

reform

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child support

Let us be happy and live within our means, even if
we have to borrow the money to do it with.

Artemus Ward

proposals. The federal Government has now released a Discussion Paper on reform of current child maintenance arrangements.

Maintenance arrangements generally and child maintenance in particular, are clearly at

present in need of reform. In 1980 a Parliamentary Joint Select Committee on the Family Law Act recommended that the system of maintenance fixing and collection be tightened up and further detailed proposals were put forward in 1984 in a Report prepared by officers of the Attorney-General's Department.

The discussion paper was tabled by the Minister for Social Security, Mr Brian Howe

and was produced, in consultation with the Attorney-General's Department by the Maintenance Secretariat of the Department of Social Security, under Dr Meredith Edwards. In tabling the Discussion Paper in federal Parliament, Mr Howe said that the Discussion Paper was being released to help consultations with major organisations who have an interest in proposed reform.

The paper points out the demographic, social and economic changes which have affected Australian society over the past decade or so and, in particular, highlights concern over the rapidly ballooning increase by sole parents on social security payments. This increase is apparently linked with many sole parent families living in poverty. The Discussion Paper notes

Sole parent families are significantly worse off than intact families dependent on only one income — only 15% of sole parent families earn more than average weekly earnings ... in short the increasing number of sole parent families, their increasing poverty and the growth in government expenditure calls for a re-assessment of private and public roles in providing support to these families.

The discussion paper asks for views to be provided to government on, in particular

- how best to determine the capacity to pay of non-custodial parents and the formula for determining the level of payments;
- whether there should be maximum or minimum payment;
- whether the custodial parent's financial circumstances should be considered and if so how;
- on what grounds should people be able to have the formula departed from;
- how to treat custodial parents if they refuse to provide information about the non-custodial parent;
- the relationship between maintenance and social security payments;

- the relationship between maintenance and property;
- whether any circumstances justify any link between access to children and child maintenance.

formulas not court cases. Acknowledging that in our ideal world the amount of maintenance would be individually fixed, the paper states that 'the government has decided that the use of a standardized formula would ensure that maintenance payments better reflect the non-custodial parents capacity to pay'. It draws support for this from systems in other countries, the equity consequences and the administrative ease with which such payments can be collected for example through the PAYE system.

matrimonial property and contempt. The paper draws attention to the current References before the ALRC on Matrimonial Property Law and Contempt, both of which are highly relevant to maintenance collection and enforcement issues. It points out that there will clearly need to be a close relationship between the proposals developed by ALRC for a form of matrimonial property law and the result of the government's consultation on child maintenance arrangements.

timing. The Discussion Paper says that consultations will take place during October and November 1986 and it is during this period that written submissions are called for. Legislation based on the result of the public consultation process and consideration by Ministers is due to be introduced in the first half of 1987 and the scheme will take effect as soon as possible after the commencement of the 1987-88 financial year.

telephone tapping

The least important man

Is a legend in his neighbour's living room.

Vincent Buckley, *Neighbours*

The Joint Select Committee on Telecommunications and Interception concluded