

Report on Alleged CSA Breaches

Compliance Program

Reporting Period – February 2003

Identified Public Service Breaches

Date : 14th February 2003

Report Reference : MRACSACP-003

Prepared by : Special Projects Group

Reference	Issue	Identified Breaches
MRA17	<p>When he was 16 he joined the Navy and for the next 14 years of his life served the call of the Australian Government on Oberon Submarines. During his time he entered a marriage and through this he was lucky enough to become a father of two beautiful children. Little did he realise for if he ever fell out of marriage he would be segregated from the rest of society and then treated so harshly by what can only be called a dictatorship regime which seems to be fully supported by both parties of parliament. This agency he refers to and I am sure most politicians' cringe when they receive letters about it, is called the "Child Support Agency" (C\$A).</p> <p>He left the Navy to spend more time with his children, then his marriage broke up and he has now had the unpleasant task of being forced to deal with the C\$A, which until separated he didn't even know existed.</p> <p>In the next few short paragraphs (believe me these are short) we will explain his not insignificant story to you. Even as I write this he is still experiencing significant problems with this agency, which goes under the banner "Helping parents manage their responsibilities".</p> <p>He separated from his partner after 13 years of marriage. The Ex partner falsified her divorce papers to the Family Court to try to have the 12-month separation date brought forward. When he told the Family Court the truth, they believed his version and cancelled her application for divorce until the 12 months had past. This period started in Feb 2002. Yet the C\$A as expected are only too happy to believe the Mother and assume the date is Sept 2001</p> <p>His Ex partner and two children resided in WA at the time of separation and in March 2000 his Ex partner tried to sneak out of the state and move to NSW. He prevented this through the Family Court until proper contact orders were drawn up and agreed to by both the children's mother and father. The consent Orders were properly registered in the Family Court. Prior to this agreement and still now the C\$A have him paying approx \$880.00 per month in Child Support.</p> <p>When his children did leave to move to NSW in March 2002 and knowing it was only two weeks until the Easter holidays when the father could have contact with his children it was decided that he would fly to NSW for that contact to avoid excessive travel for the children on</p>	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Breach of C\$A Charter.</p> <p>Incorrectly collecting monies. Mis appropriating funds.</p> <p>Lack of competence.</p> <p>Lack of integrity of CSA staff.</p>

	<p>this occasion. The contact orders allow for the father to see the children each school term holiday.</p> <p>He filled in and sent off a request for change to Child Support as he now had contact costs associated with his children. These were and are approx. \$6000.00 per year mainly comprising airfares. His claim wasn't excessive and he didn't include phone calls and hotels and car hire even though he could. He thought he was doing the right thing by his children.</p> <p>The C\$A disagreed and wouldn't lower child support even by a small amount, because they said he couldn't show a past history of visiting the children or them coming to him in WA. Because of this decision he had could not afford to see his children for the Easter holidays. When he explained to C\$A about the time frames, the C\$A reviewing Officer (Susan Mellor's) said it was unfortunate and she could see that he did want contact with his children but they wouldn't help. He also explained he had debts from the marriage and he was spending more each month than making in income and her answer was he should have had better financial advice prior to separation.</p> <p>God bless her I wish I had that wisdom and hindsight.</p> <p>After receiving her final and official response to his request for change where every reason he had asked for had been rejected, he then submitted a report with the CSA's Objections Unit. (an internal review panel supposedly offering a cost effective way of delivering a just outcome)</p> <p>It would be laughable thinking that justice will be served by an internal CSA Objection Review process if the result of their deliberations were not so tragic. Self regulation rarely works and in this instance it is unlikely to deliver justice for those who are forced to operate under the CSA mandate. Work colleagues would be naturally reluctant to find other colleague's decisions biased or lacking in informed judgement.</p> <p>The objection took over 90 days to deliver a decision that amounted to bad luck and we look forward to seeing you go bankrupt.</p> <p>Through his last two reviews with the C\$A, they say they make their decisions based on evidence before them. Both times they send off to the Mother asking for her input and each time she fails to even bother to reply, but somehow through government supported legislation they always find some reason to not decrease the amount of money he pays each month so that he can afford the travel to see his children.</p> <p>He has also produced court documents showing he has his children for approximately 11 weeks of the year and even still they fail to believe he has any contact, as he hasn't shown enough past history. In the very near future he will have his children for 4 weeks of the Christmas holiday period. For this pleasure he is still required to pay the Mother the full \$880.00 for this month. But yet still cover all expenses of gaining contact and supporting the children over this month. As he says, "it makes it so hard to have a happy Christmas but we all manage to always smile for the sake of our children".</p> <p>CSA make suggestions that "if he works overtime" and he would certainly like to so to assist with paying for his children's airfares and to be able to provide for things when he does have contact with his children and get out of debt. Yet, if he does, the tax man takes his cut, C4A takes theirs and not much left in the wallet after all of that. So he keeps going further and further into debt and is now on the verge on Bankruptcy and quitting his job and then looking towards Social</p>	
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	<p>Security payments. All this with the blessing of the C\$A.</p> <p>There have been many studies conducted into the cost of raising children and these come up with figures like \$384.00 per month for one child and a certain amount for two and yet in some miraculous way the amount that is required to support and raise children rises to unsustainable levels under the child support formula</p> <p>After 13 years on Oberon Submarines he has seen and experienced many things, but nothing compares to the hardship that is placed upon people like himself and thousands of others all around Australia and what appears to have the full support of most of our elected Members of Parliament. He has never seen a more protected and uncaring group of people until he came in contact with the Child Support Agency.</p> <p>When looking back now on his past and holding the Australian Service Medal he was awarded, he wonders just what he was protecting while on a Submarine. He truly hopes it was not these laws and this legislation that C\$A uses to control and exchange maximum payments from one party to the other as if money was their only interest.</p>	
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MRA18	<p>Father contacted C\$A for advice and they said "if you have a lower income and contact costs what you need to do is lodge a Change of Assessment, no problem". He then had an interview by phone, told the Senior Case Officer (SCO) (Ms D'Arcy) the whole story and discussed his essential expenses - food, rent, train travel to work etc and the ex wife's essential expenses - cleaning lady, washing lady and repayments on new car etc. (Note that wife's income was twice the Father's and she lived rent-free and mortgage free in the matrimonial home with all of the facilities). The wife in her submissions said that the \$100.00 a week listed for his food was excessive. So what did the SCO make of all of this:</p> <p>(1) The father has a greater earning capacity so we will assess him on 2 1/4 times his earnings; and</p> <p>(2) As for contact with the children he needs to "establish a pattern of contact" (this is in writing) first before C\$A will take this into account.</p> <p>So the Father asked "am I missing something here, if you assess me on 2 1/4 times what I earn not only can't I establish a pattern, I don't eat". C\$A then introduced father to a C\$A expression "YP" which stands for "YOUR PROBLEM".</p> <p>With the assistance of family and friends, the father managed to string together contact with the children once a month for three months and reapplied. He went in person this time, (the previous time was by phone) and took a tape recorder. Why you ask? Well, the answer is simple, at the first interview with Ms D'Arcy her questioning and general hatred of fathers was so evident that he thought this time around he will record the interview. He turned up at the appointed time with all his info, receipts etc from visits with the children and tape recorder. The meeting commenced 45 minutes late, with a Mr Wotton who said "Oh no we at C\$A don't allow the recording of how we treat fathers". The father protested and said all he want to do is to have an accurate transcript of what is said. The SCO said, "no not allowed you must turn it off or the interview is over".</p> <p>SCO D'Arcy was so rude and aggressive toward the father. He lodged complaints with C\$A and the Ombudsman Office. Both organizations said we have carried out a through investigation of all of your claims. The SCO says that she didn't say all those things, and then they said to him do you have any other evidence to support your claim?? One has to admire the strategy on that one.</p> <p>SCO Wotton said he thought that SCO D'Arcy was right on the money and made no change other than to say well done so far in seeing the kids. I don't know how you have done it but well done anyway if you can keep it up you can apply again.</p>	<p>Incorrect application of policy.</p> <p>Failure of Duty of Care.</p> <p>Breach of CSA Charter.</p> <p>Making judgement without being qualified to do so</p> <p>Breaches of Public Service Act.</p> <p>Gender bias.</p> <p>Conspiracy to cover up the truth and defraud the payer with unreasonable assessments not based on fact.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p>

	<p>The father stopped writing directly to CSA and directed all correspondence to our beloved polties advising them that he was having trouble paying for a couple of things like food. In the end he became a problem and his case was elevated to the resolution unit and all of the things that were totally impossible became possible and he was assessed on his actual income. So that was the first problem solved.</p> <p>CS Staff SCO D'Arcy SCO Wotton</p>	
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MRA19	<p>Father started writing to anyone and everyone telling them that C\$A was financially preventing him from seeing his children and that he was desperately trying to satisfy the testing that fathers are subjected to by C\$A and asked could they help. Well wouldn't you know it, C\$A all of a sudden decided that maybe it was a good idea for him to lodge another application and this time everyone was on side? So he lodged the application that was supposed to put an end to everything but to make a point he also lodged with the application his objection to the decision (note in advance). In the objection he said that due to the over whelming bias in the system he could predict with certainty the outcome. The only thing he didn't know in advance was the ladies name that will find against him and the date she will do it. They didn't find that funny, interestingly though, he was right on the money.</p> <p>The decision to this particular application was an SCO Raice didn't even bother with an interview (natural justice alive and well at C\$A). She said that by her calculations he didn't qualify because he failed to have sufficient costs. Dear Ms Raice only included 1 month not 12 months costs, so he phoned and pointed this out to her. She said OK yes, can see it now well Ummm Ooops. So she comes up with this great idea and says what "HE" has to do is object to her decision. Call me problem resolution orientated, but he said here is an idea from left field since it's your error why don't you fix it up and issue another ruling. If he has to object it will take 90 days, before the ever so efficient girls at the Objections Unit get around to it and even then he has no guarantee that they can add up either. – "Oh no she said that's not the way it works when you get it wrong we ask you to fix it and when we get it wrong you have to fix it as well" – "Your problem".</p> <p>He then contacted C\$A and said his objection was in, please consider it. As indicated above they didn't like him lodging it with the application so what they decided to do is wait until the time lapsed and then said unlucky you can't have the decision reviewed because you are out of time so our error stands. The objection you lodged was no good.</p> <p>Then on the quiet, CSA had a little chat with him and said you can apply again if you want and maybe we will grant you some consideration about your contact costs. However when we are considering your application we will also look at the issue of your earning capacity and we might decide to take it all the way back up so apply if you want. This deeming power they have is cruel and is also used to silence blokes that complain too much. If you are looking for an abuse of power then this is an excellent area to look.</p> <p>He decided that he would regroup in the short term and allow a couple of tax returns to be lodged that showed income, then reapply. He had continued to have monthly contact (with all 3 children) however in the school holidays July 2002 he could not afford to get all three over to see him. He phoned his CO (Case Officer) at C\$A and told her (it's always a her, why is that?) about the fact that only one child was coming over. He also said that he was worried that C\$A would say well what a shame all you needed to do was have an unbroken pattern of contact and you were doing so well and but with only one child that breaks the pattern. He felt very sure that they would say "we here at C\$A were right all along you really don't love your children" if you did</p>	<p>Breach of Crimes Act by using threat of financial retaliation should the payer proceed with application.</p> <p>Use of threats intimidation and blackmail.</p> <p>Abuse of power and position.</p> <p>Refusal to correct admitted mistake in assessment.</p> <p>Incorrect application of policy.</p> <p>Failure of Duty of Care.</p> <p>Breach of CSA Charter.</p> <p>Failing to provide process and duty information.</p> <p>Breaches of Public Service Act.</p> <p>Gender bias.</p> <p>Conspiracy to cover up the truth and defraud the payer with unreasonable assessments not based on fact.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p>

	<p>you would have found a way to get all three over to see you.</p> <p>So to avoid that, he contacted them and gave them the situation and asked the question “does contact with the one child over the holidays qualify as contact, if not he would get a personal loan and get the other two over as well so as not to break the pattern” . In response they said that they would not advise him what the correct thing to do was in advance as he had requested. They said do as you think best and when you have we will assess your efforts. So what can we see here? He has gone to them in advance and said I want to comply I want to get it right please C\$A tell me what I must do. C\$A says no, you do what ever you think is right and we at C\$A will tell you if you get it right. Clearly he is being set up for a fall no doubt.</p> <p>CS Staff</p> <p>SCO Raice</p>	
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MRA20	<p>Father has Child Support Agreement in place. The C\$A continually issue false statements changing the amount to a ridiculous monthly value that is miscalculated. This mistake is not only sent to the Father but also the payee, reporting false and misleading income information.</p> <p>Continual phone calls to correct the mistakes fall on deaf ears. Staff indicate that they have corrected the problem and no more erroneous information will be sent out to either party. The usual excuses are used. System problems or we have fixed that and don't know why.</p> <p>The strategy seems to be to create an incentive for the payee to pursue more funds by sending out erroneous, false and misleading information. C\$A have not denied this.</p> <p>After the last instance of this gross incompetence the father decided to adopt a new tact and stop payment. When payment wasn't received C\$A dutifully responded asking why haven't you made your payment when historically you have always paid either before or on time. The father responded that "If you cannot abide by your side of the agreement and administer my account correctly then I am not obliged to abide by my side of the agreement and pay. The question was asked "Would you continue to pay for services you do not receive" Of course the CO could not find any record of the phone calls attempting to correct the mistake. The father pointed out that there is an agreement in place and it was quite clear what is to be paid. The CO indicated they had no record of the agreement and the system calculated formula amount was correct. The father indicated that failure of the C\$A to correctly record agreements and maintain public records is not his problems and he is quite clear on what is to be paid. The CO asked if he had a copy of the agreement so that he could send it to them. The father then indicated that a failure on their part does not constitute an action on his part to correct their mistake. They had a legislative responsibility to file and record Court Records pertaining to Agreements and that no payments will be made until they had corrected the problem. CO indicated that "things go astray here and he should be willing to verify the agreement" Again he indicated that systemic failure of the C\$A is their problem to address.</p> <p>The following day the CO rang back to advise that the mistake had been corrected!!! It seemed that staff incompetence in recording the agreement details and failure by successive staff to correct it had resulted in high costs and loss of revenue to C\$A. CO advised that "yes some staff are not well trained and do not understand the system or the legislation". "Most cannot read a statement". Father responded by saying that is failure in their Duty of Care and in direct contravention of the C\$A Charter and that future bungling will be treated with a similar response and cessation of payment until account details are corrected.</p> <p>Staff : Lyn team 5 Newcastle Office</p>	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Systemic failure in application of the Legislation.</p> <p>Distribution of misleading and incorrect information.</p> <p>Failure to maintain correct and accurate records in contravention of the Records act and CSA processes and procedures.</p>

Reference	Issue	Identified Breaches
MRA21	<p>A father attempted to lodge a complaint in relation to the manner in which his claim for financial compensation has been handled within C\$A. A claim was lodge for compensation on 13 June 2002 and on 20 June 2002, C\$A advised that Mr Geoff Rondel was handling the claim and expected to advise him the result of the claim by 25 July 2002.</p> <p>Well, the 25 July 2002 has come and gone and on 30 July 2002 the father phoned Mr Rondel to find out the status of the claim. In speaking with Mr Rondel, he was advised the matter had been transferred to Mr Neil Gaillee and he was transferred forthwith. In conversation with Mr Gaillee he was advised that he had not completed investigations as yet, but anticipated lodging his report with head office within 1-2 weeks. The father advised Mr Gaillee that it was now six weeks since the claim had been lodged and the delay was unacceptable. Mr Gaillee responded with several excuses including heavy work commitments and ill health but the excuses do not explain a 6-10 week delay on finalising such a sensitive issue.</p> <p>Note the C\$A Charter proclaims (inter alia): "We want to provide a high standard of service to all clients. This means we will be objective and unbiased, prompt, accurate, respectful, sensitive to your needs, professional. We will respect your privacy, keep your information confidential, give you access to your personal information."</p> <p>It is clear that C\$A have breached their Charter by delaying consideration of his compensation claim beyond a reasonable period. One can only conclude that the delay is deliberate as it is difficult to believe that any organisation in the modern age can be that inefficient through ineptitude.</p>	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Breach of CSA Charter.</p>

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MRA22	<p>The father pays later in the month due to his monthly payday being later in the month. He calls C\$A on 14th June and spoke to Ross. He didn't want C\$A to intercept his tax return at about the same time that he made the payment (i.e. He would have paid double for the month). He told him that he could not stop the new computer system automatically taking his tax refund. He suggested that he call just before making the payment to make sure that it hadn't already been taken. The father submitted his Tax Return on 18th July. Because he submitted using E-Tax he was expecting the refund would be back to him about the 31st July. So on 30th July he called C\$A and spoke to Amanda. She told him that C\$A had been advised by ATO on 19th July that a refund was available. Someone (no one wants to tell him who) put a hold on his refund processing on 19th July. So for 11 days his refund sat in limbo waiting for someone to do something. He complained bitterly to Amanda about their slackness in holding up the process for 11 days, with a possibility according to Amanda that it would be another 14 days before he received the balance of the refund after they had had their chop at it.</p> <p>He finally got Amanda to process it by taking their chop, and then releasing the balance. She couldn't tell him when he would get the balance. He called Claire on the complaint's line on 31st July. He complained about the 11 day delay in processing. He also said that he was totally unaware that a block was being placed on the automatic intercept process (Ross told him on 14th June that this could not be done). She undertook to get back to him later that day or the next day with some answers. She never did.</p> <p>On Friday 2nd August he rang the complaints line again. He got Ross this time (could be a different Ross from the first one). He told the father that the block on automatic intercept processing was a standard feature of their system, and that they had 14 to 21 days to take action to process the refund intercept. He looked up the fathers' account and saw it was in a "Pending" state. Horrors!!! Was the father to be still stuffed around with the block still being in place even though Amanda had done the "processing" on 30th July. After a while Ross found out that pending meant that they were waiting for ATO to pay them.</p> <p>Ross continued to hold the CSA line that they had done nothing wrong in the whole process. It didn't matter that they had put a block in place (which allegedly couldn't be done) for 11 days, and then claimed that they had 14-21 days to action it. The father finally got the refund into his bank account on 3rd August. He had the distinct impression that they were going to delay the processing until after 7th August so they could have another chop at the refund.</p> <p>The other thing that has annoyed the father enormously throughout the process is the lack of security by CSA.</p> <p>He asked CSA to record a password on his account. He did this on 5th July with Tricia. He recorded with them a password which he must supply when calling in to talk to them (his ex-wife's new husband has been known to impersonate him to others). In the three calls to CSA since then he has not been asked for the password.</p>	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Making judgement beyond power provided by the Act.</p> <p>Breach of CSA Charter.</p> <p>Incorrectly collecting monies. Mis appropriating funds.</p> <p>Breaches of the Privacy Act.</p> <p>Failure in terms of security by not correctly verifying the identity of the caller.</p>

Reference	Issue	Identified Breaches
MRA23	<p>C\$A's attempts to charge father Child Support on the ex's share of father's super that had been transferred directly to her solicitor's account.</p> <p>Since the super showed in the INCOME section of the next tax return, they decided he should pay 18% of it to the ex- and he flatly refused to play their silly game. He pointed out that it is one of nature's laws that you can't get more than 100% of anything. As a result of which Tanya told him "she would see that he was thrown in jail and put in a cell with Bruno (whoever Bruno is/was", but surely the implication was defamatory to him anyway) and she'd guarantee that within a week he would be screaming to be let out and happy to pay the 'outstanding debt'.</p> <p>In the end she managed to ring the fathers ex- (He had already rung the ex-, told her what was going on, and that he was going to fight it through the Courts because it was blatantly unjust and needed a precedent for all the poor bastards coming behind him). The upshot was, the ex- referred them to a clause in our settlement agreement that said that after the settlement date, no further claims would be made on him for Child Support or Maintenance. (They had a copy of that agreement on file). It was almost 12 months later that someone from the Commonwealth Ombudsman's Office came to speak at Men's Rights Agency Meeting and thought that he had a case and should submit the details in writing. It was passed to Rosemary Kusuma who wrote back to say that there was no case to investigate.</p> <p>She had approached C\$A and they pointed out that they had reached an amicable settlement and the file was closed. RK's letter finished with 'the matter is closed and no further correspondence will be entered into'.</p> <p>He wrote back pointing out that C\$A had tried to charge Child Support on Super transferred to the ex- and that he wanted their right to do that investigated as it appeared this was C\$A policy. She wrote a short curt reply referring him to the final sentence of the previous letter. He took that as case closed.</p> <p>It is simply untenable and unfair. Impossible mathematically! Maybe he should have fought harder, but where do you go after you are told you have nothing to fight for? And they were right of course.</p>	<p>Threats and intimidation that are in breach of Crimes Act.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Breach of CSA Charter.</p> <p>Gross incompetence on part of CSA staff.</p>

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MRA24	<p>On 1/12/01 the father suffered sciatica and was hospitalised. He was advised to take 6 weeks off work and reduce his workload, indefinitely. As a sole Dental Practitioner it meant he had no income for 6 weeks, and reduced income for an unspecified length of time with a number of non-reducible overheads. He phoned CSA and spoke with "Jason" whilst in hospital. His estimations for incomes were updated every two weeks as his condition improved and letters from the CSA indicated they 'accepted' the estimations.</p> <p>On 12/4/02 the ex-wife applied for COA under reason 8 and a conference was set for 29/5/02. Within the application were numerous lies, false and misleading information, reference to his wife and her family's money and no evidence to back up any allegations or expenses. He responded saying that his wife and her family do not give consent to discuss their details and at the telephone conference of 29/5/02 reminded the SCO Ms Heather Van Zyl of this.</p> <p>A decision was made 7/6/02 almost trebling the amount of Child Support he paid by formula. It was backdated to 1/1/02.</p> <p>He objected on 2/7/02 on the grounds that:</p> <ol style="list-style-type: none"> 1. A figure extrapolated from BAS for his company was in fact NOT the BAS from his company. 2. The GST component had not been removed from the extrapolated figure. 3. No income is unreasonably directed to the wife. 4. Income received as a demonstrator from a University is paid at \$90 per session on a 29-week year not 40 weeks as 'made up' by the SCO Heather Van Zyl. 5. The applicant's property portfolio was not considered in the decision. 6. The applicant's true income (minimum award and without salary packaging) as a teacher was not considered. 7. The Dept of Defence no longer contracted him so he had a loss of nearly \$27 500 per year, which was not taken into account by the SCO. <p>He complained that:</p> <ol style="list-style-type: none"> 1. The SCO Heather Van Zyl created an incorrect salary figure for his wife, who legitimately is the Administrator for his business and employees. 2. The SCO Heather Van Zyl misinterpreted her own CSA forms and referred to his income as being "???"\$5 200"???". 3. The SCO Heather Van Zyl made 'sexist' and unnecessary comments by stating she found it difficult to accept that his wife deserves the remuneration (that the SCO made up) considering his wife "had in her care the parties young child born in February 1999 and would have been pregnant for part of this period with the parties second child." 4. He was chastised for not restructuring his fixed debt!! 	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Breach of CSA Charter.</p> <p>Incorrectly collecting monies. Mis appropriating funds.</p> <p>Lack of competence.</p> <p>Failure to correct Government mistake.</p> <p>Failure to address complaints in un biased manner.</p> <p>Ignoring facts in attempt to extort more funds from payer.</p> <p>Lack of integrity of CSA staff.</p>

	<ol style="list-style-type: none"> 5. The SCO Heather Van Zyl would not accept that he paid a portion of rent towards living in the house of his wife and her family (as non residential parent he still must provide a bedroom for his son). 6. The SCO Heather Van Zyl made judgement on his "general lifestyle" based on the lies of the applicant and without evidence. 7. The SCO Heather Van Zyl concurred with the applicant's scepticism on the extent of his back injury ignoring the three different medical reports presented. 8. The applicant did not establish any reason for COA. The SCO Heather Van Zyl in fact created reason. 9. In stating that he had a 'taxation advantages' available to him SCO Ms Van Zyl ignored over \$5 000 difference between assessable income and actual income of the applicant. 10. The SCO Heather Van Zyl named his wife's and own private superannuation company for no reason. <p>Mark Mansfield, Objections Unit, acknowledged receipt on 11/07/02. He then received an amended decision dated 16/07/02 saying that a mathematical error had been brought to SCO Heather Van Zyl's attention because "Mr XYZ has advised that wages will only be paid for 29 weeks over a year..." resulting in a \$990 pa income reduction. But she stood by all other findings made in the original decision.</p> <p>So he objected again. And referring to four very relevant facts he asked that they re-amend by:</p> <ol style="list-style-type: none"> 1. Deducting the income NOT EARNED through former employment at the Army. 2. Deducting the GST from the extrapolated BAS. 3. Using the correct BAS in extrapolating company income. 4. Verifying then using the true income of the applicant. <p>He also wrote to the FACS Minister Mrs Vanstone and Mark Sullivan Secretary, FACS to complain. They palmed off the complaint to Glenda Scott, Regional Registrar CSA (WA) who wrote to say she was palming off the complaint to Ms Helen Roberts, Team Leader, COAT and Ms Jackie Raynor, Compensation Officer.</p> <p>In the meantime on Friday 9/8/02 at 5.33pm his office message bank received a phone call from "umm, Lorraine, from a umm government agency. Please phone on umm, 9388 7606". The phone number still doesn't connect. Anyway Lorraine went ahead and took nearly \$3 500 from one BAS rebate which was to go towards the \$16 000 owed in Group Tax and GST.</p> <p>Meanwhile Ms Helen Roberts acknowledged the original complaint in a letter dated May 2002 On 21/8/02 she addressed the issues she wanted to from his complaint letter, the first being the issue of consent from third parties to use their information. As the application was Reason 8 and not 9 or 10 the applicant "therefore is not required to meet this requirement".</p>	
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	<p>Secondly she addressed the issue for the provision of false and misleading information by the applicant. Apparently it is not legislated to require that an offence be prosecuted. The actual decision rests with the DPP and the decision for referral to the DPP rests with the C\$A. But for reasons of privacy it is not appropriate for Ms Helen Roberts to comment in any way on whether or not the information he provided is being considered for referral. If no 'significant harm' in a false statement is perceived by the C\$A then no referral. So that had the applicant lied about a person's income when a copy of a tax return is available then no significant harm has been made.</p> <p>The third issue relating to SCO Ms Van Zyl was largely excused by the fact that the objection was still being processed.</p> <p>He then spoke with Ms Jackie Raynor (08) 9338 2741 on 3/9/02 regarding compensation and was told to hurry up and put in an application because she was going on holiday! Quickly done and quickly sent on 5/9/02.</p> <p>On 26/9/02 he still had not heard from the C\$A regarding his objection/s so he phoned Mark Mansfield (08) 93882728 and Ms Helen Roberts (08) 9388 2891 and was told that they have many objections to go through and mine won't be done for another 2 or three weeks. It will be over 100 days since the original objection and over 80 days for the second objection.</p>	
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Reference	Issue	Identified Breaches
MRA25	<p>When the father left he was earning about \$80K which was used to pay the car lease (she had the car), the mortgage (she lived in the house and only 50% of the payment was counted as child support and he was not given any offsetting credit for her occupying the house rent free), tax, his rent and fares and food and electricity and some small treats for the children. Maintenance was assessed at 32% for 3 children. If you work it out he had virtually no spare money.</p> <p>He was made redundant about 4 years ago and was unable to get a job as an employee in the insolvency industry because everyone was downsizing. He went to employment agencies and was told he didn't have the right experience by a "wet behind the ears 20 something" fresh out of uni with no experience. In actual fact he was 43 and there was no interest. Having been made redundant on 3 other occasions he decided to go into business as an insolvency administrator. However, in Dec 01 C\$A at ex's request deemed his income at 3 times what it actually was thereby increasing maintenance from 27% to 60% of GROSS income. But to add insult to injury they backed dated it 12 months, so that after making all statutory payments to date he suddenly had to find \$12,000.</p> <p>He has appealed and requested changes of assessment, but to no avail. His ex was financially better off than he (she has assets in excess of \$1.2M, he has assets of \$150K), Ex has the ability to earn an income in excess of \$100K and to point out the blatant lies being told by ex, got him no where. He has a statement by C\$A that they do not care where the back maintenance comes from even though he does not have the income to pay it.</p>	<p>Failure to accept documentary evidence as presented.</p> <p>Failure to act without bias.</p> <p>Failure of Duty of Care.</p> <p>Breaches under the Public Service Act Code of Conduct by not acting in impartial and consistent manner.</p> <p>Failure of process to act in consistent and correct manner.</p> <p>Breach of CSA Charter.</p> <p>Incorrectly collecting monies. Mis appropriating funds.</p> <p>Lack of competence.</p> <p>Failure to correct Government mistake.</p> <p>Lack of integrity of CSA staff.</p>

Extract of the Public Service Act Code of Conduct.

- (1) An APS employee must behave honestly and with integrity in the course of APS employment.
- (2) An APS employee must act with care and diligence in the course of APS employment.
- (3) An APS employee, when acting in the course of APS employment, must treat everyone with respect and courtesy, and without harassment.
- (4) An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws. For this purpose, Australian law means:
 - (a) any Act (including this Act), or any instrument made under an Act; or
 - (b) any law of a State or Territory, including any instrument made under such a law.
- (5) An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.

- (6) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- (7) An APS employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment.
- (8) An APS employee must use Commonwealth resources in a proper manner.
- (9) An APS employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment.
- (10) An APS employee must not make improper use of:
- (a) inside information; or
 - (b) the employee's duties, status, power or authority; in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person.
- (11) An APS employee must at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS.
- (12) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
- (13) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

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