

Our ref: qA17449

24 September 2014

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

By email: childsupport.reps@aph.gov.au

Dear Committee Secretary

Thank you for inviting Ms Prem Aleema and myself to appear before the Committee on 4 September 2014 to provide oral evidence further to our office's written submission to the Parliamentary Inquiry into the Child Support Program.

Request for additional information

In the course of our oral evidence, the Committee requested that the Ombudsman's office provide it with additional information regarding:

1. the issues and outcomes recorded in Child Support complaints investigated during 2013-14
2. the Child Support complaints investigated during 2013-14 where comments were made to the Department of Human Services – Child Support under s 12(4) of the *Ombudsman Act 1976*.

We have conducted the requested analysis, which is summarised in the enclosed table. It is important to note that this data represents only those Child Support complaints that were investigated by the Ombudsman's office. If non-investigated complaints were included, the total number of complaints received about each of the issues identified in the enclosed data would be significantly higher.

Further comments for consideration by the Committee – interaction between child support and family payments

Also enclosed with this letter is a copy of the Ombudsman's own motion investigation report into service delivery complaints about Centrelink. Paragraphs 6.12 to 6.14 of the report are particularly relevant to the Committee's understanding of the complaints our office receives from customers who are confused and upset by the lack of explanation provided to them by Centrelink about the potential and actual impacts of child support on their Family Tax Benefit (FTB). Recommendation 5 of the report specifically addresses the need for the Department of Human Services to more effectively communicate with family payment recipients.

The Department of Human Services responded to our report by indicating that it partially supports Recommendation 5. It advised, while its online information had been updated to

provide additional guidance about the interaction between child support and FTB, the complexity of individual customer's circumstances means that its systems are unable to adequately or accurately address those circumstances in a template letter. The Department advised that it considered the best course of action for any customer was to request individual advice for their specific case. However, this relies on Centrelink staff having the knowledge and skills to correctly interpret the available data to provide the requested explanation. Complaints to this office indicate that customer requests of this sort are not always met with a clear or correct explanation.

We suggest that the Committee may wish to consider this issue in the course of the Inquiry.

Please direct any questions about our submission to me by telephone on _____ or
by email to _____

Yours sincerely

George Masri
Senior Assistant Ombudsman
Social Services, Indigenous & Public Interest Disclosure Branch

COMMONWEALTH OMBUDSMAN – ANALYSIS OF ISSUES AND OUTCOMES IN INVESTIGATED CHILD SUPPORT COMPLAINTS, 2013-14

Issue level 1	Issue level 2	Role	No further investigation				Appropriate remedy provided ⁱ	Advised to pursue with agency	Advised to pursue elsewhere		Administrative deficiency ⁱⁱ	TOTAL	s 12(4) letter ⁱⁱⁱ
			Not warranted ^{iv}	Withdrawn	Considered by CU/Trib	Insufficient interest ^v			Lapsed	Court/Tribunal			
Collection/ Enforcement	Centrelink deductions Debt calculation Debt offset Departure prohibition order Disbursement Employer withholding Failure to collect Garnishee International Non Agency Payments Overpayment O/paym - advice O/paym - calc'n O/paym - recovery Payment arrangement Penalties Refund interception	payee	-	-	-	-	1	-	-	-	-	1	-
		payer	1	-	-	-	-	-	-	-	-	1	-
		payee	2	-	-	-	3	-	-	-	-	5	-
		payer	17	-	-	-	7	-	-	-	-	24	2
		payer	1	-	-	-	-	-	-	-	-	1	-
		payee	2	-	-	-	1	-	-	-	-	3	-
		payee	1	-	-	-	1	-	-	-	-	2	-
		payee	5	-	-	-	3	3	-	-	1	12	4
		payee	3	-	-	-	6	-	-	-	-	9	1
		payer	5	-	-	-	2	-	-	-	-	7	-
		payee	18	-	-	-	18	1	-	-	-	38	1
		payee	1	-	-	-	-	-	-	-	-	1	-
		payer	8	-	-	-	4	1	-	-	-	14	-
		payee	1	-	-	-	-	-	-	-	-	1	-
		payer	1	-	-	-	-	-	-	-	-	1	-
		payee	3	-	-	-	1	-	-	-	-	3	-
		payer	4	-	-	-	3	-	-	-	-	7	-
payee	1	-	-	-	1	-	-	-	-	2	-		
payee	1	-	-	-	2	-	-	-	-	2	-		
payee	2	-	-	-	1	-	-	-	-	3	-		
payer	11	-	-	-	2	-	-	-	-	14	2		
payer	2	-	-	-	-	-	-	-	-	2	1		
payee	-	-	-	-	-	1	-	-	-	1	-		
payer	4	-	-	-	-	3	2	-	-	9	-		
payee	36	-	-	-	-	40	4	1	1	82	6		
payer	58	-	-	-	-	22	3	1	-	85	5		
Total	167												

Issue level 1	Issue level 2	Role	No further investigation				Appropriate remedy provided	Advised to pursue with agency	Advised to pursue elsewhere		Administrative deficiency	TOTAL	s 12(4) letter
			Not warranted	Withdrawn	Considered by Ct/Trib	Insufficient interest			Lapsed	Other oversight body			
Assessment	Adjusted taxable income	payee	4	-	-	-	-	-	-	-	-	4	-
		payer	9	-	-	-	-	1	-	-	-	11	1
	Application / registration	payee	-	-	-	-	-	-	-	-	-	1	-
		payer	-	-	-	-	-	2	-	-	-	2	-
	Care	payee	3	-	-	-	-	1	-	-	-	4	1
		payer	5	-	1	-	-	4	-	-	-	10	-
	Continue past 18 th b'day	payee	-	-	-	-	-	3	-	-	-	3	-
		payer	2	-	-	-	-	3	-	-	-	5	1
	Estimate of income - current	payee	1	-	-	-	-	1	-	-	-	2	-
		payer	5	-	1	-	-	2	1	-	-	9	-
Estimate - reconciliation	payee	4	-	-	-	-	2	-	-	-	6	-	
	payer	-	-	-	-	-	1	-	-	-	1	-	
International	payee	1	-	-	-	-	-	-	-	-	1	-	
	payer	-	-	-	-	-	-	-	-	-	-	-	
Total	59	payee	8	-	-	-	7	-	-	-	-	15	1
		payer	26	-	2	-	14	2	-	-	-	44	2
Customer service	Complaints service	payee	4	-	-	-	2	-	-	-	-	6	-
		payer	9	-	-	-	4	-	-	-	-	13	3
	Letters	payee	3	-	-	-	-	-	-	-	-	3	1
		payer	2	-	-	-	-	-	-	-	-	2	-
	Online services	payee	1	-	-	-	1	-	-	-	-	2	-
		payer	1	-	-	-	-	-	-	-	-	1	-
	Phn - commitm't not kept	payee	1	-	-	-	-	-	-	-	-	1	-
		payer	1	-	-	-	-	-	-	-	-	1	-
	Phn - professionalism	payee	1	-	-	-	2	-	-	-	-	3	1
		payer	-	-	-	-	1	1	-	-	-	2	-
Total	33	payee	8	-	-	-	4	-	-	-	-	12	1
		payer	13	1	-	-	6	1	-	-	-	21	4

COMMONWEALTH OMBUDSMAN – ANALYSIS OF ISSUES AND OUTCOMES IN INVESTIGATED CHILD SUPPORT COMPLAINTS, 2013-14

Issue level 1	Issue level 2	Role	No further investigation					Appropriate remedy provided	Advised to pursue with agency	Advised to pursue elsewhere		Administrative deficiency	TOTAL	s 12(4) letter
			Not warranted	Withdrawn	Considered by Ct/Trib	Insufficient interest	Lapsed			Court/Tribunal	Other oversight body			
Change of Assessment	CSA initiated	payer	1	-	-	-	-	-	-	-	-	1	-	
	Outcome	payee	-	-	-	-	1	-	1	-	-	2	-	
	Process	payer	3	-	-	-	4	-	-	-	-	8	1	
Total		payer	1	-	1	-	1	1	1	1	-	5	1	
		payee	3	-	-	-	2	-	1	-	-	6	-	
		payer	6	-	1	-	5	1	-	1	-	14	2	
Cross-agency issue	ATO	payee	-	-	-	-	1	-	-	-	-	1	1	
	Centrelink/ Family Assist	payer	-	1	-	-	1	-	-	-	-	2	-	
		payee	3	-	-	-	5	-	-	-	-	8	2	
Total		payer	-	-	-	-	1	-	-	-	-	1	-	
		payee	3	-	-	-	6	-	-	-	-	9	3	
		payer	-	1	-	-	2	-	-	-	-	3	-	
Objection	Outcome	payee	-	-	-	-	2	-	-	-	-	2	-	
	Process	payer	1	-	-	-	-	-	-	-	1	2	-	
		payer	1	-	-	-	4	-	-	-	-	6	1	
Total		payee	1	-	-	-	2	-	-	-	1	4	-	
		payer	1	-	-	-	4	-	-	-	-	6	1	
		payee	3	-	-	-	1	1	-	-	-	5	-	
CDDA	Outcome	payer	2	-	-	-	-	-	-	-	-	2	-	
	Process	payee	-	-	-	-	1	-	-	-	-	1	-	
		payee	3	-	-	-	2	1	-	-	-	6	-	
Total		payer	2	-	-	-	-	-	-	-	-	2	-	
		payee	3	-	-	-	2	1	-	-	-	6	-	

COMMONWEALTH OMBUDSMAN – ANALYSIS OF ISSUES AND OUTCOMES IN INVESTIGATED CHILD SUPPORT COMPLAINTS, 2013-14

Issue level 1	Issue level 2	Role	No further investigation					Appropriate remedy provided	Advised to pursue with agency	Advised to pursue elsewhere		Administrative deficiency	TOTAL	s 12(4) letter
			Not warranted	Withdrawn	Considered by Ct/Trib	Insufficient interest	Lapsed			Court/Tribunal	Other oversight body			
Court order	Interpretation	payee	-	-	1	-	-	-	-	-	-	-	1	-
		payer	1	-	-	-	-	1	-	-	-	-	2	-
Total	3	payee	-	-	1	-	-	-	-	-	-	-	1	-
		payer	1	-	-	-	-	1	-	-	-	-	2	-
Agreement – binding	Interpretation	payer	1	-	-	-	-	1	-	-	-	-	2	1
		Total	1	-	-	-	-	1	-	-	-	-	2	-
Agreement – limited	End Interpretation	payer	-	-	-	-	-	1	-	-	-	-	1	1
		Total	1	-	-	-	-	1	-	-	-	-	1	-
SSAT decision	Implementation	payer	-	-	-	-	-	2	-	-	-	-	2	1
		Total	-	-	-	-	-	2	-	-	-	-	2	-
FOI personal	Primary decision	N/A	-	-	-	-	-	1	-	-	-	-	1	-
		Total	-	-	-	-	-	1	-	-	-	-	1	-
GRAND TOTAL	319 ^{vi}	N/A	-	-	-	-	-	1	-	-	-	-	1	-
		payee	62	0	1	0	0	63	5	1	1	2	135 ^{vii}	11
		payer	109	2	3	1	1	58	7	0	2	0	183 ^{viii}	17
		N/A	0	0	0	0	0	1	0	0	0	0	1	-
		TOTAL	171	2	4	1	1	122	12	1	3	2	319	28 ^k

EXPLANATORY NOTES

- i Appropriate remedy provided:** A complaint may be finalised on the basis that the complainant has received an appropriate remedy from Child Support (whether proactively or prompted by the Ombudsman's investigation), including but not limited to:
- better explanation
 - decision changed
 - action expedited
 - agency apology
 - change to policy/practice/law/procedure
 - payment granted/restored/increased
 - debt/penalty waived or reduced
 - other financial remedy – including payment under CDDA scheme, Act of Grace arrangements or ex-gratia scheme
 - agency officer counselled or disciplined.
- ii Administrative deficiency:** From 1 July 2013 the Ombudsman's office no longer records 'administrative deficiency' as the outcome of an investigation. The recording of administrative deficiency in these matters would have been made in 2012-13, with the file subsequently closed in early 2013-14. These types of matters are now dealt with via the issuing of comments under s 12(4) of the *Ombudsman Act 1976* (below).
- iii Section 12(4) letter:** Comments or suggestions made to Department of Human Services – Child Support under s 12(4) of the *Ombudsman Act 1976*. These may be of a case-specific or systemic nature, and must be signed by an officer at Executive Level 2 or above. Sending a letter under s 12(4) is not an 'outcome' for the purposes of record-keeping and these are therefore recorded separately.
- iv Not warranted:** A complaint may be finalised on the basis that further investigation is "not warranted". This outcome might be recorded, for example, where the investigating officer formed the view that:
- there was no useful or viable remedy or outcome to the complainant's concerns
 - the complainant's concerns were not founded
 - continued investigation was not likely to be effective, for example due to lack of evidence.
- v Insufficient interest:** The investigating officer may determine that the complainant is not sufficiently connected with the action/decision complained about, or does not have authority to act on behalf of an individual who is affected by the complaint action or decision.
- vi Total issues:** 265 complaints were investigated, which incorporated 319 issues (including two (2) complaints where the complainant reported both payee and payer issues).
- vii Total payee issues:** 116 complaints were investigated, which incorporated 135 issues.
- viii Total payer issues:** 151 complaints were investigated, which incorporated 183 issues.
- ix Total section 12(4) issues:** Letters were sent in 21 complaints, which incorporated 28 issues.