

**From:** Steve [REDACTED]  
**Sent:** Thursday, 7 August 2003 5:41 PM  
**To:** Committee, FCA (REPS)  
**Subject:** Child Support Inquiry

House of Representatives Standing Committee  
 on Family and Community Affairs

Submission No: 1134  
 Date Received: 7-8-03  
 Secretary: .....

The Committee,

1. My submission is directed towards the Child Support Agency, its processes, procedures and the formula relating to the calculation of Child support payments.

2. The family court.

My Submission is.

1. Having had a series of experiences involving the Child Support Agency, I reached the following conclusions.

The CSA has sweeping discretionary latitude when making decisions, this latitude can only be challenged if they are found to have made an error at law, It does not provide for an arbitrator other than the family court if the decision is thought to be unfair.

(a) The decisions of the CSA do not always take into account the best interests of the child in the long term. I can provide an example of this should the committee need it.

I believe the process needs to have a more balanced view, as legal opinion I received described the situation as the pendulum effect: ie In the past the system was unfairly weighted to one side of the equation and that to compensate the pendulum has been swung to the other extreme, this comment was tempered with: Hopefully it will find a middle ground where both parents and children's needs are met.

An example of what I am saying follows.

(b) A parent receives a large payout (Redundancy), the other parent then applies to CSA for a share of this. CSA can and does assess the redundancy as 1 years income and decides to pay the receiving parent accordingly, The parent who received the redundancy wants to ensure that the money is spent on the child's future. The redundant parent is informed that no control over this money exists and that the receiving parent may do as they wish. This leaves the child vulnerable.

The process of having claims heard and decisions made is very slow and does not allow a fair and equitable outcome.

An example of this is.

(c) From the date of application to date of decision is approximately 2 months, yet if a phone conference is scheduled only a half hour is allowed. I am sure if your future was being decided by someone you've never met you would like to have more time available if needed.

The second issue is that no one else is allowed to be present or the process recorded, this then leaves both parties vulnerable to unfair decisions and in the event someone wishes to challenge what took place the parent has no witness, their word against a lawyer for CSA. Hardly a fair and transparent situation.

(d) The process for logging a client complaint has several shortfalls.  
 The first shortfall relates to the recording system, The system does not produce a complaint number.  
 The second shortfall relates to the time that expires before a client is responded to.  
 The third shortfall relates to the lack of information about process changes that would minimise or remove the reason for the complaint in the first place.

(e) The notion that the formula tries to reach an outcome that sees the child receive a living standard that

approximates the standard that would be achieved if both parents were together is based on the wrong assumptions. The real situation is that both parents need to have a residence (Rented or otherwise) both parents need a car etc wether the child spends 1 night or more.  
A much fairer situation would be to make each parent responsible for the needs of the child in the following manner.

Both parents need to provide a house with all the associated costs for the child wether they stay 1 or more days.

Both parents need a car and all its associated costs wether the child stays 1 day or more.

These 2 issues clearly don't see the child living as though in 1 house with 1 car and 2 incomes.

For issues such as school costs it would seem fair that both parents pay equally, however if in the case of private schooling if one parent has a reduction in earning capacity it would be unfair to force them beyond their income /expenditure limits.

As mentioned elsewhere in my submission large transfers of money from one parent to the other does not come with provision of how the money be spent, therefore putting the child's future at risk.

## 2 The Family Court.

My submission concerns the time it takes to get a court hearing.

My example is.

The custodial parent commences a prescribed drug therapy, if the non custodial parent believes that this is not in the child's best interests or may have a detrimental effect on the child it takes a minimum of 1 month to get a court hearing, there needs to be a better way to decide these issues.

Thank you for taking the time to consider my submission.

Regards

Steve Gray

[REDACTED]