

Senate Community Affairs Legislation Committee

BUDGET ESTIMATES – 3 JUNE 2015 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Child Support – litigation matter

Question reference number: HS 36

Senator: Xenophon

Type of question: Written

Date set by the committee for the return of answer: 24 July 2015

Number of pages: 2

Question:

Referring to a Child Support Program matter that has involved proceedings in the Family Court anonymised as “Pedrana and Pedrana and [Child Support Registrar]”:

- a) What is the total amount that the Department has been invoiced (i.e. external costs) in relation to and flowing from this matter; including but not limited to:
 - i) Change of Assessment
 - ii) Review on Objection
 - iii) Social Security Appeals Tribunal Review
 - iv) Information Commissioner review
 - v) Ombudsman Review
 - vi) Court Proceedings initiated by the Child Support Registrar or Department of Human Services
 - vii) Court Proceedings (including appeals) initiated by either of the parents to which the Child Support Registrar was a party
 - viii) Administrative Appeals Tribunal initiated by the Child Support Registrar or Department of Human Services
- b) In answers to February 2015 question on notice HS 19, the Department provided a cost breakdown on the first tranche of litigation detailing:
 - i) The father’s costs were \$71,459
 - ii) The mother’s costs were \$13,018
 - iii) The CSA’s cost were \$369,235

Please explain why the Registrar’s legal costs in this matter were 5 times that of the father’s legal costs?

Answer:

- a) The total amount of invoices received by the department for external legal work arising from this matter was \$606,883.13 (GST inclusive) (to the end of May 2015), which includes the amount of \$84,478.42 paid by the department to cover the costs of both the parents’ legal representation in the Family Court proceedings which concluded in 2012.

- b) The Registrar's legal costs reflect the fact that this was an application initiated by the department as a test case on an important point of law. As this was the department's application it was necessary for the department to obtain extensive legal advice and for the department's external lawyers to prepare and make detailed submissions to the Court.