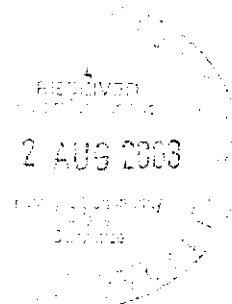


House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	209
Date Received:	1-8-03
Secretary:	

**From:** Bruce Murray [REDACTED]  
**Sent:** Friday, 1 August 2003 8:31 PM  
**To:** Committee, FCA (REPS)  
**Subject:** Submission to "Child Custody Arrangements Inquiry"



7 Beethoven  
Place  
CRANEBROOK  
NSW 2749



1 August 2003

**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**

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Dear Honourable Members of the Parliamentary Committee

**Re: Shared Custody (Residence) with Third Parties - Child Support Percentage**

I refer to your inquiry entitled "Inquiry into child custody arrangements in the event of family separation" and to item (b) of the terms of reference entitled "whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children".

I would like to draw your attention to the presence of a drafting anomaly under the existing Child Support Act. My 2 children currently share residence with both myself and at other times with their maternal uncle and aunt (carers other than their parents).

Whilst interpreting the current legislation, the Child Support Agency has chosen to disregard the shared residence when assessing the percentage of taxable income that I am required to pay for Child Support. The CSA has chosen to interpret the Act in a literal manner, rather than having regard to the intention of Parliament, particularly having regard to Hansard June 1, 1989 during which the Honourable Neil Blewitt, Minister for Health when introducing the Child Support Bill 1989 during its second reading in Federal Parliament was quoted as follows:-

"The basic formula contained in this Bill would achieve a fair assessment of child support liabilities in the great majority of cases. The Bill would make provision for a range of more complex cases such as where ongoing care of a child is shared between parents or where care of the children from one family is split between parents. Other cases dealt with are where a child is cared for by a person

who is not a parent of the child and both parents are liable to pay child support; and cases where one liable parent is liable to pay child support to two or more custodians.”

You may note that this was only a small paragraph during the first of many speeches during the passage of this complex Bill through Parliament through to Royal Assent and Enactment as legislation.

As you may note from the remaining speeches from Hansard (after August 16<sup>th</sup> 1989), members of parliament continually referred to “parents” during their debates and speeches. Clearly such references to “parents” in these speeches were also intended by parliament to apply to situations where children live with carers other than their parents.

I hope that an outcome of this inquiry will be that you consider re-drafting the wording of the relevant section of the Act relating to applicable percentages on the basis that the shared residence of my 2 children is taken into account, and that it would be

(a) just and equitable;

(b) otherwise proper

Should you require any further information from me, or wish to discuss this in any further detail, please do not hesitate to contact me.

Yours sincerely

Bruce Murray