

Submission No: 1261

Date Received: 8-8-03

Secretary:

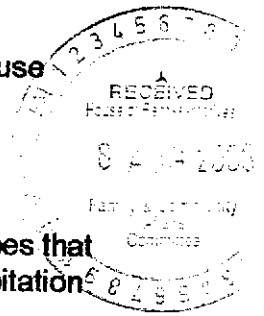
Committee Secretary
Standing Committee on Family and Community Affairs
House of Representatives
Parliament House
CANBERRA ACT 2600
AUSTRALIA

I make the following submission in regard to "whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children".

It does not work fairly for a myriad of reasons, many of which I know you have received submissions concerning, so I give a hypothetical case to show extreme unfairness.

Hypothetical because I do not specify a particular case, but practical because many children and one of their parents suffer in consequence of similar scenarios.

There is a normal family (one parent of either sex) with one child. They "separate", thus euphemistically described as the Family Law Act proscribes that the unilateral action or conduct of only one of the parties in ending a cohabitation constitutes the parties "having separated", in contradiction of plain, time-honoured English usage.



The Family Court orders the child reside 265 days a year with the mother and 100 days with the father.

The mother receives social welfare and has no other income; the father is an above-average income-earner.

The father is assessed at and pays the maximum amount of Child Support from the basic formula, in round figures \$400 per week. This severely reduces the amount of social welfare the mother receives, and the \$400 constitutes a large majority of her income.

The mother bears another child and this father is a welfare recipient who does not cohabit with the mother nor have substantial contact with the child. Her social welfare payment is increased somewhat and he is assessed at and pays the minimum Child Support of \$5 a week.

The first father's \$400 still provides a large majority of her income, but now 2 children must be provided for (or somewhat less as the first child is with her/his father some of the time). Most mothers would be inclined to provide equally for both her children from her income.

[L.B.Loveday #1]

But "*given that the best interests of the child are the paramount consideration*", that is rationally indisputably unfair to the first child, given that her/his father is providing money, ostensibly to support her/him, that would enable a substantially higher standard of living than he/she receives.

The present situation allows the first father to only spend 25%, about \$100, of his assessed Child Support directly on his child.

It is rationally indisputably unfair that the first father sees his money being spent on another man's child to the detriment of his own. It would be rare for such a man to feel anything but resentment against such a regime, and who could rationally blame him?

It is your task to propose an equitable scheme that will overcome such unfairness, and I do not proffer any suggestion. I do, however, wish you the best in your endeavours in this formidable undertaking, and leave you with the thought that "*Child Support was born of a noble ideal, but has gone terribly wrong in practice*".

L.B. Loveday 6/8/2007

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[L.B.Loveday #1]