

COUNTRY PROFILE TEMPLATE - AUSTRALIA

Prepared for the Administrative Cooperation Working Group

Please note that this document has been prepared to provide an example of how the Country Profile template might operate only. The information should not be relied upon in isolation. All enquiries should be directed the Child Support Agency.

Mandatory Section

A. Contacts

A1. Central Authority in your country including:	
Name	Child Support Agency
Address	GPO Box 480 Hobart TAS 7001
Telephone	+61 131272
Fax	+61 03 6216 0899
Electronic mail address	overseas@csa.gov.au
Website	www.csa.gov.au
Contact person(s)	n/a
A2. Transmitting Authority in your country including (if different):	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A3. Receiving Authority in your country including (if different):	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A4. Payment Address (Where should payments be sent?)	
Name	Child Support Agency
Address	GPO Box 480 Hobart TAS 7001
Telephone	+61 131272
Fax	+61 3 6216 0899
Electronic mail address	overseas@csa.gov.au
Website	www.csa.gov.au
Contact person(s)	n/a
A5. Which languages do personnel in your authority use and accept?	English
A6. Key terms that are used in your country (see Hague website for definitions of terms [http://www.hcch.net/e/workprog/maint.html]). Examples:	
Custodial Parent. (e.g. 'resident parent', 'obligee', 'payee' etc),	"payee" "eligible carer"
Non-Custodial Parent. (e.g.	"payer"

'non-resident parent', 'obligor', 'payer' etc),	"liable parent"
Administrative Authority or Judicial Authority (e.g. 'tribunal')	Administrative authority = "Child Support Agency" Judicial authority = "Family Court of Australia"
No longer subject to ordinary forms of review	n/a
Provisional Order	Provisional order
Notary Public	n/a
Certified Copy	n/a
A7. Other key terms (Please specify any unique terms or terms that you are aware have a specific meaning in your country compared to another country	<p>"administrative assessment" – a statutory decision determining the amount of child maintenance payable. The decision is made by the Child Support Agency according to a formula.</p> <p>A payee in Australia can apply for an administrative assessment of child maintenance payable by a payer who lives in Australia or any country with which Australia has a reciprocating arrangement. A payee overseas can apply for an administrative assessment against a payer who lives in Australia. Most maintenance decisions made in Australia are administrative assessments. A court may not make a child maintenance order when a payee is eligible to apply for an administrative assessment. If a payee is not eligible for an administrative assessment they must apply for a court order.</p> <p>"care" – custody, access, residence etc</p> <p>"child support" – means 'child maintenance'.</p> <p>"court order" - a judicial decision, in first instance, determining the amount of child maintenance payable. The decision is made by a court, under the <i>Family Law Act 1975</i>, according to established legal principle. The court can <u>only</u> make an order if the payee is not eligible for an administrative assessment.</p> <p>"order for departure" – a judicial decision, upon review, for the variation or substitution of an administrative assessment decision. The types of orders that may be made are set out in the <i>Child Support (Registration and Collection) Act 1988</i>.</p> <p>"change of assessment" – an administrative process, similar to an order for departure, that allows the Child Support Agency to change an administrative assessment (depart from the formula) to reflect the special circumstances of a case.</p> <p>"reciprocal arrangements" – where two countries have arrangements between them for collection and payment of each other's maintenance decisions.</p> <p>"reciprocal jurisdiction" – a country with which Australia has a reciprocal arrangement – (see attachment A).</p> <p>"Child Support Agency" (CSA) – CSA administers the child maintenance scheme in Australia and is the Central Authority for international child maintenance matters.</p> <p>"Attorney General's Department" (AGD) - AGD deals with some non-administrative maintenance matters, such as maintenance for children over 18, spousal maintenance and lump sum payments. AGD also deals with court proceedings for variations of overseas decision recognised in Australia.</p>

A8. Please provide a short overview of the process that occurs when a case is received in your country. Please indicate which agency receives the case, where the case is sent for processing, and the steps that occur in initiating action on the case. The purpose of this question is to provide the caseworker in the transmitting country a general understanding of the steps that will take place in working the case.

Key Steps

1. Location of debtor

If an overseas authority makes a preliminary request for location of a debtor the Child Support Agency will assist.

2. Receiving Applications

Applications for recognition and enforcement of a decision are received by the Child Support Agency (CSA). Applications for establishment of a new decision are also received by CSA. All applications are sent to CSA's International office in Hobart, Tasmania.

3. Registration

CSA will then register the decision. CSA must register the decision within 90 days of receiving the application. CSA can register most applications irrespective of the format of the application. The effect of registration is that the amounts payable under the decision are legally enforceable in Australia.

4. Enforcement

In the first instance CSA will initiate telephone contact with the debtor to encourage voluntary payments. If voluntary payments are not forthcoming, CSA will undertake administrative enforcement mechanisms such as deductions from wages or salary, garnishment of bank accounts, intercepting tax refund payments, and withholding from income support payments. If administrative enforcement is not successful, CSA may take action to enforce outstanding amounts through the courts.

A9. On average, how long will it take before the transmitting country is notified of the action(s) taken on a case? This should link to the Timeframes subcommittee (perhaps a hyperlink?)

CSA is required by law to respond to requests for recognition and enforcement within 90 days. In many cases CSA will notify the transmitting country in less than 90 days.

B. General

OVERVIEW OF YOUR COUNTRY'S INTERNATIONAL MAINTENANCE ARRANGEMENTS – Indicate if the maintenance arrangements are different if the (a) applicant or (b) respondent live abroad.

B1. Please specify when a child maintenance decision would normally end.

What is the age of majority?	18
Specify if child maintenance ends prior to the age of majority and the circumstances.	An administrative assessment will end prior to the age of majority if: <ul style="list-style-type: none"> - the child marries or enters into a de facto relationship - the child is adopted by someone else - the child, the payer, or the payee dies - the child no longer lives in Australia nor is an Australian citizen (unless the child is living in a country with a reciprocal arrangement with Australia) - the payer ceases to be an Australian resident (unless the parent is living in country with a reciprocal arrangement with Australia)

	<ul style="list-style-type: none"> - the child no longer lives with the payee - the payee elects to end the assessment <p>A court order for child maintenance will end prior to the age of majority if:</p> <ul style="list-style-type: none"> - the child marries or enters into a de facto relationship - the child is adopted by someone else - the child, the payer or the payee dies - the court orders that maintenance ceases prior to the child reaching majority - the order contains a condition that, if met, causes the order to cease to have effect
<p>Specify if child maintenance can extend beyond the age of majority and the circumstances.</p>	<p>An administrative assessment can extend beyond 18 to the last day of the school year if the child turns 18 in their last year of secondary school. An administrative assessment cannot extend beyond 18 in any other circumstances.</p> <p>A court order for child maintenance can extend beyond 18 if the court is satisfied it is necessary:</p> <ul style="list-style-type: none"> - to enable the child to complete his or her education; <p>or</p> <ul style="list-style-type: none"> - because of a mental or physical disability of the child. <p>If a payee not living in Australia seeks a maintenance order in Australia for a child over 18, the case is referred by CSA to the Attorney General’s Department (AGD). AGD will seek a court order. If the order is granted it will be registered with CSA for collection.</p>
<p>B2. What are the details of the procedures in your country to vary or modify a maintenance decision?</p>	<p>An administrative assessment can be varied by either the payer or the payee making an application for a change of assessment.</p> <ul style="list-style-type: none"> ○ The application must be made in writing on a specified form and sent to CSA. ○ The application is sent to the other party to allow them to respond. Any response the other party makes must also be in writing on a specified form, with a copy provided to the applicant. ○ CSA arranges a conference (in person or by telephone) with both parents and a Senior Case Officer to discuss the issues in the application and response. ○ The Senior Case Officer makes a decision about if and how the assessment should be changed. ○ There are no costs to either party. <p>A court order can be varied by making an application to the Family court. It cannot be varied by CSA. The court will not change a decision unless it is satisfied that:</p> <ul style="list-style-type: none"> ● the circumstances of the child have changed so as to justify the variation; ● the circumstances of the payer have changed so as to justify the variation;

	<ul style="list-style-type: none"> the circumstances of the payee have changed so as to justify the variation; that the cost of living has changed to such an extent as to justify its so doing; if the order was made by consent—that the amount ordered to be paid is not proper or adequate; or that material facts were withheld from the court that made the order or from a court that varied the order or material evidence previously given before such a court was false.
B3. Can the variation or modification be made retrospective or prospectively or both? Please specify any limitations and the basis.	<p>A variation to an administrative assessment may be prospective or retrospective. The only limitation is only whether it is just and equitable to make the variation.</p> <p>A variation to a court order may be prospective or retrospective.</p>
B4. Do you have any statute of limitations for:	
Establishing paternity?	No
Establishing a maintenance obligation?	No
Enforcement of maintenance debt?	No
If yes please specify.	
B5. Are you able to obtain maintenance for any prior period? If so please specify any limitations.	<p>An administrative assessment cannot be made for a prior period. Child maintenance is only payable from the day the application for assessment was made.</p> <p>A court order can be made for a prior period in limited circumstances.</p>

C. Acting As Receiving State

REQUIREMENTS

C1. When acting as a Receiving State, do you recognize (a) a “decision” of maintenance made in the country of origin or (b) an application to initiate or (c) accept both?	(c) - both
C2. Are there any restrictions on the basis of the maintenance decision (please specify) – for example administrative, judicial or provisions?	No
C3. For both (a) and (b) above, what information do you require including:	
What information do you require about the Custodial Parent? (e.g. name, date of birth, address, income information, assets and liabilities, photograph, identification number such as Social Security Number)	Full name Date of birth Address and telephone number Income Australian Tax File Number (optional)
What information do you require about the Non-Custodial Parent? (e.g. name, date of birth, address, income information, assets and liabilities, photograph, identification number such as Social Security Number)	Full name Date of birth Address and telephone number Income

	Australian Tax File Number or Australian Passport Number (optional)
What information do you require about the Children? (e.g. name, date of birth, address, care arrangements, photograph)	Full name Date of birth Details of who the child lives with
What information do you require about the liability – e.g. the basis of the decision and history of the case?	Copy of the decision Statement of arrears
What details do you require about the parents' relationship? (e.g. dates and details of cohabitation / marriage / separation / divorce etc)	Dates of cohabitation/marriage/separation/divorce (for an administrative assessment only)
Do you require proof of the relationship? (e.g. affidavits from the custodial parent, marriage certificates, joint bank statements, divorce decrees etc)	No
C4. Will you accept an application to initiate maintenance or recognize maintenance decision for a prior period only? Please specify any limitations. (i.e. no ongoing/prospective support)	We will NOT accept an application to initiate maintenance for a prior period only. We WILL accept an application to recognise a maintenance decision for a prior period only.
C5. What documentation do you require – specify which documentation must be original	
To establish parentage we may require a copy of the child's birth certificate.	
Do you make use of standard forms? If so please supply copies. Link to Forms subcommittee.	For an application to recognise a decision we will accept the required information in any format. (We have negotiated standard forms for applications from the USA and New Zealand.) For an application to initiate a maintenance decision we have a standard form that can be downloaded from our Web site: http://www.csa.gov.au/forms/index.htm
Do you require any documents to be certified? Please specify.	No

OTHER SERVICES

C6. Please specify if you provide the following services and the requirements for providing those services:	
<ul style="list-style-type: none"> ▪ Service of notice 	<p>CSA can serve a document on a person who is in Australia if it necessary or convenient to do so for the purposes of an international agreement. A request may be sent in any format.</p> <p>The information required is: Name Date of birth Last known address Australian Tax File Number or Australian Passport Number (if possible)</p>
<ul style="list-style-type: none"> ▪ What information is required to initiate a client location request? Is a form required? 	<p>CSA can give information about a person if it is necessary or convenient to do so for the purposes of an international agreement. A request may be sent in any format.</p> <p>The information required is:</p>

	<p>Name Date of birth Last known address Australian Tax File Number or Australian Passport Number (if possible)</p> <p>CSA may refuse to give information if it is not satisfied that it is appropriate to give the information.</p>
<ul style="list-style-type: none"> ▪ Obtaining income details 	<p>CSA can give information about a person if it is necessary or convenient to do so for the purposes of an international agreement. A request may be sent in any format.</p> <p>The information required is: Name Date of birth Last known address Australian Tax File Number or Australian Passport Number (if possible)</p> <p>CSA may refuse to give information if it is not satisfied that it is appropriate to give the information.</p>
<ul style="list-style-type: none"> • Assistance with determining parentage 	<p>CSA will refer applications for assistance with determining parentage to the Attorney-General's Department (AGD). AGD can commence or continue proceedings in relation to court orders for parentage testing.</p>
<ul style="list-style-type: none"> ▪ Assistance with parents disputing parentage for example arranging for DNA testing. 	<p>CSA will refer applications for assistance with disputing parentage to the Attorney-General's Department (AGD). AGD will assist parents in arranging DNA testing both where the payer is in Australia and where the payer is in a reciprocating jurisdiction.</p>
<ul style="list-style-type: none"> ▪ Case status inquiry (enforcement update, including regularity, link to Timelines subcommittee) 	<p>A request may be sent in any format.</p> <p>The information required is: Name Date of birth Last known address Australian Tax File Number or Australian Passport Number (if possible)</p>
<ul style="list-style-type: none"> ▪ Other – please specify 	

FORMS OF REVIEW

C7. What forms of review are available to either parent when seeking to change a maintenance liability that you have recognized?

A **payer in Australia** or a **payee overseas** can seek a change to a decision made in another country and recognised in Australia by either:

- an application for a variation to an Australian court; or
- an application for variation to the country that made the decision.

If the application is made to an Australian court, the parent overseas can be assisted in Australia by the Attorney-General's Department. The law to be applied in determination of an application to an Australian court is the law in force on Australia.

<p>If the application is made to the overseas country, CSA can assist by transmitting the application on behalf of a payee or payer directly. Any variations made by the issuing authority will normally be sent to CSA and registered. The first registered liability then ceases to have effect except in relation to any amounts that remain unpaid.</p>	
<p>What are the circumstances under which a review will be conducted?</p>	<p>The court in Australia will not change a decision unless it is satisfied that:</p> <ul style="list-style-type: none"> • the circumstances of the child have changed so as to justify the variation; • the circumstances of the payer have changed so as to justify the variation; • the circumstances of the payee have changed so as to justify the variation; • that the cost of living has changed to such an extent as to justify its so doing; • if the order was made by consent—that the amount ordered to be paid is not proper or adequate; or • that material facts were withheld from the court that made the order or from a court that varied the order or material evidence previously given before such a court was false.
<p>Which authority is responsible for this decision?</p>	<p>Family Court of Australia</p>
<p>What is the process and are there any standard forms required?</p>	<p>Standard forms are available on the Family Court website: www.familycourt.gov.au</p>
<p>Are there requirements for non resident for giving notice of proceeding or participating in the proceedings? Please specify.</p>	<p>The Secretary of the Attorney-General's Department can act on behalf of the non-resident parent if they are a respondent to the proceedings.</p>
<p>C8. Can the variation or modification be made retrospective or prospectively or both? Please specify any limitations and the basis.</p>	<p>Yes</p>
<p>C9. Do you recognize changes that are made to the original decision in the transmitting state? If no, please specify what the limitations are and outline the key steps or requirements.</p>	<p>Yes - any variations to the original decision made by the transmitting state can be sent to CSA and will be registered. The original decision then ceases to have effect except in relation to any amounts that remain unpaid.</p>

PAYMENTS AND FINANCIAL INFORMATION

<p>C10. What are your arrangements for sending payments that you have collected from a liable parent to the transmitting authority? Please specify the following:</p>	
<ul style="list-style-type: none"> ▪ Typical costs associated with this process. 	<p>The costs are met CSA</p>
<ul style="list-style-type: none"> ▪ Whether the transmitting agency or the creditor are the preferred recipient 	<p>As dictated by the transmitting authority or the client.</p>
<ul style="list-style-type: none"> ▪ Whether you are able or prefer electronic funds transfer 	<p>We have arrangements for electronic funds transfers to New Zealand, Sweden and the Slovak Republic. Payments to all other countries are made by foreign currency cheque. It may be possible to negotiate for electronic funds transfer with other countries in the future.</p>
<ul style="list-style-type: none"> ▪ Any other special requirements 	<p>No</p>

D. Acting As Transmitting State

TRANSMITTING REQUIREMENTS

D1. Do you specify the conversion of the maintenance liability to the currency of the receiving State? If so, what is the basis for the conversion?	No
D2. Do you make use of standard forms? If so please provide copies.	We have negotiated individualised standard forms for transmittals to the USA, New Zealand and the UK. We are prepared to negotiate standard forms for transmittal with other countries.
D3. Do you send only maintenance decisions made in your jurisdiction or do you send applications to initiate or both? Please specify the circumstances if both.	Both. If we are aware that in the circumstances the requested state may have grounds to refuse to recognise our decision, we will send also an application to initiate.

REASSESSMENT/ADJUSTMENT/MODIFICATION

D4. Are maintenance decisions changes, for example changes in the standard of living, cost of living, financial circumstances of the parties? If so, please specify.	An administrative assessment can be adjusted in the following circumstances: <ul style="list-style-type: none"> • if the payer's income changes • if the payee's income changes • if the care arrangements for the children change These adjustments are made by CSA when CSA is notified of the change. A court order can make provision for adjustments, for example in accordance with statistical measures of increases in the cost of living.
D5. In what circumstances may a maintenance decision made by you be varied or modified after transmission to another state by (a) the resident creditor or (b) the non resident debtor? Is this determined through an administrative or judicial process?	An administrative assessment can be varied or modified after transmission to another state by either the resident creditor or the non-resident debtor. The circumstances are detailed at B2 and D4 above. A court order can be varied or modified after transmission by either the resident debtor or the resident creditor. The circumstances are detailed at B2 above.
D6. Do you recognize the right of the receiving state to modify or vary your state's maintenance decision and/or arrears? If not, please specify why.	We <u>do not</u> recognise the right of the receiving state to modify an administrative assessment . The law in Australia does not allow modifications to assessments to be recognised. We <u>do</u> recognise the right of the receiving state to modify a court order in <u>limited circumstances</u> . If an administrative assessment cannot be made, a court in Australia can make an order for child maintenance. If the payer is living in certain jurisdictions, the order is provisional only. The provisional order is sent to the country where the payer is living for confirmation. If the other country confirms the order with a modification, the order has effect in Australia as confirmed and modified. Note that these arrangements apply only where an administrative assessment cannot be made and where the payer is living in certain jurisdictions.

PAYMENTS

D7. In what form would you like to receive payments,	Cheque or EFT is preferred.
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i.e. check, cash, EFT, collected on your behalf by an overseas authority?	Cash payments cannot be accepted.	
D8. Do you require payments to be paid directly to the transmitting authority? Or directly to the custodial parent?	Payments should be made directly to CSA PO Box 480 Hobart 7001 Tasmania Australia	
D9. Are you capable of receiving electronic funds transfer? If so, what details do you require?	Yes – Australian reference number and name	
D10. Do you have any special requirements for receiving payments?	No	

DRAFT

Optional Section

E. General

OVERVIEW OF YOUR COUNTRY'S INTERNATIONAL MAINTENANCE ARRANGEMENTS – Indicate if the maintenance arrangements are different if the (a) applicant or (b) respondent live abroad.

<p>E1. Details of the relevant legislation. Include a website reference if available.</p>	<p><i>Child Support (Assessment) Act 1989; Child Support (Registration and Collection) Act 1988; Child Support (Assessment)(Overseas-related Maintenance Obligations) Regulations 2000; Child Support (Registration and Collection)(Overseas-related Maintenance Obligations) Regulations 2000 Family Law Act 1975 Family Law Regulations 1984</i></p> <p>www.csa.gov.au www.scaleplus.law.gov.au</p>
<p>E2. Details of eligibility including:</p>	
<p>Who is eligible to benefit from a maintenance decision? (e.g. child – are legitimate children and children out of wedlock treated equally? Spouse or other family members? Please specify.)</p>	<p>All children are eligible to benefit from a maintenance decision, regardless of the marital status of the parents.</p> <p>Spouses are also eligible to receive maintenance in some circumstances.</p> <p>Other family members are not eligible to receive maintenance.</p>
<p>Who is included as a dependant child?</p>	<p>For an administrative assessment a payer's dependent child can be their child - natural, adopted or born as the result of an artificial conception procedure. The payer must be the main carer for the child.</p> <p>The dependent child must be:</p> <ul style="list-style-type: none"> • under 18 years of age • not be a member of a couple
<p>E3. Details of the procedures for the initial assessment including:</p>	
<p>Is maintenance determined through an administrative or judicial process?</p>	<p>Most decisions made in Australia are administrative assessments, determined through an administrative process. Only when the parties are not eligible for an administrative assessment is maintenance determined through a judicial process.</p>
<p>If administrative, what are the principal elements involved in making the assessment. (e.g. By formula, % of income, judicial or administrative discretion.)</p>	<p>Administrative assessments are determined according to a basic formula. The formula takes into account each parent's income, the number of children, the living expenses of the parents and the living arrangements of the children.</p>
<p>E4. Who is the creditor in child support matters? (e.g.. the parent or the child)</p>	<p>The person who provides care for the child (usually a parent)</p>
<p>E5. Is there a ranking of obliges? (e.g. if there are several children out of different relation-ships, a current and an ex-spouse etc.)?</p>	<p>Under an administrative assessment, if a payer is required to pay child maintenance to 2 or more payees, the amount of child support payable is modified and each payee is treated equally. The formula is modified by multiplying the percentage that would otherwise apply by the number of children in that payee's care and then dividing that by the total number of children for whom the payer must pay.</p>
<p>E6. What kind of support is owed (cash or other support) and by whom?</p>	<p>Cash only</p>
<p>E7. What happens if the obligor owes/has been ordered</p>	<p>All obligees get a proportional share</p>

to pay more than he can afford? (e.g. do all obligees get a proportional share or is it “first come, first serve”?)	
E8. Does your country have a protected earnings rate (or other deductibles)?	<p>The protected earnings rate in Australia refers to a limit on the ability to enforce payments through salary deductions. CSA cannot order deductions that would leave the payer with less than the protected earnings rate in their salary.</p> <p>The rate is 75 per cent of the maximum income support pension amount.</p>
E9. What happens with the support claim under your country’s insolvency law? (e.g.. Does it make a difference whether there is an order for child support or not)?	Child maintenance debts receive special treatment under bankruptcy laws in Australia. Child maintenance can be enforced despite the bankruptcy. In addition, a bankrupt is not released from child maintenance arrears on discharge from bankruptcy. A liability for maintenance arrears continues despite a bankrupt's release from bankruptcy.
E10. Do social welfare payments or other child-related payments influence the support claim? If so please specify.	Other social welfare payments are influenced by child maintenance payments, but child maintenance is independently calculated. Social welfare recipients are required to apply for child maintenance in order to qualify for child-related benefits. Income received from child maintenance (above a threshold) is taken into account when determining the amount of child-related benefit the person is entitled to.
E11. Does it matter whether such payments are made by an authority or by a private third party? Please specify any requirements / legislation for the authority seeking reimbursement from the non-custodial parent (NCP) or if the authority assumes this maintenance responsibility.	
E12. What can be included in a maintenance decision? Please specify. (e.g. attorney’s fees, other court costs, medical costs etc.)	<p>An administrative assessment includes only periodic payments for child maintenance.</p> <p>A court order for child maintenance can include a range of matters.</p>
E13. Under which conditions is interest or late payment penalty owed?	
CSA imposes a late payment penalty on a payer whenever they fail to pay their child maintenance by the due date. Interest is not charged on maintenance.	
Are there any conditions in your country to collect interest on arrears?	n/a
Are these amounts forwarded to the obligee?	Late payment penalty is not forwarded to the obligee.
E14. When assessing the support amount, how is the non-custodial parent’s child support capacity determined?	
For an administrative assessment CSA determines a parent’s capacity to pay child maintenance support by reference to their taxable income as assessed by the Australian Taxation Office (ATO) for the last financial year. If the ATO has not assessed a parent's taxable income, CSA can decide on an appropriate amount.	
What kind of expenses can he/she deduct from his/her earnings?	For an administrative assessment , the formula allows an amount for living expenses that is not taken into account in calculating child maintenance. The amount is linked to pension rates. The amount is increased if the parent has other children living with them.
Do tables for levels of maintenance exist? Are they binding or just a guide?	<p>An administrative assessment is calculated according to a formula. The formula is prescribed by law.</p> <p>For a court order there are no tables.</p>

Are any other person's income considered? (e.g. current spouse, child)	No
E15. Is there an automatic increase of the amount and if so, under which conditions? Cost of living adjustment?	An administrative assessment can be adjusted by CSA to account for changed circumstances – see D4 above.
E16. If the obligor pays a monthly amount that does not cover the current support as well as arrears, how is it determined which debt the money is paid on and who makes such a decision? Is there legislation that gives a certain sequence by law?	If CSA receives a payment from a payer who owes child support to <u>more than one payee</u> and the amount received is less than the sum of those debts, CSA must apportion the payment between the payees in proportion to the amount each of them is owed. This is prescribed by law.
E17. Do you require a document stating that this judgment is final and no longer subject to ordinary forms of review?	No

JURISDICTION AND APPLICABLE LAW

E18. Please specify any applicable legislation and requirements in relation to jurisdiction both for initial decisions and for modifications of decisions made within your jurisdiction and also outside your jurisdiction.	<p>A creditor can apply for an administrative assessment against a debtor who does not live in Australia so long as the creditor does live in Australia.</p> <p>A creditor who does not live in Australia can apply for an administrative assessment against a debtor who does live in Australia.</p> <p>An administrative assessment can be modified on application from either parent regardless of whether or not they live in Australia.</p>
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F. Acting As Receiving State

POWERS OF ENFORCEMENT

F1. What are the procedures for enforcing maintenance decisions which you have recognized?	In the first instance CSA will initiate telephone contact with the debtor to encourage voluntary payments. If voluntary payments are not forthcoming, CSA will undertake administrative enforcement mechanisms such as deductions from wages or salary, garnishment of bank accounts, intercepting tax refund payments, and withholding from income support payments. If administrative enforcement is not successful, CSA may take action to enforce outstanding amounts through the courts.
F2. Please list the methods available for the enforcement of maintenance decisions. In particular, please indicate whether any of the following enforcement / collection methods are available in your jurisdiction:	
▪ Wage withholding	Yes
▪ Tax refund intercepts	Yes
▪ Garnishment from bank accounts or other sources	Yes
▪ Deductions from social security payments	Yes
▪ Seizure &/or forced sale of property/assets	Yes
▪ Division of pension benefits	No
▪ Committal to prison	No
▪ The power to prohibit a liable parent from leaving your country	Yes
▪ Other – please specify	Litigation under common law

G. Acting as Transmitting State

TRANSMITTING REQUIREMENTS

G1. Please specify the requirements in transmitting a maintenance decision to another state.	Before an administrative assessment can be transmitted to another jurisdiction for recognition and enforcement, CSA must confirm the address and income of the payer.
G2. Are there any restrictions compared to your domestic arrangements Please specify.	

FOLLOWING RECOGNITION

G3. Following recognition of the maintenance decision in the other state do you require notification of the recognition?	Yes
G4. Does the recognition in the other state affect the status of the original decision? If so, please specify.	No

H. Any Other Information That May Be Useful

Please provide any other information concerning your arrangements that may be of benefit for other overseas authorities to be aware of.

DRAFT

**CHILD SUPPORT (REGISTRATION AND COLLECTION) (OVERSEAS-RELATED MAINTENANCE OBLIGATIONS)
REGULATIONS 2000**
Schedule 2 Reciprocating jurisdictions

Algeria
Argentina
Austria
Barbados
Belarus
Belgium
Bosnia and Herzegovina
Brazil
Brunei
Burkina Faso
Canada, the following Provinces and Territories:
Alberta
British Columbia
Manitoba
New Brunswick
Newfoundland
Northwest Territories
Nova Scotia
Nunavut
Ontario
Prince Edward Island
Saskatchewan
Yukon
Cape Verde
Central African Republic
Chile
Territory of Christmas Island
Territory of Cocos (Keeling) Islands
Columbia
Cook Islands
Croatia
Cyprus
Czech Republic
Denmark
Ecuador
Estonia
Fiji
Finland
France
Germany
Greece
Guatemala
Haiti
Holy See
Hong Kong
Hungary
India
Republic of Ireland
Israel
Italy
Kazakstan
Kenya
Luxembourg
Former Yugoslav Republic of Macedonia
Malawi
Malaysia
Malta
Mexico
Monaco
Morocco
Nauru
Netherlands
New Zealand
Niger
Niue
Norway
Pakistan
Papua New Guinea
Philippines
Poland
Portugal
Romania
Samoa
Sierra Leone
Singapore
Slovak Republic
Slovenia
South Africa
Spain
Sri Lanka
Suriname
Sweden
Switzerland
Tanzania (excluding Zanzibar)
Trinidad and Tobago
Tunisia
Turkey
United Kingdom (including Alderney, Gibraltar, Guernsey, Isle of Man, Jersey and Sark)
United States of America
Uruguay
Federal Republic of Yugoslavia (Serbia and Montenegro)
Zambia
Zimbabwe

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