

House of Representatives Standing Committee on Family and Community Affairs	
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Mr. Howard KAJEWSKI
71 Payne Street
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To Mr. Peter DUTTON MP

RE: Review of Child Support arrangements.

Dear Peter,

I would like to raise the following issues in regards the current Child Support situation, for consideration in the current review.

I have been paying child support for approximately 6 years and have become familiar with the system. I have identified the following areas of concern within the system.

- From the time of my seperation I have been permitted to have my son every second weekend and half the school holidays. Originally I took legal advice and was told that this level of contact was consistent with what the Family Court would order in most cases. I eventually agreed to this, as it appeared that I had little choice. **I feel that a presumption that children would spend half the time with father and half with mother would have been fairer, and would encourage parents to work towards a more flexible arrangement, which hopefully should be better for the children.**

- The child support system is based on number of nights spent by a child at the non custodial parents house and doesn't take into account that many non-custodial parents still put a lot of effort into their children in other ways. e.g. Collecting children from school, feeding, bathing, sports training, after school activities and then having the child collected by the other parent. This means that they don't technically sleep at your house. **As far as the CSA is concerned this contact is NOT taken into account and there is no relief to maintenance paid.**

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- Maintenance is calculated on a daily rate. This means the start of the Christmas school holidays normally begins with collecting your child for a period of weeks and sending off a cheque to the payee. This often means that there is limited money available to give your child a reasonable holiday. I feel that if the child is with you, there should be maintenance relief.

- The majority of parents want to pay reasonable maintenance to assist in upbringing of their child, and I am certainly one of those persons. I object to paying a significant amount of money in maintenance to see my child with quite basic possessions whilst the payee appears to have the best of everything. I am concerned that that current system doesn't ensure that the money paid in maintenance is used for the children.

- There are a number of expenses relating to the child, which can be taken into account by the CSA as maintenance e.g. school fees, sporting fees, clothing etc. The problem with this area is that the custodial parent has to agree that these costs can be taken into account as maintenance. Many ex partners won't agree to anything, meaning that you are required to pay significant maintenance plus significant extras. Whether an expense is allowed to be claimed as maintenance should be not be the decision of the payee.

- The current system doesn't encourage custodial parent to work, as income over a certain level reduces the amount of maintenance by the payer. In my individual case my ex-wife continues to work two days per week, 6 years after our divorce. She did return to work full time for a short period, however this resulted in a reduction in the amount of maintenance I had to pay and soon after she returned to part time work. She told me that it wasn't "worth it" to work full time.

- Compare this with the situation of the payer. I am required to pay maintenance, which is calculated on my gross income. I struggle to pay the required level and also provide for my two newest children (with my present wife). In an effort to ease the payment burden I began working longer hours, performing special duty, overtime, etc. Whilst this initially made it easier to meet my maintenance commitments, it increased my gross income, which of course then increased my level of maintenance. This created a vicious circle, whereby I would work longer and longer hours earning more money to provide for my family and pay the required level of maintenance, only to have the level of maintenance increase, as a result of the higher level of income.

In recent times there has been minor relief to this problem with the introduction of Reason 10 under "Changing your child support in special circumstances" arrangements. This is still very minor relief and doesn't clearly allow for a payer to earn extra income to provide for other children

and to pay for maintenance of a non-custodial child. This could be improved by calculating maintenance on the base wage of your primary employment, allowing the payer to work longer hours or get a second job to assist in meeting commitments.

- Finally the level of maintenance (18% for one child, or higher for more children) is simply too high. The amount of money I am required to provide in maintenance to the payee far exceeds the amount of money that I am able to contribute to my other two children that live with me. They often have to go without, whilst I pay a very high level of maintenance, which I don't think is always used towards the costs of bringing up my son. I consider that the level of maintenance that I pay is more than sufficient to cover the entire costs involved in raising my first son. This creates the impression that my ex-wife doesn't have to contribute an equal share in the cost of his upbringing, however she still enjoys the lions share of his company. All my children are equal and I should be able to support each of them at the same reasonable level. A reduction in the percentage used to calculate maintenance would assist in creating a fairer system.

I hope that the points raised will be of assistance with the review

If you have any further inquiries please contact me..

Yours sincerely


Howard KAJEWSKI