



9 FEB 2012

The Hon Jenny Macklin MP
Minister for Families, Community Services and Indigenous Affairs
Minister for Disability Reform

The Hon Brendan O'Connor MP
Minister for Human Services
Minister Assisting for School Education

Parliament House
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9 FEB 2012

BR11-001465

Mr Ken Abery
Chair
Australian Foster and Kinship Carer Partnership
Unit 2/25 Depot Street
BANYO QLD 4014

Dear Mr Abery

We are writing in response to the announcement made on 24 November 2011 by the New South Wales Minister for Family and Community Services, the Hon Pru Goward MP, that relative foster carers in New South Wales would be required to apply for a child support through the Australian Government's Child Support Agency. This is not correct.

The Child Support Agency has received many queries from relative carers who are concerned or confused about this New South Wales Government announcement because they believe it means they must apply for child support. Many carers also believe that this is an Australian Government initiative, and are concerned that the new 'requirement' will affect their Centrelink payments.

We would like to clarify that this is an initiative of the New South Wales Government and one in which the Australian Government was not involved and does not support. We would like to reassure relative carers in New South Wales that no changes have been made to the Commonwealth child support legislation and the Australian Government does not require relative carers to apply for child support.

Currently, under the legislation, relative foster carers *can* apply for child support from the child's parents. However, the Australian Government does not *compel* non-parent carers to apply for a child support assessment. We understand the nature of these family arrangements can be very complex and we believe that relative carers are best placed to determine if it is appropriate and safe to apply for a child support assessment in their particular circumstances.

Further, you would be aware that Minister Goward has requested that child support legislation be changed so that non-relative foster carers can also apply for child support from their foster child's birth parents. The Australian Government does not support this proposal.

Our view is that non-relative foster carers are less likely than relative carers to have an understanding of the potentially sensitive dynamics of the family and the environment from which the child has been removed. Therefore, non-relative foster carers may not know whether it is appropriate or safe to make an application for child support, and it may not be in the best interests of the child or foster carers to seek child support from the birth parents through the Child Support Scheme.

However, state child protection authorities can apply for child support for a child in their care under the *Family Law Act 1975*. Under this legislation, a state or territory 'child welfare officer' may apply for a child maintenance order in respect of a child cared for by a non-relative foster carer. These provisions under family law ensure expert judgment by the Family Court on what is in the best interests of the child who is in the care and protection of the state.

We understand that foster and kinship carers have been concerned about these proposed changes to child support arrangements suggested by the New South Wales Government. Please assure your members that the Child Support Scheme is an Australian Government program and we will not be making any changes to our legislation in this regard.

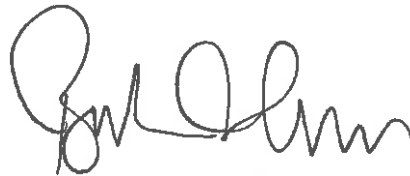
If you would like further information, please contact Mr Andrew Whitecross in the Department of Families, Housing, Community Services and Indigenous Affairs on 02 6146 0074, or Mr Dennis Mahony in the Department of Human Services on 02 6218 9764.

If individual carers have questions about their entitlements, the Child Support Agency can be contacted on 13 1272.

Yours sincerely



JENNY MACKLIN MP



BRENDAN O'CONNOR MP