

Submission No: 1420

Date Received: 29-9-03

Secretary

URGENT MATTER

The Hon Julia Irwin MP
PO Box 547
Cabramatta NSW 2166.

[REDACTED]

[REDACTED]

20 September 2003.

*Reference Submission to the Standing Committee on Family and Community Affairs –
Inquiry into child custody arrangements in the event of family separation.*

Dear Committee Member,

I have recently learnt of the above inquiry and as such would like to present the attached written submission in relation to Part (b) of the Terms of Reference.

I understand submissions closed on 8 August 2003.

This is a particularly important issue and I seek your assistance in having my submission reviewed by the Committee.

I feel the advertising surrounding the Inquiry was limited and as such many people directly affected by the process have been "caught short".

In my case it was a chance viewing of the Hon Larry Anthony on a commercial television forum that alerted me to the Inquiry.

I respectfully request your utmost assistance with my request.

Written Submission by [REDACTED] to the Standing Committee on Family and Community Affairs.

This submission relates directly to part (b) of the Committee's Terms of reference - *whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.*

Having been a paying parent in the Child Support Agency System since 1991, I feel my experiences with the CSA and the *Formula Driven Assessment Process* will assist the Committee in their deliberations.

Briefly a failed 12yr marriage ended in 1991, the two children of the marriage remained with their mother. Shortly after the separation my work situation required a transfer to another area. Due to distance I lost everyday access to my children, relying on contact periods during school holidays and the occasional weekend. This was a particularly lonely and distressing period.

Shortly after the separation the CSA established a formula driven assessment liability. That liability was a straight BEFORE TAX percentage calculation, resulting in monthly payments in excess of \$1,000. My payments were at the total discretion of the payee.

Absolutely no involvement from the payer, just pay up or we will take it out of your salary.

At the time I was struggling to satisfy considerable debts established by the payee prior to the marriage separation however, no consideration was given to that fact.

I was reduced to living in a substandard situation with little or no chance of maintaining a reasonable lifestyle.

The payee remarried having a further two children, my child support payments were directed to the payee's new family, not exclusively to our children.

My eldest daughter left home at 18, the younger daughter was not happy in the new situation. That combined with her mother's refusal to direct all of my payments towards her needs, resulted in her leaving home at the tender age of 15.

She left school and led a very destructive lifestyle for a period.

The irony was that as soon as my daughter left the so called *care of her mother*, my CSA administered obligation ended. She was classed as an independent person receiving government assistance via centerlink

I found this period emotionally and financially frustrating, the thought that I had no control or guidance over sizeable monthly payments to the payee was unacceptable.

The very people this system is designed to support suffered through its inflexibility and review process complexity.

The only winners were the payee and her new family.

To this point I have relayed a situation experienced by no doubt a number of payers however, I now wish to address what I call a **CSA assisted fraud**.

A brief cohabitation with what I thought was a second chance partner resulted in the birth of a child in August 1995.

I had no intention of fathering child at that time however; the lady in question had other ideas.

One year prior to our meeting she had separated from her husband taking custody of their young daughter. The CSA commenced a formula driven liability on the child's father with the mother receiving considerable payments and other government support assistance payments.

This payee had full knowledge of the CSA system and went about a cold and calculated fraud.

Her aim was simple; select a suitable partner with the genetic and financial basis to satisfy her biological and financial needs and to use the CSA to collect the proceeds on her behalf.

She selected, seduced her target and manipulated a CSA formula based system to her amazing advantage.

I was the unfortunate victim, a lonely high income earner who presented the genetic and financial base she desired.

The result is astounding; the day the child was conceived everything changed; I was even threatened with Domestic Violence orders if I did not leave.

As the burden of proof in such DV applications in NSW is so low, anyone with a reasonable knowledge of the system can have orders issued on a belief that threats or violence MAY occur.

There was no threat or violence in this case however; I was not in a position to allow the application to proceed in fear of career ramifications, so I left the shared relationship.

The child was born and the payee arranged one meeting, this is the one and only time I have seen the child. She arranged the meeting to have the parentage certificate and a child passport application signed.

The child was one week old, why would you need a juvenile passport at that age.

The payee had full intention at that stage to set the stage for a very comfortable lifestyle including overseas travel.

The past eight years have been a nightmare, a day does not go by that I don't regret the introduction to this lady and I wonder how the Federal Government can enact legislation to support straight out fraud.

To date I have paid the payee \$ 65,913.67 and have an additional CSA debt of \$15,882.70.

A total CSA actioned, Federal Government supported tax free payment of \$81,796.37 or an average of \$10,224.50 a year for the past eight years.

Further, I have been subjected to 53 assessments during the same period.

A SYSTEM OUT OF CONTROL!!!!!!

Against all odds I was fortunate to find a partner with a depth of commitment that astounds me. We have a deep and committed relationship despite the pressure of this ongoing direct interference to our lifestyle.

My partner has a daughter, aged 8yrs when we met, over the ensuing years it was apparent the CSA formal liability was not working, my partner received nothing from the child's father as he was unemployed, and on the other hand I was paying out over \$1,000 a month for an unknown child.

My efforts to have my partner's child recognized as a step child under section 117 failed.

The questions I ask the committee to consider are these :-

- How can the principal of a child's entitlement to share the parent's income be acceptable in this situation?
- My natural children, my partner and are all going without, to support this flawed concept.
- The mother of this child had no involvement, gave no assistance and contributed nothing to my career success however; she is entitled to manage at her own discretion an 18% before tax liability on my income.

Further, I now find the payee is entitled 18% of funds paid to me from my superannuation as I have recently been medically discharged from my position. Funds I have built up over 31 yrs.

Thus with my long service and other benefits all forming part of my annual income, the payee will receive \$21,504.60 this year.

This is based on 18% of the current Maximum possible Child Support Income of \$119,470.

Please committee members, consider the following –

- What obligation is placed on the payee to direct all funds towards the true beneficiary?
- NIL.
- There are obviously a number of multiple child support recipients. How does the system ensure funds are directed to the appropriate child.
- IT DOESNT.
- Isn't there a basis SHARED financial responsibility????
- NO.
- Why does the system only consider half the payees disregarded income amount?
- BIAS.
- Why is the current system designed on a formula when the Family Court relies on the actual cost of a child and circumstances when making orders.
- ?
- Why do we have two systems operating.
- ?
- Why is it so difficult to obtain a CSA review outcome in favor of the payer.
- ?
- How many payers have committed self harm in total frustration of this biased system.
- ?

Conclusion

The current legislation supports a system able that supports fraud, giving unfair advantage to certain payees.

[REDACTED]

The amount of child support I now pay for one child is greater than that I paid for three children. The CSA formula supports payment of \$21,504.60 a year for one child. Where is the shared responsibility?

What about the payees other child who's father contributes far less, am I and other payers in this position responsible for those children as well?

The current system certainly places no obligation on payee's to justify or reconcile funds for the actual beneficiary, they all continue to live happily ever after, at the payers expense.

I have been denied the ability to support my two children with appropriate support i.e. tertiary education and other necessities as a direct result of this legislation supported fraud.

PLEASE TAKE THIS OPPORTUINITY TO ADDRESS THIS FARCE.

In support of my submission I have attached two documents;
A Payment List and an Assessment List.

I am willing and would welcome contact from any committee member to discuss any issue raised or to clarify the claim made. Please feel free to contact me on [REDACTED] or [REDACTED]

I would also be prepared to take part in a formal or informal interview.