

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **938**

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Secretary:

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

By E-mail Only: fca.reps@aph.gov.au

Dear Sir/Madam

**RE: SUBMISSION - INQUIRY INTO CHILD SUPPORT
(MATTER [REDACTED])**

I refer to the above matter and advise of a number of recent issues arising which give me cause for concern. In short, I am concerned that I have not been dealt with in a fair and equitable manner.

It is relevant to have regard to the fact that I have been paying child support since early 2001 for my two children. I have always paid and never abrogated this responsibility. In January 2003 Senior management within the Australian Competition and Consumer Commission advised me that my position would be made redundant and offered a Voluntary Redundancy (VR) package. I was faced with the prospect of either taking the VR and trying to find alternative work ASAP whilst in receipt of a financial compensation package which consisted of a small pension and lump sum or being forced out the door twelve months later with no financial compensation. Having weighed all the options, I took the VR primarily on the basis that I could pension my superannuation contributions, and am now in the employment market. This option would not have been available had I stayed and not taken the VR. To date I have not been successful in gaining employment and since early July 2003 I have been on Newstart allowance.

My former partner instigated a Change of Assessment process which resulted in the CSA assessing me at having to pay Child Support of \$922.00 per month even though I am unemployed. It has been determined by the CSA that I have a "Capacity" to earn \$53,500, which was my income level prior to separating from the ACCC and I should therefore pay the requisite level of child support based on that income earning capacity despite being formally unemployed.

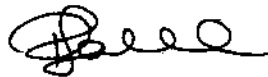
In the circumstances I find this decision is manifestly unfair, unreasonable and unequitable. I have been advised by the CSA officers that when the VR was offered I had no authority to accept it. I understand that there may well be some people who may resign from work to abrogate their child support responsibilities, but I submit my situation was not one of those that the legislation tries to catch. Mine was a redundancy Voluntary in name only and I am genuine in my attempts to find work.

In short, I am happy to pay the obligatory 27% of my gross wage to support my children. I cannot however, understand a system which imposes such an unjust and unfair liability on partners in circumstances when it is clearly not achievable. Whilst I have just submitted another Change of Assessment Notice I would be pleased if you could look into this issue generally for it gives me cause for concern that such a situation could arise. I am caring for my new partner and her two children from another marriage. This financial pressure is now taking its toll on my new relationship.

There is another aspect which I feel needs addressing. One of my children was unceremoniously dumped by my front door at 1.00 am one morning due to behavioural problems. At the time there was a Child Support Notice of Decision in place and despite the child coming into my full-time care I was required to pay my former partner for her to look after him when he was actually in my care. When she finally conceded that he was in my care to CSA authorities, she advised them that she would have access to the child for 110 days of the year and was therefore assessed as being a majority carer, rather than my being the Sole carer as was the case. In the four months that followed it transpired that the child did not spend one night with my former partner yet I was still paying for her to care for him. I was paying for her to have him and to feed and cloth him whilst he was actually in my sole care. He now resides back with my former partner. It is interesting to note that in this particular issue, my former partner quoted to the CSA authorities that my son would be staying with her one day or so in excess of the minimum required to be assessed as being a Major Carer, thus giving her significant financial advantage of a situation where clearly she was not entitled to it. It is fair to say that, whilst I want my child to reside with me, it was difficult financially under those circumstances.

I trust that the provision of this submission will assist you in your endeavours.

Kind regards

A handwritten signature in black ink, appearing to read 'Ralph Lake', with a stylized, cursive script.

Ralph Lake