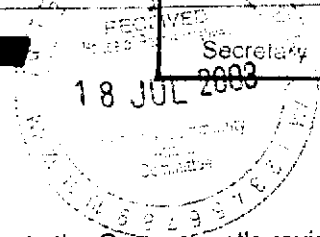


Submission No. 163
Date Received 18-7-03

From: [REDACTED]
Sent: Friday, 18 July 2003 10:40 AM
To: Committee, FCA (REPS)
Subject: Family Law System Comments



I refer to recent advertising asking for comments in relation to the Government's review into the Family Law System.

A concern I have is in relation to the determination of child maintenance.

My wife and I are separated and she recently informed me that there was no possibility that we would get back together.

My wife moved out of our family home and took our two children (two boys aged 11 and 13).

I am recently unemployed so I am not able to pay very much to my wife in the way of child maintenance.

However, my concern is in the formula used by the Child Support agency to determine the amount a non custodial partner should provide in child maintenance (when I am working again).

While I was working, the Child Support agency seemed to determine the amount of maintenance I must provide on the net amount of pay I earned - ie, gross amount less tax. To me, this only goes part of the way.

As you will appreciate, one of the main expenses (for both parties) in today's society is mortgage or rent payments.

As my wife has decided that she will not be returning to our marriage, we are now in the process of determining settlement of our assets.

One option that we are hopeful of pursuing (particularly when I find my next job) is to obtain a mortgage over the family home (which I am residing in) to pay my wife the value of the non superannuation assets she is entitled to - what she then does with that money (upwards of \$160,000) is up to her. We are working towards this arrangement because we would like to have something left of our association to leave to our children as inheritance and thereby give them a helping hand at some stage in the future.

While the above is rightly no concern to the Child Support agency, from what I understand from other people though is the agency does not take this settlement money received by the child custodial parent into consideration when determining the continued child maintenance value NOR does it take into account the amount required by the non custodial parent to meet ongoing mortgage or rent payments.

As mortgage or rent payments by the non custodial parent are mandatory to live (and not something they undertake as an option), I believe these amounts should be added to tax to reduce the amount of net funds available for the determination of child maintenance payments.

As you can appreciate, mortgage or rent payments can be large and therefore if not taken into consideration for the determination of Child Support payments, any amount (if anything) left for the non custodial parent to continue on is greatly affected.

No wonder there are many non custodial parent suicides in the above situations.

I would be pleased if you would take this into consideration in your review (or contact me if my understanding of this matter is not correct).

Thank you for taking the time to undertake this review.

Best wishes.

[REDACTED]

18/07/2003