

Senate Finance and Public Administration Standing Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES – 21 OCTOBER 2008

Human Services Portfolio



Department/Agency: Department of Human Services
Outcome/Output Group: Outcome 1/Output 2
Topic: CSA requests for information from real estate agents

Senator: Abetz

Question reference number: HS18a-d

Type of question: Written

Date set by the committee for the return of answer: 5 December 2008

Question:

HS18a: Can the Child Support Agency demand details of the purchasers in real estate contracts, together with information how the purchase of the property is funded, example by mortgage or cash?

HS18b: Is the Child Support Agency entitled to ask real estate agents if the purchaser has agreed to the release of the deposit?

HS18c: Is it also appropriate for the Child Support Agency to enquire as to the name of the legal representative of the purchaser of the property?

HS18d: Is it appropriate for Child Support Agency officials when making these requests of real estate agents to request the agent not to tell the purchaser that their details have been forwarded?

Answer:

HS18a: The Child Support Agency (CSA) has information gathering powers under section 120 of the *Child Support (Registration & Collection) Act 1988* ('s120 notices') and section 161 of the *Child Support (Assessment) Act 1989* ('s161 Notices').

The s120 notices are issued when information is required, in regards to a parent liable to pay child support, for the collection or enforcement of the child support payments. S161 notices are issued when information is required to identify, assess or review the appropriate income or assets, in regards to a parent in a child support case, which may impact on the making or varying of child support assessments.

Under *the Privacy Act 1988* and its own legislation, CSA can only collect information that is necessary for its purposes or intrudes unreasonably on a person's privacy.

CSA has written templates for the schedules of these s120/161 notices relating to real estate. The templates relate to real estate agents or vendor/purchaser representatives. Copies of the relevant schedules are at Attachment A and B.

When the contract for sale is available CSA requests that a complete copy of the contract be supplied to CSA, as well as a copy of the title deed, mortgagee details and details of any caveats where these are not part of the contract. The templates do not request information on the funding source for the purchase.

HS18b: Yes, CSA does request details of the expected date of settlement and whether the vendor has made an application for the early release of the deposit. This information is required as it may impact on CSA's ability to enforce payments at this collection opportunity.

HS18c: Yes, CSA does request information for the name, address and contact phone number of the other party's solicitor, conveyancer or settlement agent. This information is required as CSA can obtain relevant information from that person that can assist in identifying a collection opportunity or an asset position of the child support parent.

HS18d: One of the objects of the child support legislation is that children receive the financial support from their parents that the parents are liable to provide. While a CSA officer may wish to maximise an opportunity for collection, CSA has no legal basis to request a real estate agent not to advise a client of a CSA enquiry. There are no legal impediments on a real estate agent advising a client of a CSA enquiry.

Number of pages: 4





ATTACHMENT A

Property Sale Schedule

{Schedule to attach when requesting information and documents about a Property Sale}

{elseif Schedule Type = PRSS then attach the following Schedule}

{Start New Page}

{bold & italicis}Schedule{endbold & italics}

Our Reference:

{CSRN}

In relation to **{About Clients Full Name}**, either solely, jointly or severally with any other person/s or entity, provide the information and documents below.

If the above named is a person/s; **{bold & italicis}In relation to{endbold & enditalics}** means about the above named person/s and for any business entity (excluding publicly listed companies or registered associations) of which they are an owner, principal, partner, trustee, director or any other position of control, that they operate either solely, jointly, or in partnership with any other person/s or business entity.

1. Confirm that you are acting for the abovenamed in relation to the sale / purchase of the property at: **{Requirements Text}**
2. Provide the sale price of the property.
3. Provide the settlement date of this property.
4. Provide the name, address and contact phone number of the other party's solicitor, conveyancer or settlement agent.
5. Provide the name, address and contact phone number of the real estate agent handling the sale of the property.
6. When the contract for sale is available, provide a complete copy of that contract as well as a copy of the title deed, mortgagee details and details of any caveats where these are not part of the contract.
7. State whether the vendor made an application for the early release of the deposit.
8. If the vendor makes application for early release of the deposit please notify the Child Support Agency within 7 days.

Real Estate Sale Schedule

{Schedule to attach when requesting information and documents about a property Sale from a Real Estate Agent}

{elseif Schedule Type = RESS then attach the following Schedule}

{Start New Page}



{bold & italicis}Schedule{endbold & italics}

Our Reference:

{CSRN}

In relation to **{About Clients Full Name}**, either solely, jointly or severally with any other person/s or entity, provide the information and documents below.

If the above named is a person/s; **{bold & italicis}In relation to{endbold & enditalics}** means about the above named person/s and for any business entity (excluding publicly listed companies or registered associations) of which they are an owner, principal, partner, trustee, director or any other position of control, that they operate either solely, jointly, or in partnership with any other person/s or business entity.

1. State whether you are the selling agent for the property at: **{Requirements Text}**.
2. Provide details of all properties you are selling or have in property management for the abovenamed.
3. The current or last known residential, business and postal addresses and any current or last known telephone or mobile phone numbers for the abovenamed.
4. State the asking price/s of the properties listed for sale or if for sale by auction state the expected price or reserve.
5. State the name and contact details of the vendor's solicitor, conveyancer or settlement agent.
6. When the contract for sale is available, provide a complete copy of that contract as well as a copy of the title deed, mortgagee details and details of any caveats where these are not part of the contract.
7. When a deposit is taken provide:-
 - (a) the agreed purchase price;
 - (b) the amount of the deposit paid ;
 - (c) the expected date of settlement;
 - (d) the name, address and contact telephone number of the purchases solicitor, conveyancer or settlement agent;
 - (e) the purchaser's name, address and contact number.
8. State whether the vendor has made an application for the early release of the deposit.