

House of Representatives Standing Committee  
on Family and Community Affairs

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Secretary: \_\_\_\_\_

**From:** [REDACTED]  
**Sent:** Tuesday, 9 September 2003 10:38 PM  
**To:** Committee, FCA (REPS)  
**Cc:** Anthony, Larry (MP)  
**Subject:** Attn Committe Secretary - Child Custody Arrangements Enquiry

11 SEP 2003

Dear Sir / Madam

My apologies for the lateness of this submission re the Child Custody Arrangements Inquiry by the Standing Committee on Family and Community Affairs, however, I have been working away from home a great deal over the last few weeks.

Before I outline my concerns with the current arrangements re Child Support and dealings with the Child Support Agency, I should provide you a quick background on my current situation, which I hope will give you an understanding of what will follow.

I have a daughter who is nearly six years old and lives with her mother (my ex fiancé) on the Gold Coast, whom I have paid Child Support since our beautiful daughter was born. Whilst I know I have a legal obligation to provide assistance, it has not been an issue as I also believe there is a moral obligation as well. In this period of time I have married a loving, very patient and understanding wife that has accepted my daughter as her own. Until recently, we lived in the Coffs Harbour area which meant monthly visits to the Gold Coast and the accommodation, food expenses, 8 hours in total travelling time etc to see my daughter. To enable us to spend more time with her (i.e. 2 weekends per month and various school holidays), we have moved to Wollongbar near Ballina, selling our house in Coffs Harbour and plunging ourselves further into debt than previous as the housing market on the Northern Rivers is a great deal more expensive than Coffs. I was fortunate to be able to transfer my base of employment to Goonellabah, however, to make ends meet, my wife for the past 4 months has continued to travel to Coffs for work during the week and will have to until we find work for her locally.

Under the current method of calculating the level of financial commitment by the paying parent, I believe it is unfair, particularly to PAYE taxpayers, that your Gross income i.e. pre tax taken out, rather than your net income which is your real disposable income, is what is used as the base, add to that your reportable fringe benefits for something in my case, a company vehicle which is used for work purposes for the majority of the time, particularly as I travel between [REDACTED] undertaking my job [REDACTED] which includes plenty of weekend work.

Also under the current system, a great deal of financial strain can be placed on the paying parent, particularly if you and your new spouse are trying to pay off a mortgage, meet your bills, pay Child Support and try and save money, so you can start your own family. There is no incentive to try and get a second job to assist you to get ahead because not only is it taxed a higher rate, you end up paying even more Child Support so the net effect makes it not worthwhile.

Currently I don't qualify for a reduction in Child Support payments under the Shared Custody arrangements due to not having my daughter for enough nights per year even though I have her for at least 4 nights per month i.e. 2 weekends per month and at least 4 weeks during the various school holiday breaks etc. I believe there should be a pro rata rate based on the average nights per year you have your child/ren, as you are still paying the day to day custodial parent, payments calculated on a daily basis for times when they don't have them. Whilst the expense of having your child over a weekend can accumulate to a significant amount over a year, it is during holiday time when you have the child for 1 week up to 3 weeks straight which can really place a strain on finances. eg My wife and I have looked after my daughter for a three week period which meant both of us taking annual leave, incurring extra financial expenses entertaining my daughter, feeding her etc on top of paying her mother \$360 in Child Support payments when she didn't even have her - seems a bit unfair!

Recent experiences with the Child Support Agency, make it appear the system is very favourably biased towards the benefit of the parent receiving financial assistance not equally supportive of both the paying and receiving parent. As eluded to my Federal Parliament Member in a recent meeting, I have been placed in a difficult position which I know will cause great angst between my daughter's mother and myself after several years of building an amicable relationship between ourselves, my wife and the person that matters the most in

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this instance a little 5 year girl. Upon questioning the CSA why my payments have been re assessed several times over the past eight months or so and clarifying how it is calculated, CSA staff discovered according to their records my daughter's mother had not filed a tax return since 1999 and they had been using an average yearly earnings figure as an estimate of her income when making the calculation. In the majority of this time, she has been the Practice Manager of an Accounting firm based on the Gold Coast with an office in Melbourne, which I'm confident would mean she is earning somewhat more than the average weekly earnings used by the CSA. As the paying parent and I had not provided my tax returns as required by law, I'm sure the Agency would be quick to jump on me, why has it not been the same in reverse. To enable the CSA to follow up the matter, I was instructed by the CSA the only way for action to take place is for ME (not them); to 'complain' and complete an application for re assessment including listing all my assets and liabilities so they can consider the matter and follow up with the Tax Department as required. In my opinion lot of red tape for simple request and as all applications and the "non confidential information" is forwarded to the other parent, so now I'll get the blame for the whole thing.

Because of all the hard work put in to establish an amicable relationship for everyone's benefit, we are at a stage where I am happily gaining more access visits by my daughter outside of our court endorsed agreement, which was originally only monthly access visits on the Gold Coast as previously outlined. The latest episode and lack of understanding by the CSA will no doubt jeopardise the current situation with our daughter and visitation rights vs. money will used as a bargaining pawn as a result! Is that fair on everyone particularly on my daughter?

No doubt others will raise pertinent issues as the paying parent not having any control of what the Child Support payments are spent on and in some cases the receiving parent re marrying and leading a life of luxury, whilst the paying parent struggles to make ends meet etc.

I hope this information and my personal experiences are of assistance in formulating your report and recommendations to Parliament.

[REDACTED]

Once Again, thank you for your consideration and as many working dads who are meeting their obligations, we just want a fair go and system.

Yours sincerely

[REDACTED]