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Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

Parliamentary Inquiry into the Child Support Program

To whom it may concern

Dads in Distress Support Services (DIDSS) have spent the past fifteen years assisting both male and female parents navigate what happens when relationships breakdown. For a list of the services we provide [visit the services page on our website](#).

We consider that the best predictor of good and bad long term outcomes for children and families can be most accurately mapped against the level of parental conflict experienced post separation as a "low common denominator". This sits above housing, location, financial disadvantage and other commonly used scales.

There are four areas of legislation operating and developing essentially as Silo's, and that contain elements creating competing interests for parents while they reconcile future parenting and financial separation;

- The Family Law Act (includes child support and some family violence legislation)
- Crimes Family Violence Acts (State Based)
- Family Assistance Office (Parenting payments, housing assistance, FTB and Child Support Collections and policy (all under DSS) and,
- Child Protection and Policing (State Based)

For the purposes of our submission to this inquiry, we can remain gender neutral given that post separation experience is largely driven by situation, and not determined by the gender of parents in any particular role.

We can look at child support in isolation from the rest of the above as this inquiry asks us to do, however DIDSS believes strongly that a "whole sector" approach to reform is needed. As a first step this would include changes to privacy law that would facilitate better integration and information sharing by all of the above, and also include policy and practice reform within the Family Support sector.

As a consistent and participating stakeholder on both the National and two State based DSS CSA stakeholder groups, we have raised a large number of emerging issues over the past decade. In spite of this and you will hear this from others, it is rare for any items raised by stakeholders to be actioned in any meaningful way. Even when acknowledged as requiring action, the department is slow to act and has little in terms of outcomes to show for all these years of consultation and collaboration. Copies of all previously raised emerging issues and department responses are available on request.

As part of the Community Consultation Project, we have delivered ten feedback papers to the department over the past three years complete with suggested approaches and treatment of issues, which to our knowledge are yet to be actioned. Once correspondence has been "passed on to the relevant department" we and others receive no further feedback. Copies of all feedback papers listed below are available on request.

- Changing income levels and burden of proof required
- Understanding of NAPS & PNAPS
- Parenting Plans/Agreements
- Date of Effect Rules in Child Support
- Problems with the Child Support Formula or with the Policy Framework within which it is administered
- Information is Either Poor or Not Readily or Reliably Available
- Perceived Inequities
- Change of Assessment - Reason 8
- Change of Assessment
- Whether child support policies contribute to a successful separation or not

Notwithstanding the clearly understood needs of children and families; the current state of the family law registry, crimes family violence lists, social welfare sector, legal assistance schemes in most states and the appalling human cost born by high conflict families, whatever the reforms to Child Support illuminated by this inquiry, legislators must consider

removal of the connection between the amount of time children spend with each family and any financial considerations whether child support or property division related.

Some responsibility and accountability must exist for the decisions we make as adults and parents whether within an intact family context or once a separation occurs, who we choose to marry, cohabitate and have children with, where we live, and our career choices. The vocational, financial, location, parenting and lifestyle choices we make while intact are made largely freely with parents being wholly responsibly for consequences. Parents we see gave little regard to the affect these decisions may have on the future if things between them went wrong.

Within the Family Law Act, and in particular where relocation cases are being considered, much is made of a person or parent's right to freedom of movement and to change personal circumstances within many contexts. The Act also makes much of parent's shared and equal responsibility - i.e. parents are equally responsible for the long term care and developmental needs of their children. However in the post separation space where the isolated and more silo'd aspect of child support policy take effect, there is a great but subtle inequity that divides parents into two groups primarily, not by gender which is the unintended community perception and fallout, but by situation.

The disparity between the parent who was the primary wage earner at point of separation and the parent who was doing more of the caring is stark from that point on. In any case, the parent who is successful in retaining primary care of children no matter which pathway an agreement is taken, has a great deal more freedom to choose, to change circumstances, and adapt to future life pressures than the parent displaced. Most commonly the primary wage earner is male, but increasingly both sexes are represented in significant enough numbers to be measured.

The primary caring parent can in most cases raise or lower income levels and working hours almost without restriction, has more freedom of geographic movement, can reduce work to have children, go back to study or undertake professional development without interfering with care arrangements. The primary caring parent can do this also without the need to justify these decisions or to accept the natural consequences of them as would be the case within an intact family unit.

DIDSS believes that Australia is in as good a position as any other country to lead the world in the area of family law and child support reform. We have to put the needs of families at the top of our reform agenda and build a support structure of legislation and policy to strengthen them not divide and diminish their natural purpose.

Rather than the ideology of minority groups and the needs of Governments and funders driving practice, policy and legislation, we need to take a real world approach to family breakdown.

Elements of the Child Support system that need to be addressed

1. Care to be as per signed agreement or court orders and cannot be changed unless replaced by another agreement or court order. I.e., removal of procedure that takes into account where the child is currently residing. We have seen an increase over the years in complaints from our members in this area, with the perception being that it has enabled parents to influence or force the child in their decision making about extra or less time spent with the other parent. This should not be a pressure that any child should have to experience and as such should be handled by the parents in a setting where the child is not involved, feels pressured, or can be manipulated. A payee should not be financially rewarded and incentivised to cut off contact between children and the payer.
2. If a payee decides to have a child with another person, that should have no effect on changes of income level or care level with the understanding that it's a decision that they take full responsibility for, and it should not result in an increase in the payer's payments.
3. When the agency makes a mistake in their administration they correct it regardless of whether the other parent received the money incorrectly. There should be an obligation to repay the money to the payer as soon as the error is confirmed, and not rely on exchanging the money back through the parents.
4. Parents with a documented history of drug abuse, gambling addiction, neglect and/or abuse that receive Child Support payments should be accountable for how it is spent.
5. Children who decide to live independently should be paid the CS direct by both parents instead of (or combined with) youth allowance and other benefits.
6. Letters delivered expediently with a longer allowable time to respond. I.e., at times customers have received letters after the response time has expired.
7. Protected amount to be increased to a level that reflects modern living costs.
8. More flexible opening hours with designated case officers for clients to correspond with.

9. There needs to be a fundamental and far reaching change in the way that the Child Support Agency Staff treats their clients. We hear and have experienced first-hand the perceived bias experienced when parents are working with the customer service officers. We have a large amount of member feedback showing that payers are treated unfairly, and are held up to represent the tougher half of the client base CSA deal with. They are often unjustly bundled up as those parents who are not meeting their financial responsibilities, belittled over the phone, and many are left feeling angry and having no self-worth. This underlying culture of the agency leads to conflict between the agency and the parents, leading to poorer outcomes for all involved - and most importantly for the children as they see their parents engaged in high conflict over financial matters.

Thank you for considering our submission

Yours Sincerely,

Barry Guidera
Chief Executive Officer
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