

**STRIKING THE BALANCE: Women, men, work and family**

DISCUSSION PAPER 2005

SEX DISCRIMINATION UNIT  
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

A SUBMISSION BY THE  
LONE FATHERS ASSOCIATION AUSTRALIA

30<sup>th</sup> September 2005

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The South Australian Branch of Lone Fathers Association (LFA-SA) is pleased to be given the opportunity to present a submission to the Commission. It should be noted that this submission is prepared entirely by LFA-SA on behalf of the National Peak body, the Lone Fathers Association Australia with kind permission of the National and State Presidents Mr. Barry Williams OBE and Mr. Bob Tuddenham.

We are also extremely thankful for the prior commitment of the Commissioner and her committee to provide us with the wonderful opportunity to present this submission in person in the very near future, and hope that we all may benefit from the experience. In the event of any undiagnosed anomalies between the viewpoints of the State and National branches, we hope that they can be further clarified in person at the formal presentation to the Commission.

Our members have real life problems, and we know that even though some of them may not be able to read or write to the highest standard, they have made a huge effort to present their own thoughts on this discussion paper and they really do appreciate the opportunity to be listened to by somebody in high authority once in a while. On their behalf we congratulate the Commissioner for inviting their input. We hope you read their heartfelt stories. Thankyou.

**For all queries, please contact Bob Tuddenham, Box 624, Goodwood Post Office, SA 5034; Tel 08-83395446 (Monday-Wednesday only); Mobile 0414 411 220; Fax 08-83396674**

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Barry Williams OBE  
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## EXECUTIVE SUMMARY

The Lone Fathers Association (SA Branch) has endeavoured to approach the discussion paper on 'Striking the Balance: Women, men, work and family' from the relatively hidden or 'too hard basket' viewpoint of separated parents and relatives. For the purposes of this paper, particular emphasis has been placed on the, illegal, unlawful or otherwise oppressive administrative activities by the Registrar of the Child Support Agency and how the discretionary decisions made by the Registrar profoundly impacts on the health and lives of their new partners, their parents and their children. Amongst the key aspects of our investigations (anecdotal at this stage) and long experience in this field are:-

- The Registrars have administered the legislation in such a way that at least contributes to 1500+ non-resident males exiting the CSA scheme through death per annum<sup>1</sup>.
- The Registrars have administered the legislation in such a way that has resulted in an unmitigated social and financial disaster<sup>2</sup>.
- The health of clients' suffer and/or result in suicide as a result of commencing dealings with the Registrar and the ensuing financial stresses imposed by the Registrar's discretionary administration<sup>3</sup>.
- The Registrar describes the action of obtaining his clients' Tax File Numbers from the Australian Tax Office without consent and by incorrectly following the steps in his own legislation as simply being discretionary, not mandatory, and does not recognize his actions as being an offence against Commonwealth law<sup>4</sup>.
- The Registrar's clients are often forced to opt out of the workforce as they must cease working for a loss, not a profit.
- The Secretary of the Department of Human Services accepts no liability for the Registrar's actions despite having responsibility for the general administration of the act<sup>5</sup>.
- Federal Politicians are making increasingly disconcerting statements about the conduct of the Registrar's actions, and that they hope to make the Registrar accountable for his actions for contravening a number of Federal acts of Parliament and contravening the Australian Constitution<sup>6</sup>.
- The Registrar often uses his discretion to ignore relevant 'correcting' sections of the act even when at fault<sup>7</sup>.
- The Registrar's decisions and actions often detrimentally impact on his clients' work performance and indirectly causes ill-health and industrial accidents through fatigue, stress and suicide<sup>8</sup>.
- The Registrar often ignores or fails to take heed medical certificates in his decision making process<sup>9</sup>.
- The Registrar's senior staff have been witnessed stating they are on performance bonuses<sup>10</sup>.

### Family Advantage

- There is increasing public support for the newly established equity based private child support service [www.familyadvantage.com.au](http://www.familyadvantage.com.au) and an ever increasing momentum of Nationwide hostility towards the Registrar and his staff for failing to correctly administer the legislation lawfully, legally, fairly and/or conscientiously.

<sup>1</sup> Senator Patterson responded to a Question (No. 978) of notice in the Senate on 18<sup>th</sup> August 2005 and answered that 1527 male payers on the child support computer system died in 2002-3 and that CSA does not collect suicide statistics & ABS statistics included.

<sup>2</sup> Executive summary from Property Investment Research Pty. Ltd. (PIR) report dated 22/09/04- attached hereunder.

<sup>3</sup> Social Factors of Suicide in Australia, Australian Institute of Criminology paper no. 52 by Prof. Riaz Hassan

<sup>4</sup> Letter from assistant General Manager Ms. Jo Hart of the CSA dated 7/3/05.

<sup>5</sup> Letter from Secretary of Dept. of Human Services, Ms. Patricia Scott dated 29/7/05.

<sup>6</sup> Address to the House of Representatives by the Hon. Alby Schultz MP 16/8/2005 and Mr. Tollner MP dated 14/9/05; letters from Hon. Alby Schultz MP dated 1/7/005 and Senator Chris Evans dated 22/8/05.

<sup>7</sup> Anecdotal evidence on file.

<sup>8</sup> Refer attached letters of support in letters chapter.

<sup>9</sup> Anecdotal evidence on file.

<sup>10</sup> Attached Statutory Declarations from Bob Tuddenham, Graham Andrew & Greg Moore dated 15, 23, 14th December 2004. Also application information for an advertisement for the position of General Manager, Child Support Agency, Department of Human services January 2005 stated under 'Tenure and Remuneration' – "The successful applicant will be offered an Australian Workplace Agreement (AWA) with an attractive remuneration package, including potential for a performance bonus. Appointment will be made under the Public Service Act."

## INTRODUCTION

“*Is There Really a Fatherhood Crisis*” appeared in *The Independent Review*, vVIII, Spring 2004 - written by Prof. Stephen Baskerville, Professor of political science at Howard University (USA).

Prof. Howard states at pages 485&6:-

*A generation of fatherhood advocates has emerged who insist that fatherlessness is the most critical social issue of our time. In ‘Fatherless America’, David Blankenhorn calls the crisis of fatherless children “the most destructive trend of our generation” (1995,1). Their case is powerful. Virtually every major social pathology has been linked to fatherless children: violent crime, drug and alcohol abuse, truancy, unwed pregnancy, suicide, and psychological disorders – all correlating more strongly with fatherlessness than with any other single factor, surpassing even race and poverty. The majority of prisoners, juvenile detention inmates, high school dropouts, pregnant teenagers, adolescent murderers, and rapists come from fatherless homes (Daniels 1998, passim). Children from affluent but broken families are much more likely to get into trouble than children from poor but intact ones, and white children from separated families are at higher risk than black children in intact families (McLanahan 1998, 88). The connection between single parent households and crime is so strong that controlling for this factor erases the relationship between race and crime as well as between low income and crime (Kamarck and Galston 1990, 14).*

The Lone Fathers Association Inc. - SA Branch (LFA) is a voluntary organisation which offers support and simple practical advice for separated parents after divorce or separation. It supports the notion that children need their father’s and their mother’s love, care and devotion after family breakdown.

The LFAA also actively encourages fair and reasonable payments of child support. It believes that both parents have an obligation to support their child(ren) equally, and that moneys obtained from child support should only be used for the child’s benefit and for no other purpose. It recognises that the child’s best interests should be paramount, but not at the expense of either parent, or their subsequent new partner’s or children. In other words we support the notion that in situations where there is a typical ‘resident’ and ‘non-resident’ status agreed or court ordered upon the separated parents, then both the resident and non-resident parent should each pay a fair and reasonable amount of child support for their child(ren).

The vast majority of the LFA’s members, visitors to our meetings, and callers to our telephone advice line come from or are related to predominantly men from family breakdowns. Over the years we have noticed an ever increasing number of female attendees who are concerned about fathers of children struggling to survive after the family breakdown. Approximately one third of attendees are now female and these include new partners, grandparents, and also siblings of fathers who have difficulties seeing their nieces, nephews, stepchildren or grandchildren. Sporadically we also have separated single mothers who come to us for assistance and we also provide all the support that we can offer them.

**Children need their fathers as much as their mothers**

We believe that thirty years after the introduction of Family Law Act in 1975, two generations of male and female single parents are now facing huge widespread social problems, and that this is primarily due to the underlying social policy behind, and administration of, the Child Support Assessment Act 1989 and the Child Support (Registration and Collection Act) 1988.

### **Scope of the Lone Father's Association's submission**

The difficulties and gross inequities that repartnered couples face are now extreme. As most of the interested parties associated to our organisation come from post separation type situations, we intend to limit the scope of our submission primarily surrounding the 'typical' cases of fathers paying child support and seeking access to their children through court orders, and the disturbing effects it has on their own working lives, but also the lives of their supporting relatives and second partners.

We acknowledge that the Commissioner understandably believes that the plight of separated families is dealt with in the recent Family Law Act and Child Support 'reforms' that are under current consideration by Government, but we aim to show that the original scope of these much heralded 'Wide ranging reforms', even if implemented in their current format, are both still a long way from supporting the notion of equality after separation. This is particularly important in that there are currently 750,000 child support cases in Australia in 2005 and this figure alone impacts directly on about two million citizens (mother/father and at least one child). When extended to partners grandparents and carers, one may reasonably assume that the total population impacted by separation via unpaid or paid work is a very significant percentage of the total population of Australia – possibly as much as fifty percent (assuming an additional two to three grandparents and one sibling per case).

Unfortunately we cannot provide professional evidence or research at this stage, but instead we aim to show the Commissioner the difficulties that people face by way of letters of support, a history of child support, case studies and anecdotal evidence, and examples of unpaid and paid work in the context of family separation. This viewpoint of unpaid and paid work takes on a whole new meaning when for example a pregnant second partner must work long hours to support her new partner who is also struggling to make a profit for this family whilst paying child support and the resulting effects it will have on the quality of life in their new relationship. It equally applies to an eighty year old grandmother of grandchildren she can never see again but yet must work and care to support herself and not a disabled child, but in fact her professional able bodied and hardworking middle aged son, himself a father, who cannot afford even the most basic accommodation to live by himself, as there are simply not enough finances left after paying child support and ironically he cannot obtain any emergency accommodation as he is working!

## AN OUTLINE OF THE CHILD SUPPORT SCHEME IN AUSTRALIA



### **Acknowledgement of Familyadvantage**

The Lone Fathers Association Australia thanks Familyadvantage Pty. Ltd., the new equity based, cost-free private Child Support Service ([www.familyadvantage.com.au](http://www.familyadvantage.com.au)) for its contribution to this submission by providing a comprehensive history and legislative overview of the current child support scheme in Australia.

### **An overview of child support**

Child support is a complex social issue, difficult to understand and widely misconceived. The Child Support Scheme was introduced as being a solution to the increasing cost of welfare due to changing social conditions. There are, however, other reasons equally as important. Those reasons are firstly that parents should receive timely and adequate payments for the maintenance of their children, secondly that parents are able to receive these payment without having to resort to legal proceedings and thirdly, to lower the ever increasing case load on the Family Court.

It is well known that there are particular inequities under the current scheme. The reality however is that the current legislative scheme is configured with all of these issues in mind and purports to deliver equity. A simple explanation is that Child Support is a private cause with both parents being equally but separately financially responsible for half the cost of the upkeep of their children. In a standard arrangement the parent with residence has the children for 75% of the time and the other for 25% of the time leaving a 25% imbalance. The legislative formula is based on those principles and is intended to transfer the balance which is the cost of 25% of the children's time (based on the paying parent's financial circumstances). This is why the cost of contact itself can not be taken into account in Court proceedings. The cost of providing accommodation etc has already been taken into account in the formula - allegedly.

The problems with the administrative formula arose when the consultative committee relied on the cost of children figures based on a \$50,000.00 annual wage and applied it to the median salary of approximately \$27,000.00 at the time. This was done to meet the scheme's operating expenses. The result has been described by a former South Australian Supreme Court Chief Justice as 'Alice in Wonderland' legislation. The formula was also strongly criticized at the time by the Chairperson of the consultative committee, Justice Fogarty of the Family Court of Australia.

The current scheme is based on a redistribution of wealth which has proven in Canada to be regressive with an ever increasing number of payers evading payment.

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The current scheme is based on a redistribution of wealth which has proven in Canada to be regressive with an ever increasing number of payers evading payment. A key to understanding how the current scheme fails is in understanding the general legal principles that underpin child maintenance.

### **Two relevant time periods**

The legislation came into effect on 1 October 1989. There were then significant structural amendments made pursuant to the Child Support Legislation Amendment Act 2001. The two time periods are therefore 1 October 1989 to 30 June 2001 and from 1 July 2001 to the present.

### **How the legislation works**

How the legislation works is quite simple. There is no entitlement to Child Support under the common law. That is because the children were essentially chattels of the marriage belonging to the father who had the financial means to provide for them. The Commonwealth legislated over that principle by making the "Best Interests of the Child" the predominant principle in determining custody<sup>11</sup>.

It followed that the Commonwealth Parliament therefore had to legislate a statutory entitlement to child support available to the custodial parent. In 1989 the Commonwealth Parliament endorsed a new Child Support regime in the *Child Support (Assessment) Act 1989* [the (Assessment) Act 1989] overriding the maintenance provisions in the *Family Law Act 1975*.

The (Assessment) Act 1989 creates a cause of action to a custodial parent from a non custodial parent. However, any parent wishing to claim Child Support payments in Australia is now required to make an application for administrative assessment under the (Assessment) Act 1989 before a right of action exists in the cause.

The making of an administrative assessment is based on voluntary principles like many Commonwealth Acts. Those principles haven't been understood by the Executive and the Child Support Registrar has now sought legal advice from the Australian Government Solicitor.

"Clients" of the Child Support Registrar consistently complain, and we assume that many do to the HREOC, that the legislation or its administration is "unfair". Unfortunately that isn't a valid complaint and that is why the Child Support issue has not really progressed in its 16 years. That fact is that the legislation provides the opportunity for paying parents to reject administrative assessment and to opt to be taken to Court by the custodial parent.

The Child Support Registrar didn't quite understand and simply carried out the assessments unlawfully and then further unlawfully enforced the administrative liability administratively.

The problems faced by most of the people seeking assistance come in one of two categories, either [1] a huge debt or [2] excessive payments.

### **Power and authority**

<sup>11</sup> Section 68F – *Family Law Act 1975*



The formula under the legislation is plainly and simply policy. The Child Support Registrar has powers under Part V of the (Assessment) Act 1989 to create an administrative assessment. The most importance principle in law is the distinction between power and authority. How the Commonwealth Parliament legislates authority to the executive in Australia is to unique to our political jurisdiction. That is essentially why we don't have or need a Bill of Rights.

The Commonwealth of Australia Parliament categorically can not authorise powers to the Executive that prima facie affect the existing property rights of a person in Australia. Any other government in the world can legislate to authorise powers to the Executive that prima facie affect the existing property rights of a person in that country.

The Commonwealth of Australia Parliament build principles into the legislation that authorise the Executive to exercise powers that lead to the person electing in some way to authorise the Executive officer to then create new rights or obligations of the particular person. The legislative principles that invoke the Child Support Registrar's authority to exercise those powers are difficult to understand but we set them out below.

### **Child Support Registrar's authority to exercise powers**

Section 202(ga) of the *Income Tax Assessment Act 1936* provides that one of the reasons a person has a tax file number is to facilitate the administration of child support legislation.

That authorises the Child Support Registrar's exercise of powers under section 150B and 150C of the *(Assessment) Act 1989* allowing the Registrar to request but not compel a person to provide their tax file number information or to request a statement in writing authorising the Commissioner of Taxation to provide the Registrar with the person's tax file number information.

If the person provides the statement in writing authorising the Commissioner of Taxation to provide the Registrar with the person's tax file number the Registrar is then authorised and required under section 150D of the *(Assessment) Act 1989* to require the Commissioner to provide it.

If the person does not comply with a request to provide their tax file number information or the statement in writing authorising the Commissioner of Taxation to provide the Registrar with the information the Registrar is able to exercise powers under section 58 to fix the person's Child Support Income amount up to 2.5 times average weekly earnings. If a tax file number or the statement in writing is not provided the Registrar is authorised to set the liability at a NIL amount. The receiving parent then has a right of action under section 116 to take the paying parent to Court to have the correct liability determined.

A very important consideration here is that when the assessment is created by the Child Support Registrar and the paying parent can not afford the payments they have the option to go to Court (*after following administrative steps which incidentally are being repealed in the Child Support Legislation Amendment Bill 2004*). The problem is that they make the application on the legal premise that they have entered into the assessment voluntarily. They will probably spend \$25,000 on legal fees and, if they win, there are no indemnity costs because they have as far as the Court is concerned, entered into the administrative assessment consensually.

### Tax file numbers (TFNs)

That number is required for three reasons. Firstly, to comply with Privacy laws<sup>12</sup>, and secondly, for the purpose of statutory taxation offences<sup>13</sup>. Most importantly however the third reason they are required is to exercise powers to create new rights and obligations.

1. **Privacy laws:** Pursuant to section 17 of the Privacy Act 1988 the Federal Privacy Commissioner issues Guidelines for the use of Tax File Numbers. They are disallowable instruments subject to section 58 of the Acts Interpretation Act 1901. The Child Support Registrar is the only lawful tax file number recipient under the Guidelines to not have a duty of disclosure to the Commissioner of Taxation. Prior to February 2004 Guideline 9.8 was premised on the Commissioner of Taxation having general administration of child support laws. The *(Registration & Collection) Act 1988* provided at that time that the Registrar had general administration. The Federal Privacy Commissioner has since ruled that, for privacy purposes, it is lawful for the Registrar to require the Commissioner of Taxation to provide tax file number information without the Registrar first following the legislative procedure.

2. **Taxation laws:** Subdivision BA of Division 2 of Part 3 of the *Taxation Administration Act 1953* regulates the use of tax file numbers. Section 8WD was repealed in 2001 in Schedule 5 (Administrative Arrangements) of the *Child Support Legislation Amendment Act 2001*. Section 8WA deals with offences for unauthorised requesting of tax file numbers and 8WB deals with unauthorised storage of tax file numbers, maintaining records of tax file numbers and association of tax file numbers with the identities of persons.

3. **Constitution:** The legislation creates a private cause and then sets out the means of resolving the action administratively. Once an assessment is created a person then has access to the Courts to have the assessment reviewed – section 116 of the *(Assessment) Act 1989*. Section 117(2) sets out the grounds for an application. Those grounds are very limited and restrict a party to exceptional circumstances. The fact that an assessment is inequitable (contrary to the principles that the Court relies on when there is jurisdiction to review an assessment) is not a ground. For example if the formula fixed the percentage at 100% of gross income there is still no recourse! A client would first have to lose their job etc. The High Court in the matter of *Luton -v- Lessels* (2002) 76 ALJR 635 unanimously erred in determining that a Court exercising jurisdiction has broad powers to review an assessment. The Court however dealt with the state of the legislation as at the date of the pronouncement of the judgment. That error is perhaps not so critical in that section 202(ga) of the *Income Tax Assessment Act 1936* now overcomes the limitation of a Court to collaterally examine an administrative assessment by authorising the Registrar to exercise powers under sections 150B and 150C to create a new liability for child support purposes.

### The Registrar's stance

The bureaucrats have obviously not understood the constitutional implications of sections 150B and 150C and have only understood that they have to comply with taxation and privacy laws. Unfortunately what has happened is that the Registrar has not followed the legislative steps and has simply accessed the ATO system and taken the numbers. Without express permission to use the tax file numbers the assessment is invalid and the administrators are committing a serious offence. Failure to take some corrective action to diminish that liability could be potentially catastrophic to the Commonwealth. Taking into account the fact that an exceptionally high percentage of payers depart the scheme through death it is even more imperative that an equity based service be introduced.

<sup>12</sup> *Privacy Act 1988* – sec. 17 (Privacy Guidelines for the use of Tax File Numbers)

<sup>13</sup> *Taxation Administration Act 1953* – Part III, Division 2, Subdivision BA

The bureaucrats clearly believe that they only need the tax file numbers to identify payers and to access their income information from the Commissioner of Taxation, which they need to do. They haven't considered that the legislation provides the power to get express authorisation to use the tax file numbers to create a new liability and thereby not contravene section 72 of the Constitution. In her response to a question on the National policy of obtaining clients TFNs from the ATO, the Assistant Registrar of the Child support Agency Ms. Jo Hart wrote in her letter dated 7/3/05:-

*"The process for requesting TFNs set out in Sections 150B and s150C is discretionary, it is not mandatory. The Registrar is under no legal obligation to request tax file numbers in accordance with this procedure. ... As a matter of policy, the Registrar has elected to use s150D to collect clients TFNs"*

This appears to be in direct contrast to the advice given by the Federal Member for Adelaide, The Hon Kate Ellis MHR<sup>14</sup> where she states:-

*"You correctly state that at ss58, 150B and 150C of the Child Support (Assessment) Act it clearly states the procedure to be followed. If you regard that this has not occurred in your case, then you may have cause for complaint."*

There is also the application of section 58 of the *(Assessment) Act 1989* to consider if a person is in default of sections 150B and 150C. Although it is discretionary it requires the Registrar to create a liability. Even a nil liability is a liability which then empowers the Registrar to initiate administrative proceedings to increase the assessment to which a person is then denied judicial review. That would mean that a person has to agree to pay child support at the administrative level to be able to fulfil their voluntary taxation obligations. This was not considered by the High Court in the Luton matter (supra) and may have taxation implications.

The Registrar and his delegated agents may in fact also be contravening section 8WB of the *Taxation Administration Act 1953*.

### **Earning capacity**

In many complaints dealing the dreaded "earning capacity" decisions, the issue is a legal principle that the Registrar is currently able to apply "as the Registrar sees fit"<sup>15</sup> with no obligation to act in keeping with the principles of natural justice. The power is simply applied arbitrarily on the basis that the payer has volunteered his or her authority to the Registrar to exercise the power in that way. The problem with this power is that it adds to the regressive nature of the current scheme. The powers are being exercised more and more carelessly, oppressively and even dishonestly to try to make up shortfalls and evasion is increasing as a result. Relatively unknown also is that there is a very high incidence of health issues such as depression and related incidents, including industrial and road accidents. We will come to this topic later.

### **Child Support: Is this Paid or Unpaid work?**

One of the most difficult challenges we have had over that time is in assisting people in dealing with the Government child support scheme. For the purposes of this paper we postulate that child support under the current scheme is a conundrum and we struggle to determine whether it should be placed into the category of paid or unpaid work as there is nothing to show for it from the payer's point of view, i.e. the payer works and gets paid his/her earnings (paid work) but yet never receives it (unpaid work). Furthermore the payee in the a large percentage of cases the recipient only receives one half extra overall of what was allegedly paid to them as child support, as the other half disappears

<sup>14</sup> Letter of response to constituent re alleged misuse of TFNs by Registrar dated 6 May 2005

<sup>15</sup> *Child Support (Assessment) Act 1989* – sec. 98H

via the social security mechanism (Family tax benefit clawback) back into Government coffers!

### **The Lone Fathers Association endorses FamilyAdvantage**

The National President, Barry Williams was on the original Child Support Committee during the drafting stages of the original child support policy and legislation, and has since been at the forefront of the national campaign to bring about a fairer scheme generally and to improve the service provided by the Child Support Agency. After 16 years however, it has not changed and is still not working. **We believe we have finally found a fair system.**

For this reason, Barry Williams and the LFAA have now fully endorsed the FamilyAdvantage private child support service proposed by FamilyAdvantage Pty. Ltd. and thrown the full weight of the Lone Fathers Association behind it. Senator Len Harris, a long time supporter of LFAA, and other politicians<sup>16</sup> have also endorsed/indicated a strong interest in FamilyAdvantage, to commence operation as a pilot service in South Australia in the first instance.

Under FamilyAdvantage, both the paying and receiving parents will receive a free Discount Card entitling them to substantial discounts on most household expenses from electricity to groceries. This has the potential to save an average family in the range of about \$20 to \$30 per week. There are no fees or charges incurred whatsoever and privacy will be paramount.

It is a fact that under the present government child support scheme many people don't receive enough child support, but at the same time many people pay far too much. It is also a fact that most payees would like to receive more money and most payers would like to pay less. This is because the government child support scheme has its own objective to raise an overall amount of money, but does not take into account personal circumstances.

The law however, provides that both parents are responsible for half of the cost of supporting their children and neither parent is responsible for any of the other parent's half. Under the FamilyAdvantage service, payers will be asked to meet their full obligations so that payees can get their full legal entitlements. This unfortunately is still not the case under the current recommendations whereby both parents support is linked in a 'see-saw effect' i.e. where one person say a payee mother chooses to cease working to have a child then the fathers child support actually increase in some cases..

Child Support will be far more equitable and balanced under the FamilyAdvantage service because it is based on individual outcomes. The discounts will also make up the difference for any parents who don't receive as much as they would like and alleviate the financial strain on those payers struggling to meet their payment commitments.

There is no doubt that some payees will feel aggrieved because they will receive less and some payers will complain they are paying too much. The amount parents pay and receive, however, is determined by solid legal principles and not guesswork. The fact that some payers may pay less will not disadvantage the payee in most cases either. Their Social Security payments will increase to make up most of the difference and the Discount Card will more than make up the rest. The Discount Card will also make up

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<sup>16</sup> Letters from Ms. Isobel Redmond MP, Shadow Minister for Families and Communities dated 06/01/05, Letter from Mr. Mark Brindal MP dated 05/11/04, Andrew Evans OAM MLC dated 08/12/04, and Senator Nick Minchin dated 15/12/04.

the difference for payers who have to pay more than they currently do. However, as it is entirely a payer based service, it is the payers alone who make the choice and voluntarily enter into the child support service if they so wish. Nobody is forcing any person to enter the service. All clients however, both child support clients and non-child support clients receive a Discount Card and obtain all the resulting benefits.

Even though Social Security payments will increase for some parents, the community as a whole will also be better off because payers will no longer, out of desperation, evade the inequitable payments they are now being asked to pay. That will reduce the overall burden on Social Security, and increase revenue to treasury through taxation.

It's time for both parents to put their differences aside and take responsibility for their children. We have asked our members and friends to register their interest at [www.familyadvantage.com.au](http://www.familyadvantage.com.au). To date we have learnt that there are one thousand registrations and membership is growing nationally.

**PROPOSED RESEARCH INTO HEALTH AND SAFETY EFFECTS OF  
PAYERS WORKING LONG HOURS TO PAY REGISTRAR INITIATED CHILD  
SUPPORT LIABILITIES**

**Need for this research**

The LFA-SA has long been aware of the health and safety problems associated with paying child support. It does not require much logic to understand that if the Registrar imposes an immediate three month child support liability at the initial request of the applicant payee, and then demands that this fifteen month liability be paid off by the payer within the following twelve months (sometimes with accompanying late payment penalty fees) then the payer must somehow meet this debt and often does so by increasing his/her working hours to do so.

**Existing Research**

There has, to our knowledge, been no thorough investigation into this particular topic as it appears to fall into the 'too hard basket' and is not politically attractive particularly as there are more than 1500 male deaths per annum on CSA books. However we did come across a closely related topic from the Australian Institute of Family Studies<sup>17</sup> but unfortunately this research states that it was restricted to (full-time employed fathers) with a partner and dependent children and this enabled the researchers to "focus exclusively on those men who have family responsibilities". The LFAA regards this as a serious omission and offensive in that it could certainly be inferred that separated fathers have no family responsibilities at all. We would welcome the opportunity to invite the researchers to discuss this issue further as the authors have bypassed the importance of the implications of orders made under Family Law Act and also how the Registrar imposes very real responsibilities on separated fathers.

**OHS&W RESEARCH PROPOSAL by LFA-SA**

The original first draft of the research proposal was drawn up in March 2004 by the LFA-SA committee based purely from the increasing numbers of accounts and anecdotal evidence received from members of the LFA-SA branch and is included here (in italics) for completeness. It is our intention to carry out a nationwide survey on this topic in the near future and to compare the results with the Registrar's 'official' statistics.

*TO INVESTIGATE THE EFFECTS OF THE CHILD SUPPORT AGENCY'S EARNING  
CAPACITY DECISIONS ON THE HEALTH, SAFETY AND WELFARE OF ASSESSED  
PAYING PARENTS, AND THE DOWNSTREAM COSTS TO THE SOUTH  
AUSTRALIAN HEALTH SYSTEM, SOUTH AUSTRALIAN INDUSTRY AND THE  
WIDER COMMUNITY*

**OBJECTIVES**

*To prepare and present a research paper to interested parties, with the intent of highlighting the perceived shortcomings of the current child support legislation and collection methodology, thereby reducing the risk to employees' health and safety and to reduce the risks of industrial accidents in Australian industry, the cost to the health system, and the greater community.*

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<sup>17</sup> Ruth Weston, Matthew Gray, Lixia Qu, David Stanton; Research paper No. 35 – Long work hours and the wellbeing of fathers and their families;

## *BACKGROUND INFORMATION*

*Current child support legislation and its administrative body, the Federally administered Child Support Agency (CSA), assesses a liable parent's child support liability after family separation based on either their taxable income (before tax), or their earning capacity. The future child support assessments of liable parents does not consider the devastating effects of separation, the loss of the family home, court cases involving children and the effects of the liability imposed on liable parents in the workforce.*

*The only recourse to parents who object to the Agency's decision is ultimately to seek a departure from the administrative assessment in a court with jurisdiction over child support legislation. The costs associated with such action lies with the parent. Whilst waiting for a final verdict, the child support agency continues to garnishee wages at the original assessed rate, regardless of the health safety or welfare of the employee. The child support agency does not consider or administer this (OHS&W) legislation in its earning capacity decisions.*

*There are over 700,000 (seven hundred thousand) child support cases in Australia each year, or nearly one tenth of the total workforce. More than 91% of these are males.*

*The current cost to Australian industry in industrial accidents and incidentals in is the region of approx. \$3 billion per annum. The cost to the 700,000 paying parents in terms of psychiatric illness or stress after separation is unknown.*

*Since 23<sup>rd</sup> July 2002, the Full Bench of the Australian Industrial Relations Commission (AIRC) decided that an employee may refuse to work 'unreasonable' hours with regards to their own health and safety and/or family responsibilities.*

*Since 1<sup>st</sup> March 2004, changes to Industrial legislation in the ACT mean that employers can now also face jail sentences if found negligent with regards to the Occupational, Health and Safety of their employees in the workplace.*

*There is an apparent gap between the child support legislation in terms of earning capacity imposed by the child support agency and the right to refuse to work unreasonable hours as per the AIRC decision.*

## *THE CURRENT SITUATION*

*There has been a well-established precedent in society for children to reside with their mothers after separation. The CSA statistics indicate that in 91% of cases, the fathers of children are required to pay the mothers immediately after separation. This is also repeated in Family Law decisions whereby judicial officers traditionally award residency of children to mothers. For the CSA assessed employees in the workforce every year, there is an unquantified risk to their mental and physical health of these employees.*

*The current method of child support collection stipulates that any employee who forges ahead by working longer hours for monetary reward in any one financial year, will then, at tax return time, have an even greater earning capacity the following year. Thereafter the employee must work longer hours to meet the child support demands and this scenario continues until the cycle is broken. Sadly, as will later be discussed, the only means of achieving this, involve a reduction of earning capacity (or job loss) due to ill-health, nervous breakdown, industrial accidents, or even suicide.*

*The AIRC decision undoubtedly recognised the employee's right to refuse to work unreasonable working hours due to the serious number of industrial accidents at enormous cost to Australian industry and the taxpayer.*

*What is not apparent from a reading of the decision, or indeed any other research paper known to the authors, is the potential ill effects 'caused' by the CSA and the 700,000 current child support cases.*

*Of these 700,000 cases, it may be reasonably assumed that any employee who has just separated from their former partner, and is involved in expensive litigation processes (generally without legal aid) to see their own child(ren), is ousted out of the family home and then enforced by the CSA to work the same working hours that existed before the separation, may in fact fall into an extremely high risk category in terms of his/her potential to cause an industrial accident.*

#### IMPLICATIONS FOR THE EMPLOYEE

*Any employee, whose earning capacity is unreasonably assessed by a Senior Case Officer of the CSA in terms of the AIRC decision, is placed in a higher risk category in terms of causing industrial accidents to themselves and their colleagues' health and safety at work. If the assessment means that the employee must work 'unreasonable' hours to meet their ongoing liability, even due to their physical or mental state, then that employee runs a very probable and increased risk of being a liability to themselves, and the industry. Unfortunately the employee is now placed in an inescapable bind and must choose between their ongoing child support payments, and possible late penalty payments, or and their own health and safety at work and at home.*

#### IMPLICATIONS FOR AUSTRALIAN INDUSTRY

*Any employee who has an accident in the workplace, will be subject to an investigation by the respective OH&S inspectors. This may involve questioning the previous pattern of working hours prior to the accident. The OH&S inspectors do not investigate the reason why the employee was working these hours. In short, if the employee has an accident on the employers workplace, then in any legal dispute, the employer will have to defend their positions at their own expense, whether they were reasonably diligent in providing adequate safety measures or not. As stated previously, in the ACT employers face jail sentences if found negligent.*

*However the reason why many employees refuse to work unreasonable hours, even when his/her health was at risk may be due is probably due to their child support commitments and the prospect of increasing fines if they don't work the assessed hours. In cases such as this, the legalities of responsibility and duty of care lie in a grey area between the employee, the employer or possibly even the CSA.*

*Of the 600,000 child support cases, the vast majority is currently employed in Australian industry. Statistically, and as these employees are widely dispersed across the full spectrum of industries, it may be assumed that these employees account for approximately 10%, or \$300 million of all industrial related accidents, and effects, every year. However, if one were to add on the stresses associated with any family break-up, it may reasonably be presumed that this 10% proportion may in fact be significantly higher, i.e. any CSA assessed employee may fall into the highest risk category to industry in terms of causing industrial accidents than many other categories.*



*This has not been previously investigated.*

PREVIOUS RESEARCH METHODS

*From the author's understanding of some major survey's previously carried out by experts in the field of working hours, fatigue, industrial relations (amongst others), the surveys have targeted population samples selectively from within various industries. It is not known if any, or how many child support assessed employees within a targeted industry sector accepted or declined to participate in the survey. If this method of sourcing information for the surveys is termed the 'inside-out' approach, then the reverse 'outside-in' approach of solely obtaining data from child support assessed employees, may yield distinctly different results, in respect to the long working hours and/or increasing working hours for those employees over time.*

WHY IS THIS RESEARCH NECESSARY

*There is widespread evidence that the current child support system that not only is there major problems with the Child Support Legislation, but also in its administration. A select committee is due to report to parliament by June 2004.*

*There is widespread evidence (mostly anecdotal) that there are severe problems encountered by employees/payers in the child support system who are working while severely distressed. The physical and mental health of these employees in the workforce is a danger to all concerned – they may be described as 'an accident waiting to happen'. In extreme cases there are known cases of employees attempting, and committing suicide.*

*So far the hard evidence that exists comes from professional experts using the aforementioned 'inside-out' approach. This evidence has been funded from within the industry. The strongly indicative, but unfortunately piecemeal evidence that exists using the 'outside-in' approach comes from agencies (mostly voluntary workers) and has not been coherently gathered together, or produced in a format by professional experts which shows the negative effects on individuals, Australian industry and the wider community.*

*It is the author's intention to show the dire need for such research to be carried out in the first place, then produce a factual report on how many child support 'earning capacity' decisions are negatively effective, and submit the report to legislative councils for review and comment.*

REFERENCE MATERIALS

- (i) *The Submissions of the ACTU in the Reasonable Hours Test Case (various contributors);*
- (ii) *Fatigue and the Law (Prof. Drew Dawson and Chris Jones);*
- (iii) *Stress: prevention better than cure (ACIRRT Cutler, Hughes and Harris);*
- (iv) *The Effect of Long Hours on Family and Community Life (Dr. Barbara Pocock, Dr. Lou Wilson);*
- (v) *Fifty Families – What Unreasonable Hours are Doing to Australians, Their Families and Their Communities (Dr. Barbara Pocock, Brigid van Wanrooy, Stefani Strazzari, Ken Bridge)*
- (vi) *Working-time Transformations and Effects (Griffith University, various contributors)*

### **Responses from Industry Professionals to LFA-SA draft research proposal**

The LFA-SA then began sending out 'feelers' to professional bodies seeking their input or responses into the above draft research paper. The responses have been extremely encouraging and appear to cast severe doubts upon the wisdom and/or the basic health and safety effects of the Registrar's decisions.

### **Comments made by Professionals in attached letters**

From the Australian Industrial Registrar dated 3/03/04:-

*"It is also through courts of competent jurisdiction, namely various state courts and the Federal court that prosecution actions for breaches of awards must be instituted."*

From the Secretary of the CFMEU (SA) dated 9/06/04:-

*"The CFMEU recognises the severe stresses associated with working long hours, and the devastating impact it can cause in a workplace."*

*May I also suggest that you consider the effects of the Child Support Agency's 'earning capacity' decisions as potential causes of increased stress, depression and coronary heart disease on an individual in the Workplace.*

*Sadly, the CFMEU has also noted too many suicides that have occurred in the workplace or become aware of individuals taking their lives after a days work."*

*May I suggest further articles that may assist you in your research; published by 'Beyondblue' (for depression), Workcover Corporation (e.g. wellbeing – are men their own worst enemy) and the National Heart Foundation ("Stress" and Coronary Heart Disease: Psychosocial risk factors)"*

From the Secretary of the Association of Australian Psychologists dated 19/03/04:-

*"... any individual involved in such areas of dispute (marital break-ups) would experience a considerable degree of ongoing stress, and any additional stressors would tend to increase the level of stress to a dangerously high level, possibly creating an overwhelming burden upon any individual in such a situation."*

*If it was necessary for these individuals to work excessive hours so as to comply with specific demands of the Child Support Agency, ...this would constitute an additional burden of stress, and one would expect these to be manifested in both physical and psychological forms, tiredness, frequent minor illnesses, nervous tension, muscular aches and stomach disorders."*

*"In particular, consideration might be given to ....b) The manner in which assessments that are being perceived as being unjust or unreasonable can negatively affect their physical and mental health."*

Professor Drew Dawson, Director, Centre of Sleep Research, University of South Australia dated 14/03/05

*"This is particularly problematic in the case of 'backdated instant arrears'. This particular mechanism can rapidly inflate the working requirements of the individual and can potentially be an inadvertent but pernicious cause of increased risk and/or reduced safety."*

*Given the extant scientific data showing that long working hours, reduced sleep and extended wakefulness increase fatigue and the likelihood of accidents and injury I would suggest that this is an untenable situation."*

*In my opinion, it is neither good public policy nor cost effective to force such a choice on the individual. I would also suggest that in the event of an accident, the agency or organizations responsible for this situation are potentially liable for under OH&S and civil law and might face significant tort actions for negligence. In addition, I would suggest that there is a reasonable likelihood that responsible individuals within these organizations might face at least some criminal charges."*

Professor Riaz Hassan, formerly of Flinders University, South Australia and author of the Australian Institute of Criminology's paper No. 52 'Social Factors of Suicide in Australia' email to LFA-SA dated 27<sup>th</sup> April 2005:-

*"Thank you for the email outlining the financial and psychological stresses of lone fathers in Australia. I understand the need to review the procedures and policies of the CSA for the reasons you have stated in your email.*

*May I suggest you approach someone like Professor Diego De Leo, Professor of Suicidology at the Griffith University's Australian Centre for Suicide Research in Brisbane or one of his colleagues like Dr. Chris Cantor with your proposal. I hope you have success with them."*

#### **Comments made by various State and Federal Politicians, government Agencies and a Coroner's press release**

At State level (SA) there has been much support for the research proposal<sup>18</sup>. The State Coroner made a public statement<sup>19</sup> seeking powers to investigate funding shortly after being informed by the LFA-SA about CSA related suicides. However, at Federal Level the various responsible Health and Family and Community Service Ministers, Workplace Relations Ministers etc. all appear to be playing political handball with a topic which is turning out to be an increasingly 'hot potato' as the statistics and community groundswell of discontent cannot be swept under the carpet any longer. Eventually the then Parliamentary Secretary to the Minister for Family and Community Services, the Hon. Christopher Pyne MP<sup>20</sup> stated:-

*"It is clear that separation is a stressful event for everyone involved and I commend your organization for providing support to fathers and their children.*

*I believe the Taskforce is the appropriate place for any review of the underlying principles in the current Child Support Scheme, including the principle that parents share in the cost of supporting their children according to capacity"*

The current Minister for Human Services, the Hon. Joe Hockey MHR stated<sup>21</sup>:-

*"Your efforts to conduct research into the issue of excessive overtime hours on workers to meet CSA payments are commendable. However, as previously mentioned, the government has established a taskforce to investigate CSA matters. As part of its terms of reference, the taskforce is looking into the issue of overtime hours in response to the recommendations of the report...*

*While I understand your concerns for worker safety, payments are calculated using a legislated formula."*

<sup>18</sup> Letters of support from various politicians, Mr. Brindal MP, Mr. Xenophon MLC, Mr. Lewis MP, Mr. Andrew Evans OAM MLC

<sup>19</sup> 'Coroner rings deadly alarm bell'; Advertiser newspaper 01/05/04.

<sup>20</sup> Letter by the Hon. Christopher Pyne MHR to LFA-SA dated 11/08/05 & Trish Worth MP dated 28/5/04

<sup>21</sup> Letter from the Minister for Human Services, The Hon. Joe Hockey MHR dated 26/05/05

Further correspondence on this topic has been received on similar topics from the Equal Opportunity Commissioner SA<sup>22</sup>, from the Minister for Industrial Relations SA, Department of Administrative Services SA, Workcover SA and the Federal Health Minister, the Hon. Tony Abbott MHR respectively<sup>23</sup>.

It is our view that if there was real equality after separation, then a parent shouldn't or wouldn't have to work overtime in the first place, particularly if all they were expected to pay for their children was one half of the real costs of raising a child, and the other parent met their own responsibility i.e. also one half instead of the proposed 'see-saw' recommendation. This has the effect where the costs go up and down depending on whether the receiving parent chooses whether or not to work and the paying parent has no relief but will have their own costs increased to meet the shortfall. This has been craftily hidden in a combined income approach

The LFA-SA can confirm that it was never approached by the taskforce on any of these issues, nor received any responses from the Secretariat on such an important topic. It is understood from the secretariat, via National President Barry Williams, that these issues fall outside the original terms of reference in "Every picture tells a story", the Prime Minister's parliamentary inquiry into child custody arrangements after separation, and therefore have not been dealt with.

The fact that the child support taskforce recommendations give 'relief' for the payer for the first five years after the commencement of paying child support is, in our opinion recklessly indifferent to a payer's health and work life balance. This recklessness will become all the more pertinent when the costs increase considerably when a child turns thirteen. It is our view that this will be an extremely dangerous period in a working payer's life as there may well be a double and simultaneous increase if the overtime 'relief' and age related increases combine around the same time period. We envisage a considerable number of payers will be again forced onto social security at this stage through extremely poorly thought out recommendations.

### **Irrelevance of Professor Parkinson's Child Support Taskforce Report**

It goes without saying that the entire child support taskforce recommendations are irrelevant anyway as long as the Registrar continues to fail with the legislative provisions by correctly obtaining TFNs from his clients.

We conclude that the recommendations from the taskforce will undoubtedly fail. Additionally they have not assisted in addressing the devastating health and safety impacts of overtime work or even remotely assist paying parents achieve any semblance of a harmonious work life balance, to the detriment of their children their new partners, their families and themselves.

<sup>22</sup> Letter from Linda Matthews dated 8/04/05

<sup>23</sup> Letters from The Hon Michael Wright dated 13/4/04, Michelle Patterson, Executive Director Workplace Services dated 29/6/04, Chief Executive Julia Davidson, Workcover Corporation dated 31/3/04, Tony Abbott MHR dated 5/3/04.

## PAYING CLIENTS VIEWS OF THE CHILD SUPPORT REGISTRAR'S SERVICE

Recently the LFA-SA has come across a noticeable trend of increasingly more serious cases of ill-health and death relating to child support, and also of the severe impacts that the Registrar's actions are also increasingly having on the partners and families of the paying clients. Therefore, in order to provide the Commissioner with a balanced viewpoint on how one-half, the seldom mentioned paying half, of the Registrars' client base see their situation, a sample set of questions were prepared from the real life experiences to stimulate some responses on how it feels to be (treated as) a client of a Child Support Registrar in modern day Australia.

### **Confidentiality**

We have enclosed copies of the original correspondence to the Commission for their perusal, but request out of respect for the trauma that our members' families have been through at the hands of the Registrar, we ask that they be kept confidential. However, we have permission to provide a brief outline of these sample cases of what really goes on behind the scenes of the alleged "World's Best Practice" in child support. We realize that anybody can make a mistake, but the most reprehensible aspect of all of these cases is the common thread in the lengths that the Registrar has gone to deliberately cover up his errors and play the administrative stalling game in the hope that the payers resolve will wane, and therefore remain unresolved at the higher income support liability rather than fixing the errors immediately.

### **Case 1 – Female partner writes to State Coroner in anticipation of her partner's demise at the hands of the Registrar**

The payer has undergone multiple major stress related operations, and has discussed the health issues with the Regional Registrar with the intention of reducing the financial liability but was ignored. The payer lodged a change of assessment on health reasons but there was no change. The payer suffered from Peri-carditis, shingles, ulcerative colitis and recently has had his bowel removed. The partner had no option but to write to the State Coroner and advise of her partner's worsening situation and to officially investigate the cause of the financial stress in the event of death. LFA-SA were unsuccessful in dealing with the Regional Registrar for South Australia. The father of five children, aged 36, now goes through life suffering the inconvenience and embarrassment of using an Ileostomy bag.

### **Case 2 – Alleged Attempted murder of two unborn twins due to CSA harassment**

A partner of a child support payer was pregnant with twins at 27 weeks. The payer was visiting his first son on a court ordered visit 600kms from home and was preparing to return for urgent medical attention for stress-related complications for the twins. Whilst seeking to refuel, the father found his entire funds in the bank balance were garnisheed, and the resulting increased stress caused the mother to be hospitalized placing the lives of the two unborn twins at risk. The agency denied all allegations including the fact they had demanded a copy of the court orders from the father previously.

### **Case 3 – Truck driver has first accident whilst working excessive hours in breach of OH&S heavy transport vehicle guidelines to meet Registrar's unreasonable demands**

A child support payer (driver) had a twelve year clean heavy transport vehicle driver's license, and was aware of the difficulties in trying to obtain a decrease in child support liability through a change of assessment process as per the "capacity to earn" clause often used by the Registrar. Due to the unpredictable nature of the industry, the driver

was “unfortunate” to have a good year financially - unfortunate in that this increased his liability, forcing him to work excessive hours resulting in a crash due to stress and mental anguish. The driver reported several other truck driver colleagues having accidents due to child support stress related problems.

### **Other cases**

We have included some additional individual cases (approx. 25) based on a questionnaire that we thought might capture some of the more common problems that our members experience. We should mention that one paying client member has lived in a car and knows of four ‘mates’ who have committed suicide through dealings with the Registrar. Many members declined to comment as they found it too traumatic to do so. Others found the Registrar’s much vaunted efforts (by Government only) at suicide prevention and maintaining ‘happy families’ via the production of new services such as CD’s and pamphlets to be nothing more than an insult.

**QUESTIONNAIRE No. 1 - on the Child Support Registrar's paying clients views of his service:**

- (1) As a result of the Registrar's discretionary assessment, can you now afford to live in your own property? Have you ever, as a working adult, been forced to live with your parents or friends /in a car/under a bridge/garage etc.?
- (2) If you have lived in a car for example, have CSA ever told you to sell your car to pay off your child support debts?
- (3) Are you better off on the dole than working and paying child support i.e. do you now work for a reasonable profit rather than a loss when taking into account the costs of getting to/from work, car registration/maintenance etc?
- (4) Did the child Support Registrar ever ask you for your TFN in accordance with the legislation or did they simply take it unlawfully from the ATO without your knowledge and consent?
- (5) Has the Registrar at any time made a 'mistake' and 'over-assessed' you to the extent that the CS liability has interfered with the quality of your own, your partner's and your children's life together?
- (6) Has the CS liability prevented you from having meaningful life with your children – e.g. can you buy them reasonable quality food/ clothes/ medicines as you did before the break up or do they go without?
- (7) Does your children's health suffer when they are with you on account of the child support payments?
- (8) Can you afford legal fees to gain access to or enforce existing contact orders with your children due to your CS payments?
- (9) Has the child support assessment interfered with your own physical or mental health - ie do you feel angry or stressed, have you undergone a medical examination, do you feel fatigued from working to meet the liability?
- (10) Have you ever had an accident or 'near miss' whilst driving/working long and stressful hours to pay your child support?
- (11) Do you have to work/drive unsafe working hours (even contrary to OH&S regulations) to meet the Registrars' discretionary CS liabilities?
- (12) Are you still expected to pay child support when you are not working e.g. when you are sick /on parental leave/ holidays/ have provided medical sick certificates to the Registrar /unemployed etc.?
- (13) Has the CSA ever caused you to consider unemployment as an option to survive or cause you to lose employment (get the sack) through harassing your employer?
- (14) Has the CSA ever contacted your professional business clients for any reason? For what reason?
- (15) Have the CSA officers stated that they have "considered", but in reality ignored your medical sick certificates in making their assessments/decisions?
- (16) How have they responded to your notifications/complaints?
- (17) Has the CSA offered to give you/given you any brochures, CD's or pamphlets about your situation? Did any of these items help you in any meaningful way e.g. to find accommodation for the night or purchase clothes or food for you and your children?
- (18) Have you (or family) ever been verbally abused/ lied to/ harassed/ treated with contempt/unfairly etc. by the CSA staff? In your opinion, is this normal 'service' for male CSA clients? Please name the person(s) involved.
- (19) Has the CSA unlawfully threatened to take money from your partner/family?
- (20) Do you know anybody that has committed suicide/self-harm /died from a financial stress related illness due to the CSA?
- (21) Did the CSA ever ask you to participate in their 'client satisfaction' survey? If not, why do you think they didn't?
- (22) Do you think the HREOC Sex Discrimination Unit would take your complaints about the CSA seriously?
- (23) Any other items of interest.
- (24) Do you think that the Human Rights and Equal Opportunity Commission should make a recommendation to government and introduce a separate 'child support payer/payee' category into the legislation?

**QUESTIONNAIRE No. 2 - on a separated fathers views of his service of other Government Services /Departments/ Police / Legal Aid Commissions/ Courts /Centrelink/Relationships Australia etc.**

- (25) Have you ever been treated unfairly with regards to your children by teaching Staff/education department due to your sex and marital status – in what ways - give examples?
- (26) Have you ever been treated unfairly by FAYS / CYH due to your sex and marital status – give examples.
- (27) Medical staff doctors/nurses / FAYS / CYH etc. Have you ever been treated unfairly due to your sex and marital status –in what ways - gives examples?
- (28) Have you ever tried to obtain legal aid to see your children /have contact orders enforced but cannot because the Legal Services Commission have deemed that because you are working (even though you have very little or no money left after tax and child support) you do not meet the ‘means and merits test’ and therefore cannot obtain any legal aid assistance?
- (29) Lawyers: Have you ever been advised that your children cannot get more than alternate weekend contact with you on account of your sex etc?
- (30) Psychologists/counselors: Have you ever been treated poorly by Psychologists/Counselors in Federal proceedings on account of your sex etc?
- (31) Relationships Australia: Have you ever been treated poorly by staff at RA Psychologists/Counselors etc. in Federal proceedings on account of your sex etc?
- (32) Anything else that may assist the Commissioner in her understanding of a separated father’s situation.....?



## A SNAPSHOT OF LFAA RESPONSES TO THE HREOC DISCUSSION QUESTIONS

For completeness the LFAA has endeavoured to formulate a response to each of the HREOC discussion paper questions.

### Questions:

1. **How do changes in arrangements for paid work in Australia affect the family responsibilities of women and men, particular groups of people or particular family types?**

After separation fathers pay child support and rarely see their children for a substantial amount of time. Many are driven onto the dole and as a result many payees do not receive adequate amounts of child support for their children.

2. **Do women and men need different workplace arrangements to assist them to balance their paid work and family obligations? Why or why not?**

Employers need to be very mindful that child support payers are a high risk category in terms of developing mental illnesses having industrial accidents etc. Furthermore, employers know how many hours their employees work, and that they might be stressed due to family breakdown. Employers should insist that the Child Support Agency forward court orders with enforcement notices before deducting wages from employees.

3. **Would equality between men and women require a more equal sharing of paid work?**

We include unpaid and paid work here. Yes.

4. **Why was there so little change in the proportions of unpaid work done by men and women between 1992 and 1997? Are there signs of change since then?**

There has been little or no incentive for child support recipients to obtain significant work. There will continue to be no change until the Registrar is enforced to comply with the law.

5. **Does the imbalance in sharing of paid and unpaid work by men and women affect children, and if so, how?**

After separation many children lose a vital psychological support. *“Is There Really a Fatherhood Crisis”* appeared in *The Independent Review*, vVIII, Spring 2004 - written by Prof. Stephen Baskerville, Professor of political science at Howard University (USA). Prof. Howard states at pages 485&6:-

*A generation of fatherhood advocates has emerged who insist that fatherliness is the most critical social issue of our time. In ‘Fatherless America’, David Blankenhorn calls the crisis of fatherless children “the most destructive trend of our generation” (1995,1). Their case is powerful. Virtually every major social pathology has been linked to fatherless children: violent crime, drug and alcohol abuse, truancy, unwed pregnancy, suicide, and psychological disorders – all correlating more strongly with fatherlessness than with any other single factor, surpassing even race and poverty. The majority of prisoners, juvenile detention inmates, high school dropouts, pregnant teenagers, adolescent murderers, and rapists come from fatherless homes (Daniels 1998, passim). Children from affluent but broken families are much more likely to get into trouble than children from poor but intact ones, and white children from separated families are at higher risk than black children in intact families (McLanahan 1998, 88). The connection between single parent households and crime*

*is so strong that controlling for this factor erases the relationship between race and crime as well as between low income and crime (Kamarck and Galston 1990, 14).*

6. **Does the amount of unpaid work done by women affect their capacity to participate in paid work, and if so how?**  
We have rephrased the question to read 'done by men and women'. Yes. Refer child support
7. **Would equality between men and women require a more equal sharing of unpaid work?**  
We have rephrased the question to read unpaid and paid work. Yes.
8. **Are there particular difficulties in balancing paid work with caring for grandchildren, frail aged parents or family members with disabilities?**  
We have rephrased the question to include caring for payers of child support as many cannot afford to live anywhere themselves and require family support. Yes definitely.
9. **Do the experiences of people caring for grandchildren, frail aged parents or family members with disabilities differ for men and women?**  
We have rephrased the question to include caring for payers of child support as many cannot afford to live anywhere themselves and require family support. In our experience Family members care for their loved ones in any way they can irrespective of gender.
10. **What workplace flexibilities are useful for particular types of carers?**  
Flexi-time is most useful parents with school children. An understanding boss is far more valuable for seeking time off to go to mediation, court conferences, see lawyers than any written agreement. In our experience, many bosses frustrated with their employee's lifestyle difficulties and harassment from the Registrar has resulted in some members have losing their jobs.
11. **Are there particular difficulties in balancing paid work with volunteering, and if so, should particular workplace flexibilities be available to promote volunteering?**  
We see the role of volunteering as an individual choice. Although useful to the community, it may be seen as a hindrance to the employer.
12. **What effects, if any, do external factors such as partner and community attitudes, social policy or workplace relations have in shaping men's and women's decisions about paid work and family commitments?**  
Men commit suicide at a greater rate due the Child Support Registrar's policy on bypassing the TFN provisions in the Child Support legislation. Children and society lose out when they are separated from their parents by social policy - see Q5.
13. **What are the relationship, health and other effects of paid work and family conflicts on Australian parents and carers? Do the effects differ for men and women, particular groups of people, particular family types or different types of carers?**  
Our anecdotal experience of separated fathers is that their health is very much affected by the stress and lack of assistance after family breakdown.
14. **What are the effects on children when their parents have difficulty in balancing paid work with family responsibilities?**

Children often lose contact with their fathers. Same as Q5.

**15. Are children affected differently by mothers' and fathers' paid work and family conflicts?**

Include unpaid and paid conflicts. Yes

**16. Do women's and men's different paid and unpaid work obligations affect their economic outcomes, health, relationships and life chances?**

Yes. Life after separation is an extremely dangerous business (1500+ male deaths every year).

**17. Do men's and women's paid work and unpaid work arrangements have an effect on productivity in Australia?**

Yes. Unpaid work produces no taxes. Paid work away from the home seldom contributes to family wellbeing. Without both, society would be a worse place.

**18. What will be the effect of the ageing population upon men's and women's willingness and abilities to undertake unpaid caring work?**

According to the Child Support Agency, some debts are easier to retrieve after death. Some Child Support assessments at present are tantamount to civil conscription. Both men and women are unwilling to be treated as slaves for little reward. As the social and economic cost to society grows, our children will have to work longer to support us.

**19. Are fertility rates sensitive to social and economic conditions and if so, what specific conditions and how sensitive are they to changed conditions?**

Our anecdotal experience of separated fathers is that their health is very much affected by the stress and lack of assistance after family breakdown and child support problems. Many men cannot or do not wish to have any more children after the stresses involved. In some extreme cases, children are murdered after separation by men and women alike.

**20. Is unpaid caring work important for social cohesion and social capital? If so, how?**

Unpaid work is and always was part of family life. It is unquestionably invaluable to us all.

**21. What effect would a balance between paid work and family responsibilities for Australia's workers have on productivity and international competitiveness?**

Unsure. Include paid and unpaid work. From a social perspective it would be a tremendous step forward. From an economic perspective it would depend on what Australia is trying to compete on e.g. if selling commodities where employees do not require much support by way of unpaid work then it may mean very little difference if the 'profit' comes from traditionally male dominated industries which produce valuable product require long working hours such as oil rigs or mines.

**22. What effect would a more equal sharing of unpaid household work between men and women have on Australia's productivity and international competitiveness?**

Unsure. Include paid and unpaid work. Same as Q21

**23. Can anti-discrimination systems assist men and women better balance their paid work and family responsibilities? Why or why not?**

Most definitely. Women would have to relinquish their children and in cases where equal parenting time was established then the children would be better off all round. Parties would be wealthier and better off mentally to re-establish themselves again.

**24. Why do men with family responsibilities not make more use of the family responsibilities provisions of the Sex Discrimination Act?**

There is very little support for men by way of legal assistance as they cannot meet the means and merits test in the Legal aid commissions when they need it most. Many are uneducated or uninformed and cannot take the time to make submissions. In our experience, the wording of the Act refers the reader to CEDAW “discrimination against women” and is very off-putting for men.

**25. Should the Sex discrimination Act be amended to give greater assistance to men and women to address any workplace disadvantage they may face on the basis of their family responsibilities? If so, what particular amendments are necessary? If not, why not?**

- That a separate and new category of discrimination of ‘child support payer’ and ‘child support payee’ be introduced into the legislation.
- That the Commission recommends to Government that a Royal Commission commence immediately into the use and abuse of powers by the Child Support Registrar and the executives of both government departments.
- That the respective Legal Services Commissions of each state and territory be included in any existing or the new legislation.
- That the resources and assistance given to the Commission be expanded to include a research unit to deal specifically with men’s issues.
- That the Commission recommends to Government that a fully funded office for the Minister for Men be appointed, with sub branches in every State and Territory.
- That the Commission be given greater powers to enforce and ensure that all government advertising material and publications shall include race and gender in equal measures and not to the detriment of the other.
- That the Commission be given increased funding to have a Commonwealth office side by side with State and Territory to deal specifically with Family Law breakdown issues.
- That the commission be given greater powers of investigation and enforcement to more swiftly investigate and prosecute officers of the Australian Public Service, and other officers of agencies involved in any type of children’s issues surrounding Family Law breakdown that comes under Federal jurisdiction, including but not limited to:-
  - a. the Child Support Agency,
  - b. Educational Establishments at State and Territory level,
  - c. State and Federal Police Officers,
  - d. Centrelink employees,
  - e. Family Assessors in children’s issues in State and Federal courts including various health professionals such as Medical Practitioners, Psychologists, Psychiatrists, Counselors, Social workers or any other health professional,
  - f. Officers working in Court ordered mediation centres or Children’s Contact centres such as those run by Relationships Australia.

**26. Can an individual complaints mechanism adequately deal with discrimination on the basis of family responsibilities? If not what other changes may be necessary?**

There are general complaints that could be addressed e.g. Commonwealth funded programmes should all be in gender neutral language e.g. “Stop domestic violence against women” could easily be written to simply stop domestic violence against anybody.

- 27. Are amendments to the workplace relations system needed to give greater assistance to men and women to address any workplace disadvantage they may face on the basis of their family responsibilities? If so, what particular amendments are necessary? If not, why not?**

A definite high risk category should be introduced to employees with child support payments and child custody problems as it is very difficult to concentrate on work with all the back ground issues. Particular emphasis should be placed on observing employees mental health such as depression and fatigue. Large firms or unions could also consider having an in-house legal advisor to assist employees, particularly when there is no free male legal service available for working fathers. Employers should insist the Child Support Agency provide a copy of their court orders for enforcement before deducting their employee’s wages.

- 28. Do men make adequate use of workplace relations system to assist them to balance their paid work with their family responsibilities? No. See Q24.**

- 29. Do informal workplace policies work well to assist employees to balance their paid work and family responsibilities? Do they assist some employees more than others, and if so, is this appropriate?**

The more flexible the policy, the better.

- 30. Have EEO policies and business case arguments produced a greater acceptance of the need for workplaces to be family-friendly?**

Probably, but they need to be more geared to both mothers and fathers needing time to be with their families.

- 31. How can Australian workplaces be made more family friendly?**

Provision of child care. Flexi-time. In-house marriage separation centres (large firms) that recognize the effects that separation has on the workforce.

- 32. Is Federal Government assistance to families appropriately directed?**

Absolutely not! There is very little for men in pre or post family breakdown situations and this is made worse when court orders and child support is allegedly for the children (their best interests) then why does one party (father) always.

**NB** *Even at the time of writing the Federal FACS department totally excludes men from their advertisements.*

- 33. Does the cumulative effect of this government assistance facilitate choice for women and assist them to balance paid work and family roles? If not, how could this be achieved?**

Yes, the benefits it promotes divorce, false allegations of abuse, and recalcitrant behaviour to deny contact for increased child support payments.

- 34. What effects do government policies have on decisions made by individuals and families about paid and unpaid work arrangements? Are these effects appropriate?**

No. 1500+ male deaths per year is reprehensible ‘policy’. A Royal Commission is required immediately.

- 35. What are the best ways of incorporating and supporting the value of care into Australian society?**  
Promote good values in schools and government policy to encourage a strong work and family (specifically including fathers, not just mothers and children only) ethic, not a welfare reliant state. Promote a “no benefits shall be given by the Federal/State governments until the children’s welfare has been jointly decided upon by both parents or court ordered at final trial stage”
- 36. What are the barriers to changing attitudes towards a more equal division of paid work and family responsibilities?**  
Include unpaid and paid work. Introduce equal parenting time and sensible child support payments via proper training and accountability of judicial officers
- 37. What are the best ways of engaging men in the work of caring (for children, elders or other family members) and other unpaid work?**  
Include women and men in work of caring for children. Introduce a parental kidnapping law to stop children being taken from the home in the first place. Then only introduce benefits and child support after both parties have signed a parenting plan of a final order of a court. Continue to educate both men and women in how to look after their children and family properly
- 38. How important are workplace cultures, as opposed to workplace structures, as a deterrent to men’s more active engagement with their family responsibilities and more equitable sharing between men and women of unpaid work in the home?**  
Include unpaid and paid work in the home. Very important.
- 39. How can workplace cultures be encouraged to change to promote a better balance between paid work and family responsibilities?**  
Tell them the truth about family law breakdown and what happens if they don’t share their responsibilities!
- 40. What responses to paid work and family conflict would assist to promote equality between men and women?**  
The introduction of an accountable judiciary in family law proceedings and police forces, and the removal of sexist legislation such as “CEDAW (Discrimination against women only).
- 41. What are the possibilities for combining the lessons learnt by the women’s and men’s movements to address inequitable paid and unpaid work arrangements in Australia?**  
There hasn’t really been a men’s movement as the government is still failing to listen and make the necessary changes.
- 42. What do you think should be the key goals of paid and unpaid work arrangements in Australia?**  
Get reasonably paid for what one reasonably works for, including after deductions.
- 43. What do you think should be the role for each government, employers and families for promoting appropriate divisions of paid and unpaid work by Australian families?**

Keep Government out of families immediately. Provide programmes in schools and prior to obtaining benefits, in the workplace, for employees to attend and show the consequences failing to reasonably contribute.

**44. What options are needed for promoting appropriate change to the division of paid and unpaid work in Australian families?**

Abolish the civil conscription practices of the Child Support Agency and Australian families would be immeasurably better off.

**45. What evidence is lacking on the issues covered in this paper? What else does HREOC need to know in its consideration of these issues?**

- The viewpoints of separated fathers are not researched as there is no funding or the will to do so. Hence an incomplete picture always results.
- The Family law and Child Support 'reforms' are totally inadequate as they were based on severely restrictive 'scopes' ie. pretend something meaningful has been discussed, but in reality serve up the same old nonsense i.e. the same judiciary, relationship service providers, Child Support Agency unaccountable Government 'YES' Ministers are still there in a reshuffled format.
- The proposed 'reforms' are doomed for failure as the taskforce committee does not understand/ will not listen/refuses to acknowledge/act upon the underlying principles behind them, nor were they given the opportunity, even when advised as early as 2002 to fix the problem at source.
- The Child Support Registrar is knowingly breaking the law. For example, the previous six parliamentary committees into child support reform have always failed and things have gotten steadily worse as a result of any Ministerial failure to correct his actions.

## CONCLUSION

### **Women want full-time work ...for men – so does the Registrar (and Government)!**

As luck would have it, an interesting article encompassing the historical nature and experience of the Child Support Registrar's decisions appeared in the press on the penultimate day whilst finalising our submission<sup>24</sup>. We think that this article it is final humorous yet realistic touch to the material presented surrounding the unending doom and gloom of Family Law breakdown in present day Australia, and accurately describes the philosophy and discriminatory practices behind the Registrar's chosen method of administration. Apparently, regardless of the focus of any culture for change as outlined in the Commissioner's discussion paper, or any Government child support or Family Law alleged 'reforms', women still want, and Government still conscripts men to do the paid work!

We hope that the Commissioner adopts some of our recommendations. Thank you.

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<sup>24</sup> "Women want full-time work ...for men", Australian newspaper dated 29/09/05.



**“WOMEN WANT FULL-TIME WORK ...FOR MEN”**

(Australian Newspaper 29/09/05)

 **THE AUSTRALIAN**[Print this page](#)**Women want full-time work ... for men**

Caroline Overington, Social affairs writer

29sep05

WHEN it comes to the men in their lives, Australian women are conservative: they want their husbands to work full-time.

"There's no conflict about this: Australian women don't like it when their men work part-time," says Jan van Ours, an international researcher who will today present a paper drawn from Australia's HILDA (Household Income and Labour Dynamics in Australia) survey.

"Australian women want their men in full-time jobs. They are least satisfied when they, themselves, have a job of more than 50 hours, and most satisfied when they are working part-time, or not at all."

Happily, Australian men are in lockstep: they too prefer to work full-time - although, unlike women, they don't mind if their partners work full-time, part-time, or not at all.

Professor van Ours's paper, "Does Part-Time Work Make the Family Happy", written with Alison Booth of the Australian National University, investigated the relationship between part-time work and satisfaction with working hours, job satisfaction, and life satisfaction.

It concluded that part-time work did not make the family happier: indeed, when it was the man who was working part-time, both men and women were less happy.

"Australian couples are happiest when men are working full-time, and that's especially true for women," Professor van Ours said.

The results did not surprise Val Prendergast, 45, a mother of one who hasn't worked for 14 years.

"In our family, my husband is the one who works full-time," she said. "He is the breadwinner. We never wanted that arrangement, where he would work part-time, or we'd both work part-time. We prefer the traditional roles."

The research did not consider why couples are happiest when men work - "But we can speculate," Professor van Ours said.

"Maybe the women are happier because the man doesn't stick around all day. The income is likely to be higher, so that's important, too."

The presence of children was not considered either, but Professor van Ours said: "Maybe when a man works full-time, a woman has a choice about whether to go to work, especially if she has children."

"For the men, I suspect it has more to do with expectations. Men are expected to work full-time, so they are happier if indeed they do."

Professor van Ours, who works at Tilburg University in The Netherlands, said the HILDA survey - a household panel study that began in 2001, funded by the Department of Family and Community Services - was "beautiful research, some of the best data in the world".

It is managed by the Melbourne Institute of Applied Economic and Social Research.

"It enables researchers from all over the world to draw conclusions that were not possible before," he said.

Professor van Ours's paper suggests that there is a limit to the amount of time men can spend at work before it makes them unhappy.

"More than 50 hours, if it goes beyond that, they get less satisfied," he said.

Women were happiest with their working lives when working 21-34 hours a week; men when working between 35 and 40 hours a week.

Mrs Prendergast, who was a schoolteacher before her son Ron was born, said she was always happiest when she didn't have to work at all.

"I've seen families where women try to work, but men, God love them, don't pitch in, so women end up being mum, and wife, and worker, and housekeeper," she says.

"No, I think most women prefer it when the man has the traditional role."

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## RECOMMENDATIONS

We make the following recommendations to the Commissioner:-

1. That a separate and new category of discrimination of 'child support payer' and 'child support payee' be introduced into the legislation.
2. That the Commission recommends to Government that a Royal Commission commence immediately into the use and abuse of powers by the Child Support Registrar and the executives of both government departments.
3. That the respective Legal Services Commissions of each state and territory be included in any existing or the new legislation.
4. That the resources and assistance given to the Commission be expanded to include a research unit to deal specifically with men's issues.
5. That the Commission recommends to government that a fully funded office for the Minister for Men be appointed, with sub branches in every State and Territory.
6. That the Commission be given greater powers to enforce and ensure that all government advertising material and publications shall include gender in equal measures and not one to the detriment of the other.
7. That the Commission be given increased funding to have a Commonwealth office side by side with State and Territory to deal specifically with Family Law breakdown issues.
8. That the commission be given greater powers of investigation and enforcement to more swiftly investigate officers of the Australian Public Service, and other officers of agencies involved in any type of children's issues surrounding Family Law breakdown that comes under Federal jurisdiction, including but not limited to:-

- The Registrar of Child Support Agency and his delegated employees
- Educational Establishments at State, Territory and Federal level
- State and Federal Police Officers
- Centrelink employees
- Family Assessors in children's issues in State and Federal courts including various health professionals such as Medical Practitioners, Psychologists, Psychiatrists, Counselors, Social workers or any other health professional
- Officers working in any Court ordered mediation centre or Children's Contact centre similar to those operated at present by Relationships Australia under the Family Services Provider program.

## ATTACHMENTS RELATING TO THE EXECUTIVE SUMMARY

The unlearned or unwilling reader may be surprised at the strength of the claims contained in the executive summary.

1. Senator Patterson response to a Question of notice (No. 978) in the Senate on 18<sup>th</sup> August 2005 on male deaths on CSA books and corresponding lower ABS percentage male deaths per age group in general population.
2. Executive summary from Property Investment Research Pty. Ltd. (PIR) report dated 22/09/04.
3. Extract from Australian Institute of Criminology paper no. 52 'Social Factors of Suicide in Australia' by Prof. Riaz Hassan
4. A true and certified copy of a letter from the Assistant General Manager Ms. Jo Hart of the Child Support Agency dated 7/3/05.
5. Letter from Secretary of Dept. of Human Services, Ms. Patricia Scott dated 29/7/05.
6. Address to the House of Representatives by the Hon. Alby Schultz MP 16/8/2005 and Mr. Tollner MP dated 14/9/05; letters from Hon. Alby Schultz MP dated 1/7/005 and Senator Chris Evans dated 22/8/05.
7. Anecdotal evidence on file referenced hereunder in the separate confidential case studies section.
8. Refer attached letters of support in letters chapter.
9. Anecdotal evidence on file referenced hereunder in the separate confidential case studies section.
10. Anecdotal evidence on file referenced in confidential case studies section
11. Attached Statutory Declarations from Bob Tuddenham, Graham Andrew & Greg Moore dated 15, 23, 14<sup>th</sup> December 2004 respectively. Also the application information for the advertisement for the position of General Manager, Child Support Agency, Department of Human Services January 2005 stated under 'Tenure and Remuneration' – "The successful applicant will be offered an Australian Workplace Agreement (AWA) with an attractive remuneration package, **including potential for a performance bonus**. Appointment will be made under the Public Service Act."

- (3) The analysis of the data was conducted by the Attorney-General's Department and the Department of Family and Community Services. The analysis is not available as it was prepared for internal decision making purposes, specifically for the Ministers' consideration of the location of the centres and other services.
- (4) Total projected Commonwealth expenditure on the Family Relationship Centres over the next four years is:

2005-06	\$2.064m
2006-07	\$29.253m
2007-08	\$59.131m
2008-09	\$87.996m

This expenditure includes costs associated with the national advice line, research, training and other support for the centres.

The establishment and running costs vary from centre to centre. Funding for each centre will be announced at the commencement of the selection process.

#### Attachment A

#### Locations of the first 15 Family Relationship Centres

##### New South Wales

Location	Electorate
Lismore	Page
Sutherland	Hughes
Penrith	Lindsay
Wollongong	Cunningham

##### Victoria

Location	Electorate
Sunshine	Maribyrnong and Gorton
Frankston	Dunkley
Ringwood	Casey, Deakin and Menzies
Mildura	Mallee

##### Queensland

Location	Electorate
Strathpine	Dickson
Townsville	Herbert

##### South Australia

Location	Electorate
Salisbury	Wakefield, Port Adelaide and Makin

##### Western Australia

Location	Electorate
Joondalup	Moore

##### Tasmania

Location	Electorate
Hobart	Denison

##### Northern Territory

Location	Electorate
Darwin	Solomon

##### Australian Capital Territory

Location	Electorate
Canberra	Fraser

### Child Support Payments

#### (Question No. 978)

**Senator Kirk** asked the Minister representing the Minister for Human Services, upon notice, on 23 June 2005:

- (1) How many resident families ceased receiving payments through the Child Support Agency because the non-resident father has died.
- (2) How many resident families ceased receiving payments through the Child Support Agency because the non-resident father has committed suicide.

**Senator Patterson**—The Minister for Human Services has provided the following answer to the honourable senator's question:



- (1) In 2002-2003 there were a total of 1 527 male payers recorded on the child support computer system as having died. This is the latest data available.
- (2) CSA does not collect data on client suicides or other reasons for death.

**dhudson**

---

**From:** "Greg Andresen" <grega@misc.com.au>  
**To:** <dhudson@senet.com.au>  
**Sent:** Sunday, 28 August 2005 3:49 AM  
**Attach:** Death\_Stats.pdf  
**Subject:** Re: fifteen hundred male deaths on CSA books in 2002 3

Dave,

\* Here's the data you want. The death rate for CSA clients is between 2.18 and 2.35 deaths per 1000 people (depending upon whether you take the 650,000 or 700,000 figure). The death rates for the general male population are as follows (see attached extracts from ABS):

\* Age 15-24: 0.8 deaths per 1000 people

\* Age 25-34: 1.0 deaths per 1000 people

\* Age 35-44: 1.5 deaths per 1000 people

\* Age 45-54: 3.0 deaths per 1000 people

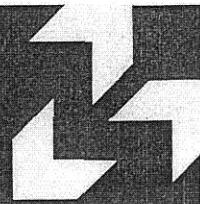
The entire ABS document can be found here:

[http://idisk.mac.com/macprof/Public/33020\\_2003.pdf](http://idisk.mac.com/macprof/Public/33020_2003.pdf)

Cheers,

Greg





**MEDIA RELEASE**



**22 September 2004**



**MEDIA RELEASE**

## CSA COSTS TAX PAYERS UNDISCLOSED BILLIONS

41

The controversial Child Support Agency is costing taxpayers billions of dollars by driving up the rate of unemployment of separated fathers to more than six times the national average, a leading research company has found.

Analysing the latest figures released by the government, PIR Research has found that 47% of separated fathers did not file a tax return in 2003. Further analysis shows more than 70% of all the unemployed males in Australia over the age of 20 are child support payers.

PIR Independent Research Group (see [www.pir.com.au](http://www.pir.com.au)) released a report today called Child Support – The Financial Cost to the Taxpayer, which details how a scheme which began with idealism and high hopes has turned into a national disaster. A background on the operation of child support in Australia and detailed analysis is provided. Copies are being distributed to every Federal politician and Minister.

One of Australia's leading independent research organisations, the company undertook the project as a community service. It has also made a number of submissions to government about the serious financial implications of the Child Support Agency (CSA) operations.

Major findings include:

- Children of separated parents now receive less per child than prior to the creation of the \$240 million a year CSA bureaucracy with its 3000 staff.
- For every dollar the CSA collects it costs more than \$5.00 in welfare and lost productivity costs
- The cost of the scheme in 2003 alone was estimated at \$5.0 billion. PIR has forecast a further cost to taxpayers of \$66 billion over the next ten years
- CSA payers earning less than half the national average is 45% = 283,815.
- It is estimated that more than 70% of all the unemployed males in Australia over the age of 20 are child support payers. There is 221,375 representing more than six times the national average
- 47% of CSA separated fathers (296,853) did not even file a tax return in 2003.

“PIR research and analysis clearly demonstrate the burden on taxpayers created by the child support scheme. It is both structured and managed poorly, it provides huge disincentives to work, the welfare burden created is immense. There is now a massive ground swell against the Child Support Agency, any government that is not prepared to fix the scheme as a matter of urgency will pay the price from the seven million Australian's who are now directly and indirectly affected by its operation, head of PIR Research Richard Cruickshank said”.

**A copy of the report is available online at [http://pir.com.au/pdf/report\\_csareview.pdf](http://pir.com.au/pdf/report_csareview.pdf) or in published form contact PIR on 1800 801 696.**

**For interviews contact Richard Cruickshank, Director PIR Research Tel: (03) 9670 7767**

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## No. 52

# Social Factors in Suicide in Australia

Riaz Hassan

*Every day there are about 6 suicides in Australia, and a further 180 attempts. Notwithstanding the enormous personal and family emotional costs, and the great financial costs, suicide is a significant concern for the criminal justice system.*

*Since 1964, suicide rates in Australia for females (except teenagers) have fallen dramatically, and for men over 30 have fallen significantly. For teenage boys the rate has tripled, for men in their early twenties it has almost tripled, and for those in their late twenties it has increased by more than two-thirds. Young men of these ages are also the prime focus of the criminal justice system.*

*When we combine this with Institute findings for the period 1990-95 that 43 per cent of deaths in custody or custody-related police operations were the result of suicide (again predominantly young men), and Institute homicide data for the period 1989-93 which indicate that 7 per cent of identified offenders committed suicide after a homicide event, we have a picture of despair, despondency and "aimlessness" which cries out for preventive programs. The criminal justice system can focus on part of the problem only, and collaborative work with other agencies is needed in order to have any effect on the incidence of suicide.*

Adam Graycar  
Director

**S**uicide is a major social and public health problem in Australia. Since 1990, suicide has become more common than motor vehicle accidents as a cause of death for Australian men. The rate of suicide among young adult and adolescent males has been increasing gradually for the past 25 years. Among 15 to 19-year-old males it is now the leading cause of death. As a result of these trends the median age of suicide victims has been gradually declining since 1971.

According to a report by the National Health and Medical Research Council, the suicide rates in Australia are "at an unacceptably high level". The same report also estimates that in Queensland alone suicide costs due to loss in productive life-years lost is around \$40 million. Extrapolated to the whole country, this represents an enormous cost. When it is considered that there are around 30 parasuicides in Australia for every completed suicide these costs increase dramatically. The loss, pain and grief suffered by family, friends and the community is far greater and more profound than the economic loss.

Notwithstanding its seriousness as a social and health problem, the study of suicide in Australia is relatively underdeveloped. It is generally viewed as one of the major forms of mortality from mental illness. This is reflected in most of the

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*trends*

&

*issues*

in crime and criminal justice

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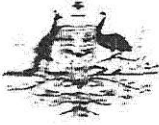
ISBN 0 642 24009 4



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Australian Government  
Child Support Agency

I certify that this photostat copy  
is a true copy of the original  
document of which it purports  
to be a true copy.

43

ADELAIDE

GEORGE GRACHANIN JF  
23209  
A Justice of the Peace in and  
for the State of South Australia

11 MAY 2005  
7 March 2005  
Grenfell Centre  
25 Grenfell St, Adelaide

Len Crowley  
41 The Walkway  
North Haven SA 5018

\* PERMISSION GRANTED TO  
LOVE FATHERS ASSOCIATION  
TO USE THIS MATERIAL

Dear Mr Crowley,

\* I am writing in response to your letter of the 17<sup>th</sup> of February 2005, regarding the Child Support Agency (CSA) policy for obtaining clients tax file numbers from the Australian Taxation Office (ATO).

The *Child Support (Assessment) Act 1989 (Cth)* (Assessment Act) gives CSA the authority to collect CSA client's Tax File Numbers (TFNs) for the purposes of administering the child support legislation (ss150B, 150C and 150D). The use of TFNs is fundamental to the operation of the child support scheme. A client's TFN is used by CSA to determine their income and their child support liability (s150D(2)(b)). A TFN can also be used to determine a client's address and phone details (s150D(2)(d)).

The Assessment Act authorises CSA to obtain TFNs and other taxation information by two methods: by requesting the information from the person (s150B and s150C) or by requiring the Taxation Commissioner to provide the information (s150D).

Currently, CSA usually obtains clients' TFNs under s150D of the Assessment Act. The procedure in s150B and s150C is only followed when CSA fails to obtain a TFN from the ATO. The Assessment Act authorises the CSA Registrar to require the Commissioner of Taxation to provide information in the Commissioner's possession (s150D). Complementary provisions in the taxation legislation permit the Commissioner to release the information the Registrar requires, provided the information is 'for the purposes of the administration of the Child Support legislation' (*Income Tax Assessment Act 1936 (Cth)* (Income Tax Act) s16(4)(ja)). The administration of the child support legislation is one of the objectives of the TFN system (*Income Tax Act* s202(ga)). The release of TFNs and taxation information to CSA includes permitting CSA officers to directly access the Commissioner's records.

CSA has always had direct access to ATO data. CSA was originally established as a division of the ATO. As a part of the ATO, CSA staff had direct access to



ATO systems and databases. When CSA moved to the Department of Family and Community Services, s150D was inserted into the Assessment Act to ensure that this access continued.

Under s150D of the Assessment Act the Registrar is not required to seek a client's permission to use a TFN or seek a statement in writing from the client authorising the Taxation Commissioner to release their TFN to CSA. A client does not need to be informed that this release has taken place because it is authorised by law.

\*

The process for requesting TFNs set out in Sections 150B and s150C is discretionary, it is not mandatory. The Registrar is under no legal obligation to request tax file numbers in accordance with this procedure. Instead it is for the Registrar to determine the most effective and efficient way of requesting clients' tax file numbers, within the permissible parameters of the child support legislation. As a matter of policy, the Registrar has elected to use s150D to collect client's TFNs. The Registrar has determined that this is the most effective and efficient way of collecting this information. An application for an administrative assessment is often commenced by a payee, not the payer. If CSA staff directly access the TFNs and income details, child support assessments can be promptly registered. This ensures that payments are not delayed and arrears are not created for payers.

in accessing and using ATO data, CSA acts in accordance with the *Privacy Act 1988* (Cth) (Privacy Act) and the Federal Privacy Commissioner's Guidelines regarding the collection, storage, use and security of TFNs. These guidelines are legally binding and recognise that CSA uses and collects TFNs for child support purposes.

\*

The CSA Registrar considers it lawful not to collect TFNs via the process described in s150B and s150C of the Assessment Act. By requiring the Taxation Commissioner to provide this information under s150D, CSA is acting lawfully and in accordance with the child support legislation, taxation legislation and the Privacy Act. In directly accessing the Commissioner's records CSA is acting lawfully and in accordance with this legislation.

If you have any further queries regarding this matter please contact Dolores Schneider, Director of Legal Services on (02) 6272 8784.

Yours sincerely

Jo Hart  
Assistant General Manager

I certify that this photostat copy **ADELAIDE**  
is a true copy of the original  
document of which it purports  
to be a true copy.

GEORGE GRACHANIN JP  
23209

A Justice of the Peace in and  
for the State of South Australia  
40 Cameron Avenue Belconnen ACT 2617  
Telephone 131 272 Facsimile (02) 6272 8898  
www.csa.gov.au

11 MAY 2005

Grenfell Centre  
25 Grenfell St, Adelaide



**Australian Government**  
**Department of Human Services**

Secretary

Dr David Hudson  
PO Box 624  
Goodwood SA 5034

Dear Dr Hudson

I refer to you hand annotated note addressed to me and dated 4 July 2005 which you made on a copy of your 27 June 2005 letter addressed to the Attorney-General. You raise the issue of liability with my Department for decisions made by Mr Bill Volkers of the Child Support Agency (CSA).

As you are no doubt aware, Mr Volkers, as Regional Registrar, performs his functions pursuant to the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*. As Mr Volkers is required to make decisions as provided for by legislation, other officers in the Department of Human Services are not in a position to assume responsibility for that decision making process. I understand that the General Manager of the CSA, Mr Matt Miller, is also fully aware of your complaints and I have every confidence in his management.

Yours sincerely

  
Patricia Scott

29 July 2005

tice to academia, whatever his or her dedication to the cause.

Charles Sturt University has been working on a plan to train dentists under the health sciences program with a transfer to postgraduate training at Sydney University. That is one model that needs urgent exploration. The Australian Dental Association, with whom I met last week, has recently detailed the extent of the crisis. In my own area—the central-west of New South Wales, where the Rural Dental Action Group is working so effectively—there are just 17 dentists per 1,000 people, whereas the national average, itself quite insufficient, is 47 per 1,000. The other sad fact is that the age of dentists is ever increasing, with a third of them over the age of 50.

The Dental Association has a number of proposals for improving those figures, one of which is the establishment of a Commonwealth dental health program similar to that discontinued in 1996, which would be administered by the states, with a mix of public and private surgeries being utilised. The other part of the association's plan is a scholarship scheme for rural students. As well, the association is suggesting a moratorium on fee indebtedness for dental graduates who agree to work in regional, rural and remote areas.

These are issues of health care and health education, yet the association has had little joy in trying to meet with the health or education ministers. One office says that it is a health issue and the other says it is an education issue. Well it is both, and I hope both ministers can find the time to sit down with the association and work out a solution to this crisis. I applaud the Rural Dental Action Group for its efforts and their petition, and I urge the government to act upon its requests.

#### Child Support Agency

**Mr SCHULTZ (Hume) (9.23 pm)**—Over the last 12 months I have compiled 4,500 submissions from all round Australia on the body that I refer to as the national shame of Australia—that is, the Child Support Agency. Out of those 4,500 submissions I have, with the able assistance of a researcher, sifted through and compiled those submissions which carry detailed evidence of the way in which the Child Support Agency operates. Let me inform the House of a case relating to one of those submissions, which is the tip of the iceberg with regard to the problems associated with this government agency.

A couple's 14-year-old child runs away from home because of a dispute with the father about his possible suspension from his local high school. The couple are frustrated and bewildered after nine months of attempting to get the child to come home and receiving absolutely no assistance at all from the New South Wales Department of Community Services or the New South Wales Police Service, who tell the father that the child has a right to stay where he wants providing the people

he stays with are not harming him or he is not in trouble with the police. The child is drinking alcohol and the parents are concerned about him getting into unlawful activities.

The child tells police and DOCS that he wants to live with his aunt, the father's sister. The parents were advised that it was this fourteen year-old's choice as to where he wants to live. The parents are further advised to give him his clothes. The parents are also unable to obtain school records relating to the child as he has changed his address without the parents knowledge. They are advised by the school that they cannot forward any correspondence to the parents because he is no longer living with them.

The rights of the parents are further violated by the bizarre actions of the Child Support Agency approving the aunt's application for child support from the parents of this child. The CSA then advise the parents in writing that they have calculated the amount of child support the parents must pay the aunt. We have a situation here whereby a child who is 14 years of age has been assisted to live with his aunt despite the biological parents' opposition and concern for his safety and wellbeing. In other words, their rights as parents have been abused. They have been forced to pay child support—18 per cent each of the earnings of each of those individual parents.

There are a number of questions that need to be asked about this particular Child Support Agency case, as there are a significant number of questions to be asked about the other 899 I have so far processed and which I hope will culminate in about 1,150 to 1,200 cases. The first question is: (1) Under what act or sections of an act of this parliament has the Child Support Agency taken this action to assist in removing a child from his biological parents? (2) Under what section or sections of federal legislation has the Child Support Agency made a decision to force biological parents to pay child support payments to a person who is not a parent of the child? (3) Is the child and/or the person he is living with receiving any payment from Centrelink or any other Commonwealth social security agency and/or department and, if so, under what Commonwealth legislation is this payment being made to this person?

I believe this example is a serious abuse of the rights and responsibilities of law-abiding citizens and parents, and it is typical of the abuse of power which appears to be endemic in the Child Support Agency based on the 899 further cases I have to date. I can assure you, Mr Speaker, and I can assure the minister of the Crown on my side of politics responsible for this agency in this parliament that they are going to be hearing a lot more about the illegal activity and the way in which the Child Support Agency has contravened not only a number of federal acts of parliament but—more impor-



tantly, I believe, based on constitutional advice I have received—contravened the Constitution of this great nation of ours and I am going to bring them to account for it.

Question agreed to.

House adjourned at 9.28 pm

**REQUEST FOR DETAILED INFORMATION**

**Parliament House: Turf Replacement Costs**

Mr Martin Ferguson asked the Speaker, in writing, on 29 June 2005

What is the itemised cost of the removal of the dead thatch layer, re-levelling of the surface and laying of the new turf in the general areas of the outer wings of the Senate and House of Representatives side of Parliament House and who will undertake the work.

The SPEAKER—The answer to the honourable member’s question is as follows:

The turf replacement project has a planned cost of \$100,000. The major components of the work are:

- thatch removal \$20,000;
- supply and lay turf \$73,000;
- supply topsoil \$1,000; and
- other costs \$6,000.

The work is being undertaken by staff of the Department of Parliamentary Services and the following contractors;

- Manoeuvre Mow Pty Ltd; and
- Canturf Pty Ltd.

**Parliament House: Replacement of Trees**

Mr Martin Ferguson asked the Speaker, in writing, on 29 June 2005

In respect of the courtyard outside Aussie’s in Parliament House, (a) how many trees will be removed, (b) what is the cost of removing and replanting trees and (c) what is the cost of removing the soil and replacing it with a structured soil profile.

The SPEAKER—The answer to the honourable member’s question is as follows:

- (a) Four trees are being removed in the courtyard.
- (b) and (c) The total cost of the project is \$55,000 and includes the following major components:
  - removal and replacement of pavers and concrete \$42,000;
  - excavation \$3,300;
  - supply structured soils \$3,000;
  - replacement trees \$1,000; and
  - allowance for unforeseen costs \$5,700.

**Parliament House: Security Costs**

Mr Martin Ferguson asked the Speaker, in writing, on 29 June 2005

Since 11 September 2001, what are the itemised costs of security work undertaken for Parliament House including changes to the structure and operation of the physical structure of Parliament House.

The SPEAKER—The answer to the honourable member’s question is as follows:

The following security works have been undertaken to the structure of Parliament House since 11 September 2001:

**1648-39 Prime Minister’s Courtyard Gates Upgrade**

Cost: \$50,000

Works completed: 16 July 2004

Description of works: Replace all locking mechanisms of the gates as they were over 14 years old and were in poor condition, causing maintenance problems.

**1669 Parliament Drive Security Barriers**

Cost: Current budget \$11.2m

Works completed: Expected to be complete in August 2005

Description of works: Construction of barrier (low wall) around the inside of Parliament Drive and installation of retractable bollards at the slip roads to prevent unauthorised vehicle access while permitting authorised vehicle access.

**1672 Ministerial Wing car parks**

Cost: Current budget \$294,000

Works completed: Completed July 2005

Description of works: Installation of boom gates, cameras and other measures to control access to the external car parks.

**Ministerial Wing Southern Windows**

Cost: Current budget \$134,000

Works completed: Expected to be completed August 2005

Description of works: Installation of blast proof film to the inside surface of south facing windows in the Ministerial Wing.

**1681 Brisbane Avenue/Loading Dock Security Upgrade**

Cost: \$640,000

Works completed: 26 May 2005

Description of works: Installation of a truck stop gate and guard post to control vehicle access to the loading dock.

**NOTICES**

The following notices were given:

Mr Pyne to present a bill for an act to amend the Therapeutic Goods Act 1989, and for related purposes. (Therapeutic Goods Amendment Bill 2005)

Mr Baird to move:

That this House:

- (1) notes the historic and turbulent background of the state of Bangladesh and its cultural and religious diversity;
- (2) calls on the government of Bangladesh to adhere to the terms of the 1997 peace agreement which calls for the:
  - (a) demilitarisation of the Chittagong Hill Tracts (CHT);
  - (b) formation of a land commission to settle disputes;
  - (c) rehabilitation of international refugees and internally displaced people;
  - (d) establishment of a separate ministry for the CHT with an indigenous MP as its Minister; and

mission, of an offence involving serious harm to a child' would be obligatory. That brings it into line with the kind of mandatory reporting provisions that now apply in the health system, which I think are fair to apply in this area.

It will of course be seen by some as removing some of the discretionary elements, but I think the community at large would think that a counsellor who becomes aware of a matter which, if it were disclosed, might prevent or lessen a serious or imminent threat to the life or health of somebody, or which relates to the commission or likely commission of an offence involving serious harm to a child, would have an obligation to report. Making that clear helps both the counsellors and the people participating to understand precisely where they stand.

In relation to the other matters listed already in the legislation as permitting disclosure, the committee recommends that they remain discretionary but that there should be a general presumption against disclosure and that it should be disclosed only on the basis that the counsellor forms the view that the interests of another person or persons substantially outweigh the private interests of the person making the communication. Because the list of permitted areas is relatively large, if you leave it to an unrestricted discretion it could potentially poison the ideal that these conversations are essentially confidential. So that before somebody discloses some of that material they would have to form the view that, although it falls within those descriptions, the public interest or the interests of other individuals substantially outweigh the private interest of confidentiality that is being protected. In that regard they are helpful recommendations which clarify and make quite explicit what we actually mean in relation to these provisions—what I would have hoped was done before but was left quite vague.

There is a whole range of other recommendations which time will not permit us to travel over. Let me conclude with two points. Firstly, the report recommends further ongoing work in relation to a number of matters. Recommendation 13 suggests that there be a further inquiry to look at improving the effective protection of persons who are or may be victims of family violence—a very important matter—and a range of other matters. Do not think that the work has been done by the passage of this legislation.

Lastly, I join the criticism of Labor members about the way family relationship centres are going to be established and the partisan way in which they have been allocated to a backbench committee of government members to determine priorities. It is an absurd political whack, after we have done a lot on a bipartisan basis, to then foul the nest by the minister's announcement that these decisions, which may have significant electoral consequences, are not being made independently but being made by a backbench committee overwhelmingly made up of new members and members from the most marginal seats, who would not have been chosen for proper reasons but for political advantage. *(Time expired)*

**Mr TOLLNER (Solomon) (11.36 am)**—I rise to speak today on the report of the Standing Committee on Legal and Constitutional Affairs on the exposure draft of the Family Law Amendment (Shared Parental Responsibility) Bill. There is probably nothing more divisive and time consuming for people than marriage breakdown. A stream of people are constantly coming into my office with concerns about family law, child custody arrangements, the Child Support Agency and a range of related areas. It is probably the most talked about affair in my office, and I do not believe that my office is any different from that of other members in Australia.

When I first got elected I was invited to turn up and say a couple of words at a Child Support Agency forum that was being held in Darwin. I had some speaking notes and was really looking forward to the opportunity to speak. I stood up and said a few words and somebody else got up and spoke. The forum was asked to discuss ideas. From there, it broke down into complete mayhem with chairs being thrown around. I was quite stunned.

**Mr Slipper**—You were stunned after a chair hit you?

**Mr TOLLNER**—I was quite stunned that people were carrying on in this way. Members will be aware of the tensions that are created with family breakdown. The committee as a whole worked very closely together and in a spirit of cooperation, although from looking at the report I understand that some people might not see this.

**Mr Slipper**—There was only one dissenter.

**Mr TOLLNER**—There was one dissenter. But the whole committee worked together and saw the benefits in taking such an approach because of the seriousness of the issue and the fact that we all wanted to produce the best outcome in the interests of the community, in the interests of parents and, most importantly, in the interests of children involved. The committee rightly, I believe, took the attitude that the first obligation and the underlying objective was always to consider the best interests of children involved in marital breakdown. It is a very difficult area for legislators to work in because of the diversity of circumstances that constantly pop up and because a one-size-fits-all approach cannot be taken.

However, I believe that the recommendations formulated by the committee address many of the current inadequacies in the legislation and, when implemented, will achieve what they are designed to achieve. The recommendation to more heavily scrutinise violence and sexual assault claims against former partners is, I believe, a positive





*Alby Schultz MP*

Member for Hume

EXPERIENCED HANDS WORKING FOR HUME



Friday, 1 July 2005

David Hudson  
PO Box 624  
GOODWOOD SA 5034

Dear Mr Hudson,

Thank you for sending me a copy of your latest correspondence regarding your dealings with the Child Support Agency.

I appreciate the time you have taken to keep me informed.

I have forwarded your information to my research assistant who is in the process of collating a file of evidence in support of a full and thorough investigation of the Child Support Agency.

\*

Your point about unwarranted demands as a Commonwealth official is worthwhile noting and I have asked my assistance to further investigate the point.

\*

I wish you all the best for the future and would like to assure you that I have no intention of walking away from this very serious issue.

\*

Yours sincerely,

**ALBY SCHULTZ MP**

**Federal Member for Hume**

**Chair, Standing Committee on Agriculture, Fisheries and Forestry**

AJS:RM



## Senator Chris Evans

Leader of the Opposition in the Senate  
Shadow Minister for Indigenous Affairs  
Shadow Minister for Family and Community Services  
Labor Senator for Western Australia

Mr David Hudson  
PO Box 624  
GOODWOOD SA 5034

Dear Mr Hudson

Thank you for your letter of 11 August 2005 regarding the conduct of the Child Support Agency and the Department of Human Services. \*

I appreciate the concerns that you have raised in your letter. I will endeavour to take these issues up with the relevant officials at the next round of Senate Estimates Hearings in November. \*

I have also forwarded your letter to the Shadow Minister for Human Services, Mr Kelvin Thomson MP, given his responsibilities in this area.

Yours sincerely

**Senator Chris Evans**

22 August 2005

cc Mr Kelvin Thomson MP, Shadow Minister for Human Services

# Statutory Declaration

I, ROBERT DAVID TUDDENHAM  
(FULL NAME OF DECLARANT / PERSON MAKING THE DECLARATION)

of 2 SILVERWOOD DRIVE, HEATHFIELD, SOUTH AUSTRALIA  
(ADDRESS OF DECLARANT / PERSON MAKING THE DECLARATION)

Postcode 5153

in the State/Territory of SOUTH AUSTRALIA

Insert your occupation(s) PERMANENTLY ON WORKCOVER (INJURED WORKER)

do solemnly and sincerely declare that ON DECEMBER 10TH 2004 I WAS ATTENDING A FAMILY VIOLENCE FORUM AT THE ADELAIDE FAMILY LAW COURTS, WHILST HAVING OUR MORNING TEA BREAK I WAS HAVING A CONVERSATION WITH MS. GERRI DONALDSON FROM THE ADELAIDE CHILD SUPPORT AGENCY  
 s.a) AND THE CONVERSATION TOOK PLACE BETWEEN MS DONALDSON, MR GRAHAM ANDREW, MR GREG MOORE AND MYSELF (BOB TUDDENHAM). THE CONVERSATION WAS ABOUT THE C.S.A. AND GERRI STATED THAT CATHERINE ARGALL HAD RESIGNED OR HAD BEEN TRANSFERED TO MEDICARE IE: PROMOTED AND THAT SHE (HERSELF) HAS GOT A NEW JOB WITH THE A.T.O. (AUS. TAX OFFICE). I THEN SAID TO GERRI, ARE THE SENIOR STAFF AT THE C.S.A. ON PERFORMANCE BASED SALARIES AND SHE SAID "YES". I THEN ASKED IF BILL VOLKERS WAS GOING TO REPLACE CATHY ARGALL, SHE THEN SAID I DON'T KNOW.

Place your initials in the box beside the State or Territory in which your Statutory Declaration is being made.

- N.S.W. – And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*.
- VIC. – And I acknowledge that this declaration is true and correct, and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.
- QLD. – And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.
- S.A. – And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*.
- W.A. – And I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.
- TAS. – I make this solemn declaration under the *Oaths Act 2001*.
- N.T. – And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular.  
NOTE: A person wilfully making a false statement in a declaration is liable to a penalty of \$2,000 or imprisonment for 12 months, or both.
- CTH/ACT – And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at STIRLING.....in the State/Territory of SOUTH AUSTRALIA

this 15th..... day of DECEMBER..... 2004.....

RD Juddeman  
(SIGNATURE OF DECLARANT / PERSON MAKING THE DECLARATION)

before me

G. Niblock  
(SIGNATURE OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

G. NIBLOCK SC 1400/1  
COMMISSIONER FOR TAKING AFFIDAVITS

(NAME OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

(ADDRESS OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

Postcode.....



(TITLE OR QUALIFICATION OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

J, Graham Andrew of Hallett Oval  
South Australia 5158

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do solemnly and sincerely declare that on Friday 10th

of December 2004 while attending the  
course of the Family Violence Strategy developed  
by the Family Court of Australia. Mr R  
Tudkinson, Mr Greg Moore and I during  
a tea break were talking with Ms  
Carmie Davidson from the Child Support  
Agency in Adelaide.

During the course of this conversation she told  
us that she is leaving the agency to  
go to the Australian Taxation Office. Mr Tudkinson  
asked her if performance bonuses are paid to  
Senior Agency Staff. She answered that they  
do get paid such bonuses.

She was also asked if Cathryn Argyle's  
paid this type of bonus to which she yes  
she does but she left the agency  
yesterday to run Medicare.

Graham  
Andrew

And I make this solemn declaration conscientiously believing the same to be  
true and by virtue of the provisions of "The Oaths Act, 1936."

Declared and subscribed at Wiley Park in the State of South Australia this 23rd  
day of December 2004 before me Mike



14.12.04

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To whom it may concern

On Friday the 10<sup>th</sup> of December 2004 I attended a family violence strategy forum at the family court in Adelaide. In the morning tea break at the forum I was apart of a discussion with the Bob Tuddenham and Graham Andrew from the Lone Fathers and Geri Donaldson from the Child Support Agency. In this discussion Geri stated that senior child support agency staff is on performance base salaries when Bob Tuddenham asked her if the senior child support agency staff is on performance base salaries.

Greg Moore (BSW)  
Executive Director/ Social Worker

J M Harding  
Justice of the Peace In  
the State of South Australia  
I.D. Number 12702

---

**Torrens Building, 220 Victoria Square, Adelaide 5000**

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Email: [contact@misc.com.au](mailto:contact@misc.com.au)

**LETTERS OF SUPPORT FOR *WWW.FAMILYADVANTAGE.COM.AU***  
**A NEW PRIVATE EQUITABLE CHILD SUPPORT SERVICE**

- Including letter from Kate Ellis MHR dated 6 May 05 outlining cause for concern for Child Support Registrar's method of obtaining TFNs from ATO.



# Kate Ellis MP

## MEMBER FOR ADELAIDE

93 Frome Street, Adelaide SA 5000

Phone (08) 8223 5442 Fax (08) 8223 5570

Kate.Ellis.MP@aph.gov.au



56

6 May 2005

Dr David Hudson  
PO Box 624  
GOODWOOD SA 5034

Dear Dr Hudson

I write in response to your criticisms of the Child Support Agency (CSA). There is plenty which can be done to make the system fairer. We all want a child support system that is as fair as possible, for all parties, while ensuring the best for the children.

Regarding the concerns you specifically outlined, firstly you asserted that the legislative formula used to assess income was created primarily to meet CSA operating expenses. The CSA has stated that all money collected by CSA as child support from a payer is distributed to the payee in the case. The only exception to this is penalty charges (late payment in some circumstances, etc.), which are akin to such charges incurred as penalties and enforced by the ATO and other government departments.

Regarding the level at which child maintenance payments are calculated, you have asserted several formulas which you regard as being a fairer assessment than that currently used by CSA. You highlighted the High Court case of *Mee v Ferguson* (1986) 10 Fam LR 971. This case dealt with the issue of whether or not step-parents had a financial responsibility to step-children. Limiting the natural parent's financial responsibility by creating a responsibility of the step-parent toward the child would be a fundamental shift in social security policy and I am not aware of any moves in this direction.

Another formula you mentioned was the one used by FamilyAdvantage. Under the current child support legislation there is provision for private assessment and collection. However, this usually will only be suitable if there was an amicable split between the mother and father. Also, the disadvantage of opting for private collection is that there is no enforcement mechanism short of civil legal action. I am not currently aware of the Federal Government's position on FamilyAdvantage and any Federal Government assistance which may be afforded to it, however we are seeking further information from the Minister regarding FamilyAdvantage.

Another issue with regard to formula for assessment which you have highlighted is that you regard the Registrar's power to deem earning capacity as too broad. As you are aware the CSA's formula is based on parent's income, the number of children,



living expenses of the parents and the living arrangements of the children. In some circumstances a client may not feel the basic formula is adequate and can apply for a change of assessment. The Labor party will take note of your concerns regarding the powers of the Registrar when formulating child support policy.

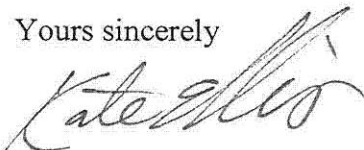
You have also stated that you do not regard the CSA as following correct procedures in obtaining tax file numbers. It is sometimes necessary, when a payer refuses to provide evidence of income, for the CSA to obtain information regarding this from the tax office. You correctly state that at ss 58, 150B and 150C of the Child Support (Assessment) Act it clearly states the procedure to be followed. If you regard that this has not occurred in your case, then you may have cause for complaint against the CSA. \*

You also believe that under the legislation, the Registrar has no power to enforce their decisions and you cited the case of *Luton v Lessels* [2002] HCA 13, and therefore involvement with the CSA is voluntary. If the courts have already looked at this issue and rejected it, then this avenue is no longer available. Regarding legislative change, the Labor party will take note of your concerns when formulating child support policy.

Of interest was your planned study investigating the link between over-assessment of earning capacity and the long hours being worked by some payer parents, and the consequential health effects. Until our meeting, I was not aware that this was an issue, and I certainly would appreciate being kept abreast of your work in this area. In particular, you seem to have collected some anecdotal evidence, and once your planned study is complete I would be interested in seeing the results.

There is no doubt changes are needed to make the scheme fairer. By listening to your concerns and considering the needs of all, we can ensure that the Child Support Scheme keeps pace with a changing society.

Yours sincerely



**Kate Ellis MP**  
Federal Member for Adelaide

# Isobel Redmond MP

## Member for Heysen

Heysen Electorate Office  
10/14 Druids Avenue, Stirling SA 5152  
Tel: 8339 5077 Fax: 8339 6817  
Email: [heysen@parliament.sa.gov.au](mailto:heysen@parliament.sa.gov.au)



6<sup>th</sup> January, 2005

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Dr David Hudson  
PO Box 624  
GOODWOOD SA 5034

Dear Dr Hudson,

I am writing in response to your request for a letter of support regarding the possible introduction of a private child support scheme to replace the current Child Support Agency (CSA).

Firstly, I need to apologise for taking so long to get back to you on this issue. However, although I accept the need to address issues concerning the current operations of the CSA, I was not prepared to write a letter of support without first reading and considering the significant amount of information you provided together with the outline of the scheme.

At the outset it is fair to say that I have considerable misgivings about the effects of the way in which the current scheme operates. I have no doubt that there are instances of payers finding the obligations so onerous that they choose to "opt out" of employment altogether. However, without having seen anything more than the "Executive Summary" of the PIR Research paper I also have serious doubts about some of their conclusions, particularly "that the child support scheme is the primary driver of unemployment in Australia".

It also seems that the current scheme often fails to address the inequity of a child support paying parent not receiving any payment or allowance for the time the child(ren) may spend with them.

There is no doubt that when the CSA was originally set up it was thought that if a non-custodial parent was forced to pay for the ongoing costs of rearing his child there would be an automatic saving for social security and therefore the community at large. Whilst in theory this is so, the reality appears to be starkly different.

I remain somewhat puzzled as to how the proposed private scheme will be financed. Are the registered agents to be paid from funds of the payer? If so, how is this better than a scheme where all money paid goes to the payee? Or are they to be paid by the Commonwealth? And on what basis will any payment to the registered agent be made? If it is in any way related to the level of successful payments generated then that seems to lead back to the same problem as the current CSA Incentive based payments system promotes.

Furthermore, I note that the system proposed requires Category One Agents' clients to use an Accountant or Registered Tax Agent. I have long been opposed to any compulsion for anyone to use particular professionals and remain of the view that our taxation systems generally should be simple enough for most people not to require professional assistance. I am also concerned at the notion of accessing "an electronic interface" – a term which I (as a person who remains steadfastly computer illiterate) do not even wish to understand.

If the proposed scheme is likely to result in better compliance and overall better participation and rates of payment then I am at something of a loss to understand why any legislative intervention is considered necessary. Surely, if that is the result, a payee would be happy to accept the "family advantage" system. Given that the objects of the Child Support (Assessment) Act 1989 s. 4(3) specifically provides that parents can make private arrangements for the financial support of their children why would parents not simply opt into the "family advantage" scheme and avoid the CSA.

It seems to me that legislative intervention might be better focussed on:

- increasing the base amount allowed for the payers' personal expenses;
- decreasing the percentage of income to be paid for the upkeep of each child;
- abolishing the concept of "earning capacity";
- guaranteeing an adjustment in favour of the payer for the amount of time the child(ren) is/are in his care;

and other similar issues which need adjustment regardless of whether the scheme is public or private.

Nevertheless, in recognition of the fact that there are clearly anomalies and inequities in the current system and significant questions about the sometimes severe impacts of its operations, I would be prepared to support a pilot project in South Australia to enable an assessment of the comparative outcomes of the CSA and the proposed private scheme.

Yours faithfully,



**Isobel Redmond MP**  
 Member for Heysen  
 Shadow Minister for Families and Communities  
 Shadow Minister for Housing  
 Shadow Minister for Disability



---

Mark Brindal  
STATE MEMBER FOR UNLEY

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Member of Parliament  
Justice of the Peace

5 November 2004

Mr David Hudson  
Lone Fathers Association (SA)  
PO Box 684  
GLENELG SA 5045

Dear David

I am pleased to provide this letter of support for the Lone Fathers Association's (LFA) introduction of its *Family Advantage* scheme. \*

The vexing issue of child support for supporting parents is not an issue that will be resolved quickly or easily, so it is encouraging seeing the LFA launching its own scheme to help those parents struggling to overcome the financial burden of court orders and raising their children.

I commend the LFA for its initiative and drive in its determination to seek a better, and fairer, deal for supporting fathers.

Yours sincerely

**Mark Brindal MP**  
**Member for Unley**

*Ref:357gen.*



LEGISLATIVE COUNCIL  
PARLIAMENT HOUSE  
ADELAIDE, S.A. 5000

**Hon Andrew Evans OAM MLC  
Leader – Family First Party**

Ph: (08) 8237 9122

Fax: (08) 8237 9478

Email: [andrew.evans@parliament.sa.gov.au](mailto:andrew.evans@parliament.sa.gov.au)

---

Mr Bob Tuddenham  
President  
and  
Dr David Hudson  
Committee Member  
Lone Father's Association  
PO BOX 624  
GOODWOOD SA 5034

Dear Mr Tuddenham and Dr Hudson

**RE: A COST SAVING PRIVATE CHILD SUPPORT SCHEME-  
*familyadvantage.com.au***

I am writing to indicate my support in principle for the evaluation of an alternative, private child support scheme as proposed by the Lone Fathers Association.

I understand that this proposal has been in development for over 2 years and is a serious and bona fides attempt to address a range of significant problems and limitations experienced in the Child Support Agency Scheme currently in operation.

The Lone Fathers Association has substantial experience over 31 years in assisting non-custodial parents in a range of issues relating to children and divorce and separation. In particular they have had longstanding experience in assisting parents in relation to child support matters. They have consistently supported the principle that non-custodial parents have obligations to support their children and have encouraged these parents to make payments when appropriately determined under the Child Support Agency Scheme.

The Private Child Support Scheme, Family Advantage, may well have the capacity to deliver significant cost savings to the Commonwealth. In addition it may well have the potential to encourage much greater levels of child support compliance overall. A principle advantage may be the improved sustainability of child support arrangements that would be encouraged

through the implementation of this scheme. Both custodial and non-custodial parents stand to gain in regard to the economic circumstances for their children and also through improved relationships and less stress on both parents. Non-custodial parents in particular are reporting high levels of stress and frustration with the current scheme and many have complained that the scheme is imposing unsustainable obligations on many. Inevitably children are the losers.

I believe that this scheme should be evaluated perhaps through the implementation of a pilot scheme at State level. I would support such a pilot scheme in South Australia. For a proper evaluation to take place, however, non-custodial parents must be able to participate in the scheme as a full alternative to any involvement with the Child Support Agency. The Pilot Private Scheme could be offered to parents on a voluntary basis as an alternative to the CSA Scheme. X

I believe that this proposed scheme, Family Advantage, has significant potential to improve child support arrangements and family relationships in Australia and should be supported by governments at Federal and State levels. X

Yours sincerely



**Andrew Evans**

8/12/04



## SENATOR THE HON NICK MINCHIN

Minister for Finance and Administration  
Liberal Senator for South Australia

15 December 2004

Dr David Hudson and  
Mr Graham Andrew  
PO Box 624  
GOODWOOD SA 5034

Dear David and Graham

### **Child Support Agency**

Further to our meeting last Monday morning (attended also by Mark Whittaker in part by phone), I advise that the following Committees might also be approached by the Lone Fathers Association (SA):

#### **House of Representatives – Family and Human Services Committee**

Chair – Bronwyn Bishop  
Secretary – James Catchpole

#### **Senate – Community Affairs Committee**

Chair – Senator Sue Knowles (Lib. WA)  
Secretary – Elton Humphry

All correspondence should be addressed to the Secretary of the relevant Committee c/- Parliament House, Canberra.

As discussed at our meeting, the best opportunity to demonstrate your program to the relevant Minister is through your representative on the Ministerial Taskforce, Barry Williams. He should be encouraged to request a time with Minister Patterson once the program is completed and ready for trial. I understand this to be around March 2005.

I trust that through either the Sussan Ley Taskforce, or one of the above committees that some progress will be made with your alternative program to that offered by the CSA at present. The persistence and professionalism of your approach is to be commended, and I wish you success in your endeavours. If there is anything further this office can do to assist you, please contact me again.

Yours sincerely

Bob Randall JP  
**Senior Electorate Office Manager**

**ATTACHMENTS (LETTERS OF SUPPORT) RELATING TO THE LFA-SA  
DRAFT RESEARCH PROPOSAL:-**

***TO INVESTIGATE THE EFFECTS OF THE CHILD SUPPORT AGENCY'S  
EARNING CAPACITY DECISIONS ON THE HEALTH, SAFETY AND WELFARE  
OF ASSESSED PAYING PARENTS, AND THE DOWNSTREAM COSTS TO THE  
SOUTH AUSTRALIAN HEALTH SYSTEM, SOUTH AUSTRALIAN INDUSTRY  
AND THE WIDER COMMUNITY***

-Letters of support from various SA politicians

- Mr. Brindal MP
- Mr. Xenophon MLC
- Mr. Lewis MP
- Mr. Andrew Evans OAM MLC

-‘Coroner rings deadly alarm bell’ - Advertiser newspaper article 01/05/04.

-Letter by the Hon. Christopher Pyne MHR to LFA-SA dated 11/08/05 & Trish Worth MHR dated 28/5/04

-Letter from the Minister for Human Services, The Hon. Joe Hockey MHR dated 26/05/05

-Letter from Linda Matthews dated 8/04/05

-Letters from

- The Hon Michael Wright dated 13/4/04
- Michelle Patterson, Executive Director workplace Services dated 29/6/04
- Chief Executive Julia Davidson, Workcover Corporation dated 31/3/04
- Tony Abbott MHR dated 5/3/04.



Research Paper No. 35

# Long work hours and the wellbeing of fathers and their families

by Ruth Weston, Matthew Gray, Lixia Qu, David Stanton

*Australian Institute of Family Studies, April 2004, 24p. ISBN 0 642 39511 X. ISSN 1446-9863 (Print); ISSN 1446-9871 (Online)*

This paper is also available in [PDF](#) format for printing (186K).

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wellbeing is examined for fathers working 35 to 40 hours per week, 41 to 48 hours per week, 49 to 59 hours per week and 60 or more per week. The HILDA survey contains a wide range of measures of wellbeing, including: mental and physical health; work and family balance; parenting stress; satisfaction with life as a whole; satisfaction with relationships with partner and with children; and overall job satisfaction. The analysis is restricted to fathers with a partner and dependent children. This enables us to focus exclusively on those men who have family responsibilities. \*

Overall, fathers' satisfaction with their work hours decreases as the number of hours worked increases.

- Among fathers working 35 to 40 hours per week, only 2.5 per cent indicate very low satisfaction with their work hours. In contrast, among fathers working 60 or more hours per week, 19.0 per cent indicate very low satisfaction with their hours.
- High satisfaction with work hours is expressed by 63.2 per cent of those working 35 to 40 hours and 25.3 per cent of those working 60 or more hours.

The proportion of fathers who would prefer to work fewer hours (taking into account the impact this would have on their income) increases with the number of hours worked.

- Among fathers working 35 to 40 hours per week, 15.8 per cent would prefer to work fewer hours. The proportion of fathers who would prefer to work fewer hours increases to 58.1 per cent among fathers working 60 or more hours per week.

Work hours are negatively related to only two of the thirteen measures of wellbeing examined. Fathers working in excess of 48 hours a week report a lower sense of 'vitality' and report more negative effects of work on family life than fathers working 35 to 40 hours per week. However, for the majority of measures, wellbeing does not decline as the number of hours worked increases. Further, fathers working 60 or more hours indicate marginally higher satisfaction with their relationship with their partner compared with those working 'standard hours'.

The quarter of fathers working very long hours (in excess of 60 hours per week), who express high satisfaction with their work hours have higher levels of wellbeing on virtually all measures as compared to fathers who indicate low satisfaction with such very long hours. On the other hand, for fathers working 35 to 40 hours, there are much smaller differences in wellbeing between those who express high as opposed to low satisfaction with their work hours.

The 'polarisation' of wellbeing apparent between fathers who are and are not highly satisfied with their very long hours is mainly caused



AUSTRALIAN INDUSTRIAL REGISTRY

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Fax: (03) 9655 0401

Dr David Hudson  
Lone Father's Association Inc. (SA)  
C/- 36 Rose Street  
MILE END SA 5031

Dear Dr Hudson

I refer to your letter of 19 February 2004 in which you detail a number of health and safety concerns caused by decisions of the Child Support Agency in administering the Child Support Scheme.

The Australian Industrial Relations Commission is the federal industrial tribunal established under the *Workplace Relations Act 1996* and proceedings brought before the Commission concern the workplace relationship between an employer and its employees and matters affecting an employee's wages and conditions of employment.

As you note, following the Hours of Work -Test Case (in which the Commission received submissions from a wide range of participants), the Commission introduced an explicit award right for an employee to refuse to work overtime in circumstances where it would result in the working of unreasonable hours. This clause explicitly recognised that regard must be had to any risk to an employee's health and safety.


However, the Commission has no role to play in the manner in which the Child Support Scheme is administered by the Child Support Agency.

To the extent that the Commission would have power to vary an award (or awards), the Commission would act on an application from a party to an industrial dispute or an organisation registered under the *Workplace Relations Act 1996* or person bound by an award or certified agreement.

You would also be aware that each State and Territory has legislation covering occupational health and safety in the workplace which you might wish to pursue through the relevant local agencies. It is also through courts of competent-jurisdiction, namely various state courts and the Federal Court that prosecution actions for breaches of awards must be instituted as the Commission does not have the constitutional capacity to enforce its own orders.

I regret that I am unable to progress your request any further.

Yours sincerely,

  
Nicholas Wilson  
Industrial Registrar

3 March 2004



# Construction Forestry Mining and Energy Union

## Construction & General Division

President: Ben Carslake  
Secretary: Martin O'Malley

## Mining & Energy Division

President: Geoff Day  
Secretary: Graham Murray

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Dr. David Hudson  
Committee member, Lone Fathers Association Inc. (SA Branch)  
C/- 36 Rose St  
Mile End  
SA 5031

9<sup>th</sup> June 2004

### RE: SUPPORT FOR RESEARCH PROPOSAL

Dear Dr. Hudson,

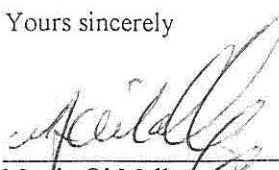
Thank you for submitting your research proposal to the CFMEU, which seeks to "Investigate the Child Support Agency's earning capacity decisions and the associated fatigue related effects on an employees health, safety and welfare in the workforce". The CFMEU recognises the severe stresses associated with working long hours, and the devastating impact it can cause in a workplace.

I am pleased to announce that our executive committee has unanimously supported your research proposal and highly commends it for funding. We further recommend that your findings be put forward as a serious contender for a 'Safe Work Week' conference paper in the future. The CFMEU would be happy to endorse any application.

May I suggest that you also consider the effects of the Child Support Agency's 'earning capacity' decisions as potential causes of increased stress, depression and Coronary Heart Disease on an individual in the Workplace. Sadly, the CFMEU has also noted too many suicides that have occurred either in the workplace or become aware of individuals taking their lives after a days work. There is an increasing awareness that mental health illnesses are becoming more prevalent in today's society. If you are not already aware, may I suggest further articles that may assist you in your research; published by 'beyondblue' (*for depression*), Workcover Corporation (e.g. *Wellbeing - are men their own worst enemy*) and the National Heart foundation ("*Stress" and Coronary Heart Disease: Psychosocial risk factors*) -

I note the excellent work that the Lone Fathers Association Committee does in assisting men and women after family breakdown. The CFMEU recognises and applauds the outstanding efforts made by your volunteers and wishes you every success in your future work. Please do not hesitate to contact me if you require assistance on any further matter.

Yours sincerely

  
\_\_\_\_\_  
Martin O' Malley  
Secretary CFMEU

# "Stress" and coronary heart disease: psychosocial risk factors

## National Heart Foundation of Australia position statement update

Stephen J Bunker, David M Colquhoun, Murray D Esler, Ian B Hickie, David Hunt, V Michael Jelinek, Brian F Oldenburg, Hedley G Peach, Denise Ruth, Christopher C Tennant and Andrew M Tonkin

THERE IS INTENSE PUBLIC interest in possible links between "stress" and coronary heart disease (CHD). Until recently, organisations such as the National Heart Foundation of Australia have only been able to make judgements based on limited data in this area.

In 1988 the National Heart Foundation of Australia published a report, "Stress and cardiovascular disease", which concluded that, although acute catastrophic events might trigger acute myocardial infarction or sudden death, there was insufficient existing evidence from prospective studies that any form of "stress" consistently predicted the subsequent development of CHD.<sup>1</sup> The report concluded that psychosocial risk factors had effects on conventional risk factors, but no independent effect.

Since then, a considerable number of prospective cohort studies have examined the links between various forms of stress and the development and prognosis of CHD; there has also been a multitude of reviews, both narrative and systematic. However, these reviews have used different methods and at times have come to different conclusions. Because systematic reviews attempt to find, appraise and summarise the findings of all studies in a systematic and transparent way, these reviews should be the more reliable. Unfortunately, the reported systematic reviews have varied

An Expert Working Group of the National Heart Foundation of Australia undertook a review of systematic reviews of the evidence relating to major psychosocial risk factors to assess whether there are independent associations between any of the factors and the development and progression of coronary heart disease (CHD), or the occurrence of acute cardiac events.

The expert group concluded that (i) there is strong and consistent evidence of an independent causal association between depression, social isolation and lack of quality social support and the causes and prognosis of CHD and (ii) there is no strong or consistent evidence for a causal association between chronic life events, work-related stressors (job control, demands and strain), Type A behaviour patterns, hostility, anxiety disorders or panic disorders and CHD.

The increased risk contributed by these psychosocial factors is of similar order to the more conventional CHD risk factors such as smoking, dyslipidaemia and hypertension.

The identified psychosocial risk factors should be taken into account during individual CHD risk assessment and management, and have implications for public health policy and research.

### National Heart Foundation, West Melbourne, VIC.

Stephen J Bunker, PhD, RN, Manager; Andrew M Tonkin, MD, FRACP, Director, Health, Medical and Scientific Affairs.

### University of Queensland, Brisbane, QLD.

David M Colquhoun, MBBS, FRACP, Associate Professor of Medicine.

### Monash University, Melbourne, VIC.

Murray D Esler, PhD, FRACP, Professor of Medicine.

### beyondblue: the national depression initiative, Melbourne, VIC.

Ian B Hickie, MD, FRANZCP, CEC, and Professor of Community Psychiatry; Academic Department of Psychiatry, University of New South Wales.

### Royal Melbourne Hospital, Parkville, VIC.

David Hunt, FRACP, FACC, Cardiologist.

### St Vincent's Hospital, Melbourne, VIC.

V Michael Jelinek, FRACP, FACC, Director of Cardiology.

### School of Public Health, Queensland University of Technology, Kelvin Grove, QLD.

Brian F Oldenburg, PhD, MPsychol, Professor.

### Ballarat Health Services, Ballarat, VIC.

Hedley G Peach, PhD, FFPHM, Visiting Consultant, and Professorial Fellow, University of Melbourne.

### University of Melbourne, Melbourne, VIC.

Denise Ruth, FRACGP, FAFPHM, Senior Fellow, Department of General Practice.

### University of Sydney, Sydney, NSW.

Christopher C Tennant, MRCPsych, FRANZCP, Professor of Psychiatry.

Reprints: Dr SJ Bunker, National Heart Foundation, 411 King Street, West Melbourne, VIC 3003. steve.bunker@heartfoundation.com.au

in their quality and come to different conclusions. Recently, methods for critically appraising systematic reviews have been developed, and this position statement is based on a review of the systematic reviews using this methodology.<sup>2,3</sup>

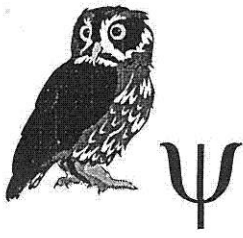
An Expert Working Group considered all the major suggested psychosocial risk factors ("stressors") to identify evidence of independent associations with CHD.

### What is "stress"?

Although the term "stress" is in general use, it is so imprecise that, in agreement with other review groups,<sup>1</sup> the Expert Working Group examined separately those variables that are commonly regarded as components of stress. These include:

- depression, anxiety, panic disorder;
- social isolation and lack of quality social support;
- acute and chronic life events;
- psychosocial work characteristics; and
- Type A behaviour, hostility.

The methods used in formulating this position statement are outlined in Box 1.



# Mr. L. Eddie Registered Psychologist

B.A.; Associate Diploma Business Training and Development;  
Secretary Association of Australian Psychologists  
Secretary Psychology Council of South Australia

✉ 52B Miller Street UNLEY 5061

☎/☎/✉ [08] 8272 5881

E-Mail laurie eddie@seneet.com.au

19<sup>th</sup> March 2004

Lone Father's Association Inc. (SA Branch),  
36 Rose St.  
Mile End SA 5031

Attention Mr. David Hudson

Dear David

I refer to your request for information regarding the proposals set out in your proposed research into the "...effects of the Child Support Agency's earning capacities on the health, safety and welfare of assessed paying parents, etc."

In respect to this subject it must be understood that stress, *per se*, is neither an illness nor a disease but is a normal, continuous, physiological process of adaptation. Unfortunately, stress has a dual nature; while it is an essential component of life, it can also be hazardous when experienced at excessive levels, especially if the stress is of a negative nature, the most corrosive form of stress one can experience. High levels of negative stress are acknowledged as principal agents in causing a wide range of irreparable physical and psychological disorders.

It is generally acknowledged that the emotional components associated with the failure of interpersonal relationships, especially marital breakups and custody disputes, create the most severe forms of negative stress. One would expect that any individual involved in such areas of dispute would experience a considerable degree of ongoing stress, and any additional stressors would tend to increase the level of stress to a dangerously high level, possibly creating an overwhelming burden upon any individual in such a situation.

Any additional stress would tend to affect the overall aspects of their life, and, given that their occupational role comprises a major aspect of the individual's normal life-experience, one would expect that there would be some degree of flow-on with the psychological stresses in particular, impinging upon their work environment.

If it was necessary for these individuals to work excessive hours so as to comply with specific demands of the Child Support Agency, based upon earnings prior to the separation, and to pay for the additional expenses involved with child maintenance, and/or litigation this would constitute an additional burden of stress, and one would expect these to be manifested in both physical and psychological forms, tiredness, frequent minor illnesses, nervous tension, headaches, muscular aches, and stomach disorders.

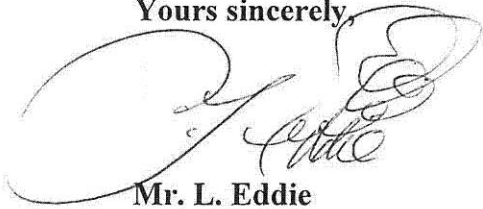
Given the large number of individual workers who are involved in disputes over separation, divorce and child-support issues, (some 600,000 or 10% of the total workforce, citing the figures in the outline), any research into the potential flow-on effects in the workplace of such personal distress would appear to have genuine merit.

Furthermore, given that factors which are perceived by individuals as being “outside their personal control” tend to produce very high levels of stress, an important aspect of any research should perhaps involve consideration of the potential impact of agency decisions which often appear to be reached without consideration of the specific needs of individuals and their prevailing difficult circumstances. In particular consideration might be given to: -

- a) The effect that 'earning capacity' decisions made by the Child Support Agency, have upon those parents considered liable to pay maintenance; and,
- b) The manner in which assessments that are perceived as being unjust or unreasonable can negatively affect their physical and mental health.

In conclusion I concur with the objectives of this proposed research programme.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Eddie', written in a cursive style. The signature is positioned above the printed name and title.

Mr. L. Eddie  
Registered Psychologist



14<sup>th</sup> March, 2005

To whom it may concern:

I have been approached by Mr. Barry Williams of the Lone Fathers Association and asked to comment on some issues related to some inadvertent consequences associated with current interpretations of the Child Support Programs.

According to Mr. Williams, the process whereby a parent's income is assessed can lead to a conflict between their parental obligations under the scheme, and their duty-of-care obligations under Occupational Health and Safety legislation. It would appear that the assessment of earning potential vis-à-vis many professions, is often based on an potential income assessment that requires the employee to work hours that are either inconsistent with a safe system of work, or in contravention of legal requirements [for hours-of-work] or both. Indeed the situation with truck drivers is a classic example of this problem writ large. I am sure the committee can appreciate the difficulties associated with this situation.

The reasons for this anomaly are complex, but are most likely related to the long standing practice of ignoring working hours in the determining what constitutes a safe system-of-work. In recent years there has been an increasing focus on regulating and limiting excessive working hours and many companies have responded appropriately to improved scientific knowledge of the safety risks associated with these traditional work practices. The importance of this emerging issue is underscored by a raft of regulatory and legislative changes in the States mandating that working hours and fatigue must be regulated.

For example, the NSW state government has taken the unprecedented step of introducing specific legislation identifying fatigue and working hours as an identifiable workplace hazard and mandating the employers responsibility to consider it in determining a safe system-of-work. As a consequence, hours-of-work for many occupations are reducing, and for many responsible individuals, the unregulated opportunity to maximise income irrespective of the safety consequences has reduced or disappeared. Not surprisingly, this has resulted in a reduced capacity to earn and, for many workers a reduction in actual and potential income.

In some situations it would appear that the process for estimating the potential income of employees [e.g. truck drivers] has not kept pace with the safety changes impacting on the industry and income assessments have not been modified in light of these changes. As a result, some individuals have been placed in the invidious situation of being caught between their obligations to support their family and their duty-of-care to themselves, the organisation and the community.

This is particularly problematic in the case of 'backdated instant arrears'. This particular mechanism can rapidly inflate the working requirements of an individual and can potentially be an inadvertent but pernicious cause of increased risk and/or reduced safety.





Given the extant scientific data showing that long working hours, reduced sleep and extended wakefulness increase fatigue and the likelihood of accidents and injury I would suggest that this is an untenable position. In my opinion, it is neither good public policy nor cost effective to force such a choice upon the individual. I would also suggest that, in the event of an accident, the agency or organisations responsible for this situation are potentially liable under OH&S and civil law and might face significant tort actions for negligence. In addition, I would suggest that there is a reasonable likelihood that responsible individuals within these organisations might face at least some criminal charges. I am sure there are any number of lawyers who could provide a detailed legal opinion on this matter.

On the other hand I am aware of the moral and emotional complexities surrounding this issue. Following separation, many parents feel that their child support payments are unreasonable and onerous and will attempt to reduce their taxable income as an act of spite or retribution. I fully appreciate that in these situations a parent may seek to reduce their explicit earning potential yet retain their actual income through employment opportunities that skirt the taxation system. This is a situation we must also seek to avoid. In my opinion, the disingenuous use of obligations under the OH&S act to subvert parental responsibilities for child support is an equally undesirable outcome.

In order to resolve these issues I would urge the committee to require any income assessment process to consider the safety implications of their rulings and to ensure that designated earnings are realistic with respect to current industry practice **AND** consistent with the employee's duty-of-care obligations under the relevant OH&S acts.

I think it would be reasonable to:

(1) specify that those responsible for the income assessment should be explicitly directed to address the OH&S implications of their decisions and to ensure that there is no likelihood that an assessment requires someone to put themselves and the community at risk.

(2) where an employee believes that the assessment does produce a conflict between the two sets of obligations it should be grounds for an appeal against the assessment.

I would also suggest that it is inappropriate for the committee to attempt to specify prescriptive limits on working hours in an attempt to manage this situation. Such a strategy while well intentioned, is ill-informed and can frequently lead to paradoxical outcomes. I would urge the committee to approach this in a manner consistent with best practice principles of risk management and OH&S. That is, to require the assessor to demonstrate that the ruling is appropriate with respect to the particular individual and the risk profile of the occupation and workplace in question.



Centre for Sleep Research

*Educating Professionals • Creating and Applying Knowledge • Serving the Community*

I hope this submission is of some benefit in your deliberations and that the committee can appreciate the difficult situation facing parents forced to choose between the children they must rightly support and the safety of themselves and the community.

Regards

David Volkoff

per: Professor Drew Dawson

Director  
Centre for Sleep Research  
University of South Australia

**dhudson**

---

**From:** <hass0009@flinders.edu.au>  
**To:** <dhudson@senet.com.au>  
**Sent:** Wednesday, 27 April 2005 9:11 PM  
**Subject:** Re: child support agency financial assessments and suicides

Dear Dr. Hudson,

Thank you for the email outlining the financial and psychological stresses of lone fathers in Australia. I understand the need to review the procedures and policies of the CSA for the reasons you have stated in your email. I am now overseas. I will be returning in May for sometime before going overseas again. My situation is that I have retired from my position at Flinders to concentrate full time on research and writing. For me to prepare a submission would require a careful analysis of the appropriate data for it to be effective and taken seriously by the authorities involved. I would not be able to do that for sometime. May I suggest that you approach someone like Professor Diego De Leo professor of Suicidology at the Griffith University's Australian Center for Suicide Research in Brisbane or one of his colleagues like Dr Chris Cantor with your proposal. I hope that you would have success with them. I don't have the Center's phone number with me but you can easily get that from their website. With best wishes and regards.

Riaz Hassan

Quoting dhudson@senet.com.au:

> Dear Professor Hassan,

>

> Mr. Bob Tuddenham, President of the Lone Fathers Association Adelaide has  
 > asked me to contact you in relation to writing a letter about the possible  
 > links between child support liabilities and suicides.

>

> I have since read with interest your article "Social factors of suicide in  
 > Australia" and am concerned about the extreme financial pressures many  
 > thousands of child support agency (CSA) clients undergo when dealing with the  
 > agency.

>

> It is the belief of many people, myself included, that this financial stress,  
 > when unreasonably imposed (using wide discretionary powers) by the Child  
 > Support Registrar in endeavouring to 'claw back' monies for the Commonwealth  
 > can inadvertently cause or at least assist in procuring suicides on vast  
 > scales in Australia.

>

> Recently, statistics were released which stated that 6.1% of all terminating  
 > cases from the CSA were through death, a figure that is more than twice the  
 > figure for the same cohort in the general population. This is problematic  
 > when there are 750,000 current child support cases nationally and growing  
 > each year, and the figure is an average figure since the child support scheme  
 > began 1989 and almost certainly will have increased since then.

>

> Would you be prepared to write a letter to the current child support  
 > taskforce on behalf of the Lone Fathers Association stating that there is a  
 > very strong possibility that unreasonable assessments could cause suicides.



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# Mark Brindal

STATE MEMBER FOR UNLEY



Member of Parliament  
Justice of the Peace

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1 June 2004

Dr David Hudson  
238 Beulah Road  
BEULAH PARK SA 5067

Dear Dr Hudson

I write to thank you for your correspondence of 23 May 2004.

I have carefully read your proposal in respect to "Investigating the effects of the Child Support Agency's earning capacities on the health, safety and welfare of assessed paying parents".

I find the case which you put forward both compelling and interesting.

Your argument reasons a logical hypothesis which I believe deserves testing. Its development and subsequent consideration may well assist to improve the occupational health and safety of many South Australian workers. At the very least, it could help us all to better understand the high cost of family dysfunction.

I commend your proposal and wish you every success in your endeavours to receive the funding necessary to undertake your study.

Yours sincerely

**Mark Brindal MP**  
**Member for Unley**

*Ref:269gen.*



LEGISLATIVE COUNCIL  
 100, PARLIAMENT SQUARE  
 ADELAIDE, S.A. 5000

NICK XENOPHON M.L.C.

INDEPENDENT NO POKIES CAMPAIGN  
 MEMBER OF THE LEGISLATIVE COUNCIL

PH: (08) 8237 9112  
 FAX: (08) 8237 0525  
 E-MAIL: [nx@ken.net.au](mailto:nx@ken.net.au)

Open File No: IND-906/04

7<sup>th</sup> June 2004

Dr David Hudson  
 Committee Member  
 Lone Fathers Association  
 C/ 36 Rose Street  
 Mile End SA 5031

Dear David,

Thank you for contacting my office to discuss the issue of industrial manslaughter and I acknowledge receipt of your research proposal into the effects on employees who are assessed paying parents under the Child Support Authority.

I am very concerned about the issues raised in your proposal, in particular the discrepancy between the ruling of the Australian Industrial Relations Commission and the long hours that parents are required to work in order to meet their obligations in contradiction to this ruling.

The issue of industrial manslaughter has broad policy implications and I support any research into the adverse effects suffered by employees as a result of unsafe work practices.

As you are aware, I am in the process of drafting the *Occupational Health, Safety and Welfare (Industrial Manslaughter) Amendment Bill 2004*, which aims to make corporations and their governors responsible for unsafe work practices causing the death of workers. I will seek to keep you informed when the latest drafts are released. I enclose copies of my Media Releases on this issue for your information.

Please keep me informed as to the progress of your research project. I wish you all the best in your endeavours to obtain funding for your research paper.

Yours sincerely

NICK XENOPHON  
 End - Media Releases

**dhudson**

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**From:** "Xenophon, Nick" <Nick.Xenophon@parliament.sa.gov.au>  
**To:** "David Hudson" <dudson@senet.com.au>  
**Sent:** Monday, 20 September 2004 10:06 PM  
**Subject:** Industrial Manslaughter

Dear Dr Hudson

Thank you for your email and attachments of 29<sup>th</sup> August 2004. I apologise for the delay of responding to you – I am still catching up from my back-log of work after taking three weeks leave with my son in August.

I would like to meet with you to discuss issues further.

I suggest the best way to do this is to call me with days which you are available. At this stage the afternoon of Monday 27<sup>th</sup> September is looking ok or alternately the afternoon of the 18<sup>th</sup> October.

I should have another draft of the manslaughter legislation for you to look at that time and your reports on work related suicide is important and it needs to be raised and documented in a more formal sense. That would be an important first step in acknowledging the scope of the problem, and ensuring that everything reasonably possible is done to prevent the risk of it occurring. \*

I look forward to meeting with you soon.

With best wishes,

**NICK XENOPHON**

Independent No Pokies Campaign  
Member of the Legislative Council

Parliament House  
North Terrace  
Adelaide SA 5001

ph: 8237 9112  
fax: 8231 0525  
e-mail: nx@xen.net.au

South Australia

## Occupational Health, Safety and Welfare (Industrial Manslaughter) Amendment Bill 2004

A BILL FOR

An Act to amend the *Occupational Health, Safety and Welfare Act 1986*.

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

#### Part 2—Amendment of Occupational Health, Safety and Welfare Act 1986

- 3 Insertion of section 59A  
59A Industrial manslaughter
- 

The Parliament of South Australia enacts as follows:

#### Part 1—Preliminary

##### 1—Short title

This Act may be cited as the *Occupational Health, Safety and Welfare (Industrial Manslaughter) Amendment Act 2004*.

##### 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

#### Part 2—Amendment of *Occupational Health, Safety and Welfare Act 1986*

##### 3—Insertion of section 59A

After section 59 insert:

##### **59A—Industrial manslaughter**

- (1) An employer commits an offence if—
  - (a) an employee of the employer—



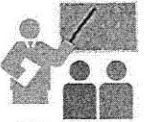
# Hon. Peter Lewis

*Speaker, House of Assembly*  
**Member for Hammond**

*"We are HERE, this is NOW" -our chance for constitutional and parliamentary reform.*



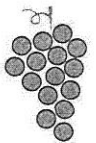
Jobs



Education



Health



Horticulture



Transport



Agriculture



Environment

24<sup>th</sup> May 2004

Dr David Hudson  
Committee Member  
Lone Fathers Association  
C/- 36 Rose Street  
MILE END SA 5031

Dear David

Thank you for your email of the 23<sup>rd</sup> May 2004 in which you let me know of your pilot research proposal to investigate the fatigue related effects of child support agency 'earning capacity' decisions.

This project, which will research the above topic, aims at reducing the risk to employees' health and safety and also the risks of industrial accidents in the Australian industry, the cost to the health system and the greater community. This is an important project which will examine a topic never researched before, and the outcomes will be widely beneficial and extremely worthwhile.

I fully support your proposal and highly recommend it for funding.

Yours sincerely

**HON. PETER LEWIS, JP, AFAIM, MAIAST, RDA (Hort), MP**  
**SPEAKER, HOUSE OF ASSEMBLY**  
**MEMBER FOR HAMMOND**



The stable, one of the world's biggest and most formidable, is a far cry from the West Coast tracks where McEvoy began his career.

Since his famous win on Brew in the 2000 Melbourne Cup, he has continued his

**PAGE 8: In the lap of luxury**

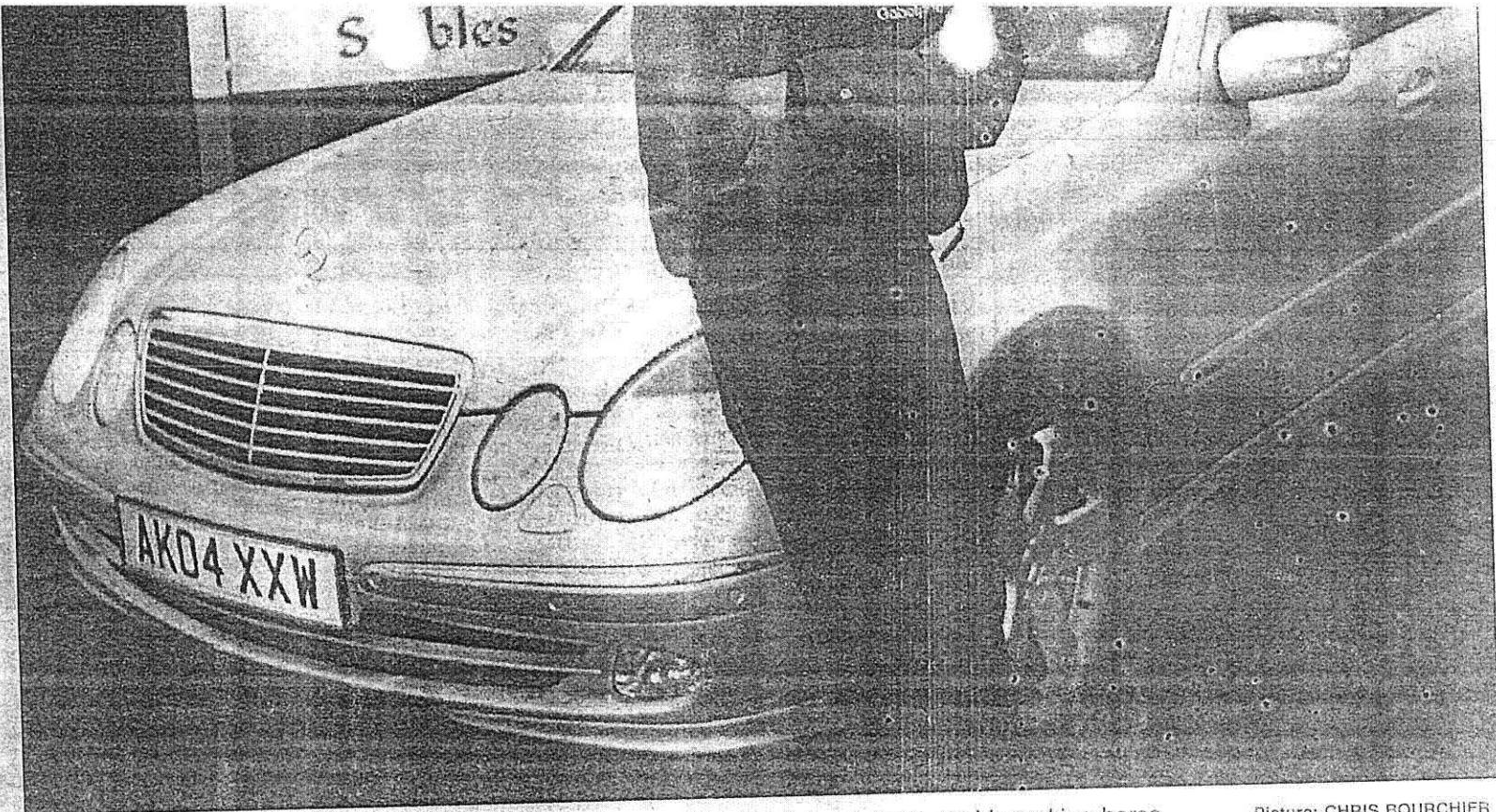
meteoric rise to the top.

Despite now living a lifestyle of the rich and famous, however, friends and family in his home town say he's still the same country lad at heart.

"He could give us the Mercedes when he wears it out," his grandma Atholy Holland said yesterday.

McEvoy's package with Godolphin, where he backs up world-class jockey Frankie Dettori, includes top accommodation and the chance to ride some of the most promising horses in racing.

Today he will be riding at Haydock Park near Manchester, and said although he didn't want to "sound big-headed", he hopes to ride as many winners as he can.



STAR: Kerrin McEvoy with his Mercedes outside the Godolphin Stables and, inset, on his rocking horse.

Picture: CHRIS BOURCHIER

# Coroner rings deadly alarm bell

**EXCLUSIVE**

By CRAIG BILDSTIEN

STATE Coroner Wayne Chivell is seeking wide-ranging powers to monitor the state's annual death toll, revealing 70 per cent of deaths are not scrutinised.

Mr Chivell said just 3671 of the

state's 12,161 deaths were reported to his office in the previous financial year.

"Now that leaves 8490 cases where a doctor has concluded that he or she has sufficient evidence to write a death certificate," he said.

"That certificate goes straight to the Registrar of Births, Deaths and

Marriages and is not scrutinised by the Coroner, or anyone else.

"The registry does not exercise any qualitative analysis of information it receives and does not do any research into the database."

The circumstances are similar to those in Britain, which masked the murderous medical career of family

doctor Harold Shipman, who killed at least 215 of his patients.

Mr Chivell believes SA should follow the British Government and require that all deaths be reported. Certificates from doctors then can be scrutinised by a medical examiner. He also wants the office to have the power to seek further

information from the doctor, family, friends and workmates if necessary - together with an ability to investigate hospitals, nursing homes, institutions and GPs.

He says the Registrar of Births, Deaths and Marriages should monitor and analyse death certificates from doctors.

Continued Page 2

*Love Fathers  
Child Support  
Anyon ew*

**Classifieds Index** Page 93 131841 You've come to the right place Metro forecast: Showers, 16° Index: Page 2

*The Advertiser; Saturday 1st May 2004*

Dr. David Hudson  
 Lone Father's Association Inc. (SA)  
 C/- 36 Rose St.,  
 Mile End  
 SA 5031

28<sup>th</sup> March 2004

Mr. Wayne Chivell  
 State Coroner's Office  
 302 King William St  
 Adelaide  
 SA 5000

**RE: Request for information on child support related suicides**

Dear Mr. Chivell,

I have read with interest the article entitled 'Pain and Comfort in the Coroner's Pursuit of truth' in the Advertiser, dated 27<sup>th</sup> March 2004.

Our voluntary association, the Lone Father's Association (SA) currently assists men under extreme stress due to their marital breakup and the subsequent Child Support Agency's 'earning capacity' decisions.

Some of our members are enforced by these decisions to work too hard for too long until either their physical or mental health deteriorates to an unacceptably low level. To our knowledge there is an ever increasing number of male suicides, males who should be in the 'prime' of their lives i.e. the 15-24 year old, and 25-44 year old age brackets.

However, it appears that South Australia also has an exceptionally high level of suicides in these brackets compared to the national average. We know that SA also has the highest child support collection rate in Australia.

I ask you the following questions (please treat it as a formal freedom of information request if necessary):-

- (1) In your experience, has your office ever come across suicides that have been largely caused by child support demands?
- (2) If so, what is the rate per year, and in total since 1989?
- (3) Does your office investigate whether a suicide was caused by child support demands at inquest time?
- (4) Has your office made any recommendations relating to any child support related suicides to the government or other agency?
- (5) Where may the Lone Father's Association access further information on this topic?

We look forward to hearing from you soon.

Yours sincerely



Dr. David Hudson  
 Committee member, Lone Father's Association Inc. (SA)



## THE HON CHRISTOPHER PYNE MP

Parliamentary Secretary to the  
Minister for Family and Community Services

Dr David Hudson  
Lone Fathers Association of South Australia  
36 Rose Street  
MILE END SA 5031

11 AUG 2004

Dear ~~Dr~~ <sup>David,</sup> Hudson

It is clear that separation is a stressful event for everyone involved and I commend your organisation for providing support to fathers and their children.

The Prime Minister recently released a framework statement on reforms to the family law system. As you will be aware, this is in response to the recent parliamentary inquiry into child custody arrangements in the event of separation (*Every picture tells a story*). Full details can be found on the Prime Minister's website [www.pm.gov.au/news/media\\_Releases/media\\_Release1030.html](http://www.pm.gov.au/news/media_Releases/media_Release1030.html).

The Prime Minister also announced that the Government will establish a Child Support Taskforce to report back by March 2005 on a comprehensive re-evaluation of the Child Support Scheme. I believe the Taskforce is the appropriate place for any review of the underlying principles in the current Child Support Scheme, including the principle that parents share in the cost of supporting their children according to their capacity.

I trust my comments are of assistance.

Yours sincerely

Christopher Pyne MP



## THE HON. TRISH WORTH MP

Parliamentary Secretary to the Minister for Health and Ageing  
Member for Adelaide



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28 May 2004

Dr David Hudson  
Lone Father's Association Inc (SA)  
Box 3161 Rundle Mall ~~PO Box 624~~  
~~ADELAIDE SA 5000~~ Goodwood 5034

Dear Dr Hudson

I am sorry I was in Canberra on Parliamentary business when you called in to my office seeking support for your research proposal into the health of employees whose earning capacities are assessed by the Child Support Agency.

I have noted your concerns for the mental health of fathers who consider they have been adversely affected by decisions of the Child Support Agency. I believe the only way to resolve the cause of these issues is through the Agency itself and I have therefore forwarded a copy of your proposal to the Hon Christopher Pyne MP, Parliamentary Secretary to the Minister for Family and Community Services for evaluation by his Department.

When a response is received, I will be in touch with you again.

Yours sincerely

**Trish Worth**  
Member for Adelaide

Ref:LB.Hudson



The Hon. **Joe Hockey** MP  
Minister for Human Services

Parliament House  
Canberra ACT 2600  
Australia  
Telephone (61 2) 6277 7200  
Facsimile (61 2) 6273 4406  
www.joehockey.com  
joe@joehockey.com

26 MAY 2005

Dr David Hudson  
10 Adelaide Road  
GAWLER SA 2600

Dear Dr Hudson

Thank you for your letter of 6 January 2005 to Mr David Fawcett MP, Mr Patrick Secker MP, the Hon John Anderson MP, Deputy Prime Minister and Minister for Transport and Regional Services, and the Hon Peter Dutton MP, Minister for Workforce Participation regarding the Child Support Agency (CSA) in South Australia. As the Minister responsible for Human Services, these Ministers and MPs have forwarded your letter to me for reply. I have sent a copy of this letter to Mr Fawcett (as indicated below).

Your letter requested:

1. A letter of support for the proposed Family Advantage scheme.
2. A letter of support for the OHS&W research into Child Support Agency earning capacity decisions for a safe work week presentation.
3. An inquiry into alleged misfeasance/malfeasance/nonfeasance in public office.

#### **Proposed Family Advantage Scheme**

The intention of Government is that the Child Support Scheme should be construed, consistent with the attainment of its objects, to permit parents to make private arrangements for the financial support of their children. This allows parents to use a private service provider, such as Family Advantage, but a parent retains the right to have CSA involvement.

As advised to you in August 2004, a Child Support Taskforce has been established to consider CSA issues such as private arrangements. The Lone Fathers Association of Australia's President is a member of the Reference Group to that Taskforce. I am advised that the work of the Taskforce is nearing completion at which time the Government will consider its findings and recommendations. It is appropriate that these recommendations be considered by Government prior to supporting being provided for any alternative arrangements such as Family Advantage.

**Occupational health safety and welfare research into Child Support Agency earning capacity decisions for a safe work week presentation**

Your efforts to conduct research into the issue of excessive overtime hours on workers to meet CSA payments are commendable. However, as previously mentioned, the Government has established a Taskforce to investigate CSA related matters. As part of its terms of reference, the Taskforce is looking into the issue of overtime hours in response to the recommendations of the "Report on the inquiry into child custody arrangements in the event of family separation" by the House of Representatives Standing Committee on Family and Community Affairs in December 2003.

**Request for an inquiry into alleged 'misfeasance/malfesance/nonfeasance in public office of Mr Bill Volkers, Child Support Registrar SA/NT and resulting performance bonus incentives as possible causes of psychological and physical harm to clients, and fatigue and stress related to industrial accidents.'**

You allege that the Regional Registrar for South Australia and Northern Territory has been deliberately misusing his discretionary powers to create artificial and instantaneous child support arrears and over inflate payers' 'earning capacities', contrary to the Australian Industrial Relations Commission's 'Unreasonable Working Hours – Test Case'.

While I understand your concerns for worker safety, payments are calculated using a legislated formula. If the payer is not satisfied with the payment determined by this formula, he or she can obtain administrative review of the assessed income and payment. A payer can also calculate the accuracy of arrears and obtain review if the arrears are inflated. These arrangements are in place to prevent any misuse of powers by the Regional Registrar. It is also important to note that decision making is delegated to case officers and is not the sole responsibility of the Regional Registrar. CSA has also advised that individual performance bonuses are not based on the level of payments and resulting debt calculated.

In addition, the child support legislation provides that if the Registrar is of the view that, because of special circumstances, the provisions of the Act relating to administrative assessment of child support should be departed from in relation to a child, the Registrar may make a determination under part 6A of the *Child Support (Assessment) Act 1989*.

On this basis I am satisfied that there are sufficient procedures in place to ensure Regional Registrars are not able to gain financially from use of their discretionary powers.

I hope this information has been of use to you.

Yours sincerely



CC: Mr David Fawcett MP



## COMMISSIONER FOR EQUAL OPPORTUNITY

8 April 2005

Mr RD Tuddenham  
President  
Lone Fathers Association (SA)  
Box 624  
GOODWOOD SA 5034

Dear Mr Tuddenham

Thank you for your letter dated 8 March 2005. I confirm that I will be pleased to attend and speak at the meeting of the Lone Fathers Association on Tuesday, 10 May 2005 at 7.30pm.

I am aware of the SA Parliament's Inquiry into the Status of Fathers and made a submission to this inquiry in May 2004. In this submission I stated that the status of fathers might be improved by examining some of the barriers to men's greater participation in parenting, and how these obstacles can be overcome by increasing the value society places on fatherhood and parenting generally.

The Commission is also currently working with other agencies on the issue of gaining more flexible workplace conditions to enable both men and women to balance work and family life. This should no longer be seen exclusively as a 'women's issue' and I support and encourage the need to change community attitudes towards the role of men as parents. \*

I was interested to read about your organisation and look forward to discussing the issues with your members. As previously advised, Michael Guarna, Principal Policy Advisor at the Commission will accompany me to the meeting. Please feel free to contact Michael on 8207 1977 prior to the May meeting if you have any further queries.

I look forward to meeting you and the members of the Lone Fathers Association.

Yours sincerely

LINDA R MATTHEWS  
COMMISSIONER FOR EQUAL OPPORTUNITY





## The Hon Michael Wright BEd MP

- MINISTER FOR ADMINISTRATIVE SERVICES
- MINISTER FOR INDUSTRIAL RELATIONS
- MINISTER FOR RECREATION, SPORT & RACING
- MINISTER FOR GAMBLING

Zurich House  
Level 11, 50 Grenfell Street  
ADELAIDE SA 5000

GPO Box 1072  
ADELAIDE SA 5001

Telephone: (08) 8226 8520  
International: 61 8 8226 8520  
Facsimile: (08) 8226 8444

minister.wright@saugov.sa.gov.au

REFERENCE:  
04WKC/00013 04/01603

Dr David Hudson  
Lone Father's Association Inc. (SA)  
C/- 36 Rose Street  
MILE END SA 5031

Dear Dr Hudson

The Minister for Administrative Services, Industrial Relations, Recreation, Sport and Racing, and Gambling, Hon Michael Wright MP, has asked me to acknowledge your letter of 30 March 2004 regarding a Child Support Agency placing employees health and safety at risk in the workplace.

The matters you have raised are currently being considered.

Yours sincerely

*pu* **Kara Lee**  
**A/MANAGER – ADMINISTRATION / PROJECTS**  
OFFICE OF THE HON MICHAEL WRIGHT MP  
MINISTER FOR ADMINISTRATIVE SERVICES  
MINISTER FOR INDUSTRIAL RELATIONS  
MINISTER FOR RECREATION, SPORT AND RACING  
MINISTER FOR GAMBLING

13/4/2004





Department for Administrative  
and Information Services

WORKPLACE  
SERVICES

Your ref :  
Our ref : 04/WKC/00013 04/02420  
When calling :  
Ask for : Michele Patterson  
Phone : (08) 8303 0230  
Fax : (08) 8303 0423  
Email : patterson.michele@sa.gov.au

Office of the Executive Director  
Level 4, 1 Richmond Road  
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GPO Box 465  
ADELAIDE SA 5001  
DX 715 Adelaide

www.eric.sa.gov.au

ABN: 50-560-583-327

24 June 2004

Dr David Hudson  
Lone Father's Association Inc (SA)  
C/- 36 Rose Street  
MILE END SA 5031

Dear Dr Hudson

Thank you for your letter of 16 March 2004 to the Hon Trish White MP, Minister for Transport. Minister White has forwarded your letter to the Hon Michael Wright MP, Minister for Industrial Relations, as the matters you raised fall within his portfolio responsibilities. Minister Wright has asked that I respond to your letter on his behalf. I apologise for the delay.

I note your research proposal and can advise that the Government strongly encourages endeavours to improve safety for workers including, in this instance, workers in the transport industry.

I understand that you sent a copy of your proposal to WorkCover in March 2004. You may be aware that WorkCover provides a grants scheme, which supports projects that specifically target occupational health and safety in South Australian workplaces. I have enclosed a copy of their brochure *Calling for Ideas* for your information.

I suggest contacting WorkCover on 13 18 55 to inquire whether you may be eligible to receive funding for your research through this scheme.

Thank you for bringing this issue to the Minister's attention.

Yours sincerely

Michele Patterson  
EXECUTIVE DIRECTOR  
WORKPLACE SERVICES



WorkCover Corporation  
of South Australia  
ABN 83 687 563 395  
100 Waymouth Street  
Adelaide South Australia 5000

DX 660 Adelaide  
GPO Box 2668 Adelaide  
South Australia 5001  
General enquiries 13 18 55  
TTY 08 8233 2574  
Facsimile 08 8233 2466  
Email [info@workcover.com](mailto:info@workcover.com)  
[www.workcover.com](http://www.workcover.com)

Dr David Hudson  
Lone Father's Association Inc. (SA)  
C/- 36 Rose Street  
MILE END SA 5031

*Ref: CEO2004/00079*

Dear Dr Hudson

On behalf of the Chief Executive, Julia Davison, I wish to acknowledge receipt of your correspondence dated 21 March 2004 regarding Child support agency placing workers health and safety at risk in the workplace. We apologise for the delay in acknowledging your letter.

Your correspondence is currently receiving attention and a response will be forwarded at the earliest opportunity. WorkCover Corporation is committed to providing a responsive, timely, and accountable service. However, should there be any delays I will ensure that you are kept informed of the progress of your correspondence.

If you have any queries regarding this matter, please contact me on (08) 8233 2339.

Yours sincerely

A handwritten signature in black ink, appearing to read "Maureen Craig".

Maureen Craig  
Supervisor  
Policy and Planning Portfolio

31 March 2004





Tony Abbott MHR  
Federal Member for Warringah  
Minister for Health and Ageing  
Leader of the House of Representatives

HC/WI  
5 March 2004

*Chris Lyle - 19<sup>th</sup> March  
Larry Anthony (02) 6277 7240*

Mr David Hudson  
36 Rose Street  
MILE END SA 5031

Dear Mr Hudson

Thank you for writing to Tony Abbott, Federal Member for Warringah, about Child Support Agency placing workers health and safety at risk in the workplace. \*

As this matter falls within the portfolio responsibility of The Hon Larry Anthony MP, I have taken the liberty of passing your correspondence onto that office.

I am sure that you will be contacted shortly.

Yours sincerely

  
Helen Claringbold