

1<sup>ST</sup> June 2014

Committee Secretary

House of Representatives Standing Committee on Social Policy and Legal Affairs

PO Box 6021

Parliament House

CANBERRA ACT 2600

### **Submission on Inquiry into Child Support**

Thank you for the opportunity to make a submission to this Inquiry. I have been a receiving parent through the Child Support Agency (CSA) for the past 7 years. I am a qualified Social Worker and work with women who are often navigating the child support, family mediation and Family Court systems. I have also reflected on my personal experience and hereby provide a list of recommendations. Explanation for the recommendations is listed on subsequent pages.

I shall endeavour to adhere to the Terms of Reference.

### **Summary Recommendations**

- For Family Tax Benefit A & B purposes, the amounts the CSA collect for school and medical fee reimbursements need to be separated from child support.
- Increase powers of the CSA to enforce tax return lodgements where these are outstanding 3 or more years, particularly where there are arrears.
- Increase powers of the CSA to gain access to superannuation for arrear purposes.
- CSA decisions to contain more transparency, particularly for arrears.
- Provide details of what makes up arrears, rather than just showing a lump sum on-line,
- Give parents the ability to opt out or opt in for the CSA to handle expenses such as school and medical fees.
- Ensure CSA staff adhere to the primary objectives of the CSA to do no further harm to children in decisions and to hold parents financially responsible for their children.
- In high conflict cases:
  - the CSA appoint a consistent Case Officer at Team Leader or Manager level,
  - the CSA be allowed to take a more holistic approach allowing some diversion from the “legal” approach of not considering background dynamics and other detrimental behaviours in decisions,
  - the CSA have the ability to appoint a Social Worker/Case Officer who is specifically trained in awareness of post-separation abuse, or alternatively, direct cases to a Family Mediation Centre,
  - a CSA Team Leader or Manager have the ability to “hold” a decision by a Case Officer for further consideration when it clearly lacks merit or contains errors and omissions,

**1. Family Tax Benefit A & B**

The CSA do not separate school or medical fee reimbursements to Centrelink, which effectively, overstates the amount of actual child support received. Example: The payee parent has paid \$8,000 to the school, the other parent has 50% of school fees collected monthly through CSA. The child support assessment was \$7,000pa but with school fees added, the amount collected is \$11,000. This higher amount is reported to Centrelink, when it should be the lower amount.

**2. Collection of Arrears  
Powers of Enforcement**

CSA needs more power to collect arrears such as having the capacity to access superannuation or to enforce tax return lodgements when there are long term arrears in place. It is ludicrous that a payer can continue to create arrears but not be required to bring tax returns up to date which are likely to hold funds for transfer. Remembering these funds are for the children, and in that context, the CSA and the ATO are actually colluding to withhold funds to their rightful owners by not enforcing tax returns when there is an assessment in place, and in particular, when arrears are present.

Where the payer has substantial superannuation, the CSA should have powers to access this where arrears are present.

**Transparency of Arrears**

As a payee, I have never known how arrears are made up. The figure on the web-site appears to bounce up and down without explanation. The CSA needs to provide more transparency about how arrears are made.

**3. Cases of High Conflict**

High conflict cases can be recognised by large amounts of ongoing Change of Assessments, objections and counter claims. Some claims are allowed when more than 12 months outside of the time frame. One area that can cause long term conflict is the use of the school fee component of the CSA.

**School Fees**

It needs to be recognised that the ability of the CSA to collect reimbursement of school fees from one parent can actually disadvantage the other parent. Example: One parent, even if the capacity to pay is present, may refuse to pay their share directly to the school. This forces the other parent into the Change of Assessment Procedure or risk the child becoming involved in the conflict by having the school refuse education. Since the Change of Assessment procedure takes up to 3 months and the CSA won't "back-date" it, the other parent can substantially delay paying their part of the school fees. Additionally, when a decision is reached to hold the other parent accountable and school fees do become collectable through the CSA, then that parent has the ability to lodge numerous objections. Sometimes as much as a year may pass, and depending on the situation, it may come to pass

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that the parent is successful in having their objection upheld. In the meantime, the first parent has shouldered 100% burden of the school fees and the other parent is never held accountable. The decision to opt out of this should be given to one or both parents.

#### **Continuity of Case Officers**

Cases of high conflict become long and confusing as decisions are made, then renounced and more decisions are applied on top of previous decisions. When a customer calls the CSA it is rare that the customer speaks to the same Case Officer. This exacerbates frustration as the customer has to repeat the same story. The allocation to a Team Leader or Manager would reduce this stress, alleviate the making of errors and omissions and would provide continuity and follow-through of cases.

#### **The use of Mediation Centres for Child Support purposes**

Increased funding to Relationship Centres to take on Child Support cases has merit. These centres have facilitators trained in post-separation dynamics and domestic violence awareness. They are more trained than most CSA Officers to recognise post-separation abuse and to deal with it more effectively.

#### **CSA Case Officers to treat cases more holistically**

High conflict cases have a number of background dynamics. Such as non-lodgement of tax returns, periods of unemployment, change of assessment applications, undeclared income, lower estimated income for assessment purposes that continues for years and this needs to be treated holistically. Example: Arrears are written off when there are outstanding tax returns. A decision to reduce arrears when there is no transparency from the other party is a morally corrupt decision.

Additionally, in my experience, there is a selection of Case Officers who have lost the objective of doing no further harm to the children. As a payee, I have also come across Case Officers who are challenged when it comes to continuing to hold payers accountable. On occasion Case Officers are judgemental and have made up their minds before conversing with the payee. One notable Case Officer said, "well, things change, so that is just too bad." This is hardly a child focus and contains a lack of awareness of the ongoing dynamic of abusers motives.

In conclusion: The CSA either hire competent Social Workers well-versed in post-separation abuse and domestic violence issues and offer a holistic approach, or recommend a referral to the Family Mediation Centres who do have the expertise in this area.

Thank you for the opportunity to make a submission to this enquiry. I can provide documentation to uphold the observations made in this submission if requested.

B. Soc Wk and B. Soc Planning Hons