

# 2003 CLE Program

22/1/03	Native Title	Raelene Webb
19/2/03	Bail Applications	Hon Justice T Riley & Office of the DPP
26/2/03	Affidavits and Witness Statements for proceedings	Hon Justice J Mansfield
19/3/03	Practice Management	Kriss Will

Prices are \$22 members, \$27.50 non-members, \$5.50 students (all include GST).

The CLE presentations are videoconferenced to venues in Alice Springs and Katherine.

## Court Library notes (from previous page)

### Vicarious liability

Todd, Alison - Vicarious liability for sexual abuse, Canterbury Law review, Vol 8 2002 pp: 281-314

### Victims of crime

Edwards, Ian - Place of victims' preferences in the sentencing of 'their' offenders, Criminal Law Review, Vol Sept 2002 pp: 689-702

### Witnesses

Lanham, David - Witness credibility and cross-border convictions, Criminal Law Journal, Vol 26(5) 2002 pp: 272-278

### Work health

Musso, Philip G - Serious injury - a need to take it seriously, Plaintiff, Vol 53 2002 pp: 43-45

## DEADLINES

*Contributions to Balance are welcome.*

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## *The Child Support agency, continued from page 23*

entitled to an administrative assessment of child support, they can also ask that CSA cease to disburse the child support being paid to the payee. Although collection will continue, CSA has a discretion to suspend disbursement pending the court's decision in the matter where the suspension does not cause the payee severe financial hardship.

The requirement that the applicant object to an assessment does apply if they are applying on any other ground, such as that they are not a resident of Australia.

Once such a declaration is received by CSA the assessment is cancelled, and if the child support was collected by the Registrar, all collection activity is ceased and any funds held by the Registrar that have not been disbursed to the payee are refunded to the payer.

Monies paid by the paying parent found not to be liable to pay

Sometimes CSA collects amounts of money while a case is properly registered, and then a declaration is made (sometimes years later) that the payee is not entitled to payments. In such cases CSA will not refund the monies collected. **The person concerned may apply to the court for an order that the person who was the payee in the case should refund/repay the monies.** Such an order can be made under section 143 of the Assessment Act. Section 143 establishes that, although payments may have been made to or collected by CSA, the monies are to be treated as though they were made directly to the payee. Orders for refund, where considered appropriate by the court, are made against the payee, and do not involve CSA.

There is a Full Court decision on this issue on the website of the Family Court under the reference **Child Support Registrar & Z & T [2002] FamCA 182.**

### Conclusion

Parentage is an issue that is important in child support matters, whether or not administered by the Registrar. However, the Registrar has no power to determine parentage. This remains a function of the court even though the Registrar is entitled to be satisfied that a person is a parent of a child where the provisions of subsection 29(2) of the Assessment Act are met.

If practitioners or clients need information in relation to any general policy of CSA information is available on the website [www.csa.gov.au](http://www.csa.gov.au). An alternative is to contact CSA on the Solicitor's Hotline in the region most convenient to them. The numbers are:

#### Queensland

Brisbane (07) 3001 4850

#### South Australia

Adelaide (08) 8112 1647, (08) 8112 1649

#### Western Australia

Perth (08) 9338 2850

*1 Nigel Harden is a senior adviser at the Child Support Agency's Brisbane office.*