

Dear Senators,

I am concerned that this bill would make it more difficult for clients of the Child Support Agency to access the courts.

One particular concern is the Registrar's administrative power to collect money from third parties under s72 Child Support (Registration and Collection) Act. This mechanism is used by the Registrar to directly enforce departure determinations without the necessary (per Brandy vs HREOC) exercise of Judicial power.

Normally, if a debt is disputed a creditor has the burden to prove the debt is owed.

However the child support agency collects first, without any exercise of judicial power. Then the payer bears the burden to navigate legal obstacles to recover his money that was wrongfully taken.

Further, if the CSA foreshadows that it will do an (unconstitutional) enforcement, the payer has no remedy available - eg to prove the debt is not enforceable at law, or that it should not be enforced - to prevent the wrong being done.

If anything, the Child Support Agency has proven it cannot be trusted, and the Senate should be removing obstacles that prevent citizens from seeking relief, not erecting more barriers.

Further to this, the Child Support (Assessment) Act is entirely redundant to Part 7 of the Family Law Act and could be repealed with no loss. I would suggest the assessment functions be transferred to a competent Court in the first instance, and CSA be 'rolled back' to an administrative collection agency.

Regards

Tony Hancock