2.1 times more frequently than men with children. Men do not want the separation/divorce in 62.7% of occasions. In general men wish to stay married more than women. In general it is women who are choosing divorce - why?

Jordan investigated the possible causes for the marriages to end in separation by asking the men in the sample. Jordan shows that recurring conflict in the relationship before separation was mentioned by 75% of the men. Further investigation revealed the areas of recurring conflict:

Rank	The 1984 sample	%	Rank	The 1994 sample	%
1	Financial Problems	20	1	Financial Problems	27
2	Husband's work	17	2	Wife's attitudes, feelings, aims	19
3	Wife's actions, behaviour	17	3	Wife's actions, behaviour	16
4	Sex	13	4	Husband's actions, behaviour	16
5	Wife's attitudes, feelings, aims	13	5	Children	13
6	Lack of co-operation/trust	11	6	Sex	11
7	In-laws/family involvement	10	7	Lack of co-operation/trust	10

Figure 7: Differences in ranking of area of recurring conflicts before separation (Adapted from *The effects of marital separation on men - 10 years on*, by Peter Jordan)

"There is a high level of consistency between the perceptions of the respondents in the 1984 sample and the 1994 sample in reporting on general areas of conflict, with 44% of both groups saying that it was their wife's actions/behaviours or attitudes/feelings/aims which caused them to think that their marriage could end in separation."

(The effects of marital separation on men - 10 years on, by Peter Jordan)

The major issue to emerge from the Jordan study of the three sample groups was the effect of living alone on the health complaints/symptoms, social activities and psychological well-being of the men. This finding raises the significance and importance of relationships for men in Australia. Jordan also found that the most traumatic time for the men was the time of separation, and the majority of separations were still being initiated by women. Men continued to believe that women's issues were the major causes of their loss of a relationship. Financial difficulties were experienced by separated men. Men often retained strong attachments to their ex-wife, children and their marriage relationship.

## SECOND MARRIAGES

Second marriages are also revealing some interesting statistics. In 1995 there were 109,386 marriages.

Marriage History	Groom	Groom %age	Bride	Bride %age	Marriages Registered	Marriages %age
First marriage both partners					73,846	67.5%
First marriage one partner					19,898	18.2%
Never married	83,280	76%	84,310	77%		
Widowed	2,360	2%	2,712	2.5%		
Divorced	23,746	22%	22,364	20.5%		
Remarriage both partners					15,642	14.3%
Total	109,386	100%	109,386	100%	109,386	100%

Figure 8: Second marriages by previous marital status in Australia (Adapted from Australian Bureau of Statistics *Marriages and Divorces* Publication No 3310.0)

In the period 1976 to 1995 there were 2,244,086 marriages and 879,925 divorces, producing a net outcome of 1,364,161 continuing marriages. Of course some of the divorces come from marriages earlier than 1976, but there will also be marriages between 1976 and 1995 that will fail after 1995. The continuing marriages figure gives a crude assessment of the increase in couple family numbers over the period. If approximately 67.5% of these are continuing first marriages (920,809), then approximately 14.3% involve remarriage for both partners (195,075), and approximately 18.2% involve remarriage for one partner (248,277).

## CHILD SUPPORT AGENCY CASELOAD

In *Child Support Agency Facts and Figures (Data to June 1996)* the CSA mention (page 4) the "eligible population" which comprises all sole parent and step/blended families where one or both of a child's natural parents live elsewhere. The CSA used statistics from ABS Catalogue 4102.0 to show that of approximately 4,791,000 families in Australia as at June 30, 1995, there were estimated to be 364,800 "never married" or "divorced/separated" one parent families with dependent children. There were also estimated to be a further 176,000 "step/blended" families with dependent children. The total "eligible population" at June 30, 1995 was estimated to be 540,800 families.

This 540,800 figure is supported by the Australian Bureau of Statistics *Marriages and Divorces* (Pub 3310.0), which can be compared to known Child Support Agency data (CSA Client Profile Series No 1) concerning "caseload."

Personal correspondence with the Child Support Agency reveals a June 1998 active caseload of 494,144. However, CSA reports that active caseload does not include payers who are no longer required to pay, but still have arrears. In October 1997 the Federal Government reported 998,000 CSA clients, but the CSA active caseload was 458,335. This suggests that some 40,665 payers at that time no longer had a current assessment, but still had arrears from the period when they were liable for child support payments.

Year	Marriage Aust Total	Divorce Aust Total	Additional Divorces per year (cf 1970/71)	Cumulative Additional Divorces (cf 1970/71)	Divorces as a %age of Marriage	Child Support Agency Cases Reported	Cum'tive Divorces 1988 to 1997	Cum'tive Child Support Agency Cases
1970	116,066	12,198	0	0	10.50%			
1971	117,637	12,947	0	0	11.00%			
1972	114,029	15,655	2,609	2,609	13.70%			
1973	112,700	16,195	2,699	5,308	14.40%			
1974	110,673	17,688	4,082	9,390	16.00%			
1975	103,973	24,307	10,803	20,193	23.40%			
1976	109,973	63,230	49,179	69,372	57.50%			
1977	104,918	45,150	31,041	100,413	43.00%			
1978	102,958	40,608	26,105	126,518	39.40%			
1979	104,396	37,854	23,295	149,813	36.30%			
1980	109,240	39,258	24,718	174,531	35.90%			
1981	113,905	41,412	26,622	201,153	36.40%			
1982	117,275	44,088	28,885	230,038	37.60%			
1983	114,860	43,525	27,980	258,018	37.90%			
1984	108,655	43,124	27,723	285,741	39.70%			
1985	115,493	39,830	23,898	309,639	34.50%			
1986	114,913	39,417	23,650	333,289	34.30%			
1987	114,113	39,725	23,173	356,462	34.80%			
1988	116,816	41,007	24,604	381,066	35.10%	10,019	41,007	10,019
1989	117,176	41,383	24,830	405,896	35.30%	17,920	82,390	27,939
1990	116,959	42,635	25,581	431,477	36.50%	27,680	125,025	55,619
1991	113,869	45,652	28,094	459,571	40.10%	29,997	170,677	85,616
1992	114,752	<b>45,729</b>	28,141	487,711	39.90%	<b>48,399</b>	216,406	134,015
1993	113,255	<b>48,363</b>	30,451	518,162	42.70%	<b>71,308</b>	264,769	205,323
1994	111,174	<b>48,269</b>	30,392	548,554	43.40%	<b>65,260</b>	313,038	270,583
1995	109,386	<b>49,666</b>	31,928	580,482	45.40%	<b>65,913</b>	362,704	336,496
1996	106,103	<b>52,466</b>	34,374	614,856	49.40%	<b>71,690</b>	415,170	408,186
1997	106,701	<b>51,286</b>	32,970	647,826	48.10%	<b>55,943</b>	466,456	464,129
June 98						30,015		494,144

Figure 9: Comparison of marriage, divorce and Child Support Agency cases in Australia

Note: Marriage and Divorce statistics are from ABS *Marriages and Divorces*  
 Child Support Agency statistics are from *CSA Client Profile Series No 1*  
 Defacto relationships are not "Registered" marriages and are therefore not included

The Child Support Agency reported its active caseload at the end of June 1996 as 394,908 families (*Child Support Agency Facts and Figures*, page 10). This meant that the CSA was providing a service for approximately 69% of the eligible population. The rise in the caseload over the 1991 to 1996 period was:

Date	June 1991	June 1992	June 1993	June 1994	June 1995	June 1996
CSA Cases	107,029	139,652	211,581	278,185	336,317	394,908

**It should be noted that the "rise" in CSA caseload is the "net" rise recorded after subtracting "terminated" assessments from "new" assessments.** For example, in 1997 the CSA estimates that 4,396 were terminated on the basis of the children's ages (*CSA Client Profile Series No 1*, p12). Therefore, in 1997, the 4,396 terminations should be added to the 55,943 net increase figure shown in the table. **This means that there were approximately 55,943 + 4,396 = 60,339 "new" CSA cases registered in 1997. This represents a 7.85% increase above the 1997 CSA declared net figure of 55,943.** If this same 7.85% figure is applied to the CSA cumulative total of 494,144 active cases as at June 30, 1998, then approximately 532,934 families have dealt with the Child Support Agency in the period 1988 - June 1998.

If the 40,665 "non-active" people with arrears are also added, the total becomes 532,934 + 40,665 = 573,599 Child Support "Cases" during the period 1988 - June 1998. The Child Support Agency only tabulate the net

increase in case load each year, but the "new" cases each year could be identified if it were deemed to be an appropriate and desirable project for the Research and Policy Unit.

Over 700,000 dependent children were estimated in 1994 to be living in one parent families. A further 300,000 children were estimated to be living with a step parent (*Child Support Agency Facts and Figures*, page 14, from ABS advice). The current (April 1998) ABS estimate is that 1.1 million children are currently living with only one of their natural parents (ABS *Family Characteristics*, Pub No 4442.0).

In June 1996, CSA active cases involved 617,940 children (approximately 12.5% of Australian children). (*Child Support Agency Facts and Figures*, page 14). This gives a multiplier of  $617,940/394,908 = 1.56$  children per CSA "family."

In January 1998 the CSA reported (*CSA Client Profile Series No 1*, page 6) the total caseload as 439,928, including 261,257 CSA Collect Cases, and 178,671 Private Collect Cases.

Date	June 1991	June 1992	June 1993	June 1994	June 1995	June 1996	June 1997
CSA Cases	107,029	139,652	211,581	278,185	336,317	394,908	439,928

The Federal Government, in announcing the proposed changes to the Child Support Scheme in October 1997, reported that the Child Support Agency was then handling 499,000 cases nationally. It was suggested that new cases were being opened at a rate of 5,000 to 6,000 per month (Note: June 1997 : 439,928 v 1996 : 408,186 = 31,742 net increase over 6 months at 5,290 per month, plus the applicable "termination" rate).

The Child Support Agency projected (*Child Support Agency Facts and Figures*, page 12) a caseload of approximately 630,000 by June 2000. Using the previous multiplier of 1.56 children per family, the CSA caseload will involve 982,800 children by June 2000.

## CSA PAYER AND PAYEE GENDER

The *CSA Client Profile Series No 1* shows the gender breakdown of the CSA active caseload at June 1997:

PAYER GENDER	Agency Collect	% Agency Collect	Private Collect	% Private Collect	Total
Male	240,991	92.2%	164,999	92.0%	405,990
Female	19,836	7.6%	14,012	7.8%	33,848
Unknown	430	0.2%	260	0.1%	690
Total	261,257	100%	179,271	100%	440,528*

Figure 10: Child Support "Payer" (non-custodial parent) by gender.

NOTE: \*This figure contains 603 dual cases

The above figures show that approximately 92.2% of CSA cases deal with the female as the custodial parent, while only 7.7% of males have custody of children. This is a reflection of the bias in the Family Court rather than any power or responsibility attributable to the Child Support Agency. The Family Court still has a systematic bias towards the female as the "primary carer" and award custody accordingly "in the best interests of the child."

PAYEE GENDER	Agency Collect	% Agency Collect	Private Collect	% Private Collect	Total
Male	19,393	7.4%	13,782	7.7%	33,175
Female	241,712	92.5%	165,396	92.0%	407,108
Unknown	152	0.1%	93	0.1%	245
Total	261,257	100%	179,271	100%	440,528*

Figure 11: Child Support "Payee" (custodial parent) by gender

NOTE: \*This figure contains 603 dual cases

Males seem to be penalised for earning the family income by denying them equal opportunity to become the custodial parent after family breakdown. The Family Court expectation is that they should go on earning the income for two households after divorce, irrespective of who chose divorce.

## CSA ELIGIBLE CHILDREN

The *CSA Client Profile Series No 1* (Table 2.7 p14) shows the number of children involved in the CSA active caseload as:

Number of Children	CSA Collect Cases	CSA Collect Children	Private Collect Cases	Private Collect Children	Total	CSA Collect Cases %	CSA Collect Children %	Private Collect Cases %	Private Collect Children %
1	122,621	122,621	90,630	90,630		57%	35.5%	54%	32.8%
2	66,166	132,332	54,860	109,720		31%	38.3%	33%	39.7%
3	20,985	62,955	17,853	53,559		10%	18.2%	11%	19.4%
4	5,063	20,252	4,278	17,112		2%	5.9%	3%	6.2%
5	1,015	5,075	776	3,880		0	1.5%	0	1.4%
6	254	1,524	157	942		0	0.4%	0	0.3%
7	70	490	36	252		0	0.1%	0	0.1%
8	14	112	6	48		0	0.0%	0	0.0%
9	6	54	6	54		0	0.0%	0	0.0%
10	4	40	1	10		0	0.0%	0	0.0%
<b>Cases</b>	216,198		168,603		<b>384,801</b>	100		100	
<b>Children</b>		345,455		276,207	<b>621,662</b>		100.0%		100.0%

Figure 12: Children involved in "active" Child Support Agency Caseload (Adapted from *CSA Client Profile Series No 1*, data appears to be from late 1995)

Since the CSA caseload is only 384,801 this table represents the number of children at an earlier stage than the data in the rest of the *CSA Client Profile Series No 1*. It would appear to relate to the number of cases involved late in 1995. However it could be assumed that the representative proportions for 1998 would be consistent with the proportions shown in this table.

The ratio of children to cases is 621,662 : 384,801 or 1.62 children per family. Since the active caseload at June 30, 1998 is 494,144, the number of children involved in the active caseload is 494,144 x 1.62 = 800,513.

If the previously discussed 7.85% increase above the 1997 CSA declared net figures is again assumed; and if the 40,665 "non-active" people with arrears are again added the total becomes 532,934 + 40,665 = 573,599 Child Support "Cases" during the period 1988 - June 1998. If the 1.62 multiplier is used the total number of children involved in CSA cases in the period 1988 - June 1998 becomes 573,599 x 1.62 = 929,230 children.

## AGE OF CHILDREN INVOLVED IN CHILD SUPPORT CASES

Neither of the two Child Support Agency publications provide details about the age of children involved in Child Support Agency cases. However, *CSA Client Profile Series No 1* does provide details about the "Entitlement End Year" based on the date of birth of the youngest child.

There is a spread of children across the eighteen years for which Child Support is payable. Infants born recently do not "graduate" out of entitlement until they turn 18 in 2015. The total number of "youngest child" listed here as 440,531 is a little more than half of the 778,440 children currently under CSA supervision. It is difficult to make any meaningful comment about the distribution in the table without the inclusion of the other "non-youngest" children.

The Child Support Agency do have the capacity to make a contribution to the discussion by undertaking further analysis on the ages of the children involved. What are the ages of all children involved in the scheme? Are they generally 0 to 9 years of age, or 10 to 18 years of age? What is their age on entrance into

the scheme - do younger or older families break up more frequently? What is the age on entrance into the scheme for children from married parents, unmarried mothers, and defacto couples? What is the age on entrance into the scheme of the biological mother and father?

End Year	CSA Collect	Private Collect	Total	CSA Collect %	Private Collect %	Total Collect %
1997 (18 now)	2,847	1,549	4,396	1	1	1.0%
1998 (17 now)	6,613	3,595	10,208	3	2	2.3%
1999 (16 now)	7,941	4,370	12,311	3	2	2.8%
2000 (15 now)	9,172	5,074	14,246	4	3	3.2%
2001 (14 now)	9,950	5,458	15,408	4	3	3.5%
2002 (13 now)	10,835	5,841	16,676	4	3	3.8%
2003 (12 now)	11,745	6,449	18,194	4	4	4.1%
2004 (11 now)	12,503	6,924	19,427	5	4	4.4%
2005 (10 now)	13,512	7,374	20,886	5	4	4.7%
2006 (9 now)	15,042	8,279	23,321	6	5	5.3%
2007 (8 now)	17,712	9,426	27,138	7	5	6.2%
2008 (7 now)	20,861	11,289	32,150	8	6	7.3%
2009 (6 now)	21,429	12,714	34,143	8	7	7.8%
2010 (5 now)	22,354	15,574	37,928	9	9	8.6%
2011 (4 now)	21,712	17,306	39,018	8	10	8.9%
2012 (3 now)	21,039	18,673	39,712	8	10	9.0%
2013 (2 now)	18,343	18,805	37,148	7	10	8.4%
2014 (1 now)	13,617	16,302	29,919	5	9	6.8%
2015 (baby)	2,461	3,881	6,342	1	2	1.4%
Other *	1,569	391	1,960	1	0	0.4%
Total	261,257	179,274	440,531	100	100	100

Figure 13: Entitlement End Year: Calculated by adding 18 years to the date of birth of the youngest child. (Adapted from CSA Client Profile Series No 1)

Note: Other \* includes pre 1997 and miscodings

Non-custodial parents are locked into paying the set percentages based on the number of children (18% for one, 27% for two, 32% for three, 34% for four and 36% for five or more), until each child attains the age of 18 years. For many it is a financial jail sentence - one wage was never meant to support two separate households. Current trends in the Family Court now suggest that payments commensurate to those made via the Child Support Scheme may continue for tertiary students over 18 years of age. The financial jail sentence for non-custodial parents will therefore continue beyond the children's 18th birthday.

## AUSTRALIAN CENSUS 1996

The ABS report in the 1996 publication *Selected Family & Labour Force Characteristics* (ABS Catalogue No 2017.0) that there were 17,892,425 people present in Australia on Census Night, Tuesday August 6, 1996. The "Family Type and Relationship in Household" was presented on page 69:

Description	Number of Adults	Number of Children	Other Related Individual	Number of Families
Couple family <b>with children</b>	4,521,880	4,501,903	88,993	2,260,940
Couple family without children	3,115,948	0	45,585	3,115,948
<b>One parent family</b>	<b>672,872</b>	1,047,242	46,543	<b>672,872</b>
	8,310,700	5,549,145	181,121	6,049,760

Figure 14: Couple families in Australia (Adapted from Australian Bureau of Statistics *Selected Family & Labour Force Characteristics* Publication No 2017.0)

ABS define a "one parent family" as a family consisting of a lone parent with at least one child (regardless of age) who is usually resident in the household. The family may also include any number of other related individuals (see 46,543 above).

ABS define a "couple family with children" as a family consisting of two adult persons who are in a registered or de facto marriage and who are usually resident in the same household. The family may include any number of dependents, non-dependents and/or other related individuals (see 88,993 and 45,585 in figure 9 above). As it is not necessary for a parent-child relationship to be formed, a couple family can consist of a couple without children. Non-related persons living in the same household are not counted as family members (unless under 15 years of age).

If the number of children in one parent families (1,047,242) is divided by the number of one parent families (672,872) the result is 1.56 children per family, confirming the earlier "multipliers" calculated from Child Support Agency cases.

## UNMARRIED LONE PARENTS

The Australian Bureau of Statistics *Family Characteristics* publication (Pub No 4442.0) contains the results from the Family Characteristics Survey (FCS) conducted throughout Australia in April 1997. The aim of the FCS was to collect information about care and support exchanges that take place between children aged 0-17 and parents who live apart, most often as a consequence of marriage breakdown.

The FCS was conducted as a supplement to the Monthly Population Survey (MPS) which is based on a multi-stage area sample of private dwellings (currently about 30,000 houses, flats etc) and a list-sample of non-private dwellings (hospitals, hotels etc).

The sampling method introduces potential errors compared with the complete inventory process of a full "Census." The Technical Notes in this publication show that an estimate of 500,000 may involve an error of plus or minus 10,300, meaning that the true figure should lie between 489,700 and 510,300.

The ABS Family Characteristics study revealed an estimate of 739,900 "One-parent" families, of which 516,800 families had dependent children. There were 866,300 children living in these 516,800 "One-parent" families, giving a ratio of 1.68 children per parent.

Marital Status <b>All lone parents</b>	Lone Mothers	Percentage of total	"Others" (including fathers)	Percentage of total	Total	Percentage of total
Never married	148,800	20.1%	13,700	1.9%	162,500	22%
Previously married						
- Separated/Divorced	349,000	47.2%	78,500	10.6%	427,500	58%
- Widowed	122,600	16.6%	24,400	3.3%	147,000	20%
<b>Total</b>	<b>622,500</b>	<b>84.1%</b>	<b>117,400</b>	<b>15.9%</b>	<b>739,900</b>	<b>100%</b>

Figure 15: Lone parents in Australia (Adapted from Australian Bureau of Statistics *Family Characteristics* Publication No 4442.0)

Marital Status <b>Lone parents with dependent children</b>	Lone Mothers	Percentage of total	"Others" (including fathers)	Percentage of total	Total	<b>Percentage of total</b>
Never married	<b>143,800</b>	27.8%	<b>12,300</b>	2.4%	<b>156,100</b>	<b>30.2%</b>
Previously married						
- Separated/Divorced	274,000	53.0%	49,600	9.6%	323,600	<b>62.6%</b>
- Widowed	29,700	5.7%	6,400	1.2%	36,100	<b>7%</b>
<b>Total</b>	<b>448,300</b>	<b>86.7%</b>	<b>68,500</b>	<b>13.2%</b>	<b>516,800</b>	<b>100%</b>

Figure 16: Lone parents with dependent children in Australia (Adapted from Australian Bureau of Statistics *Family Characteristics* Publication No 4442.0)

"Of the 516,800 lone parents with dependants, 30% reported that they were not previously registered married, 63% that they were either separated or divorced, and 7% that they were

widowed. Young lone parents were far less likely to have been previously registered married than older lone parents (12% of those aged 15-24 compared with 77% of those aged 25 years and over with dependants)."

(ABS 1998 *Family Characteristics* Pub No 4442.0, p6)

If all 143,800 Lone Mothers are included in the CSA active caseload as at April 1997 when this ABS "FCS" study was surveyed, then the following calculation can be made:

CSA Caseload as at December 31, 1996	408,186
Net gain in caseload during 1997	55,943
Proportional gain to March 31, 1997	13,986
CSA Caseload at the beginning of April 1997	422,172
Lone Mothers with dependent children (April 1997)	143,800
Potential maximum proportion of CSA Caseload	34.1%

It would be interesting to know how many of the 143,800 never married lone mothers had a "planned" pregnancy to take advantage of the combined welfare benefits offered through the single parent pension and the applicable child support payment (18% for one child, 27% for two children etc).

(Please note from the earlier sampling discussion that the figure of 143,800 could be plus or minus approximately 6,000.)

## STEP- FAMILIES IN THE 1996 CENSUS

It is unfortunate that the 1996 Census did not report on the number of step-families included in the "Couple family with children." The following estimate can be made.

In the discussion of "Second Families" it was suggested that approximately 67.5% of continuing marriages from the 1976-1995 period involved first marriages (920,809), and approximately 14.3% involve remarriage for both partners (195,075), and approximately 18.2% involve remarriage for one partner (248,277). If approximately half of the latter 248,277 were "Brides" (124,138), then the other half of the latter 248,277 can be assumed to be "Grooms" (124,138). Since approximately 195,075 continuing marriages involve remarriage for both partners the number of "Remarried Brides" will be approximately 124,138 + 195,075 = 319,213, and a corresponding 319,213 "Remarried Grooms" during the period 1976-1995.

This 319,213 figure would form part of the count for "Couple family with children" and "Couple family without children" in the 1996 Census, and can be split using similar proportions:

Description	Total Adults	%age of total	Remarried Brides	Remarried Grooms	%age of total
Couple family with children	4,521,880	59.2%	188,974	188,974	59.2%
Couple family without children	3,115,948	40.8%	130,239	130,239	40.8%
Total	7,637,828	100.0%	319,213	319,213	100.0%

Figure 17: Couple families in Australia (Adapted from Australian Bureau of Statistics *Selected Family and Labour Force Characteristics* Publication No 2017.0)

## HOW MANY BROKEN FAMILIES EXIST IN AUSTRALIA?

If there were 672,872 "one parent families" on Census Night, it should be possible to assume that there were approximately 672,872 "non-custodial parents" hidden in the other statistics. The "Lone person" line contains 1,337,673 adults, more than enough to account for the "non-custodial" parents. If we also assume that there are 188,974 "re-married custodial" parents, then there should also be a further 188,974 "non-custodial" parents hidden in the statistics. This latter figure can be easily accommodated within either the "remarried" statistics, or within the "Lone person" line. The sum of 672,872 "one parent families" and 188,974 "remarried with children" is 861,846 broken families.

The publication *Family & Labour Force Characteristics* (ABS Catalogue No 2017.0) showed that "other" people were categorised on Census night as follows:

Description	Number of	Children	Youth	Total
	Adults	0-14	15-24	People
Other family	109,006	0	70,055	179,061
Unrelated individual in family	90,985	0	45,585	136,570
Group household member	559,646	0	46,543	606,189
Lone person	1,337,673	0	95,143	1,432,816
Visitor (from within Australia)	379,584	68,300	118,358	566,242
Non-classifiable	563,418	87,373	141,394	792,185
Overseas visitor	87,814	14,168	36,414	138,396
<b>Total "Other" people</b>	<b>3,128,126</b>	<b>169,841</b>	<b>553,492</b>	<b>3,851,459</b>

Figure 18: Other people (non-family) in Australia on Census night (Adapted from Australian Bureau of Statistics *Family & Labour Force Characteristics* Publication No 2017.0)

There were 879,925 divorces registered for the period 1976-1995, suggesting that 861,846 broken families may be a reasonable estimate. However, many of these 879,925 divorces will involve "Couple families without children." The unknown number of defacto relationships makes it difficult to be certain about the marital status of all family types: "Couple family with children," "Couple family without children," "One parent family," and "Lone person." This complication is further evidenced in the 1995 statistics for marriages, divorces and child support case registrations.

The Child Support Agency have an "in-house" estimate of 90:10 in estimating the extent of married:defacto relationships. Adding 10% on to official Australian Bureau of Statistics figures will give some sort of crude estimate of the number of defacto couples.

In 1995 there were 109,386 marriages, 49,666 divorces and 65,913 child support case registrations. Similar excesses of child support case registrations over divorces were recorded in 1992, 1993, 1994, 1996 and 1997. Do these excesses represent "CSA case catch-up" or the breakdown of defacto relationships? There has certainly been an increase during the period 1985 to 1995 in persons 15 years and over who have never married from 3,410,112 in 1985 to 4,343,898 in 1995, representing an increase of 933,786 or 27.4%.

Year	Marriage	Divorce	Crude Marriage Rate	Crude Divorce Rate	Divorce as a percent of Marriage	Child Support Agency Reg'd Cases	Cumulative Divorces 1988 to 1995	Cumulative Child Support Agency Cases
	Aust'n Total	Aust'n Total	per 1,000 popul'n	per 1,000 popul'n				
1992	114,752	45,729	6.6	2.6	39.9%	48,399	216,406	134,015
1993	113,255	48,363	6.4	2.7	42.7%	71,308	264,769	205,323
1994	111,174	48,269	6.2	2.7	43.4%	65,260	313,038	270,583
1995	109,386	49,666	6.1	2.8	45.4%	65,913	362,704	336,496
1996	106,103	52,466	5.8	2.9	49.4%	71,690	415,170	408,186
1997	106,701	51,286	5.8	2.8	48.1%	55,943	466,456	464,129
June 98						30,015		494,144

Figure 19: Child Support Applications exceed Divorces in Australia

Note: Marriage and Divorce statistics are from ABS *Marriages and Divorces*  
 Child Support Agency statistics are from *CSA Client Profile Series No 1*  
 Defacto relationships are not "Registered" marriages and are therefore not included

The sum of 672,872 "one parent families" and 188,974 "remarried with children" suggests 861,846 broken families may be the right order of magnitude. How can we improve the accuracy of the estimate?

## USING CSA FIGURES TO ESTIMATE FAMILY BREAKDOWN

The Federal Coalition Government announced minor changes to the Child Support Scheme on September 30, 1997 and indicated that the Child Support Scheme then administered to a parent population of 998,000, involving approximately 499,000 families. The Child Support Agency reported a growth of 5000 to 6000 new cases per month.

The Child Support Agency deals with only 69% of family breakdowns, the other 31% reaching private agreements outside the Child Support Scheme.

**Scenario One:** If 499,000 represents 69% of family breakdowns, then 224,188 additional families are involved through private arrangements, giving a total of 723,188 broken families. This appears to be conservative compared with the 861,846 estimate above, and the 879,925 divorces registered for the period 1976-1995.

Child Support Agency statistics show that each broken family has approximately 1.56 children, giving  $723,188 \times 1.56 = 1,128,173$  children living in broken families.

**Scenario Two:** If the previously discussed estimate of 573,599 Child Support "cases" and 929,230 children is used with the 1.62 multiplier, then the number of effected families increases.

If 573,599 represents 69% of family breakdowns, then 257,703 additional families are involved through private arrangements, giving a total of 831,302 broken families. This still appears to be conservative compared with the 861,846 estimate above, and the 879,925 divorces registered for the period 1976-1995.

ABS Lone Parent statistics show that each broken family has approximately 1.62 children, giving  $831,302 \times 1.62 = 1,346,709$  children living in broken families.

**Scenario Three:** Uses the extrapolated value of 861,846 non-custodial parents derived from Australian Bureau of Statistics in conjunction with the 1.62 multiplier from the analysis of children in lone parent families.

Many people are hurting, and the extended family are often called upon for help, particularly grandparents. Often the only place the displaced parent can go is home to "Mum and Dad" who are concerned not only for their son or daughter, but also their grandchildren who have lost their sense of family security.

There is a growing feeling that the loss of family can now be measured directly in poor achievement at school, unemployment, bankruptcy, domestic violence, homelessness and suicide.

## HOW MANY PEOPLE ARE DIRECTLY INVOLVED NOW?

The three scenarios can be tabulated using the statistics derived from both the Australian Bureau of Statistics and the Child Support Agency:

### Scenario One

Group Effected	Under CSA	Private Agreement	Total
Custodial Parents	499,000	224,188	723,188
Non-Custodial Parents	499,000	224,188	723,188
Children	778,440	349,733	1,128,173
Grandparents	1,996,000	896,752	2,892,752
Total	3,772,440	1,694,861	5,467,301

Figure 20: Estimate of family breakdown in Australia based on "active" CSA cases

### Scenario Two

Group Effected	Under CSA	Private Agreement	Total
Custodial Parents	573,599	257,703	831,302
Non-Custodial Parents	573,599	257,703	831,302

Children	929,230	417,479	1,346,709
Grandparents	2,294,396	1,030,812	3,325,208
Total	4,370,824	1,963,697	6,334,521

Figure 21: Estimate of family breakdown in Australia based on all CSA cases

### Scenario Three

Group Effected	Under CSA	Private Agreement	Total
Custodial Parents	?	?	861,846
Non-Custodial Parents	?	?	861,846
Children	?	?	1,396,190
Grandparents	?	?	3,447,384
Total	?	?	6,567,266

Figure 22: Estimate of family breakdown in Australia adapted from ABS Lone Parent data

The above statistics do not include immediate brothers and sisters, second family members, friends and colleagues. The number above could be easily doubled.

Scenario One represents the "current" situation for Child Support Agency "active" cases but fails to identify "terminated" cases, and "non-active" but still in arrears cases. It is fair to accept Scenario One as a minimum estimate. Scenarios Two and Three seem to align much more closely with the Australian Bureau of Statistics figures, and therefore appear to be a more realistic representation of the total picture.

These figures are a major indictment against the value placed on the family by an economic rationalist approach to the welfare of our most precious societal unit - the family. The Family Law and Child Support Acts are contributing directly to these growing statistics. Australia needs **substantial** changes to these Acts as a matter of urgency.

Six million members of the voting public are watching the performance of the Federal Government.

## THE CHILD SUPPORT AGENCY FORMULA IMPACT

The **Child Support Agency** takes money from the non-custodial parent (92.2% male), and gives it to the custodial parent (92.2% female) according to a "Formula." In most cases the "Formula" allows the father to keep \$9,006 of his gross wage for living expenses, before claiming a set percentage according to the number of children:

For example:	<b>Non-custodial parent</b>	<b>Custodial parent</b>
Income - allowable threshold	\$39,295 - \$9,006 = \$30,289	\$39,295 - \$39,295 = 0
Reduce by custodial parent excess	\$30,289 - 0 = \$30,289	
Multiply by CSA percentage	\$30,289 x 27% = \$8,178	
Non-custodial parent pays custodial parent	-\$8,178	+\$8,178
Gross wage	\$31,117	\$47,473

This example is for two children (27%), but it can be worked for each of the other family sizes. The applicable percentage becomes a dollar amount which is taken from the non-custodial parent and paid to the custodial parent, creating a difference between the two salaries of **double** the child support amount.

$$\$47,473 - \$31,117 = \$16,356 \text{ (which is } 2 \times \$8,178 = \$16,356)$$

Gross Wage	Number of Children	Percentage from Wage	Child Support Paid to Custodial
\$39,295	1	18%	\$5,452
\$39,295	2	27%	\$8,178
\$39,295	3	32%	\$9,692
\$39,295	4	34%	\$10,298
\$39,295	5 or more	36%	\$10,904

Figure 23: Child Support assessment rates based on the number of children

At this simplistic level it appears that the non-custodial parent has got \$31,117 to live on, while the custodial parent has \$47,473 to support herself and two children. However the picture becomes much more serious for the non-custodial parent if the other financial commitments are considered.

Closer examination reveals the true effect of these percentages when applied to typical average wages:

Non-custodial Parent (Male)	Income/Expense Description	Custodial Parent (Female)
<b>\$39,295</b>	<b>Gross Income</b>	<b>\$39,295</b>
- \$9,498	Taxation	- \$9,498
- \$3,930	Superannuation	- \$3,930
- \$589	Medicare	- \$589
- \$3,930	Earning Expenses	- \$3,930
- \$8,178	Child Support (27%)	+ \$8,178
- \$1,965	Access Costs (5%)	Nil
- \$7,826	Rent (\$150/week)	- \$7,826
- \$2,609	Food (\$50/person) (1)	- \$7,826 (3)
<b>\$770</b>	<b>Remainder available for</b>	<b>\$13,874</b>
????	Electricity/Gas	????
????	Water/Council Rates	????
????	Insurance/Phone	????
????	Car/Transport Expenses	????
????	Clothes/Pocket Money	????
????	Repairs/Furniture	????
????	Gifts/Holidays	????
????	Savings/Emergencies	????

Figure 24: Impact of Child Support payments on custodial and non-custodial budgets

It is simply impossible to live on the \$770 left over after compulsory deductions and expenses. **While non-custodial parents (92% men) want to take financial responsibility for their children,** they also feel that the financial load should be shared more equitably between both parents. Both parents have to set up homes for the children, irrespective of the amount of time which children spend at the respective homes. There is a base level expense which both parents must pay, not just the custodial parent. Similarly, there are real costs associated with having the children on access, which are not currently recognised by the Child Support Assessment process. The long term financial viability of non-custodial parents is threatened by the excessively high demands of the Child Support Scheme "formula." The inevitability of the long term financial demise of non-custodial parents is not "in the best interests of the children." Child Support payments of 50% of current levels would better reflect "sharing" the cost of parenting. Similarly, maintaining payments of 50% of current levels for the full 18 years of a child's life must be better than 100% for only five years.

For example:

\$10,000 per year @ 50%	= \$5,000	\$10,000 per year @ 100%	= \$10,000
Maintained for 18 years		Burnt-out and bankrupt after 5 years	
\$5,000 per year over 18 years	= \$90,000	\$10,000 per year over only 5 years	= \$50,000

It is in the best long term interests of the children and both parents that payments are maintained for as long as possible. Short term gain for the custodial parent becomes long term pain for the children and the non-custodial parent in the longer term.

After only five years the financial burden becomes too great, and many non-custodial parents are forced to look at other financial and "life" options. Many non-custodial men are forced to live in cheap accommodation (or move back in with often pensioner parents), are compelled to leave paid employment,

forced into bankruptcy, lose contact with their children, lose any prospect of a comfortable retirement and a growing number ultimately commit suicide. **Many innocent men do not survive this draconian system.**

The financial incentive to divorce must be removed or heavily modified. Many people, including politicians, argue that the amounts paid under the formula need to be substantially reduced, perhaps halved, thereby reflecting the "shared" responsibility for on-going support of the children. This could be achieved by calculating the non-custodial parent liability on the basis of after tax income.

## NON-CUSTODIAL PARENTS ARE FORCED OUT OF THE WORKFORCE

The most recent official figures from *CSA Client Profiles Series No 1*, show a total CSA Caseload of 439,928 as at June 30, 1997. The National Caseload is now reported to be increasing by 5,000 to 6,000 cases per month. The report shows that 129,174 non-custodial parents now have a "Nil-Liability." That is, these non-custodial parents earn less than \$9,006 and consequently pay no child support.

Table 1.3 on page 6 of *CSA Client Profile Series No 1* shows:

	<b>CSA Collect</b>	<b>%</b>	<b>Private Collect</b>	<b>%</b>	<b>Total</b>	<b>Total %</b>
<b>Liability</b>	173,925	66.57	136,829	76.58	310,754	70.6%
<b>Nil Liability</b>	<b>87,332</b>	<b>33.42</b>	<b>41,842</b>	<b>23.41</b>	<b>129,174</b>	<b>29.4%</b>
<b>Total</b>	261,257	99.99	178,671	99.99	439,928	100%

Figure 25: Active CSA Cases with current "liability" and current "nil liability."

These statistics suggest that 129,174 non-custodial parents earn less than the \$9,006 threshold figure at which they become liable to pay Child Support. The vast majority of these will in all probability be drawing unemployment benefits from the Department of Social Security.

These CSA statistics suggest that unemployment among non-custodial parents is running at approximately 30% at a time when the national average is approximately 8%. This suggests that the disincentive to work created by the Child Support Scheme is sufficiently strong for 22% (30% - 8% = 22%) of non-custodial parents (96,660) to opt for the dole rather than have their wages taken by the combination of the Australian Taxation Office, the Child Support Scheme, compulsory superannuation, compulsory Medicare, and the expenses of earning a living.

The performance of the CSA in collecting \$1 billion from non-custodial parents was proudly announced recently. Not announced were the unemployment benefits for the 129,174 non-custodial parents, costing the government \$1.163 billion. The cost of running the CSA has been estimated at \$200 million per annum, giving the Federal Government a bill of \$1.363 billion. How does the Government justify this false economic logic? Where is the economic rationale in continuing the Child Support Scheme if people are forced to opt out of it? Where is the economic engine for Australia if a growing portion of the community can't afford to work? The CSA "Formula" must be changed substantially.

Men are good parents and they now demand that equal opportunity be reflected in both the Family Court and the Child Support Scheme.

In order to re-dress the imbalance it is appropriate that "affirmative action" now favour the male parent in all aspects of Family Court and Child Support Scheme matters. That is, where two parents are essentially "equal" in their parenting capacities, future decisions should favour the father, in order to re-dress the previous bias towards the mother. This is no more than women asked of men in women's quest for "equal opportunity" in the workplace.

## FAMILY BREAKDOWN IN AUSTRALIA IS A NATIONAL DISASTER

The Child Support Agency reports that 92.2% of custodial parents are female. It is difficult to imagine that only 7.8% of men are worthy male sole parents. There are today, at least 723,188 non-custodial parents and an associated minimum of 1,128,173 children living in broken Australian families. LFAA(Inc) needs support to fight for the rights of these disadvantaged people, their extended families, particularly the paternal grandparents and friends.

In an era when "equal opportunity" has been sought and won by disadvantaged groups resulting in appropriate legislation and court rulings, non-custodial parents (92.2% male) continue to suffer the bias and discrimination of legislation and court rulings which favour one section of the community.

Family breakdown is further compounded by relationship breakdown between the non-custodial parent and the children. Statistics show that five years after separation, only one in four fathers is able to maintain contact with the children they love. It is almost impossible to maintain a "full-time" parenting relationship on "part-time" access. The breakdown in the "non-custodial parent/child" relationship is virtually inevitable over time, despite the extra-ordinary efforts which most non-custodial parents pursue, and at least partly due in many cases, to custodial parent pressure. The "win at all costs," and the "ownership" attitudes of many custodial parents creates an intolerable situation. The non-custodial parent suffers immediately, but the long term damage to the children is a study for the future.

Australia has a total population of 18.5 million, and an estimated minimum of 5.5 million are now directly connected and affected by family breakdown.

The emotional and financial impact of family breakdown and the Child Support Scheme is considerable, particularly for non-custodial parents earning in excess of \$50,000 per annum. For these people, Federal tax (47¢/\$1), Child Support (32¢/\$1 for 3 children), superannuation (10¢/\$1), Medicare (1.5¢/\$1) and the costs of earning an income (10¢/\$1) can produce a **negative** marginal income (-0.5¢/\$1). **Where is the incentive for these people to work?**

The "no-fault" Family Law Act (1975) and the Child Support Act (1988) have created a situation where the instigator of family breakdown is rewarded through cultural bias and favourable property, custody and other financial arrangements, leaving the non-custodial parent (92.2% male) without rights, but laden with responsibilities.

The continued application of outdated cultural values which underlie the perception that the female is the "best" primary care giver and what is "in the best interests of the children" has resulted in:

- the forced separation of non-custodial parents (92.2% male) from their children, creating a new "stolen generation."
- the forced loss of the father's involvement in the raising of the children, to the detriment of the children, the father and the broader community.
- the emotional trauma of forced separation for the non-custodial parent, the children and significant others including the paternal grandparents.
- loss of a sense of personal identity, personal worth and personal well-being,
- the forced loss of personal property, on-going income and superannuation,
- the forced expenditure of child support payments in excess of the real costs of raising children,
- the forced and/or consequential loss of employment, career and future retirement entitlements,
- the forced implementation of these punishments for a crime frequently instigated and committed by the custodial parent, and enforced on the non-custodial parent by a bureaucracy for periods in excess of punishments handed out to burglars, arsonists, armed robbers, rapists and murderers.

## ACCESS

The children have right of access to their non-custodial parent, but the non-custodial parent does not have right of access to the children. The Family Court consider normal access for the children to their non-custodial parent to be one day per week (or one weekend per fortnight) and half of school holiday periods. In all, 52 days at weekends, plus half of about 11 x 5 day weeks, a further 27 or 28 days. A grand total of 79 or 80 days each year, for as long as 18 years, in which to have a "meaningful" relationship with one's own children.

Most non-custodial parents never see their children go to school in the morning, or participate in the excited chatter at the evening meal, after the challenges of a school day, because they don't have access on a school day, only weekends and school holidays. Most non-custodial parents feel largely left out of their children's school life, and don't know their school friends.

Some "lucky" non-custodial parents are able to have a couple of hours on a weeknight to have some time with their children. Regional shopping centres have become the "entertainment centres" for non-custodial parents who want to have an evening meal with the children, but to do it within an affordable warm environment. It is sometimes hard to feel anything more than "refugee" or "homeless" status. But at least the regional shopping centre is warm in winter for the two hours with their children that week.

Then there are the "pick-up" and "drop-off" sagas. Each of these access occasions creates one "pick-up," frequently punctuated with demands for more money, and one "drop-off," always clouded by the personal emotion of having to say "Goodbye" yet again, to children that you want to know, but just don't seem to be able to in the short space of an access visit. For many it is like watching your best friend die on a weekly basis, and particularly frustrating for those non-custodial parents who did not choose the divorce option.

Access creates a false environment in which, despite the best intentions of the non-custodial parent to provide some quality caring parenting, the time is spent at a polite superficial level outside the normal day-to-day life of the child. "Non-custody" prevents meaningful "parent participation" by the non-custodial parent. Non-custodial parents are put in the access situation, one in which they "can't care." This is then frequently interpreted as "don't care" by both the custodial parent and the children. After five years only one in three non-custodial parents is able to maintain a caring, frequent, access arrangement with their children, through no fault of the non-custodial parent. The grieving during "drop-offs" ceases, to be replaced by an emptiness that was once filled by a family.

The adversarial nature of the Family Court has already reinforced the lack of trust between the divorced couple. The continuing demands of the Child Support Scheme create a financial millstone for the non-custodial parent. Child Support payments, or the lack thereof, add an extra dimension of emotion during the contact created by "pick-up" and "drop-off." If payments cannot be maintained, access is often refused. "Dad doesn't love you, he's stopped paying Child Support." Custodial parents do not realise that the system has raised their financial expectations above the capacity of the non-custodial parent to pay. Non-custodial parents cannot afford the amounts asked by the Child Support Scheme. As a result, the custodial parent becomes bitter toward the non-custodial parent, blaming the non-custodial parent for non payment of Child Support. The custodial parent should be blaming the Child Support Scheme, but instead stops access using a variety of excuses. The children become pawns in a power play.

The terminology of "custodial" and "non-custodial" parent can be aesthetically modified a dozen times without changing the basic facts which result in one parent assuming the major role, and the other a minor "access" role. The Family Court must put more emphasis on the importance of "Joint Guardianship" irrespective of the proportion of "residence" time agreed (or imposed) on the parental parties. The "ownership" implied and assumed by the custodial parent must be removed through much greater emphasis on "Joint Guardianship." "Custody" should be viewed as the day-to-day "administrative" role which is under the "management" of the "Joint Guardians" who should make all "Joint" welfare decisions including health, schooling, moral values etc.

The Family Court should recognise and take into consideration the **reciprocal access rights** of children, both parents, grandparents, and significant others, and the children's right to receive assistance in their development from all these people.

## **VIOLENCE**

The trauma which many non-custodial parents (92% men) experience after family breakdown has been likened to the post-traumatic stress disorder experienced by Vietnam veterans. The non-custodial parent frequently suffers alone in a society which has failed to recognise and understand both the reality and totality of the loss which has occurred. Many men are divorced by both their families and by society.

By contrast, the custodial parent (92% female) is in a better position emotionally to continue life with the children. Australian Bureau of Statistics show that divorce is instigated more often by women than by men (*Marriages and Divorces*, ABS Publication No 3310.0).

The available support services favour the "single mum" or the "lone (custodial) parent." Very few services are offered, or available to the "non-custodial" parent. The Institute of Family Studies "Thesaurus" which is used to access library information about families does not even include the term "non-custodial" parent.

The malicious use of false allegations must not be allowed to destroy a person's reputation. An offence of perjury must be added to the Family Law Act to enable the Family Court to deal with serious cases such as false accusations of harassment, child sexual abuse or domestic violence, particularly where such false accusations are used as a tactic in an attempt to gain advantage in property, custody, access or Child Support liability disputes.

It is strange that men are condemned for domestic violence in family breakdown situations, despite legal defences which highlight the emotional strain of the situation. Women are known to experience post-natal depression, leading in severe cases to the murder of their children. In many cases the woman is not even charged with the offence, the community understands. Men are charged and jailed, the community does not understand.

Domestic violence has become a double standard: a man is a wimp if he reports a woman for domestic violence against a man; a woman is encouraged to report a man for domestic violence against a woman, and the man is charged and jailed. If all incidents of domestic violence were reported, I suspect that there would be just as many incidents of women against men, as there would be men against women. The recent Men and Family Relationships conference conducted by the Federal Attorney General in Canberra (June 9-11, 1998) suggested the need for marital counselling before family breakdown, and recognised the "situational" nature of domestic violence, which was non-gender specific.

Non-custodial parents are plunged into emotional turmoil following family breakdown. Government services must be put in place to support "non-custodial" parents. It is hoped that this type of service would reduce the suicide rate among non-custodial men.

## SUICIDE IN AUSTRALIA

For some the only solution to family breakdown is suicide. The number of divorced men choosing suicide as the means of ending their heartache, pain and suffering has increased since the introduction of the Child Support Scheme. This is supported by the ABS *Suicides Australia* 1982-1992, Pub No 3309.0.

	Sex	Never Married (Number)	Married (Number)	Widowed (Number)	<b>Divorced (Number)</b>	Not Stated (Number)
1982	M	515	591	79	<b>92</b>	29
	F	84	215	95	<b>62</b>	3
1983	M	473	576	90	<b>111</b>	51
	F	98	183	85	<b>48</b>	2
1984	M	504	560	69	<b>110</b>	57
	F	116	188	60	<b>38</b>	1
1985	M	586	564	70	<b>138</b>	66
	F	106	155	73	<b>60</b>	2
1986	M	583	637	81	<b>147</b>	71
	F	116	210	68	<b>55</b>	-
1987	M	731	754	110	<b>148</b>	18
	F	145	175	79	<b>66</b>	1
1988	M	753	725	87	<b>147</b>	12
	F	138	189	71	<b>67</b>	1
1989	M	738	637	96	<b>169</b>	10
	F	106	202	66	<b>61</b>	2

1990	M	772	687	87	<b>168</b>	15
	F	119	161	68	<b>74</b>	4
1991	M	835	703	90	<b>200</b>	13
	F	171	197	70	<b>71</b>	2
1992	M	828	708	73	<b>192</b>	14
	F	153	176	80	<b>61</b>	2
Total	M	7,318	7,142	932	<b>1,622</b>	356
	F	1,352	2,051	815	<b>663</b>	20

Figure 26: Number of suicides in Australia by gender: 1982 to 1992 (Adapted from Australian Bureau of Statistics *Suicides Australia* Publication No 3309.0)

Further data on suicide rates for the period 1993 to 1996 are available from the Australian Bureau of Statistics for their minimum charge of \$100. Unfortunately, voluntary organisations like the Lone Fathers Association of Australia Incorporated find it very difficult to allocate \$100 of their scarce resources to obtain the more recent, but as yet uncompiled, data.

"In analysing suicide by marital status i.e. whether persons were married, divorced, widowed or never married, only the population over the age of 15 years was included. Of the four marital status categories, divorced persons had the highest average crude suicide rate over the period 1982-1992 with 34 deaths per 100,000 of divorced mean population. Divorced females had a higher suicide rate than females in any other marital status category with 18 deaths per 100,000 of the divorced female mean population during the reference period. By comparison, divorced males had an average crude suicide rate of 54 deaths per 100,000 of the divorced male mean population.

The highest proportion of suicide deaths for both divorced males and females occurred in the 35-44 years age group with 32 per cent and 31 per cent of total suicides for divorced males and females respectively.

Persons who had never married had the next highest rate of suicide for the reference period with 21 suicides per 100,000 of the mean population. The average crude suicide rate for males who had never married was 32 deaths per 100,000 of the male never married mean population, while the female rate in the same category was 8 deaths per 100,000 of the female never married mean population."

(ABS 1994 *Suicides Australia: 1982-1992*, p 6)

	Sex	Never Married (Rate)	Married (Rate)	Widowed (Rate)	<b>Divorced (Rate)</b>
1982	M	29	17	56	<b>45</b>
	F	6	6	15	<b>25</b>
1983	M	26	16	64	<b>50</b>
	F	7	5	13	<b>18</b>
1984	M	27	16	49	<b>47</b>
	F	8	5	9	<b>13</b>
1985	M	30	15	49	<b>55</b>
	F	7	4	11	<b>20</b>
1986	M	29	17	56	<b>56</b>
	F	8	6	10	<b>17</b>
1987	M	35	20	74	<b>54</b>
	F	9	5	12	<b>20</b>
1988	M	35	19	57	<b>51</b>
	F	8	5	11	<b>19</b>
1989	M	34	17	61	<b>57</b>
	F	6	5	10	<b>17</b>
1990	M	35	18	54	<b>54</b>
	F	7	4	10	<b>19</b>

1991	M	37	18	54	<b>62</b>
	F	10	5	10	<b>18</b>
1992	M	36	18	44	<b>56</b>
	F	8	4	12	<b>14</b>
Total	M	32	17	56	<b>54</b>
	F	8	5	11	<b>18</b>

Figure 27: Rate of suicide in Australia by gender: 1982 to 1992 (Adapted from Australian Bureau of Statistics *Suicides Australia* Publication No 3309.0)

Note: Rates per 100,000 of the mid-year population by marital status

"The highest proportion of suicide deaths for both males and females who had never married occurred in the 15-24 years age group. Forty five per cent of both male and female suicides in the never married category occurred in this age group. This age group also represents the highest proportion of never married persons. The proportion of the never married population in the 15-24 years age group has increased over the reference period. In 1992 the median age for males to marry was 26.9 years while for females the median age was 24.7 years. By comparison the 1982 median ages at which males and females married were 24.6 and 22.4 years of age respectively.

There were 5 female suicide deaths per 100,000 of the female never married mid-year population in the 15-24 years age group for the period 1982 to 1992, compared with 24 male suicide deaths per 100,000 of the mid-year population in this age group over the same period. By contrast the age specific death rate in the 25 years and over age group for the period was 13 female suicide deaths per 100,000 of the female never married mid-year population and 46 male suicide deaths per 100,000 of the male never married mid-year population.

The widowed population had an average crude suicide rate of 20 deaths per 100,000 of the widowed mean population. The male suicide rate for this marital status category was the highest for males in any category with 56 deaths per 100,000 of the widowed male mean population. Widowed females recorded a suicide rate of 11 deaths per 100,000 of that mean population.

The highest proportion of suicides in the widowed category are in the older population. Males most at risk appear to be in the 75 and over age group which contributed 40 per cent of the total widowed male suicides. Females in the 65-74 years age group had the highest proportion (35 per cent) of widowed female suicides."

(ABS 1994 *Suicides Australia: 1982-1992*, p 7)

The pain of separation (and divorce) from your partner is clearly reflected in the suicide statistics for both widowed and divorced persons. Divorced males are also forced to endure the pain of separation from their children (92% of men do not get custody of their children), on top of the pain of separation from their partner. It is therefore not surprising that divorced men suicide 3 times more frequently than divorced women.

Further study of the "never married" and "married" categories may reveal further evidence of the effects of "Family Law" and the "Child Support Scheme."

There were 143,800 "never married" Lone Mothers with dependent children included in the ABS *Family Characteristics* study (Pub No 4442.0). If some of these pregnancies were planned by the mother to take advantage of social welfare and child support payments, then some of the "male youth suicide problem" may also be a "Family Law" and "Child Support" problem. Young males suicide at a rate of 24 male deaths per 100,000 of the mid-year population in this age group (15 -24 years), while young females suicide at a rate of 5 female deaths per 100,000 of the female never married mid-year population in this age group. Young males suicide 4.8 times more frequently than young females.

The suicide rates for married people clearly reflect the desirability of marriage for both males and females. When do suicides in marriage occur? Is it the impending marriage breakdown which brings on suicide for both male and female, or are there other factors? More research is needed.

Many men are paying a heavy personal and family price for the "feminist" movement. Men appear to be more loyal to their marriage vows, and are more distraught after marriage breakdown. Many women go through a grieving process while they are secretly planning the marriage breakdown, and it often takes men by surprise. Women now feel more empowered to pursue a more egocentric lifestyle without the encumbrance of the now unwanted husband. Freedom for liberated women by their choice is one thing, rewarding them with a favourable property settlement, custody of the children, significant Government welfare support and child support payments is an entirely different matter.

Men now demand a level playing field with affirmative action "family-goals" at their end of the ground.

The current financial incentives offered by the welfare system through sole parent pensions, combined with the "guaranteed" child support payments, are contributing directly to family breakdown, and consequent suicide rates.

## **THE FEDERAL GOVERNMENT "COVER-UP."**

The Federal Government have effectively gagged debate on Family Law and the Child Support Scheme through legislative provision in the Family Law Act 1975. Section 121 of the Family Law Act imposes a "privacy" or "non-disclosure" provision which effectively stops people telling their "personal story" to the media.

The issues involved in family breakdown, and the operations of the Family Court, the Child Support Agency and the Child Support Review Office are effectively protected from media examination and media democracy by the provisions contained in Section 121 of the Family Law Act 1975.

What happened to freedom of speech in Australia?

## **SECTION 121 OF THE FAMILY LAW ACT**

The Family Law Act imposes a restriction on publication of court proceedings. Section 121 of the Family Law Act 1975 states:

*(1) A person who publishes in a newspaper or periodical publication or by radio broadcast or television, or otherwise disseminates to the public or to a section of the public by any means, any account of any proceedings, or any part of any proceedings, under this Act that identifies:*

- (a) a party to the proceedings;*
  - (b) a person who is related to, or associated with, a party to the proceedings or is, or is alleged to be, in any other way concerned in the matter to which the proceedings relate; or*
  - (c) a witness in the proceedings;*
- is guilty of an offence punishable, upon conviction by imprisonment for a period not exceeding one year.*

*(2) A person who, except as permitted by the Rules of Court, publishes in a newspaper or periodical publication or by radio broadcast or television, or otherwise disseminates to the public or to a section of the public by any means (otherwise than by the display of a notice in the premises of the court), a list of proceedings under this Act, identified by reference to the names of the parties to the proceedings, that are to be dealt with by a court is guilty of an offence punishable, upon conviction by imprisonment for a period not exceeding one year.*

*(3) Without limiting the generality of subsection (1), an account of proceedings, or any part of proceedings, referred to in that subsection shall be taken to identify a person if:*

- (a) it contains any particulars of:*
  - (i) the name, title, pseudonym or alias of the person;*
  - (ii) the address of any premises at which the person resides or works, or the locality in which any such premises are situated;*

- (iii) *the physical description or the style of dress of the person;*
- (iv) *any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person;*
- (v) *the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person;*
- (vi) *the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; or*
- (vii) *any real or personal property in which the person has an interest or with which the person is otherwise associated;*

*being particulars that are sufficient to identify that person to a member of the public, or to a member of the section of the public to which the account is disseminated, as the case requires;*

- (b) *in the case of a written or televised account - it is accompanied by a picture of the person; or*
- (c) *in the case of a broadcast or televised account - it is spoken in whole or in part by the person and the person's voice is sufficient to identify that person to a member of the public, or to a member of the section of the public to which the account is disseminated, as the case requires.*

There is no "Freedom of Speech" enshrined in the Australian Constitution. Non-custodial parents are therefore unable to access the "media democracy" which is open to most other issues in Australia.

## **BOTH LABOR AND LIBERAL FEDERAL GOVERNMENTS HAVE FAILED TO ACT**

The previous Labor Government under first the Hon Bob Hawke and then the Hon Paul Keating failed to act on the 163 recommendations of the 1993/94 Joint Select Committee on Certain Family Law Issues. The Liberal Party promised in February 1996 to fully address the Joint Select recommendations if they were elected to office in March 1996. The current Liberal National Coalition Government have made some administrative and non-substantial recommendations for change, but have failed to address the central issues of the "Formula," access rights, parental rights, punishment for false allegations and greater equity for all family members after family breakdown.

*"In November 1997, the Government Response to the Report of the Joint Select Committee on Certain Family Law Issues: "Child Support Scheme - an examination of the operation and effectiveness of the Scheme" was tabled in Parliament. This report addresses the remaining 110 of the 163 recommendations of the Joint Select Committee, which were not addressed in the interim response in March 1995."*

*(June 22, 1998, Correspondence from The Hon Chris Miles MHR, Parliamentary Secretary (Cabinet) to the Prime Minister)*

This system must not be allowed to overshadow the adult lives of our children.

## **MEN ARE NOT ALONE**

Women involved in second families also say that the present system is not working and are demanding change. Children of second families receive less financial support than children of first families. Is this "in the best interests of the child?"

Many grandparents on the non-custodial side of the broken family are also denied access to their grandchildren. The paternal grandparents are often called upon to provide the father with temporary, and sometimes permanent, accommodation when the "family" home is awarded to the mother.

The general community is slowly becoming aware that men "suffer the most" in the aftermath of family breakdown. The size of the problem is such that it is now difficult for anyone in Australia to avoid some personal knowledge of one or more broken families within their circle of friends and acquaintances.

This disastrous experiment in social engineering has gone horribly wrong and must be substantially modified before it destroys the social fabric of Australia.

**Children need their fathers as much as they need their mothers.**

Malcolm Mathias B.A.(Hons)., Dip.Ed., M.Sc., Cert Small Business Management  
President, Fathers for Family Equity Incorporated

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All non-custodial parents and their sympathetic friends and families.

Two daughters that I haven't seen on access since July 15, 1995.  
Section 121 of the Family Law Act prevents me from naming them.

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