

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1328

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Secretary:

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To: Committee, FCA (REPS)

Subject: Submission to the FCA Standing Committee on Child Custody Arrangements

Secretary of the Committee

My submission is made on behalf of a concerned father in a failed relationship that involved 2 children.

Main points of concern

1. A court should have the power to decree that where a parent is unable to spend an equal amount of time with the children due to valid reasons the time should be able to be delegated to immediate family particularly grandparents.
2. The existing child support arrangements are completely slanted in favor of the child carer (normally the female) to the point of creating resentment by the supporting male in the following ways
 - i). the formula gives a disincentive for the child carer to actually return to the workforce and earn income commensurate with her / his abilities.
 - ii) the imposition of the child support formula can be applied 3 month retrospectively with little or limited regard to payments that have been made under previous private arrangements.
 - iii) the payment of child support is a misnomer and really should be called payment of parent support as there is no accountability for how the carer spends the money
 - iv) the Child Support Agency itself is a cold, bureaucratic department with apparently high staff turnover and little attachment to the personal issues involved.
 - v) the Child Support Agency does not have the most basic tools such as an ability to handle direct debits or in some cases an email system

Details

1. There are circumstances where the non child career is unable to attend scheduled contact times due to work commitments or worse, overseas work related travel. This does not in any way diminish the love the parent has for the children involved. In these circumstances the court should be able to decree (where the child career is being unreasonable) that the time allocated to the non child carer can be delegated to immediate family particularly grandparents. The child carer should not have the prerogative of cutting out an entire family from contact with the children. A child born enters the family of both parents not just the parents of one side of the family.

2 i) With some canny thought on the part of the child carer the child support formula can actually be manipulated so that the net income earned by the child carer is actually higher than the child payer despite the child carer making large sacrifices to earn a large gross income. By taking a part time job at just under the earnings threshold the child carer's net income (after including child support) can be more than substantial. And just because the child carer is working part time does not imply an increase in the care being given to the children but a greater opportunity for free time. The earnings threshold of the child carer (currently \$36K gross) should be lowered. Alternatively it needs to accommodate the capacity of the child carer to earn income or be means tested by virtue of assets (particularly property settlement amounts.)

ii) Where a child carer arbitrarily requests the Child Support Agency to begin to collect payments on behalf of the child carer the Child Support Agency has the power of applying the request retrospectively for 3 months. During the 3 month period the act gives the CSA the power to basically ignore any payments that the child carer does not want to accept. This maybe cash deemed specific for a child (maybe cash specific for medical payments or school fees) or be non cash in the form clothes, medical insurance paid on the child's behalf.

The determination is of the carer and should not be. Payments to children are payments to children and should be supportable by documentation but not be arguable on the basis of substance. Further the imposition of the 3 month retrospective gives the non carer no concept of financially where he / her stands.

iii) The payment of child support to the carer is probably the largest bug bear of any payer as they know full well that little of the intended money is going to its desired target of the children, particularly when the

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maximum payment under the act is being made. It is impossible to argue that \$2411 per month can be spent on 2 children under 5 years old. This is further exacerbated when the children are seen wearing torn clothes, scuffed shoes in an attempt by the carer to ensure that the non carer pays more in non cash amounts. Either the maximum payment per month needs to be lowered or the carer needs to prove on a six month / twelve month basis where / how the money has been spent. This is particularly linked to the previous point.

iv) The Child Support Agency is about the most impersonal agency an individual needs to deal with despite the sensitivity of the situation. Almost every call made to the organisation is answered by a different case officer to previous and one who often treats the issues in such a detached manner. (Not all officers are the same but many are).

v) The tools given to the Child Support Agency are arcane. The non access by certain case officers to an email system in the year 2003 is somewhat backward. Further the agency does not have access to basic tools such as direct debit giving rise to processes such as wage garnishes ensuring that the entire work office is made aware that senior managers are having issues regarding children. It can even be translated that a senior manager " on all of that money " does not want to pay their children despite the fact that a direct debit system would correct this situation.

Committee Secretary I hope that this submission is read in the positive manner that it is intended and hope that some action is taken to clear the inequity of the current situation.

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