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17 July 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600



House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 12

Date Received: 18-7-03

Secretary:

Dear Sir,

Re: Inquiry into child custody arrangements in the event of family separation

Thank you for the opportunity of making a submission, its availability was brought to my attention by an officer of the Child Support Agency (CSA) after prolonged correspondence. Since no mechanism exists for dialogue with the Minister responsible, I make this submission.

I would like to make comment about point (b) of your terms of reference: the formula for child support. It has been my experience that the formula and its addenda are reasonable, just the implementation has been horrific for me.

Summary

I submit that:

- The formula and conditions can work.
- The administration of the formula is far from award winning, and needs review and better control.
- The CSA should not be empowered, as it claims to be, to behave in the way that it has. This agency could damage already-troubled people.
- Members of the public should not be denied access to a Minister of Government.
- The CSA needs an effective and *fast* board of review; its own complaints section is not coping.
- In a supervisory role, the Ombudsman fails.

Background

The CSA formula and the additional conditions (like shared care and prescribed non-agency payments) are not difficult to understand and predict, so anyone involved can see his liability – at least from the position of his own income, even if the income and liability of the other party are less clear. Being able to plan financially is important in providing well for children.

As a PAYE wage earner with one declared fringe benefit, my income arrangements cannot be classified as complex. Throughout my contact with CSA I have had the same employer and I have never estimated my income for child support purposes.

After five years of paying by the formula (without a more serious breach than being a day late), I was sent in December 2001 a new and higher assessment covering the previous fifteen months and a demand for \$4200 with fifteen days to pay. When I failed to pay the whole amount by the given date, penalties (that should fall foul of protection against usury) were applied monthly, my tax refund was seized and my wages garnished. Prescribed non-agency claims that I could have made in the past but had not would not then be accepted retrospectively to cover this generated debt even though it was itself retrospective. For the month of March 2002 I received seven different assessments of liability, three of them retrospective, ranging from \$123 to \$820. There are other similar examples illustrating my point.

It took eighteen months of correspondence and discussion partially to resolve the issues. The effort and stress were considerable and impinged on my children's lives.

Even small *increases* in the formula would not compare to the difficulties I faced over the last eighteen months. At one time I volunteered to pay more than I might have had to, so as to gain a long-term solution; this was rejected.

My complaint to the Ombudsman produced the reply that CSA had not made a final decision and so that office could not be involved. No reasonable time was suggested for a decision. No comprehensive written decision has ever been sent to me.

After sending a number of emails to the Minister, I was told by CSA that all such are forwarded to the agency without review.

A Regional Registrar of CSA (the agency that has won awards for management) eventually apologised for the way my case was handled.

I am lucky: I feel that I have the skills to wage a written campaign and I will live with the results, immoral as they are but better than the initial demands. I now understand why a man whose talents run to self-destruction or making mayhem - rather than writing letters - might take a more disastrous line. This is not a full account of my dealings with CSA but I am willing to provide that, with documentation, if that is requested.

Confidentiality

As I have indicated to CSA, I am happy for my case to be used as a study of management practice. I understand that in making this submission it becomes public; I ask only that my children, their mother and my employer remain anonymous in any publication – they have all put up with enough already.

Yours faithfully,

Timothy Harrison