

Senate Community Affairs Legislation Committee

BUDGET ESTIMATES – 3 JUNE 2015 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Child Support Western Australian parent's enforcement case

Question reference number: HS 37

Senator: Xenophon

Type of question: Written

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

Number of pages: 2

Question:

With respect to the Western Australian parent's enforcement case I raised at June Estimates:

- a) What is the external lawyers cost estimate to proceed with this case?
- b) Is the Department seeking costs against the father?
- c) If so:
 - i. How much?
 - ii. Is this standard practice, noting the courts that have jurisdiction over the Child Support legislation are courts where, by default, each party bears their own costs?
 - iii. If it is not standard practice, and without going to matters which identify the parent, on what basis did/is the Registrar suggesting that there should be a departure from the default position?

Answer:

- a) As at 23 June 2015 the external lawyers have estimated the total cost to be \$6,710 (GST inclusive).
- b) Yes.
- c)
 - i) In its application for enforcement the Child Support Registrar sought an order that the father pay to the Child Support Registrar a contribution to its costs to be fixed in the sum of \$2,200.
 - ii) Litigation is a means of last resort and if there is a debt owing and it is necessary for the Child Support Registrar to bring enforcement proceedings to recover the debt, an application for enforcement will generally include an application for a contribution to the legal costs of the Child Support Registrar. Prior to commencing legal proceedings the Child Support Registrar will raise with the parent the potential cost impact of a debt being recovered through the Courts, rather than by agreement or negotiation with the Child Support Registrar. Costs of a proceeding are at the discretion of the court, but generally the Child Support Registrar is entitled to costs if it is successful in the

court proceedings. Whether the Child Support Registrar will be successful in being awarded costs in the amount sought is a decision for the Court.

iii) Not applicable.