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Ms Beverley Forbes
Committee Secretary
Standing Committee on Family & Community Affairs
Parliament House Canberra
2600

Friday 25 September 2003

SUBJECT: Child Support Agency

Dear Ms Forbes

I have been paying child support since 1995 and during this time I have been financially disadvantaged along with thousands of other payers due to the unfairness of the way in which child support is calculated.

The formula assessment, which is applied to my gross taxable income significantly reduces the amount of available net income for my self support and my new family as well as my son when he is in my care.

I believe that the system in its present form is creating a new stolen generation of children by providing a financial incentive to the major carer in not providing access to the non-custodial parent as to do so attracts a higher level of child support payment.

The system also forces non-custodial parents into unemployment and is further eroding the relationship between the child/ren and the non-custodial parent and places considerable strain on the new relationships of paying parents and their families.

Child support legislation urgently requires reform to create some fairness and balance, between the financial responsibilities of both parents in caring for their children.

As previously stated I have been paying child support for a period of some eight years since 1995. At the time of separation I had an agreement with my former wife to pay what we both believed to be a fair and equitable amount of child support, the amount agreed to being $75.00 per week. This amount was to be paid throughout the entire year

regardless of the fact that I was caring for my son for a total period of approximately three months per year which would amount to substantial care.

One week after the initial payment was made my former wife accused me of not paying her enough child support. She had contacted the Child Support Agency (CSA) who informed her that she was entitled to an amount of approximately $200.00 per week in child support.

The new amount of child support was paid on a regular basis despite the fact that this caused me considerable financial hardship given that I had to re-establish myself in new rental accommodation and furnish those premises for both myself and my son when he was in my care. I could not afford to purchase furniture so I had to rely on the goodwill of family and friends to assist with donations of furniture, bedding, cutlery etc. I had a debt which I was servicing from my income although it was in joint names with my former wife she has never made any contribution to servicing that debt.

I took on a second job in order to try and increase my net income so that I could service my debts, pay my child support and support myself and my son when in my care to an acceptable standard. This second income attracted tax at the marginal rate of 48% and an additional 18% was removed for the purpose of child support. This left me with very little additional income to improve my circumstances.

My former wife had entered into a de facto relationship two weeks after separation and was drawing social security payments, child support payments and income from part-time employment along with the additional financial support that her new partner brought to her household. Financially she was extremely well off in comparison to me and my son when he was in my care.

On a number of occasions over the first three years of separation I requested from my former wife recognition of the fact that I was caring for our son in a substantial capacity to reflect what would be more equitable child support payments, my former wife refused because that would reduce her child support payments . I continued to pay excessive child support and struggled to support myself and my son when in my care

In 1998 I met my new wife and it was through her encouragement and support that I once again attempted to negotiate with my former wife to have substantial care recognised and to reach mutual agreement on an appropriate level of child support payments. Even through arranging negotiation with the Family Court Counsellor my attempts were once again met with hostility and resistance. This process caused a great deal of anguish and stress for me and my wife.

In 1999 the courts recognised that I had substantial care of my son and the child support payments were reduced in accordance with CSA legislative guidelines to reflect this. This still did not reflect a true measure of what would be just, fair and equitable in terms of child support payments

In 2001 I lodged an application for change of assessment with the CSA. This involved supplying the CSA with all of my personal financial details and a breakdown of my household expenditure to the nearest dollar for a supposedly objective decision to be made for change of assessment. This information was passed on to my former wife who then used this as a means of personal attack on my integrity and that of my wife. I was informed by the CSA that the payee would also need to supply similar evidence of expenditure for an objective decision to be determined and that I would also be provided with this information. This clearly was not the case as my former wife did not supply all her financial details to the CSA nor did they request this of her.

I do not understand why my personal information needs to be passed to the other party when the decision to change assessment is made by a Government Department. This clearly is an invasion of privacy and is totally unnecessary for an objective decision to be made. I find it utterly disgusting that I have to supply all my financial details such as mortgage repayments, bank balances, credit card repayments etc in good faith, only to have this information used against me and to not have appropriate weighting applied in the decision making process to the factual information I supplied the CSA.

The Senior Case Officer (SCO) presiding over the application found that my former wife had in fact been in receipt of payments in excess to that which she was entitled. Her income had increased yet she failed to notify the CSA of this. A fact that I previously brought to the CSA's attention yet no action was taken by them. The SCO decided that it would be "somewhat unfair" to backdate change of assessment to take this into account. I therefore was financially penalised and my former wife financially rewarded for breaking the law. I found this situation absolutely deploring and it only added to the enormous emotional and financial strain I was under and placed greater pressure on my capacity to provide for my pregnant wife who was totally dependant on me financially and for my son when in my care.

I objected to the SCO decision and my objection was consequently over-ruled and I was left with no avenue other than to take the matter before the family law court which I was not able to do because of my financial constraints. I continued to pay excessive child support.

I applied a second time for change of assessment as my wife was expecting our child to be born in September of 2001. Again the information I had passed on to the CSA was provided to my former wife who chose once again to use this information to vilify myself and my wife and chose not to provide all her financial details to the CSA to assist them in making an informed decision in changing the assessment. This process caused my wife and I considerable stress and anguish and the CSA decision once again was not fair, just and equitable. By this stage my wife was heavily pregnant and this whole process was adding considerable stress to her pregnancy and placing unnecessary strain on our relationship.

In September 2001 our baby daughter was still born which crushed us emotionally. My wife and I both believe that the pressures of the change of assessment process and the

subsequent objections were a significant contributing factor in the loss of our daughter and also contributed to a number of miscarriages over the following nine months. During the time of our mourning my objection to the SCO decision was lodged with the CSA and again my objection was over-ruled. I do not understand how a Senior Case Officer can rule on a change of assessment application objectively without having all of the facts presented to make an objective decision.

Under medical advice my wife and I took a two week holiday due to the stress we were under. On our return my former wife contravened the consent orders endorsed by the courts and denied me contact with my son in an attempt to increase the child support payments. I initiated court action over this to which I represented myself as I am not financially capable to engage legal council. Through no fault of my own the matter was not heard on its merit and dismissed. The result now is that I have thousands of dollars of cost orders made against me that are currently under appeal to pay for my former wife's legal costs even though she could afford to engage the services of a solicitor.

In 2002 I lodged another application to change assessment this was due to my wife becoming pregnant and because of our previous history this was deemed by medical specialists as a high risk pregnancy. The thought of having to go through another degrading change of assessment application left us both feeling very vulnerable and caused additional undue stress to my wife's already stressful high risk pregnancy. On a number of occasions I had to take my wife to hospital as a result of panic attacks after receiving notification from the CSA in regards to my applications and objections. The CSA again denied change of assessment and once again I lodged an objection which was once again subsequently over-ruled.

I have found the whole process of applying for change of assessment to be biased and discriminatory towards paying parents and inconsistent with the CSA's charter. My ability to pay child support should be based on my financial circumstances and reflect accurately what is fair, just and equitable in terms of payment. My child support payments are for the care and welfare of my son, not to supplement the entire household of my former wife. I have no legal responsibility to finance my former wife and her husband's lifestyle through child support payments for my son.

The CSA strips me of my rights as a caring father to provide for my son financially to a level at which I can afford. Who is any organisation to dictate to parents that they must contribute X amount of dollars for the support of their child when the recipient of these payments does not have to provide any evidence of how these payments are being disbursed in caring for the child of the assessment?

The payments I make to my former wife are more than enough to provide for my son without her having to take on any financial responsibility for him when he is in her care. However my new family and my son when he is in my care, go without because the child support payments I make do not accurately reflect what is fair, just and equitable and reduces my household income so I cannot provide for them in the capacity to which they are entitled.

Child support payments under formula assessment should be based on the average minimum weekly wage and any contribution greater than that should be at the discretion of the paying parent. This would eliminate the financial incentive that the current system provides the major carer and would give back parental rights to the paying parent. Parents who are not separated are not dictated to by Government Departments as to how they should allocate their hard earned income and I too should not be dictated to as to how I should allocate my income in providing for my son.

The emotional and financial costs of the current system on my life, my wife, and my sons lives cannot be measured. I believe that other couples who may not have a relationship as strong as that of mine and my wife's would have separated over the issues we have had to endure as a result of the Child Support system. In fact I would only marginally be worse off if I was in receipt of Social Security Benefit.

I am disgusted, disheartened, disillusioned and angry with the Australian Government's decision to take away my parental and democratic rights and provide the CSA with the powers to exercise decisions about how I should provide for my family. The CSA are no less than incompetent, inept and discriminatory in the way in which it exercises its powers and compromises the welfare of my family in doing so. I believe that there would be absolute public outrage if this type of action by a Government department was to affect the majority of Australians. It is unfortunate that we non-custodial parents are a minority and our concerns and difficulties appear to fall on deaf ears. It is time for some balance and equity in relation to child support payments.

Yours truly

CC: Member for Throsby
Ms Jenni George

Minister Family & Community Services
Senator Kay Patterson