

Forbes, Bev (REPS)

From: Lachlan Clark [REDACTED]
Sent: Thursday, 31 July 2003 2:46 PM
To: Committee, FCA (REPS)
Subject: Submission for child custody review

House of Representatives Standing Committee
 on Family and Community Affairs

Submission No: **1624**

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Secretary:

The media has recently highlighted the fact that there is a huge amount of child maintenance arrears owed by non-custodial parents to the custodial parents. The Child Support Agency will soon have to follow up these cases owing large amounts of arrears.

In order to speed up this process, changes will need to be made to the legislation regarding Stage 1 cases (those who separated before 1989 and having to pay maintenance under a court order).

Many of these non-custodial parents have arrears going back over a long period of time. During that time many of them have been unemployed at various stages. Maintenance is not expected to be paid during periods of unemployment.

The problem is that a Stage 1 non-custodial parent must go through the Family Law Court in order to reduce their maintenance arrears debt to what it should be. This is a long convoluted process. It would be much easier if Stage 1 cases could go direct to the Child Support Agency to have their arrears debt reduced for previous periods of unemployment. They would simply have to provide CSA with proof of their periods of unemployment/pension/low income.

Section 37B of the Child Support Registration & Collection Act (1988) needs to be amended so that it not only applies to current periods of unemployment benefit or pension, but also applies retrospectively to cover past periods of unemployment/pension.

If this change is made it will make it a lot easier for non-custodial parents to prove what their real debt is, and it would also enable CSA to clear up their backlog of Stage 1 cases with large amounts of arrears owing over periods of many years.

It would mean a lot less people having to go back to the Family Court to adjust their maintenance debt to the correct figure. They should only have to go to the CSA to get this done. It is easy to get proof of periods of unemployment or pension from either Centrelink or the Australian Tax Office.

I have previously worked for Centrelink for 14 years and understand the policy and legislation used by the Child Support Agency.

Thank You.

Lachlan Clark.

