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Agency pardons parents

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JUST two parents in Australia have been prosecuted for misleading or lying to the Child Support Agency in the past five years.

And for more than a decade not one parent has been prosecuted under an Act that carries a jail sentence of up to six months for misleading or lying to a child support officer. Despite millions of dollars

being recouped from law-breaking parents who under-report their income each year, few are ever sent to the inside of a courtroom.

Lawyers say parents have been left frustrated by the refusal of the Child Support Agency (CSA) to take action against ex-spouses who lie about their income to pay less in support payments.

Family law specialist Deborah Awyzo, also the executive of the Family Law

Section of the Law Council of Australia, said she had never known anyone to be prosecuted for providing misleading information.

It's the same as any other law. To be meaningful it has to be upheld and enforced," she said.

She said the CSA may not have the resources to pursue some cases. The Human Services Department said \$7.4 million had been recouped from underpay-

ing parents in the past financial year.

The department's general manager, Hank Jongsomjit, said most matters relating to under-reporting of income were dealt with administratively.

However, if there is clear evidence of criminal intent the case will be referred to the CDPP (Commonwealth Director of Public Prosecutions), he said. "All allegations of fraud are taken seriously. The depart-

ment's special investigations unit has referred 98 child support matters to the CDPP between July 1, 2008 and December 31, 2012.

The two parents - both Queenslanders who were prosecuted for making false or misleading statements to an officer - were charged under an Act that carries a maximum penalty of a \$2000 fine. It is not the first time the CSA has come into the spotlight for its policies on

prosecuting parents. In 2008, former Commonwealth ombudsman John McMillan found the CSA did not take complaints of fraud seriously.

"CSA customers who sought to have the CSA investigate an alleged offence appeared to be receiving a rather unenthusiastic response," Professor McMillan said. The CSA told The Courier-Mail that it worked hard to build a strong fraud and compliance program.