

0.1. The Penny Drops on New Formula Catch

0.1.1. It is now January 2008 and early days since the removal of the Dark Shadow of Howard over family law jurisprudence. Rollback of the new formula has not been mentioned by Kevin '07 and the CSA itself is gearing up for 1 July 2008 startup, asking questions regarding your level of care/contact/access/visitation/time spending [or whatever you wish to call it]. And dear bloke there lies the catch, the device to deceive from Howard/Parky with the new formula.

0.1.2. Well that was not the clue that alerted me, but it is the same subject. What alerted me was doing case #1100 at csacalc.com for a bloke [or in fact it was a "second wife", bloke having given up long ago]. The input sheet was unusual in that instead of just leaving the default contact as 2 days/fn and 6 weeks/yr [ie "normal order" as Judge & Co calls it], she had put zero for both.

0.1.3. So instead of reporting back some 30% to 40% saving to bloke as usual, I reported only 17% for starters and **only 1% overall**. Remember that my software is unique in that it uses the powerful macro driven Excel4 which provides the comparison to be made up to the time the youngest child reaches 18. So I asked why no contact and she gave the normal sad story of PAS with a spot of relocation and hide & seek.

0.1.4. So I was curious as to how much extra that bloke would be paying over normal order and I did the exercise again for the standard 2D, 6W. Now we were back to the sort of numbers I am more used to reporting [please refer to 2 following pages].

Initial payment:

\$184.90	/ week
\$801.22	/ month
\$9,615	/ annum

\$152.88	/ week
\$662.50	/ month
\$7,950	/ annum

2005 is 83% of 1989 formula

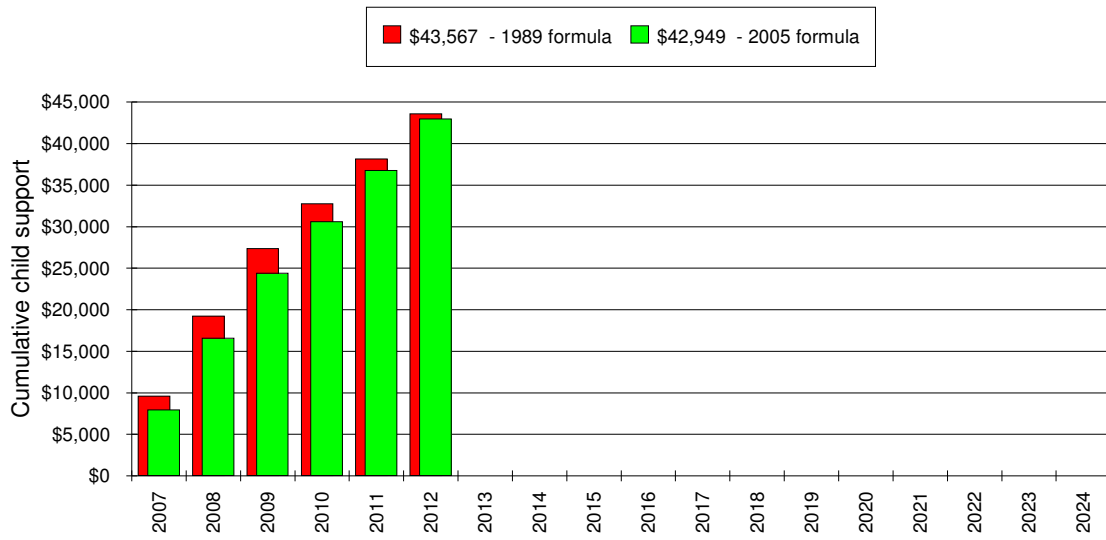
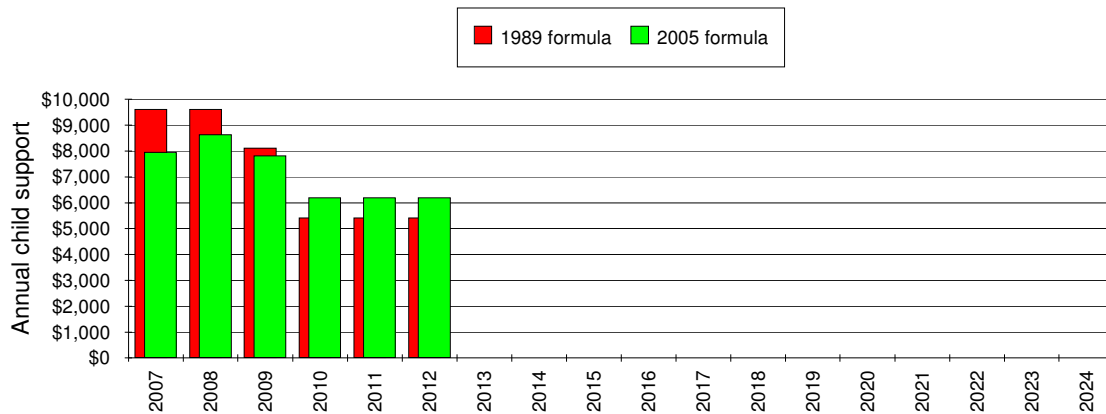
Income of payer: \$44,029 Income of payee: \$21,964

Projection

Total payment, 1989 formula:	\$43,567
Average payment, 1989 formula:	\$167.54 per wk for 5.00 yrs

Total payment, 2005 formula:	\$42,949
Average payment, 2005 formula:	\$165.17 per wk for 5.00 yrs

2005 is 99% of 1989 formula



Initial payment:

\$184.90 / week
\$801.22 / month
\$9,615 / annum

\$109.32 / week
\$473.74 / month
\$5,685 / annum

2005 is 59% of 1989 formula

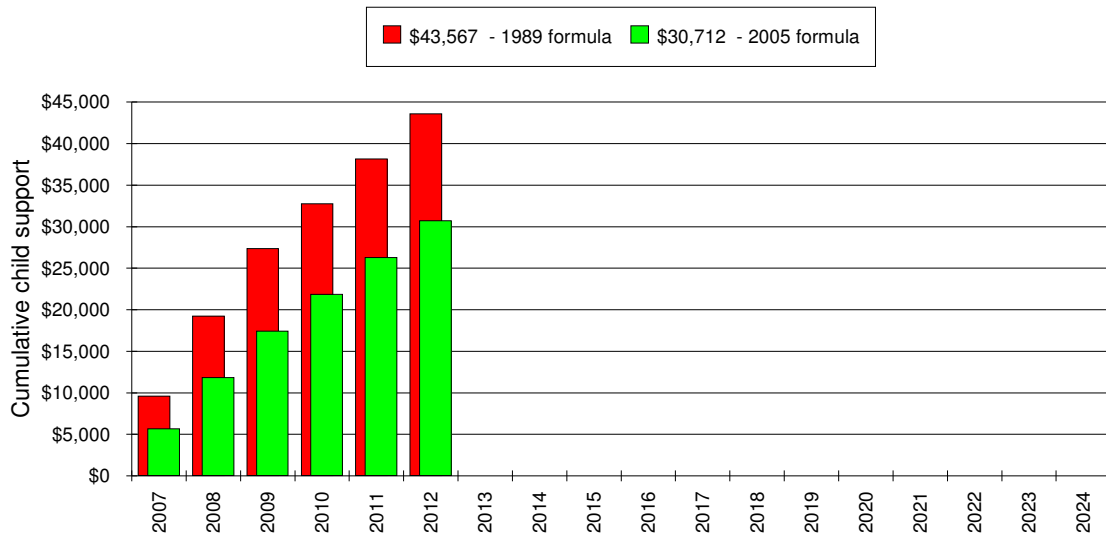
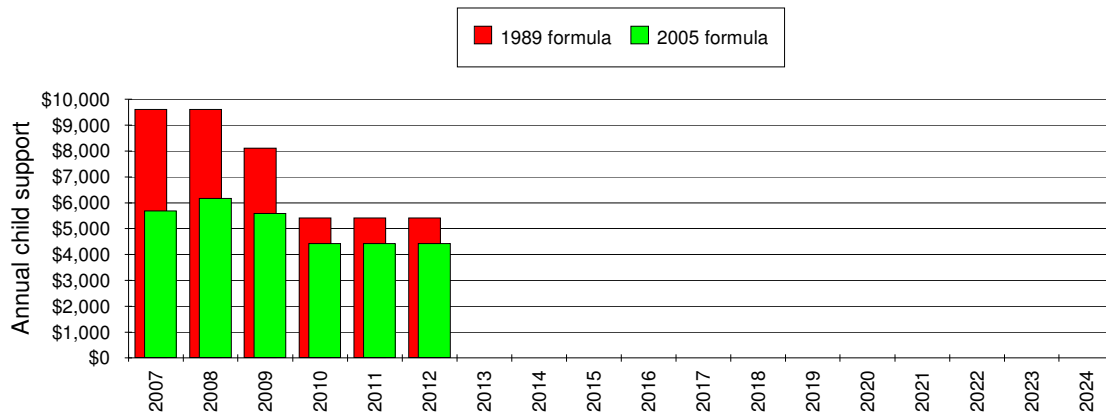
Income of payer: \$44,029 Income of payee: \$21,964

Projection

Total payment, 1989 formula:	\$43,567
Average payment, 1989 formula:	\$167.54 per wk for 5.00 yrs

Total payment, 2005 formula:	\$30,712
Average payment, 2005 formula:	\$118.11 per wk for 5.00 yrs

2005 is 70% of 1989 formula



0.1.5. The first page is for the zero contact case, and at the end point of 2012 the RED and GREEN cumulative columns are almost identical with a saving of only \$618 overall via the new formula, whereas the second page shows \$12,855 saving for normal order, an overall difference of \$12,237.

0.1.6. Also, as seen, this bloke is almost out of the CSA torture chamber with his 3 kids each reaching 18 by 2012, so the numbers are not big. However the percentages tell the story with 30% saving for normal order and 1% for zero contact [or in fact anything less than 14% contact].

0.1.7. So you might say to me that everyone gets normal order, don't they? **Used** to dear bloke, **used** to! As I say this is where the penny dropped. All the bits were there in various parts of the book but I was not able to properly join up the pieces. But before leaving this bloke, he simply got frightened off 10 years ago by an "intervention order" [whatever that might mean at the Wimmens Shelter] and never sought any contact orders. It is now fully up to him whether he simply applies for normal order [which a court could hardly refuse] to save 12 grand.

0.1.8. But the Howard/Parky plan is for the new lot, ie post 2005 or so. The various parts are firstly the repeal of s S 63E as detailed in Introduction chapter, secondly the new "care zones" for the new formula and thirdly my observations of late that lawyers no longer even mention parenting consent orders when they "assist" parents with property consent orders.

0.1.9. Best start point is the new s 55C, per:

55C Working out cost percentages

A parent's or non-parent carer's cost percentage for a child for a day in a child support period is the percentage worked out

using the table based on the parent's or non-parent carer's (as the case requires) percentage of care for the child for the day.

Cost percentages

<i>Item</i>	<i>Column 1 Percentage of care</i>	<i>Column 2 Cost percentage</i>
<i>1</i>	<i>0 to less than 14%</i>	<i>Nil</i>
<i>2</i>	<i>14% to less than 35%</i>	<i>24%</i>
<i>3</i>	<i>35% to less than 48%</i>	<i>25% plus 2% for each percentage point over 35%</i>
<i>4</i>	<i>48% to 52%</i>	<i>50%</i>
<i>5</i>	<i>more than 52% to 65%</i>	<i>51% plus 2% for each percentage point over 53%</i>
<i>6</i>	<i>more than 65% to 86%</i>	<i>76%</i>
<i>7</i>	<i>more than 86% to 100%</i>	<i>100%</i>

0.1.10. The sections before s55C give some "rules" about how the CSR might "know" the figure in Column 1, and yes he **can** in fact take note of a Parenting Plan [ie not just Parenting Orders] but it seems his power to just "grab" any percentage Buttercup supplies is assisted firstly by s 65, which morphs into s 66D

66D How assessment is to be made

*In making an administrative assessment, the Registrar may act on the basis of the documents and information in his or her possession, and is **not required to conduct any inquiries** or investigations into the matter or to **require** (whether under this Act or otherwise) the giving of any information or the production of any document.*

0.1.11. Secondly s 8A is still there, but with the new flavour of the month Howard words substituted, per:

8A Interpretation—modification of meaning of care if court order etc. contravened

(1) *This section applies if:*

(a) *a court order or **registered** parenting plan in force in relation to a child deals with the person or persons with whom the child is to live, or with the **time a child is to spend** with another person or persons; and*

(b) *the Registrar is notified, or otherwise becomes aware, of the fact that a person is contravening the order or parenting plan; and*

0.1.12. So we are back to the thing Ruddock **got rid of**, a Registered Parenting Plan. So the combination of all this means that in the making of a Part 5 Assessment [either initially or follow up per Part 4A] the CSR can [and will] be as sloppy as he likes in simply taking the word of the application maker [Buttercup] as to the care, and remember this is all before any COAT involvement. Then if she contravenes, the CSR only has to take note/action if we are talking to a proper Order. The wet tram ticket you got from those agonising hours at the FRC is worthless.

0.1.13. Finally the Howard Triumvirate got rid of s 110 where you used to be able to complain to a court, and left you with the SSAT, already making huge blunders in what it does, mainly because nobody really knows what it's ["merits appeal"] job actually is. So dear bloke my prediction is open slather with a huge number of blokes being "deemed" into the under 14% class and thus saving nothing at all as we saw above. And I was thinking thinks might start to get a bit quiet at csacalc.com!

0.1.14. But why is this so important now, under the new formula? Well had you read the sickly blurb of a Report by Parky you will remember that this device was sold to us as actually **giving** blokes something they never had before, ie "recognition" for their efforts in "parenting", even one night a week. But in

reality it is a **subtraction**, because the similar sell back in 1989 was the old formula assumed you were parenting from 0% to 40% [which after Gyselman was changed to 0% to 30%].

0.1.15. The important point is that there was no financial incentive for Buttercup do anything but keep you below 30%, so if you never saw the kids at all then that was too bad, but you paid same child support as if you enjoyed normal order. But now there is quite an incentive to actually stop you seeing kids at all, and nothing you can do about the rise in child support if you simply are a wet tram ticket holder.

0.1.16. Well of course you could go see a lawyer and go through the whole process of asking a judge to make an order for you and having him say well it's a bit late, you should have come to me originally rather than go to the HLLs at the FRC, case dismissed with costs! [plus your own fees to your own lawyer, "but say to you" \$100,000 should cover it].

0.1.17. So there is the reason behind lawyers not even mentioning child orders to you up front, knowing that the pickings will be far greater down the road once bloke is firmly behind the eight ball. So all the pieces now fit and I will provide this extract free of charge

0.1.18. It would also explain why a Registrar has just refused to make consent orders for a client of mine, simply claiming he did not think the orders were in the best interests of the children. The High Court says he can't do that, but he did. More to follow on that one

0.1.19. And ditto for why the Howard government was less than enthusiastic about my service at csacalc.com. With the extrapolation feature available to "the common man" it became just a matter of time before the pieces all started to fit together.

0.1.20. In other words there are two parts to the deception. Firstly, to use the above example, as long as CSA says bloke is less than 14% his saving goes from 41% to 17%, so that was hidden by the sickly vomit of Parky with that time honoured expression "we are from the government, we're here to help you".

0.1.21. Secondly there was the insistence by Parky regarding teenagers suddenly cost more, but surely nobody would be able to build a program to put dollars to that? So in this example bloke's 41% saving gets cut to 30% overall [still not too bad] but if contact less than 14% his 17% saving reduces to 1% overall.

0.1.22. To put it another way, I don't think there is any coincidence at all in the 1% result simply showing that they took this as the **start point** [ie no change to formula result] and worked backwards with two big lumps of sugar coating to make it look, smell, taste and feel like a breakthrough in justice and equity.

0.1.23. So the main issue the government has entrusted to the CSA is to lie, cheat and contort the situation to get as many blokes as possible below 14%, given that the teenager increase simply follows automatically. But unless you have been living on Mars you will know that lying, cheating and contorting are right up the alley of the CSR, and to use that lovely judicial expression, "he is very good at it". And as I say, this is still Part 5 so we haven't even started on the bigger guns of Part 6A and the illegal COAT.