

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra Act 2600
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House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	1301
Date Received:	24-8-03
Secretary:	

From:

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24 SEP 2003

Thankyou for considering my late submission, as discussed with your office last week. I would appreciate that personal details contained with in this submission be considered confidential.

I wish to make comment in regard to term of reference "B", whether the existing child support formula works fairly in relation to their care of, and contact with, their children.

About the author:

[REDACTED]
[REDACTED]

I am single, and for the past 4 years my oldest son has lived with me. I have paid child support based on the Child Support Agency's (CSA) formula since 1994, and since 1995 my ex wife has elected to have the CSA collect child support via salary deduction.

Child Support Assessment Formulas:

The existing child support formula does not work fairly for both parents in relation to their care of, and contact with, their children.

The current system of determining a parent's contact with their children is based solely on the number of nights spent in that parents care, with the determination of child support payable adjusted at fixed levels of assessed care;

- Substantial care – more than 110 nights
- Shared care – more than 146 nights
- Major care - more than 220 nights
- Sole care – more than 256 nights

By only considering "nights" as assessment criteria, shift workers such as myself, who are required to work night's as a part of their normal work roster face a biased and flawed assessment. All contact time should be considered assessable by the CSA in determination of levels of child support payable.

Restricting the adjustment of child support payable only to the above four fields is unfair. Again, all contact time should be considered for the purposes of determining child support payable, with assessments calculated on a sliding scale from 1 day's care to 365 days care, based on the determined daily rate. Existing court orders or contact agreements could be used as assessment tools to determine levels of care, with the focus being "days", rather than "nights".

This would prevent contact manipulation by the custodial parent. For example where the non custodial parent has only been allowed 108 nights contact, the current CSA formula assess that such contact is equivalent to no contact at all, and the non custodial parent is required to pay the maxim level of child support.

Child Support Percentages:

Existing child support assessment percentages are between 18% and 36% of the non-custodial parent's taxable income. This is an unfair assessment basis.

Assessment percentages should be applied to net income, as net income, or disposable income is all that is available to meet financial obligations. Additionally, the existing child support percentages fail to reflect the cost of maintaining suitable accommodation for children, whilst they are in your care. The cost of maintaining a home is fixed and does not vary should a child be in your care for one night each week, or seven nights a week.

It has been my experience that non-custodial parents set up second homes for their children. In my case, each of my children has their own bedroom, and with that, all the associated furnishings, personal items, equipment and clothing, ect.

Thank you for considering this submission. I would be happy to provide further information if required.


24 August 2003