

SUBMISSION TO AMENDMENTS TO THE CHILD SUPPORT FORMULA INQUIRY.

I am writing in response to the recent request for submissions regarding the "Amendments to the child support formula" inquiry.

I am a paying parent and from my perspective the child support legislation has numerous anomalies, especially in regard to the formulas used.

The biggest and most basic anomaly revolves around the fact that the legislation pretends to be merely a "transaction" system which addresses only the financial aspects of child support and avoids dealing with the moral and emotional conflicts inherent in the situations faced by the parties involved in any CSA agreement. Fair enough, it's a slippery slope, but the formulas used impose moral (and therefore emotional) forces above and beyond mere financial transactions.

This only adds to the trauma experienced by both the parents and children, and has lead directly to a higher rate of suicide amongst paying parents (I have personally known 2 men who have killed themselves as a result of the added intrusion of the CSA).

In laymans terms, these anomalies are:

No threshold for payment.

If this is a piece of legislation focussing only on the financial obligations of parents, then why is there no threshold?

Paying parents are also financially vulnerable after a family break-up as they rebuild their shattered lives too (in a family break-up everyone suffers) and legislation that doesn't recognise the reality of poverty is bad legislation. Our tax legislation recognises this - if you are on benefit, you don't pay tax - but you still pay child support at the full (percentage) rate, and when you are on benefit every cent you get is needed just for survival - there is no discretionary income on the dole...

In my own case, after my family break-up and after years of unemployment, I married someone who has totally supported me and helped me to get back on my feet by supporting me through university and life in general, as a result, I have earned nothing over the past 7 years.

The Child Support Agency and it's legislation does not recognise or have a place for NIL EARNINGS, in fact all I have done is continue to rack up huge debts of child support measured by some unknown method, and not taking into account nil earnings.

I am not eligible for a benefit of any kind because my wife supports me willingly, and even though I have legitimately earned nothing (as can be seen by her Tax and earnings as she claims me as a dependent), my child support obligation has kept ticking over to the extent that I now have a \$20 000 child support debt and at some stage will have to go to court to appeal it (where it will probably be reduced to a more realistic figure). This is simply crazy.

If you are now thinking "ah but he deserved it and now he must pay" then you actually prove my point, because that is a moral judgement based on some pre-determined idea of who's to blame. We have no-fault divorce, we should have no-fault child support and that means legislation that doesn't automatically assume that men run away with the loot and never look back.

The same threshold as used by the ATO in its tax calculation should be used. Despite the suspicion displayed by people in government towards the average Australian, I can assure you no-one "runs away" and lives a life of luxury on benefit. It simply doesn't pay enough to support anything other than a grindingly poor life, usually lived with strangers in bad housing, where you eat 2 minute noodles, because that's all you can afford, and constantly pawn what few goods you have to simply pay the rent. I know - I did it for years and I can tell you that that sort of life is not at all compatible with being a good parent...

I love my kids. I see them every chance I get and plan to be there for them throughout their lives. My wife pays for them to come down and stay with us. She pays for food and Xmas presents. I give them everything I can, I simply don't have much to give them financially, so why am I being punished for that?

As far as I'm aware this is the only piece of legislation in Australia that can legally force you to work regardless of your ability to do so. For the homeless and those with a mental illness it is grossly unfair. I could be living on the streets, eating out of garbage bins and still owe child support...

The second anomaly regards assets. Normal bankruptcy rules should apply. The law recognises that people still need to live after their business has failed by allowing them to retain a house and car up to a certain value. The assets you can retain on bankruptcy are modest and set at a level that ensures only the most basic survival. Why doesn't the child support legislation recognise the same thing for people whose family has failed.

My overall impression of this legislation is that it was created by getting 2 groups of the most angry and resentful parents to take a shot at each other via the law and that it was subsequently used by government to save themselves some money.

I know of no-one (custodial or paying parent) who thinks that this legislation is fair or just and whilst it may never be possible to keep everyone happy, if the legislation doesn't uphold a persons rights in relation to their family - if in fact it actively avoids doing so, then it is wrong to attempt to impose the responsibilities that go hand in hand with those rights in such a punitive manner.

In my experience, this legislation only serves to further divide people who are desperately trying to present a united front for the sake of their kids. Please start again - this time with compassion and intelligence.

Yours faithfully

Sam Peterson