

Submission to

***Parliamentary Inquiry***  
***House of Representatives Social Policy and Legal Affairs***  
***Committee***  
***Inquiry into Child Support Program 2014***

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## **Inquiry into Child Support Programme**

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### **Hobart Women's Health Centre**

The Hobart Women's Health Centre is part of a national network of women's health centres. It is a health promotion charity funded by the Tasmanian Department of Health and Human Services, guided by the World Health Organisation's definition of health ; "Health is a state of complete physical, mental and social wellbeing, not merely the absence of disease or infirmity". We provide a safe, supportive environment for women. The Centre is run by women, for women, and aims to promote positive health outcomes by providing a diverse range of services which take a holistic approach.

This approach to women's health has seen the Hobart Women's Health Centre at the forefront of taking health out of surgeries and into the community. The Centre acknowledges the impact of societal influences such as income, education, gender, sexual orientation and isolation on health outcomes for the individual.

The Centre has continuously lobbied for improved services and programs to meet women's needs. Nutrition and body image programs, the Encore breast cancer program, support groups for endometriosis and lymphedema sufferers, social groups for same-sex attracted women, and programs for older women are just some examples of the breadth of the Centre's work.

The vision of the Centre is for Tasmanian women to be informed, supported and active decision makers in their own health and well being. As a result, the Centre has also been a key advocate on issues such as a woman's right to make informed choices about her own body, migrant and refugee women's health, eating disorders and the arts in health. The Centre consistently lobbies both State and Commonwealth governments on a range of legislation and policies impacting on women's health.

The Hobart Women's Health Centre continues to provide direct services to individual women and to advocate for, and promote, the health and well-being of all Tasmanian women. Our knowledge and expertise is based on 26 years' experience working with, and for, the women of this state.

The Hobart Women's Health Centre (HWHC) welcomes the opportunity to comment on women's experiences with Child Support Agency.

## **Women's Experience of the Child Support Agency**

This submission is informed by liaison with Council for Single Mothers Tasmania, interviews with single mothers, and anecdotal experiences provided by women who use, and work at this service.

Many speak of a culture within the Child Support Agency (CSA) and the wider community that still blames single mothers as welfare dependant, and not deserving of community, or indeed, spousal support.

Many men do not think they should have financial responsibility for children they do not live with and resent having to contribute.

Government policy undervalues the social capital of having the remaining parent at home with their child, forcing women into the workforce, often into menial, casual jobs that will not lift their family out of poverty, and deprive children of their remaining parental presence, at a relatively young age.

The Household, Income and Labour Dynamics in Australia (HILDA) Survey Annual Statistical Report, which has collected annual data on a range of aspects of life in Australia since 2001, shows Australian households increased their wealth to an average of A\$684,000, despite a dip caused by the global financial crisis.<sup>i</sup>

However, almost one in four children from single-parent families lives in poverty.

In 2010, 24.1% of children in one-parent households lived in poverty, up from 20.8% in 2001. The proportion of children from two-parent households decreased slightly throughout the decade, to 7.6% in 2010.

In June 2012, there were 780 thousand single mother families in June 2012, making up the vast majority of one parent families (81%).<sup>ii</sup>

For many women, the choice to agree to conditions and payments imposed on them, which are not in their best financial interests, are balanced against other concerns. These include wanting to avoid the stress of continued conflict, and the desire to create a better life for children who are already negatively impacted by separation.

Women I spoke to included articulate, educated and highly literate women who found the process difficult to negotiate, so for less empowered women, many simply do not understand the requirements, and take the path of least resistance.

## Recurring themes for women related to the terms of reference

### *Methods used by Child Support to collect payments in arrears and manage overpayments*

- Women report dissatisfaction with the way payments are collected on their behalf  
Lack of consistency, time lag and fluctuating payments make budgeting on a limited income highly challenging
- If a non custodial father leaves work or has a business that “operates at a loss”, the onus is on the woman to find out, prove, and report to CSA, where and when the man may be working
- If men do not put in a tax return, there is no way to ascertain income. Men do not have to provide proof of their income, or lack thereof
- CSA is seen as not proactive in procuring payment on behalf of women

### *Is child support system is flexible enough to accommodate the changing circumstances of families?*

- Assessing a change of assessment can take more than 3 months. By this time peoples’ circumstances can have changed again. In the meantime the mother and her children are financially struggling
- In order to recover debts owed by men, women have to provide most of the information
- CSA is not proactive on behalf of parents, and case workers vary in their willingness to facilitate procurement of payment

### *Alignment of the child support and family assistance frameworks*

- For a family living in public housing, rent is linked to income
- If support payments are not stable, families are paying rents based on out dated income assessments. Women may be paying higher rents based on a 3 month old assessment, when in fact they are not getting support
- Centrelink payments and FTB are linked to Child support payments, with the inherent difficulties described above
- Women will often report they are getting child support when they are not, in order to avoid conflict with the father and difficulties with Centrelink

### *Linkages between Family Court decisions and Child Support's policies and processes*

- Women report men using children and payments to control and continue to abuse their family
- Some women report feeling pressured to attend mediation with an abusive ex partner, and having to sign parenting agreements they feel are detrimental to the emotional well being of their children
- Often this process creates more conflict that impacts on the wellbeing of children
- The requirement for children to have “access” to a violent parent is problematic
- Children become aware that they have a monetary value

***Better outcomes for high conflict families.***

- The notions of *shared care* and a child's *right to access* each parent has not proven to be advantageous for many children
- Children are used as weapons to control women, and forced to spend time with violent fathers whether they want to or not
- Some men ask for more shared care as a way to minimise payments, and retain control, not because they necessarily want more time with their children
- Where violence has taken place, the onus should be on the violent parent to prove adequate parenting skills ( eg attendance of parenting courses)

***Methodology for calculating payments and the adequacy of current compliance and enforcement powers for the management of child support payments***

- Cultural change is needed in the CSA, and community at large that non custodial parents are responsible for their children, whether they have care or not
- Utilise access to Tax File Number to find actual wages, and garnishee wages, when appropriate
- Where payment is in the hands of CSA, they need to be more pro active about enforcing payment, and not expect the mother to do so
- Calculations are complicated and not easily understood
- When the father has a new family, they take precedence over the old arrangement, causing additional financial stress for the original family

***Effectiveness of mediation and counselling arrangements as part of family assistance frameworks***

- Where mediation is a requirement of parenting arrangements it is only as useful as both parents' commitment to it and therein lies the major flaw
- Often couples are attending mediation under duress
- Where strategies are suggested, there is no requirement to participate, and no consequences for not following directives
- Women report being made to feel like a bad parent by the process which puts all their parenting under scrutiny
- Children are not consulted in parenting arrangements

***Ensuring that children in high conflict families are best provided for under the child support scheme.***

- For high conflict families, CSA should assume all responsibility for recovering any child support owed
- There should be no requirement for any contact between either parent, and financial support should not be tied to parental access

## Case Studies

These are included to highlight the complexity of issues facing single mothers. The names of the women interviewed have been changed to avoid identification.

### **Annette**

Annette works part time and gets some parenting payment. She left her partner because he was violent. Child protection became involved and she felt coerced into getting a Domestic Violence Order against him even though she knew it would escalate his abuse.

Annette did not want access to be decided by the Family Court, and changed states to get away from her child's father. The father was having access to his child and harming the child. Annette's ex partner does not think he should have to pay child support.

When the couple first separated, the father was working and his wage was garnisheed for 18 months.

He decided to leave work and went on a Centrelink payment. His liability has been assessed at \$45 per fortnight. He is currently \$4000.00 in arrears.

Annette knows that this man works and is paid cash in hand, to avoid having to pay child support.

Annette had not found CSA to be helpful and has been told by them she needs to follow up any leads about finding out where he is working.

She believes that this creates more conflict and bad feeling and it affects her child.

Annette believes that many women return to live with violent men because the Family Law Court forces children to see an abusive parent, so mothers believe it is better for their children if they are there to provide some protection from the perpetrator.

Annette told me "men punish you through your children."

### **Sarah**

Sarah is at university, and gets Austudy, and some FTB.

She and her children live in government housing and whenever her income changes, so does her rent.

Sarah's ex does not pay child support. He has had a chequered history of payment, and on 3 occasions has paid for approximately 6 weeks at a time, then when CSA stops garnisheeing his wages he has stopped paying.

Seven years ago, the father attended university to study and reduced his liability to a minimum.

He is now a company director and earns in excess of \$100,000 per annum, but only pays minimum support as and when he feels like it.

His company is in neighbouring country that has not signed the Hague Convention so Sarah has been told there is little she can do. Sarah has provided CSA with newspaper articles that prove his work and income.

He commutes to Australia regularly and Sarah has been told that if she can tell CSA he is in the country they may be able to do something about the \$6500.00 debt he has from when he originally lived here.

When Sarah applied for a change of assessment she had access to his allegations of her "terrible parenting". She questioned the relevance of that to his ability to pay.

Sarah said "I am educated and I struggle to understand, and maintain equilibrium in the face of CSA's ineptitude. I can only imagine less privileged women's struggles"

## **Jane**

Jane is currently employed as a part time Social Worker.

Jane's ex partner was violent and mentally unstable.

Jane felt overwhelmed by the separation and emotional fall out, and opted for private collection, thinking it would be easier, given the instability and mental health of her ex partner.

Jane went to university, completed a degree, and in that time was never paid any child support.

Many years later, Jane's ex partner has been sharing care of their child. He does not work and has recently approached the CSA about getting payment from Jane.

To her dismay, Jane has been told she has large debt with the CSA. She provided the CSA worker with details of her financial commitments and has been ordered to pay at a rate she cannot manage. She has found them to be rude and unhelpful.

Using the CSA's assessment, Jane has calculated that her ex partner owes her in excess of \$20,000, but because she has no proof of non payment, her debt stands.

Jane's comment "women will accept lack of financial support to make life easier for their kids "

## **Recommendations**

- Public education campaign to change attitudes to female single parents, and value the social capital of parenting. Single fathers in our culture are seen as heroes, while single mothers are vilified
- Education to change the culture in the CSA. Many women allege misogyny from workers, both male and female, and it is difficult to accept that our societal view as mentioned above, has no impact on the values of the CSA work force
- The change of assessment process needs to be simplified and faster
- Where violence is a factor, more support needs to be available, which is not linked to the Family Court process
- Children in the Family Court process should be given options to choose to see a parent or not, particularly where abuse has taken place. This could be accompanied by counselling to discount coercion, and could be reviewed, annually
- CSA and the Australian Tax Office could work together more closely to find men with child support debt and recoup monies.
- Where CSA assumes responsibility for child support payments, they should not expect mothers to do all the investigative work.
- Customs should have an alert list for men with substantial child support debt.

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<sup>i</sup> <http://www.melbourneinstitute.com/hilda/Reports/statreport.html>

<sup>ii</sup>

<http://www.abs.gov.au/ausstats/abs@.nsf/Products/6224.0.55.001~Jun%202012~Chapter~one%20Parent%20Families>