

SOCIAL SECURITY

Number 42 April 1988

Opinion

Child support

The legislative changes to the *Social Security Act* arising from the child support scheme are noted in this issue of the Reporter.

Perhaps the term 'child support' is something of a misnomer as the scheme is essentially one designed to ensure that persons fulfil their maintenance obligations to spouses, former spouses and children. While there is no doubt that children may be a major beneficiary group of the changes, the provisions also extend to maintenance payments in general.

With this in mind there may be some concern with the proposed change to the Act which effectively requires a person to pursue maintenance proceedings in order to qualify for widow's pension or supporting parent's benefit. In a case where there may have been a history of domestic violence one wonders to what extent the Department will consider it reasonable to pursue the violent former spouse for maintenance when the desire in the claimant is to break all contact. The Minister did say in his second reading speech that:

'action will not be required where there are genuine fears of violence to the custodian or children or where there may be a threat to the security of the custodian or her children'.

It will be necessary to monitor the administration of this guideline.

Another important effect of these changes is that which arises from the inclusion of maintenance in the form of in-kind and capital payments in what amounts to an income test. Due regard

will have to be given to the social security implications of maintenance and property agreements in the Family Court as a result of these provisions being introduced.

Social Security Advisory Council

The Social Security Advisory Council has been formed as the result of the amalgamation of the Social Security Review Advisory Committee and the National Advisory Council on Social Welfare.

With the role of advising the Minister on matters affecting social security policy, its membership is clearly crucial in determining its role. A body such as this may merely serve to legitimate changes desired by the State or it may act as a critical conduit for those directly affected by the social security system.

There is a lack of critical work on the membership of such a body as this Council. For example, to what extent should technocrats who have a professional interest in the social security system serve on such bodies? What is the philosophy which deems it necessary for an employers' group representative to also be a member of such a body?

While these and other interest groups do have legitimate interests in social security they also can and do lobby government outside and independently of such bodies. In that context it is a fair question to ask why such bodies as the Social Security Advisory Council exist at all?

B.S.

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