

RE: Changes to the Child Support Act July 2008 - Percentage of Care

Committee Secretary  
Community Affairs Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

I would like to give my support for the proposed changes relating to the percentage of care part of the child support legislation. The rule that a care percentage must change at least by 7.1% before a change of assessment would be considered, was destined to cause more conflict between parties than reduce conflict, as that was the reason for the introduction of this rule.

In my case I currently have a Family Tax Benefit assessment based on a actual care percentage of 42% and a Child Support care percentage assessment of 35%. The difference between these assessment is due to the above-mentioned rule. The Child Support assessment does not reflect actual care, but is based on a night count policy for calculating a care percentage. In my opinion this policy of the Child Support Agency is unfair and not equitable.

I would like to suggest that the Community Affairs Committee consider further variations to the legislation that would acknowledge actual care rather than the current use of night counts to arrive at a care percentage. In all the correspondence I read on the matter prior to July this year, I was given the impression that the Child Support Legislation would become more aligned with the Family Tax Benefit legislation by calculating care percentages based on actual care.

FTB legislation allows for care percentages to be worked out on an hours, days or nights basis depending on whatever method is the most appropriate. In my situation the use of hours of care was used. This was due to fact that care changes were occurring during the daytimes instead of the end or the beginning of the days or nights.

The use of hours of care to determine care percentages would be a more fair and equitable approach to working out care percentages. This would be more crucial when the care percentage has reached 35%, as every 1 percent change of care over 35% reduces the cost of the children liability by 2%.

I would suggest that that the use of hours to determine care percentages would only apply to court orders or agreement between parties as per the changes the he 7.1% rule above, and only when the care ratio reaches 65/35%.

I would like to thank the committee for giving me the opportunity to comment on the above changes to the Child Support Legislation and hope my submission is given all due consideration.

Yours sincerely,

G D Ogden

14 October 2008