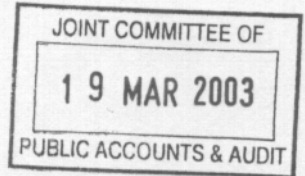




Department of
Family and Community Services

Submission No.10



Minute

To: Committee Secretary
Joint Statutory Committee of Public Accounts and Audit
Department of the House of Representatives
Parliament House

From: Ms Catherine Argall
General Manager
Child Support Agency
Department of Family and Community Services

Date: 19 March 2003

Subject: Child Support Agency submission re Draft Financial Framework
Legislation Amendment Bill enquiry

The Child Support Agency ('CSA'), as part of the Department of Family and Community Services, has been invited to comment upon the terms of the Draft Financial Framework Legislation Amendment Bill.

CSA has sought advice from the Office of Parliamentary Counsel, and is satisfied that the amendments proposed to the *Child Support (Registration and Collection) Act 1988*, ('the Child Support Act') by the Bill do not change the effect of the existing provisions, and operation of the Special Account created by the Child Support Act.

However, as part of considering these amendments, CSA has sought legal advice as to the comprehensiveness of the financial framework provisions of the Child Support Act generally. This advice has raised a need for an amendment to the existing framework.

The Child Support Act expressly recognises occasions where amounts may be debited from the Special Account in repayment of amounts to the Consolidated Revenue Fund eg in relation to employer deductions from the salaries of liable parents (s.75(d), or new proposed s.75(2)). However, no general provision exists to enable the repayment to Consolidated Revenue of amounts drawn under an appropriation for other purposes eg repayment of payer overpayments, where the payment has already been disbursed to the payee of a liability. An amendment enabling such debiting of the Account generally is required.

The legal advice indicates that the legislative difficulty may have arisen from amendments made by the *Financial Management Legislation Amendment Act 1999*,

which abolished the Reserved Money Fund. The amending Act replaced components of the Reserved Money Fund, including the then Child Support Reserve, which became a Special Account. The advice indicates that because Accounts were within the CRF, the reference to 'repaying amounts paid into the Reserve' in new proposed s.75(1)(c) of the Child Support Act could not apply to debiting the Account. I believe this amendment should be treated as a consequence of those amendments, if not as an omission.

I would be grateful if this amendment could be made in the current, or a related Financial Framework Bill, in order to resolve the oversight as rapidly as possible. If you have any queries regarding this request, please contact Anne Pulford, CSA Legal Services, on (02) 627 28338.

Ms Catherine Argall
General Manager
Child Support Agency