Parliamentary Inquiry into the Child Support Program: A critical analysis of submissions

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Declaration

This thesis contains no material that has been accepted for the award of any other degree or diploma in any university. To the best of the author's knowledge, it contains no material previously published or written by another person, except where due reference is made in the text.

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Abstract

Despite the Australian Child Support Scheme having been in operation for three decades and seen as one of the leading child support systems in the world, child support continues to be one of the most disputed and controversial areas of social policy. Five major evaluations of the Scheme have occurred over the past 25 years, including the most recent Parliamentary Inquiry in 2014 chaired by the Hon George Christensen MP. The present study sought to critically examine the submissions to, and final report of, the 2014 Parliamentary Inquiry into the Child Support Program – in particular whether some voices (that is, those of experts and/or those of non-experts) and forms of evidence were given primacy. Three research questions guided the study: (a) did the Committee focus on any particular terms of reference?; (b) were some forms of evidence privileged over other sources of evidence?; and (c) to what extent was the Committee's final report based on "expert" evidence? These questions were examined by conducting a thematic analysis of 130 written submissions and oral evidence from 79 witnesses at 12 public hearings around Australia available on the Parliamentary website. Three key findings emerged. First, while the formula and compliance featured in the Committee's questions during oral submissions, it was far less prominent in the final report. In short, the Committee did not focus on any particular Terms of Reference in its final report. One possible reason for this is that most – if not all – of the Terms of Reference in totality require a major investigation by a group of technical experts supported by a large specialist secretariat as was the case with the 2004 Ministerial Taskforce. A broad and shallow approach to all of the Terms of Reference is safe in the current risk-averse, fiscally tight, intense political context. A second finding was that some forms of evidence (most notably expert evidence) were privileged over other types of evidence (that is, non-expert

evidence). A third finding was that the Committee's final report was largely based on "expert" evidence; this differs from prior evaluations in which gender-based non-expert interest groups have been found to be influential in the policy reform process. The findings from the present study suggest that the most recent child support inquiry involved highly selective, ad hoc and opaque processes rather than logical, rational, transparent processes. Lessons for the policy development process, and ideas for future studies, are noted.

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Introduction

Child support is money transferred – either privately or through the Child Support Program (formerly the Child Support Agency) – between separated parents to support their children. The most common arrangement is for a non-resident parent (usually the father) to pay a resident parent (generally the mother), though this pattern is beginning to reverse (Vnuk, 2018). In Australia, under s.66C (1) of the Family Law Act 1975, natural or adoptive parents have a "primary duty" to maintain their children financially. This duty is buttressed by a nationally administrative system created in 1988/89 by the Australian Government: The Child Support Scheme (the 'Scheme').

The Scheme affects over one million separated parents, and around one million children – either by assessing and collecting child support from one parent and passing it on it to the other (*CSA Collect* cases) or by assessing child support liabilities which are then directly transferred between parents (*Private Collect* cases) (Child Support Agency, 2009, 17). A small group of separated parents (estimated to be around 15–20% of the separated parent population) exercise their own arrangements outside of the scheme (*Self-administered* cases). The latter group are likely to be well resourced, cooperative parents who see no benefit in becoming involved with government. This is in contrast to a sizeable proportion of

CSA Collect and Private Collect cases that are not well off (see, for example, Silvey & Birrell, 2004).

1.1 In the beginning…

The Australian Child Support Scheme was introduced just over three decades ago when divorce and ex-nuptial births were increasing sharply, and when many non-resident fathers provided no or minimal financial support for their children (Edwards, 2001). At that time, child maintenance (as it was then called) could only be obtained through court action. But even when court mandated, little – if any – child support still occurred. As a result, the financial support of children after parental separation largely fell on the public purse.

A central aim of the Scheme in the late '80s was to reduce child poverty for single mother households and reduce pressure on social security. Another aim was to offer some predictability about the amount and timing of payments, and to take money out of the post-separation parenting equation so that parents could move to a more businesslike working relationship rather than get stuck in enduring acrimony over money and children (Carberry, 1990).

More formally, from a policy perspective, the Scheme was designed to ensure that children of separated parents continue to be supported financially,, both parents provide financial support according to their respective capacity,, and government outlays be restricted to the minimum needed to ensure children receive adequate support from both their separated parents (Joint Select Committee on Certain Family Law Issues, 1994). The Scheme also sought to avoid separated parents (typically fathers) saying 'stuff-it' and giving up work to avoid paying child support altogether. Finally, the Scheme sought to be "simple, flexible, efficient"

and non-intrusive in its operation (Child Support Evaluation Advisory Group 1992, p. 67–68). All of these policy aims still hold, arguably apart from the aim of being simple, flexible and efficient.

1.2 Persistent policy problems and politics

Despite the Scheme having been in operation for three decades, child support continues to be one of the most debated and controversial areas of social policy. Why so? For policymakers, balancing the complex and competing needs of children, separated mothers, separated fathers, and the State is inherently difficult because changing one aspect of the Scheme almost invariably impacts or undermines other policies, particularly social welfare policy (for example, social security and tax policy) (Blumberg, 1999; Smyth & Weston, 2005). On the ground, child support policy involves many stakeholders, interest groups, and views about how child support policy ought to work. It remains an area of highly charged emotions, gender politics, and technical complexity – not a good mix given that strong emotions typically cloud judgment and rationality. All of this makes child support an incredibly challenging area of policy, especially in a rapidly changing modern world (Smyth & Weston, 2005).

1.3 Early evaluations of the Child Support Scheme

There have been many evaluations of the Child Support Scheme since its inception. Early evaluations of the Scheme were conducted by the Child Support Consultative Group (1989) in partnership with the Australian Institute of Family Studies (Harrison, Snider & Merlo, 1990; Harrison, Snider, Merlo & Lucchesi, 1991); the Child Support Evaluation Advisory Group (1990, 1992); and the Joint Select Committee on Certain Family Law Issues (1994a, 1994b).

A common finding was that resident and non-resident parents have different complaints about the Scheme (Smyth & Weston, 2005). The most common complaint by payers (mostly fathers), especially those with new families to support, is that they are paying too much (cf. Joint Select Committee, 1994b, p. 54, p. 399), so much so that some don't see the value of staying in paid work (Joint Select Committee, 1994, p. 429; 1992, p. 365). In marked contrast, the most common criticism made by payees (mostly single mothers) is that payments do not occur (Joint Select Committee, 1994, pp. 53–54, p. 235) or, if they do, are not made on time. Payees also maintain that their former partners often minimize their income. Differences aside, many parents (both mothers and fathers) complain about the Child Support Agency's poor service (Joint Select Committee, 1994, p. 2–3). These complaints continue (Commonwealth of Australia 2005; Smyth & Weston, 2005).

1.4 The Ministerial Taskforce on Child Support 2004-05

While Australia's Child Support Scheme has led the world in many ways, it is clear there have been many changes in the circumstances of Australian families over the past three decades, thereby prompting a major overhaul in 2004–05 by a Ministerial Taskforce on Child Support.[1]

Specifically, marked social shifts in gender roles, work and parenting placed increasing pressure on the original scheme: women's workforce participation had markedly increased, men had become more involved as active fathers, and separated parents were increasingly sharing the care of their children after separation (Smyth & Henman, 2010). This mounting

[1] The Taskforce comprised eight experts, primarily from universities and government; a large well-resourced and knowledgeable secretariat from the then Department of Families and Communities; and a reference group comprising a disparate mix of stakeholders including members of fathers' groups and mothers' groups.

pressure is not surprising given that the Scheme was based on a traditional 'male bread-winner/female carer' model. It became clear to government that major policy reform was needed to play catch-up with marked social change.

To enable the Scheme to be brought into the 21st century, and flowing out of broader family law reform, the Every Picture Tells a Story report (Commonwealth of Australia, 2003), initiated major changes, as recommended by the Taskforce, which were implemented in three stages during the period 2006–08. The total reform package became fully operational on 1 July 2008 when a new formula for calculating child support payments began to operate. A strengthened enforcement regime for ensuring that child support is paid in full and on time was another major plank of the reform package. In essence, the new Scheme sought to reduce interparental conflict after separation, encourage shared parenting, and enhance equity between households to try 'to better balance the interests of both parents, and be more focused on the needs and costs of children' (Commonwealth of Australia, 2008, pp. 1–2).

As noted by FaHCSIA (Commonwealth of Australia, 2008, pp. 1–2):

> [t]he new Scheme is underpinned by a new set of principles that the Taskforce considered were more consistent with contemporary conditions and attitudes. They argued that a child support system should:
>
> - continue to be based on the 'continuity of expenditure' principle – that wherever possible, children should enjoy the benefit of a similar proportion of the income of each parent to that which they would have enjoyed if their parents lived together;

- be based, as much as possible, on what it costs to raise children recognising that these costs vary according to household income, age of child and labour force status of parents;
- enable parents to share the cost of supporting their children according to their capacity to pay;
- recognise that provision of care is a contribution to the cost of children;
- minimise the extent to which financial concerns influence agreements about parenting arrangements and care;
- treat children in first and subsequent families as equally as possible; and
- take account of the contribution made by Government to the costs of raising children.

These policy principles provided the rationale for many of the policy changes that formed the backbone of the revised Scheme.

A recent evaluation of the impact of the child support changes of 2006–2008 by Smyth, Rodgers, Son and Vnuk (2015) indicated that not as much progress had been made as was hoped for. Indeed, many members of Parliament continue to receive complaints about the revised scheme, as does the Commonwealth Ombudsman's Office.

1.5 Brief historical interlude

It is noteworthy that the 2004–05 review, and its precursor, the House Standing Committee Family and Community Affairs Inquiry into Child Custody Arrangements in the Event of Family Separation (*The Every Picture Tells a Story* report), occurred at a unique historical moment: the Liberal–National coalition government had been in power for three terms under the then

Prime Minister Hon John Howard; by its third term, the government controlled both Houses of Parliament; and Australia was flush with money from the mining boom. This allowed the Howard government to embark on a raft of bold policy reform, which included a major overhaul of family law and child support legislation and policy. Virtually all 30 of the Ministerial Taskforce's recommendations were accepted by government – a rare occurrence in policy. This particular period in policymaking stands out in recent years given the current fractured dynamic nature of politics in Australia, and the tight fiscal environment. It may be a long time before such a broad bold suite of reforms could be introduced and be fully funded.

1.6 Revisiting the revised scheme: The politics of competing interests

In early 2014, the then Minister for Social Services, the Hon Kevin Andrews MP, asked the House of Representatives Standing Committee on Social Policy and Legal Affairs to inquire into and report on the Australian Child Support Program. Just over a year later, following an extensive public consultation process (the focus of this thesis), the Committee tabled its report and concluded that the Child Support Program was behaving as expected.

In some ways it is surprising that the 2014 child support inquiry occurred at all, given that there appears to have been little money or political appetite on either side of politics for contentious areas of policy, particularly family law. So why the focus on child support? There is strong circumstantial evidence to suggest that the latest inquiry had its genesis in 2013 pre-election politics.

At its federal conference in 2012, the National Party supported the motion:

- 43. “That this Federal Conference of The Nationals urge The Nationals’ Federal Parliamentary wing, in the next Liberal-National Coalition government to jointly review both the child support system and the family law system with a view to:
- reversing the taxation treatment of child support payments;
- excluding overtime pay from child support calculations and/or setting a fairer payment cap on child support payments;
- ensuring non-custodial parents are not financially penalised through the child support system because the custodial parent chooses not to work when they have the ability to do so or they cease work due to a pregnancy by another partner;
- creating a link between court-ordered custody arrangements and child support payments; and
- ensuring, in general, there is fairness in both systems”.

On its face, elements of this motion strongly lean towards the needs of non-resident fathers (that is, payers), and it is noteworthy that on becoming the Chair of the Standing Committee on Social Policy and Legal Affairs, George Christiansen MP from the National Party, sought to undertake a major review of the Child Support Program “to make the system fairer”. This particular evaluation is unusual in that it seems to have been based on a behind-closed-doors handshake deal deeply rooted in politics. Cynical political observers might argue that this inquiry was essentially a tick-the-box inquiry (a ‘Clayton’s’ inquiry – the inquiry you have when there is no real inquiry) to appease the National Party for political gain by the Liberal party. While politics often frame and shape Parliamentary inquiries, unless the political context is receptive to the ideas from such inquiries, the likelihood of real change may be remote.

Putting aside party politics for a moment and turning to gender politics, Cook and Natalier (2014) found that half the claims made about child support in the 2003 Every Picture Tells a story inquiry were supported by claims from individuals rather than based on empirical data (survey or administrative), with almost three-quarters of individuals' or advocacy groups' information cited about child support coming from men. According to Cook and Natalier (2014), men's stories and evidence was more likely to be heard than women's, and the Committee appeared to be more interested in data that were consistent with its own view and understanding of "the problems to be solved" (p.520). For example, male issues, such as equal-time parenting is good, were favoured over female issues, such as family violence is a serious problem. The analytic approach adopted by Cook and Natalier, however, appears to have been based on an overall impressionistic approach rather than a rigorous systematic analysis.

Notwithstanding party and gender politics, the issue of whether Parliamentary Committees exhibit certain leanings or biases toward different forms of evidence (written submissions versus oral evidence) or favour non-experts' views over expert testimony is of both theoretical and practical import. Parliamentary inquiries act a lens into the heart of politics and policy-decision-making through which to explore "the changing nature and legitimacy of knowledge in contemporary public life" (Hendriks, Regan & Kay, 2017, p. 2). More specifically, the direction of child support policy can offer fascinating insights into the role of values, attitudes and politics in the policy process and into the strengths and limitations of evidence-based policy.

Although there have been a small number of analyses of Hansard transcripts in the area of family law (see for example, Fogarty & Augoustinos, 2008; Cook & Natalier, 2015; Cook &

Skinner, 2019), none of these studies appears to have systematically explored the issue of whether some voices and forms of evidence are privileged over others. The present study seeks to do so.

1.7 Aims and research questions

The aims of the present study are to critically examine the submissions to, and final report of, the 2014 Parliamentary Inquiry into the Child Support Program. It explores whether some voices (expert versus non-expert) and forms of evidence were given primacy. I define these terms for the purpose of my analysis, drawing on Roberts and Lightbody's framework, with an "expert" being defined as a "knowledge expert". I consider other individuals and organisations as "non-experts". These "non-experts", of course, might still be considered to have a type of "expertise" (e.g., lay or stakeholder expertise)..

Three research questions (RQs) guided the study:

RQ_1: Did the Committee focus on any particular terms of reference?

RQ_2: Were some forms of evidence privileged over other sources of evidence?

RQ_3: To what extent was the Committee's final report based on "expert" evidence?

Worthy of consideration is the focus on relatively radical terms of reference by the Parliamentary Committee at the beginning of the inquiry and the journey taken to arrive at a relatively conservative, mainstream and non-committal report as a response. The present study goes some way to explain this journey.

1.8 Structure of the thesis

The structure of the remaining chapters is as follows. Chapter 2 reviews key literature on the following issues: (a) What constitutes 'evidence'? (b) What is the role of values, attitudes, and politics in the policy process; (c) What are the strengths and limitations of evidence-based policy; and (d) how evidence is typically used in parliamentary inquiries. Chapter 3 provides a brief overview of the past five key inquiries into child support in a bid to set out key issues explored over the years, and the government's response to each Committee's report. Chapter 4 sets out the present study's methodology and analytic approach. Chapter 5, the first set of results, examines whether the Committee focused on particular terms of reference in the oral hearings and in the final report. Chapter 6, the second set of results, explores which individuals and organisations feature in the final report. In Chapter 7, I drill down into the comparison of expert evidence versus non-expert evidence. Chapter 8 presents qualitative data on the content and nature of the evidence used by the Committee. The final chapter (Chapter 9) attempts to pull together the key ideas across all the chapters, offer some tentative conclusions, and suggest some ideas for future research in this under-developed but important area.

2

Literature Review: 'Evidence' and its uses

What constitutes evidence? Are some forms of evidence perceived to be more reliable than other forms of evidence? What's the role of values, attitudes, and politics in the policy process? This chapter explores these questions by reviewing the relevant literature in Australia and elsewhere.

Child support remains an intensely political and contested space. Individual, group and community interests interweave in complex ways – sometimes overlapping, but often diverging (Smyth & Weston, 2005). Parliamentary inquiries bring these competing interests into sharp focus by virtue of each committee's Terms of Reference; who is invited to speak with a committee and asked to provide more detailed information; the nature, form and volume of evidence cited in a Committee's final report; the nature, scope and number of recommendations made; and ultimately which (if any) recommendations are acted on by the government of the day. They have the challenges of needing to be seen to be fair as well as produce sensible policy recommendations. Inherent tensions in this process are varied. The voices of advocates, interest groups and lobby groups typically represent grassroot (non-expert) community groups with their own agenda and interests. By contrast, academics and

other subject matter 'experts' tend to focus on the bigger picture: broader trends and social impacts. Voices can align and differ.

This chapter is in four parts. Part I examines the way in which policy-making happens within contested and highly political spaces. Next, what counts as 'evidence' is explored (Part II). In Part III, I examine the ways in which evidence is generally used in parliamentary inquiries and, finally in Part IV, how it is used in the child support policy arena. I suggest that that the work of a parliamentary committee is necessarily messy because of the many competing interests and factors at play. Specifically, I argue that in the Australian context, the highly technical, emotional, and complex nature of child support policy means that expert knowledge and empirical data are not always valued. As a result, while academic literature often emphasises rational policy-making processes, this may not be what happens in practice, as is seen in the following section which explores the way in which values, attitudes and politics influence the inquiry process.

2.I The inquiry process: The actual vs the ideal

This section comprises four sub-parts. The first considers the role of values, attitudes and politics in the policy process. Attention then turns to ways in which values, attitudes and politics manifest in parliamentary inquiries, considering in turn, the selection of the Terms of Reference; whether some forms of evidence should be given more weight than other forms (is there a hierarchy of evidence?); the potential tension between submissions made by academics, government departments, interest groups and individual advocates, and NGOs.

2.1.1 The role of values, attitudes, and politics in the policy process

Within the context of the Australian Public Service, Banks (2009) contends that policies emerge from a maelstrom of political energy, vested interests and lobbying. Those with special interests will often align their demands with the public interest. Thus, for Banks, politics reign supreme. Through a number of Productivity Commission reviews in which he was involved – from economic policy reforms, road and rail infrastructure pricing, to parental leave – Banks (2009, p. 5) maintains that the lack of evidence feeding into policy development contributed to risk of these policies going 'seriously astray'. In Banks' experience, policymakers often relied on intuition, ideology, conventional wisdom, or theory alone – not empirical data. Rather, interests, personalities, timing, circumstance and happenstance-democracy determine what happens. This is not to say that evidence and analysis are completely ignored by policy-makers and have little or no impact on the political environment, but they can play 'second fiddle' to intuition, ideology, or conventional wisdom.

Newman and Head (2015) held a similar view to Banks. They suggested that public policy tends to be based on ideological assumptions, traditions, anecdotal accounts, and other unsupported reasoning rather than research evidence. Newman and Head note that without good evidence and analysis informing policies, unintended consequences can lead to expensive mistakes.

Walter et al (2020) discussed the lack of experience that MPs have to engage with citizen experience. They wrote:

> They think tactically rather than strategically. Ministerial offices are frequently staffed by advisers with minimal policy experience and limited networks in the policy

> community (Walter et al, 2020,p.76). While competition between public service and staff advisers generates a more highly contested policy domain, it has generated more politically focussed advice rather than broader debate over options.

It is not always possible to get sufficiently good evidence. Drawing on a study they conducted with public servants in federal and state government departments, Newman and Head (2015, p. 386) noted a number of barriers to government departments accessing good evidence. They suggested that many of these barriers derive from within departments themselves, including a misunderstanding of the research process itself; the knowledge, experience and expertise by bureaucrats to commission good research; whether departments have research partners or research collaborations; and concerns about collecting data that may be too politically sensitive.

All of the above is further complicated by a fundamental tenet of the policy process held by government and stated by Newman and Head (2015 p 387); that is, “politicians are elected to set the policy agenda and determine goals and objectives of specific policies and programs.” Politicians are expected to make decisions that reflect choices of the voting public, but politicians themselves are often elected on the basis of their stated ideologies, leadership and ability to persuade. Newman and Head (2015) identified that these ideologies affect politicians’ attitudes.

Critics of the evidence-based policy movement argue that policy-making is a necessarily political process in which negotiation, compromise, coalition forming, and value judgements are key activities rather than the neutral assessment of so-called ‘value-free’ evidence. A key

strand running through the policy–evidence literature is that 'the emotional and sometimes irrational forces of human judgement shape public policy, rather than assembly line rationality involving algorithms or robotic decision-makers' (Newman & Head, 2015, p. 385).

This is a similar view to that held by Kingdon (1995) who in his 'multiple streams' approach (see below) discussed changes in the political stream which create 'windows' or opportunities for ideas to be pushed and accepted, and those who take advantage of these opportunities (so-called 'policy entrepreneurs'). Kingdon argued that you can predict which ideas are likely to survive – inferring that the process is not entirely random and that ideas that survive meet certain (political) criteria.

This fits neatly with the way that parliamentary inquiries have operated in relation to child support in Australia. There is evidence of a greater focus on child support issues at times throughout history based on the appetite of the government to address these issues. One concrete example is when the then Prime Minister John Howard was lobbied by men's groups to consider the fate of fathers who had limited contact with their children. He was receptive to this as this aligned to his values regarding nuclear families and fathers being present in their children's lives (Smyth, 2008).

Room (2014, p. 3) extends these arguments by focusing on the role of social actors and how they engage with social policy interventions – that is, bureaucrats who develop policy ideas, and deliver interventions and services. For Room, bureaucrats learn by doing, and if they have the freedom to provide advice, this may improve on the original design. But bureaucrats have

their own agendas and may contest the goals of the intervention and subvert these to their own ends. Thus, the role of values and attitudes occurs at many levels of the policy-making process.

This idea is discussed further by Lipsky (2010, p. 8) who talks in detail about the role of (what he terms) 'street-level bureaucrats' – those who directly interact with the public, such as frontline staff in government agencies or service providers within NGOs or consultants. In relation to their role in the delivery of policy, Lipsky (2010, p. 5–11) suggested that in the face of inadequate resources, 'ambiguous and contradictory expectations', and potential frontline safety, 'policy delivered by street-level bureaucrats is most often immediate and personal. They usually make decisions on the spot (although sometimes they try not to) and their determinations are focused entirely on the individual' (Lipsky, 2010, p. 8). The time imperatives of their work mean that they tend to be more focused on the stories and experiences that clients bring to them compared with their managers and higher-level staff who are driven more by the bigger picture and empirical data.

Botterill and Fenner (2019,p.6) suggested the dichotomy between policy and politics was a false one. They also focused on the proposition that policy involves "values juggling" which involves many factors being considered at once "often of different weights and characteristics" (2019,p.8). This was contrary to other arguments which focused on values balancing which implies a "stable state can be reached at some point and that it carries a pair of conflicting values (**p8?).**"

To summarise, it is clear that values, attitudes and politics feature in the policy process at many levels through the role of bureaucrats – including frontline staff – due to the urgency of decision-making, and a (perceived or real) lack of available, relevant and timely evidence.

2.1.2 A brief comment on the Terms of Reference

Each parliamentary committee's Terms of Reference clearly set the scope for its inquiry. While these References are typically provided by the government of the day, a Committee's Chair might have some input behind the scenes, especially where the policy is complex and technical, and the issues are highly contested.

Of relevance to the present analysis, the Christensen Inquiry's Terms of Reference focussed on:

- The methods used by the Child Support Program (CSP) to collect payments in arrears and manage overpayments
- The flexibility of the CSP to accommodate changing circumstances of families
- The alignment of the child support and family assistance frameworks
- Linkages between Family Court decisions and child support policies, and
- How the scheme could provide better outcomes for high conflict families

The above references are disparate and broad. They cover complex issues (the costs of raising children; the interaction between child support and Family Tax Benefit), and some references involve connections and interdependencies with other jurisdictions – for example, the family law courts in the case of parenting dispute outcomes and the implications for child support. Child support collection and enforcement, and enforcing parenting arrangements, in

particular, have been perennial problems internationally, devoid of simple fixes even with the involvement of experts.

Within the agenda setting literature, Mosse (2005) noted that individuals wanting to exercise agenda setting power will seek to control the interpretation of events and subsequent issue labelling. It is noteworthy that the above Terms of References were unlikely to raise a lot of contention in the community. They represent issues that are known to be raised frequently by MPs' constituents and arguably play to that constituency. They can be addressed out of view of payees and payers, and any change may not be seen for some time. In this respect, the above Terms of Reference appear to be strongly based in politics, as is often the case. The apparent disparate nature of the above Terms of Reference suggests that the voices of advocates on hot button issues, such as Family Court decisions, the collection of arrears, and the repayment of over-payments, were heard in the framing of the inquiry.

2.1.3 Hierarchy of evidence versus a matrix of evidence?

At least two major approaches are evident in the literature for assessing the relative weight of different types of evidence (e.g., desktop research, survey data, interviews, observational studies[2]) used in the policy decision-making process: a 'hierarchy of evidence' (based on

[2] A good example of an observational study is when the Hull Committee viewed interviews with children conducted by Dr Jennifer McIntosh at the very end of the parliamentary inquiry process. This turned out to be a powerful transformative moment for the committee, which titled its final report 'Every picture tells a story' based on one of the children's drawings. That private viewing appeared to move the Chair and the committee from a 'parental rights' focus to a child focus.

linearity and additive effects), and a 'matrix of evidence' (otherwise known as a 'matrix-analytical approach', in which a mix of evidence is used to build a more complete picture[3]).

Petticrew and Roberts (2003, p. 1) defined 'hierarchy of evidence' as one in which a range of research designs are ranked in order of diminishing rigour, with randomised Control Trials (RCTs) or meta-analyses typically seen as the 'gold standard' of evidence-based policy making due to their ability to demonstrate causality (see e.g., UK Coalition Government 2014).

Project Oracle in the UK is a good example of the use of a hierarchy of evidence. This project was established as a developing evidence hub to understand and share what 'works' in youth programmes. It is a bottom-up scheme to encourage and facilitate evidence-based practice. According to Nutley et al (2013), Project Oracle uses:

> standards which offer five levels of evidence in assessing interventions. Level 1 (entry level) requires a sound theory of change or logic model with clear plans for evaluation and level 5 is the highest, requiring a 'system ready' intervention that has been subject to multiple independent replication evaluations and cost-benefit analysis. Oracle self-assessment is done by a provider with a practitioner guidebook with the organisation then submitting evidence to justify its' self-assessment at a given level. (p. 28)

An action plan is then agreed with the provider to improve their evidence base.

[3] For a good overview of the value of matrix approaches in the field of epidemiology, see Walach & Loef (2015).

By way of contrast, UK Healthcare uses the 'GRADE' system. This approach seeks to separate out the quality of evidence from the strength of recommendations. The GRADE system was developed to address the gaps in traditional hierarchies based on study design, including rating the quality of evidence. It includes grading of recommendations, assessment, development and evaluation.

As explained by Nutley et al (2013):

> quality of evidence is classified as 'high',' moderate', 'low' and 'very low'. For example, RCTs start as high evidence but may be moved down the scale, and observational studies start with a low-quality rating but may be graded upward – depending on the quality of the study (for example, reporting bias; nature of the limitations) – not the study type itself. The strength of recommendations is therefore classified as 'strong' or 'weak' (p. 28).

In a similar vein, the Alliance for Useful Evidence (2015) discussed how Nesta, a global innovation foundation, started using a 'standards of evidence' framework to guide its own investments and provide a common language for talking about evaluations and data. They used a modified version of this framework, with their rationale that the standards are seen to retain academic standards of rigour as well as ensuring evidence requirements are appropriate to innovation and development of services and products.

In Australia, the National Health and Medical Research Council (NHMRC) developed a hierarchy in relation to interventions (clinical guidelines and health technology assessment), ranking the body of evidence into four levels. Level 1 (the top level) comprises evidence from a systematic review of RCTs, whereas Level 4 (the lowest level) comprises evidence from case

studies. This framework was revised in the mid-2000s to increase the relevance for assessing the quality of other types of studies and is similar to the National Institute for Health and Clinical Welfare.

But not everyone is convinced of the value of hierarchies of evidence. Critics of the hierarchy approach maintain that hierarchies can be overly rigid and mechanistic, and that decisions about 'quality' depend on context (Alliance for Useful Evidence, 2015). Nutley et al. (2013) are such critics, especially when hierarchies are based purely on the methodological design of studies. For Nutley (2013, p. 11), such approaches (a) tend to underrate the value of good observational studies; (b) 'pay insufficient attention to the need to understand what works, for whom, in what circumstances and why'; (c) provide insufficient basis for making recommendations about whether interventions should be adopted; and (d) tend 'to exclude all but highest-ranking studies from consideration leading to loss of useful evidence'. And, as noted by Nevile (2013), RCTs become problematic when interventions are based on co-design in small placed-based studies – as may be the case in Indigenous contexts.

Petticrew and Roberts (2003) argue that it would be better to think in terms of a 'matrix of evidence' rather than a 'hierarchy' because policymakers and practitioners are interested in the effectiveness of the policy, whether it will do more harm than good, and related outcomes. They rightly argue that 'methodological aptness' – i.e., that different types of research questions are best answered by different types of studies and data – best reflects real-world practice and policy situations, especially given that experimental designs are often inappropriate for many real-world situations.

To sum up: there are many types of evidence (e.g., RCTs, surveys, interviews, observational studies) and at least two major frameworks for assessing the relative importance of these. While many favour hierarchies of evidence, the idea of a matrix of different types of evidence looks to have greater applicability in the complex space of evaluating and refining social policy. The extent to which parliamentary inquiries in Australia make use of such frameworks or matrices – or is indeed even aware of these – is unclear.

2.1.4 Academics vs. Interest groups vs. NGOs: A perennial political tension?

Throughout the policy making process, considerable political tension often exists between academics, interest groups and NGOs. Politicians and policy-makers are constantly balancing the decision to do what the public will accept with what works in practice, the need to consider the views of technical experts (for example, academics and specialist subject experts in their department), and managing risks and costs effectively. Moreover, governments are accountable for spending public money wisely and doing so in a transparent manner. The contributions made by academics, interest groups and NGOs in the policy-making process adds an additional layer of complexity to an already challenging context. Edwards (2010, p. 56) discussed the complexity of addressing different policy problems and how each one may "require different types of research output or engagement depending on the stage in the development of the policy. This research can range from academic publications through to a broader interpretation including, for example, stakeholder consultations and interactive policy/research outputs."

Nevile (2013, p. 220) contends that where there is disagreement between academics, interest groups, and NGOs, this can lead to a slow pace of change as government is likely to take a less

radical option or delay decision-making. She noted, however, that politicians valued certain types of academic input because they believe evidence provided by technical experts brings objectivity to the political process (Nevile, 2013, p. 222). It also affords a degree of neutrality and independence.

More recently, Roberts and Lightbody (2017) highlighted the importance of academic research in the policy-making process. In the Scottish context, they investigated the use of experts and evidence in deliberative public forums including knowledge experts (comprising academics) and stakeholders (such as interest groups). Although there was limited analysis of case studies involving citizen juries (which often include academics, stakeholders, and the public) on topics related to energy and the environment, they nonetheless identified some important findings about the purpose of citizen juries and how diverse views can be used to support policy decision-making processes. A major challenge here is the danger of emotion interfering in rational discourse and reflection, which is necessary for a deliberative process.

Roberts and Lightbody (2017) found that experts were often asked to appear as 'experts' presenting to a citizen's jury to share knowledge based on their experience or expertise, while stakeholders (such as interest groups or NGOs) were asked to provide a view on a particular issue. In the Australian context, the Child Support and Stakeholder Network Group is a good example of this collaborative process: academic members would often present to the group which largely comprised members from interest groups or service delivery NGOs. This group was disbanded some years ago but played a pivotal role in providing grassroots feedback to government – as recommended by the Ministerial Taskforce on Child Support.

Roberts and Lightbody (2017) outlined four categories of 'experts':

- *Knowledge Experts*: individuals with specialist scientific, technical or legal knowledge to provide information
- *Stakeholders:* representatives from interested parties (lobbying or interest groups) that usually provide evidence advocating a certain perspective
- *Experiential publics*: members of the public who have knowledge about an issue as a result of direct experience, and so who can share their personal insights.
- *Representative publics*: members of the public who may have no particular knowledge or first-hand experience of the issue, but who might reflect some aspect of the wider public' (Roberts & Lightbody, 2017, p. 4) (italics added).

By contrast, Fung (2003, cited in Roberts & Lightbody, 2017) believed that citizens should share their perspectives in isolation from experts. For example, in the Child Support Parliamentary Inquiry of 2014, submissions were invited from interested parties (including payers, payees and interest groups) through a number of mechanisms such as written submissions, oral hearings and online surveys. And in the work of Ministerial Taskforce on Child Support, a separate reference group was set up independent of the small technical group of experts. These forms of consultation offer parties the opportunity to be heard in isolation from experts. They also allow experts to do their work free of advocacy.

From a slightly different vantage point, Michalowitz (2007, p. 133) highlighted the role of lobbying to influence policy decision-making. She proposed that the extent to which interest groups form advocacy coalitions with other organisations, or whether they have to fight their cause alone against a wide range of opposing interests, may have an impact on the influence

that interest groups exert. She found that interest groups tended to align themselves with decision makers and politicians who are already supportive of their view. This allows them to raise issues openly, and at the right time (Michalowitz, 2007, p. 135).

For Michalowitz (2007, p. 135), interest groups can either seek to maintain the government's position if that position is under threat or alternatively try to change that position. They typically do so by lobbying their local MP and/or using the media to get their message out to gain support from the public and other stakeholders. Considerable resources are devoted to exploiting and developing the evidence base by many interest groups. They are known to deploy a number of strategies to increase the impact that their (selective) 'evidence-informed' advocacy may have on policy (Nutley et al., 2009, p. 19). Often, in many cases, research conducted by these groups is about advocating a particular position rather than pursuing knowledge (Weiss, 1986, p. 280). That said, to their detriment, interest groups are often unaware of how government works, and the public accountability required by government for public spending and the various constraints under which it must work. This lack of understanding often undermines the influence of interest groups on the policy process.

Clearly there are many moving parts in the policy development and reform processes. Values, attitudes, and politics remain important forces as can be seen in the following section which examines what counts as 'evidence' within the policy-making process.

2.2 What constitutes 'evidence' within the policy-making process

There is no consensus in the literature about what constitutes 'evidence'. What is classified as 'evidence' frequently appears to be dependent upon those involved in the policy- and decision-making process rather than adherence to any standard or 'best practice'.

In this section I focus on key Australian and UK literature given the similarity in both countries' political systems. To understand how public decision-making happens in practice, it is important to consider the types of evidence used in public decision-making. To this end, I explore some case studies where evidence has been used to influence decision-making.

As noted, evidence can exist in many forms, ranging from randomised control trials (RCTs), to autobiographical materials (for example, diaries, and ethnographic notes). The UK Alliance for Useful Evidence (Nutley, Powell & Davies, 2013) noted that:

> … the UK policy profession has a framework for skills, distinguishing between evidence as facts, figures, ideas, analysis and research. A more formal explanation of what the profession counts as evidence is: (a) sector and subject knowledge; (b) evidence from lessons learned, evaluations, academic and other research; (c) parallel initiatives, other sectors and internationally; (d) internal and external expertise; (e) the legal context and legislative framework; and (f) evidence from accountability processes, the media and interested parties. (p. 2)

But what counts as 'good' evidence? For Nutley et al. (2013), the context-dependent approach is predicated on the idea that the 'quality' of evidence is dependent on what we want to know, and the purpose and context in which the evidence will be used. They suggest

that what counts as 'good' evidence can vary considerably. It is often assumed that policymakers, service commissioners, and practitioners want to know what 'works' but this often sits alongside other questions such as why, when and for whom something works, and whether there are any consequences that need to be taken in to account. That is: 'What is it about this kind of intervention that works, for whom, in what circumstances, in what respects, and why?' (Pawson, Greenhalgh, Harvey, & Walshe, 2005, pp. 29–31; emphasis removed). Cost effectiveness and financial costs obviously also matter, as do any distributional impacts on certain groups and public perceptions about the acceptability of a particular practice (e.g., perceived fairness of child support payments). So, for Nutley et al. (2013), policy-makers and practitioners need to weigh evidence related to what works, alongside evidence about cost, acceptability and distributional effects.

Pahlman (2014), drawing on work by Head (2008) and Nutley et al., (2013), argued that (a) little recognition is given to multiple forms of evidence required to understand complex social problems, the prospect of any successful interventions, and (b) lay knowledge is considered as 'a less important form of evidence' (Maddison 2012, p. 271; Anderson 2003, p. 228; Marston & Watts 2003, p. 145). Yet even for complex social issues, 'technical approaches and systematic research methodologies may still be inadequate' (Head, 2008, p. 4). The work of Banks (2009) explains why.

For Banks (2009, p. 8), the properties of the 'right' evidence or 'good enough' evidence allows policy professionals to combat political obstacles and facilitate reforms. He believed essential criteria for the right evidence is that it needs to occur at the right time, and be seen by the right people (Banks, 2009, p. 8). An academic paper, for instance, might be seen by a senior

bureaucrat and be passed on to a Parliamentary Committee member 'under the table' to a Committee member at a critical point. This form of evidence may be very influential if the right person or people see it at a critical point in time (e.g., to fill an evidence gap, or to pose a salient question or line of inquiry to be explored). Banks thus appears to go further than many others by focusing in some detail on the essential ingredients for achieving the right evidence.

Specifically, Banks (2009, p. 8) suggests that several ingredients are critical here. The first essential ingredient, for Banks, is that methodology matters, and that whatever analytic approach is chosen needs 'to allow for proper consideration of the nature of the issue or problem, with different options for policy action'. Banks' second essential ingredient is that good data are a prerequisite for developing good policy because data deficiencies inhibit evidence-based analysis and can lead to reliance on 'quick and dirty' surveys, or the use of focus groups which typically are not representative of the target population (Banks, 2009, p. 11). Moreover, Banks (2009, p, 14) maintains that all evidence is open to scrutiny, and that transparency of process and foci are important so that government can see how the community reacts to ideas before policy responses are fully formed, thereby enabling it to anticipate the politics of pursuing different courses of action. Pre-reform attitudinal surveys of the general population and of specific sub-groups can be invaluable in this regard (see e.g., Funder & Smyth, 1996; Smyth & Weston, 2005).

In addition, Banks (2009, p. 15) talks about 'evidence building', which takes time. In doing so, Banks highlights the potential clash between 'government's acceptance of the need for good evidence and the political need for speed' – with each of these imperatives creating tension

in the policy making process. Finally, independence and a 'receptive' policy-making environment are seen as critical to Banks, with evidence being more likely to be robust if it is not subjected to influence by those commissioning it, and a policy environment that is open to evidence at each stage of the policy development cycle (Banks, 2009, p. 17).

2.3 How is evidence is used in parliamentary inquiries?

Thus far, a disparate array of ideas and areas related to evidence and the policy-making process has been examined. But how is evidence used in the Parliamentary Inquiry process in Australia? Not surprisingly perhaps, little is known about how committee members and committee secretariats obtain, engage with, and weigh different forms of policy knowledge in their work. Investigating the inner workings of the input, throughput, and output of committees (that is, the black box of 'deliberation in practice'[4]) is no easy task given that committee and secretariat members are bound by strict confidentiality rules, often in perpetuity.

As observed by Hendriks, Regan and Kay (2017, p. 2), parliamentary inquiry committees are a useful analytic prism through which to explore 'the changing nature and legitimacy of knowledge in contemporary public life'. Although these committees typically draw on many forms of evidence, they are under mounting pressure to examine a wider range of knowledge and expertise than in the past, particularly from those affected by a particular policy (Hendrik et al., 2017, p. 2). Hendriks et al. (2017, p. 2) contend that, even in a context of ever-increasing sources of evidence available in the digital world, 'not all forms of policy knowledge make it onto the public record or into the final committee report'. This disconnect can ultimately

[4] For a neat discussion of different forms of deliberation, see Halpin and Cintula (2013, p. 81).

jeopardise the perceived legitimacy of a Committee's work and its recommendations. Hendricks et al. (2017, p. 9) found that parliamentary committees in Australia still rely heavily on standard forms of policy evidence, sourced primarily from experts and representatives of relevant groups.

2.4 How evidence is used in the child support arena

Only a small number of empirical studies of parliamentary inquiries have been conducted in Australia in relation to family law and child support. For example, Cook and Skinner (2019) examined 55 fathers' written submissions (via Hansard) to the 2014 parliamentary inquiry into child support to explore fathers' claims of perceived unfairness. (In Roberts and Light body's (2017) framework, these fathers would be classified as 'experiential publics.) They found that fathers had moved from an 'equality of treatment discourse to demand equality of outcomes', (Cook & Skinner, 2019, p. 183). They emphasised 'mothers' equal responsibility to earn and fathers' equal right to care [for their children post-divorce]').

Using a similar but more sophisticated analytic method, Fogarty and Augoustinos (2008) examined views about post-separation parenting using discursive analysis (most notably, membership classification, conversational and rhetorical analysis) of public hearings published in Hansard transcripts. The original sound recordings from Hansard were obtained for 12 transcripts (6 for joint physical custody, 6 opposed to joint physical custody) to critically analyse not only content but also 'speech features such as hesitations and shifts in pitch' (Fogarty & Augoustinos, 2008, p. 539). They found that 'motive' and 'identity' were two core psychological constructs imbued in how participants constructed arguments around the best interests of children consistent with their particular case.

While these studies help to illuminate key themes and ideas from Australian parliamentary inquiries through the use of selected verbatim quotes or sequences of conversation, no Australian studies in this area appear to have sought to explore the potential relationship between the types of evidence offered and which sources of evidence (expert versus non-expert) might be given primacy by a Committee.

One other study warrants brief mention. In her interviews with key policy actors involved in the 2004–05 Ministerial Taskforce on Child Support, Regan (2017, p. 3) investigated how key players defined, challenged and used evidence in the policy development process. (In Roberts and Lightbody's (2017) typology of experts, these policy actors would be classified as 'knowledge experts.) For Regan, evidence serves a political function as it brings credibility and legitimacy to findings and allows policy-makers to say that the findings were based on the best available evidence (Regan, 2017, p. 5). She found that policy actors understood evidence in relatively narrow terms (most notably, in scientific or research-based knowledge terms), and that there was a disconnect between what the main actors called 'evidence' and the breadth of information actors gathered for the inquiry.

2.5 Conclusion

Child support policy is a highly political and contested space. Individual, group and community interests sometimes overlap but frequently diverge. Parliamentary inquiries bring these various competing – and, at times, complementary – interests into sharp focus. An important policy question in this complex, highly emotional, contested space whether some voices (e.g., non-expert views) and some forms of evidence (e.g., anecdotal reports) receive more

attention than other voices (most notably, experts) or forms of evidence (e.g., data from national random samples) in shaping the ideas and recommendations of Parliamentary Inquiry Committees.

The various threads in the above literature review suggest that (a) 'evidence' in parliamentary inquiries comes in many forms (e.g., desktop research, oral and written submissions, survey data, depth interviews, and observational studies); and (b) expert knowledge and empirical data are not always readily available and/or valued, and (c) that a maelstrom of politics, vested interests, and lobbying can be potent forces in the (re-)shaping of policy – including right upfront in the setting of a parliamentary inquiry's Terms of Reference (as apparent in the Christensen child support inquiry of 2014). The research literature suggests that ideology, conventional wisdom, personalities, timing, circumstance, and happenstance-democracy can also be pivotal in the policy process – not empirical data, which is often not readily available in a rapidly-unfolding policy context or social problem (e.g., the GFC or COVID-19).

Although a 'hierarchy of evidence' features prominently in the policy research literature, evidence evaluation matrices are preferred by some policy scholars because policymakers are interested in the effectiveness of the policy in the real-world (not labs) and any centrifugal effects that flow from policy change. Although there is no agreement in the literature about what exactly constitutes evidence or for that matter 'good' evidence, a multi-streams approach (e.g., Banks, 2009) suggests that the right evidence needs to occur at the right time and be seen by the right people.

Despite numerous inquiries into child support in Australia, few studies have examined how Australian parliamentary inquiries engage with, and weigh, different forms of evidence in their work. The present study seeks to begin to address this gap.

3

Methodology

3.0 Introduction

The present study is based on a content analysis of publicly available documents from the 2014 Parliamentary Inquiry into the Child Support Program.[5]

3.1 Data sources

- The Parliamentary Inquiry provided interested parties four key mechanisms for making submissions as part of the consultation process:
- an online anonymous survey (N=11,316);
- written formal submissions (N=130);
- oral evidence from 79 witnesses at 12 public hearings around Australia; and
- community statement sessions where child support clients or other parties could make a statement to the Committee (N=105 individuals).

3.1.1 Online anonymous survey

A striking feature of all previous inquiries is the large number of submissions made by various parties and organisations. Given that all submissions need to de-identified

[5] These documents are available at: https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Child_Support_Program

where they contain confidential or identifying information, read, checked for defamatory material, analysed, and uploaded, written submissions often place a massive strain on Committee members and chair, and the committee's secretariat. This inquiry, for whatever reason, made use of an anonymous web survey for the first time in child support parliamentary inquiries.

The use of an online questionnaire accessed via a public web-link yielded many personal stories from separated mothers and fathers, extended kin and friends. While this consultation method provided a quick and inexpensive way of giving a large number of people (N=11,316) a chance to be heard – and reduced the sheer number of written submissions – the extent to which respondents' views represented those of the general population of separated parents registered with the Child Support Program remains unclear. The quality of the data is also unclear: the survey allowed multiple submissions from the same computer; the survey questions covered a disparate range of topics, and at times were ambiguous; there were limited opportunities to refuse to answer a question or to say 'Don't know' or 'Not applicable'; and there was little filtering or tailoring of questions to the respondent's circumstances. More importantly perhaps from respondents' point of view, structured surveys – unlike written submissions (or community statements[1]) – provide very limited opportunity for respondents to raise issues of importance to them. Three 'questionnaire snapshots' were produced from the survey data. Key findings included: (a) that some respondents found negotiating child support with a former partner straightforward while others found it extremely difficult; (b) many separated parents reported 'not understanding the system'; and (c) a sizeable proportion of clients had

'serious problems with the [Child Support Program] communication tools'. The Committee itself noted that '[t]he questionnaire was not designed to produce scientifically rigorous statistical information' but rather to provide 'valuable insights' about the experiences of those in the system (Parliament of the Commonwealth of Australia, 2015a, p. 5).

3.1.2 Written formal submissions

Most inquiries make explicit their terms of reference, which describe the key foci to be considered by the committee. The most common method of seeking the views of interested parties is for a call by a committee for written submissions that address the terms of reference.

According to the Parliament of Australia website:

> Any individual or organisation can make a submission to a parliamentary committee, [and] there is no set format for a submission to a parliamentary committee. Submissions may be in the form of a letter, a short document or a more substantial paper, or in audio visual format. They may include appendices and other supporting documents….
>
> During an inquiry, further comments, in the form of a supplementary submission, [can be made] to provide additional evidence or comment on other evidence obtained by the committee….
>
> For a range of reasons, the committee will reserve the right to not publish a submission, or any part of a submission, including those it judges do not address the inquiry's terms of reference.

> In short, written submissions contain the richest amount of information and detail and are generally on point because they are meant to address one or more of the terms of reference.

3.1.3 Oral evidence

Parliamentary committees are required to base their findings on the written evidence they receive as well as oral evidence taken at public hearings and in other forums. Individuals or organisations making a submission may be invited to appear before the committee at a public hearing or a private (in camera) hearing. This is to allow the Committee to seek more detailed information on specific points raised in a submission or to explore background or more tangential issues of interest to the Chair(s) or individual committee members. Oral submissions can vary in duration but are typically of 20 minutes to 1 hour in duration.

The potentially persuasive nature of the oral submissions compared with the written submissions warrants brief comment. According to Williams (2015):

> Face-to-face interaction often works better for persuading others, because you can create a personal connection with your audience and use eye contact, gestures and other nonverbal signals to maintain their attention.

Oral evidence thus has the potential to be more persuasive than a written submission – especially submissions that are technical and very detailed. : oral evidence was requested by the Parliamentary Committee from (a) 3 individual knowledge experts: (b) 3 Non-expert: Experiential Publics (individuals) (c) 10 organisations deemed to be

knowledge experts:(d) 12 Stakeholder organisations deemed to be non-experts (non-gender based) and (e) 18 Non-Expert Interest groups (gender-based).

3.1.4 Community statement sessions

Community statement sessions (or consultation sessions) allow members of a community who are interested in a particular issue the opportunity to express their view. These tend to be somewhat less structured, and freer flowing, and more vocal, than other key mechanisms for making submissions. Different members of a Committee, along with the Chair and/or Deputy Chair, are likely to attend these events – often in various locations around Australia.

3.2 Submission data sources used

The anonymous web survey data are excluded from the present study because they are only available in de-identified aggregate form, and – as noted above – are shrouded in methodological issues. Moreover, data from the community statement sessions could not be examined because only first names of individuals, date of sessions, and location were publicly available (see Appendix D in the Parliamentary Inquiry main report[6]) – that is, there were no data available.

3.3 Final report as an important source of data in its own right

The final report, *From Conflict to Cooperation*, constitutes a powerful dataset in itself because it sets out the arguments for change in the form of recommendations – arguments that often drawn from written submissions, online submissions and oral hearings. Investigating the extent to which links exist between these two forms of

[6] https://www.aph.gov.au/childsupport

evidence and the final report, and the nature of these links (expert's vs non-experts) forms the backbone of the analysis presented in later chapters.

3.4 Analytic approach to coding: Who is an 'expert'?

To recap: three research questions guided the present study: (i) Did the Committee focus on particular terms of reference? (ii) Were any individuals or organisations privileged over other sources? (iii) To what extent was the Committee's final report based on "expert" evidence?

At the outset it is important to offer an operational definition of "expert" before proceeding. For the purpose of this study, 'expert' is defined as an individual or an organisation that has some and/or expertise child support policy and/or the child support program. 'Non-experts' are the converse. That is, individuals who do not have an academic background or who have little or no subject matter expertise in child support policy or service delivery. Admittedly, these simple definitions run the risk of some fuzzy definitional boundaries in coding. For instance, it is possible for an academic to be advocating a particular position for women or men.

3.5 Coding of written submissions

For transparency, on the basis of the above operational definitions, Table 3.1 overleaf sets out the various groups of individuals/organisations who/that made written submissions. It is noteworthy that the name of the author(s) was withheld in a large proportion (49%: *n*=63/130) of the submissions. The content of each submission was read carefully to determine whether the submission was by an individual or organisation; expert, or non-expert. Each submission source was categorised using the definitions adopted by Roberts and Lightbody (2017) (as described in Chapter 2).

Table 3.1. Submission source

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
1 Name withheld			x		
2 Name withheld	x				
3 Name withheld			x		
4 Name withheld			x		
5 Name withheld			x		
6 Suzzanne Roszka			x		
7 Name withheld					
8 Mr Peter Carroll			x		
9 Mr Philip Thomson			x		
10 Name withheld			x		
11 Name withheld			x		
12 Mr Trevor Koops			x		
13 Bruce Smyth PhD & Bryan Rodgers PhD	x				

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
14 The Family Issues Committee of the Law Society of NSW		x			
15 Name withheld			x		
16 Mr David Rose			x		
17 Anonymous			x		
18 Adelaide Psychological Services		x			
19 Anonymous			x		
20 Anonymous			x		
21 Anonymous			x		
22 Anonymous			x		
23 Anonymous			x		
24 Anonymous			x		
25 Mr Geoff Ogden			x		
26 Hobart Women's Health Centre				x	
27 Anonymous			x		

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
28 Mr Andrew Thompson			x		
29 Anonymous			x		
30 National Council of Women of Tasmania				x	
31 Anonymous			x		
32 Hobart Branch of the National Council of Single Mothers and their Children				x	
33 Anonymous			x		
34 Anonymous			x		
35 WIRE Women's Information				x	
36 Women's Legal Services Australia		x			
37 Relationships Australia		x			
38 Dr Kay Cook	x				
39 Dr Kristin Natalier	x				

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
40 National Council of Single Mothers and their Children Inc				x	
41 Gosnells Community Legal Centre					x
42 Lone Fathers Association (Australia)					x
43 Women's Legal Services NSW					x
44 Name withheld					
45 Dads in Distress Support Services					x
46 Ms Giovana Arrarte		x			
47 United Sole Parents of Australia				x	
48 Australian Men's Health Forum				x	

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
49 Council of Single Mothers and their Children (Victoria)				x	
50 Australian Institute of Family Studies		x			
51 Name withheld	x				
52 Illawarra Legal Centre		x			
53 Victorian Legal Aid		x			
54 Name withheld			x		
55 Commonwealth Ombudsman		x			
56 Name withheld			x		
57 National Legal Aid		x			
58 Name withheld			x		
59 Law Council of Australia		x			
60 Name withheld			x		
61 Name withheld			x		
62 Ms Leslie James			x		

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
63 Ms Lynn Cresswell			x		
64 economic Security4Women				x	
65 Barwon Community legal Service				x	
66 Name withheld			x		
67 Name withheld			x		
68 Name withheld			x		
69 Family Law Council		x			
70 Mr Marcus Smith			x		
71 Support Help and Empowerment				x	
72 Mr Ali Noonan			x		
73 Mr Rodney Davies			x		
74 Name withheld			x		
75 Name withheld			x		
76 Name withheld			x		
77 Name withheld			x		

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
78 Name withheld			x		
79 Name withheld			x		
80 Name withheld			x		
81 Dads on the Air					x
82 Name withheld			x		
83 Women's Legal Service Tasmania					x
84 Name withheld			x		
85 Name withheld			x		
86 Name withheld			x		
87 Name withheld			x		
88 NT Office Status of Family					x
89 Name withheld			x		
90 Fathers Australia				x	
91 Name withheld			x		
92 Name withheld			x		
93 Dads 4 Kids				x	

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
94 Social Security Appeals Tribunal		x			
95 Attorney-General's Department		x			
96 Name withheld			x		
97 Name withheld			x		
98 The Australian Family Association (Queensland Branch)					x
99 Department of Social Services (DSS) and Department of Human Services (DHS)		x			
100 Queensland Law Society		x			
101 Springvale Monash Legal Service		x			
102 Ms Elisa Clark			x		

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
103 Name withheld			x		
104 Ms Tanya Fisher			x		
105 Name withheld			x		
106 Ms Alissa Brabin			x		
107 Mr David Skeels			x		
108 Name withheld			x		
109 Name withheld			x		
110 Professor Belinda Fehlberg	x				
111 Mr Iain Rice			x		
112 Name withheld			x		
113 Name withheld			x		
114 Name withheld			x		
115 Name withheld			x		
116 Name withheld			x		
117 Mrs R Johnson			x		
118 Name withheld			x		
119 Name withheld			x		

Submission No.	Individual Knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
120 Name withheld			x		
121 Name withheld			x		
122 Name withheld			x		
123 Name withheld			x		
124 Ms Michelle Rowland MP			x		
125 Name withheld			x		
126 Name withheld			x		
127 Boystown				x	
128 Australian Taxation Office		x			
129 Name withheld			x		
130 Mr Michael Loizou			x		

Table 3.1 indicates that the majority (81%: *n*=105/130) of written submissions were made by individuals or organisations advocating a particular position (86 individual advocates; 19 advocacy organisations). By contrast, around one fifth (19%: *n*=25/130) of written submissions were provided by experts (5 individual knowledge experts; 14 expert organisations).

3.6 Coding of oral submissions

Once again, using the coding frame adopted by Roberts and Lightbody (2017), Table 3.2 below sets out various groups of individuals and organisations that made oral submissions (*n*=47). The unit of analysis is a submission.

Table 3.2. Oral Submissions Categorised by Expertise

Oral Hearing Date	Individual knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics (Individuals)	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
26/06/14				National Council of Single Mothers	
27/06/14	Professor Patrick Parkinson				
					Non-Custodial Parents Party
		Family Issues Committee of Law Society of NSW			
				Women's Legal Services NSW	
17/07/14				Lone Fathers Association Australia	
22/07/14				Women's Legal Services Australia	
					Aqua Dreaming
					Australian Family Association
					Boystown
					Centacare Mackay
				Hunter Women's Centre	
					Law Society of Queensland
				Dads in Distress	
				Lone Fathers Association Mackay	

Oral Hearing Date	Individual knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics (Individuals)	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
					University of Queensland Parenting and Family Support Centre
05/08/14				Hobart Women's Health Centre	
	Dr Kay Cook			Hobart Branch of National Council of Single Mothers and their Children	
				Support Help Empowerment Incorporated	
				Women's Legal Service Tasmania	
06/08/14					Adelaide Psychological Services
					Gosnells Community Legal Centre
				Southern Domestic Violence Service	

Oral Hearing Date	Individual knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics (Individuals)	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
21/08/14		Australian Institute of Family Studies			
					Barwon Community Legal Service
				Council of Single Mothers and their Children	
				WIRE Women's Information	
		Victoria Legal Aid			
				United Sole Parents of Australia	
28/08/14		Department of Human Services			
		Department of Social Services			
29/08/14	Bruce Smyth PhD and Bryan Rodgers PhD				
		National Legal Aid			

Oral Hearing Date	Individual knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics (Individuals)	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
		Family and Relationship Services Australia			
				Economic Security4 Women	
				Australian Men's Health Forum	
					Family and Relationship Services Australia
					Drummond Street Services
		National Legal Aid			
04/09/14		Commonwealth Ombudsman			
25/09/14				Dads 4 Kids	
		Attorney General's Department			
			Witness A		
			Witness B		

Oral Hearing Date	Individual knowledge Expert	Organisations deemed to be knowledge experts	Non-Expert: Experiential Publics (Individuals)	Non-Expert: Interest Groups (gender based)	Stakeholder organisations deemed to be non-experts (non-gender based)
02/10/14		Australian Taxation Office			
Total	**3**	**10**	**2**	**18**	**12**

Table 3.2 indicates that nearly three quarters (72%: *n*=33/46) of oral submissions were from individuals (*n*=2) or organisations (*n*=31) advocating a particular position. Just over one quarter (28%: *n*=13/46) of oral submissions were from individual experts (*n*=3) or organisations (*n*=10) advocating a particular position. Thus, the vast majority of oral submissions were made by organisations and not individuals.

3.7 Analytic approach

Content analysis is used as the primary qualitative analytic technique. That is, "a subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns" is used (Hsieh & Shannon, 2005, p. 1276). This approach allows for the making of inferences from the data (Krippendorff, 2019). Joffe and Yardley (2004, p. 56) describe this process as "establishing categories and then counting the number of instances in which they are used in a text or image."

More specifically, I make use of a particular type of content analysis: Directed Content Analysis. The goal of this approach, as outlined by Hsieh and Shannon (2005, p.1281), is to "validate or extend conceptually a theoretical framework or theory." It helps to provide predictions about relationships among variables, which can facilitate the forming of initial coding categories.

3.8 Coding approach

Three approaches were used to develop the initial codes to analyse the data: (a) references to any of the seven expert-derived focal policy issues were coded; (b) ditto any data related to the three research questions; and (c) key themes identified from the prior four reviews of the Child Support Program were also coded.

On the second pass through the data: (a) specific mentions of any of the Terms of References asked by Committee members during the oral hearings and final report were coded; (b) specific mentions in the final report of individuals and organisations (expert vs non-expert) were coded; and (c) specific quotes taken from written and/or oral submissions in the final report attributed to individuals or organisations (expert vs non-expert) – (that is, the *number* and *content* of these quotes).

On the this pass through the data, frequency counts were derived on different aspects of the data – for example, number of times an individual or organization was cited in-text or in a footnote; the number of words used in a quote attributed to an individual or organisation (expert/non-expert); etc.

4

Major Inquiries into the Scheme: A brief examination

This chapter reviews the five major inquiries of the Australian Child Support Scheme as follows:

1. the 1994 Joint Select Committee on Certain Family Law Issues (Child Support Scheme, An examination of the operation and effectiveness of the scheme) ('The Price Report');
2. the 2003 Standing Committee on Social and Legal Affairs (Every Picture Tells a Story);
3. the 2005 Ministerial Taskforce on Child Support (In the best interests of children) ('The Parkinson Report');
4. the 2010 Australian Law Reform Commission Inquiry (Family Violence and Commonwealth Law- Improving Legal Frameworks); and
5. the 2015 Standing Committee on Social Policy and Legal Affairs (From Conflict to Cooperation) ('The Christiansen Report'), which is the focus of the present study.

This chapter comprises four parts. Part 1 details the history of the Child Support Scheme. Part 2 identifies seven key policy issues in the present study of the five inquiries that will form the analytic focus. Part 3 summarises the key aspects of these inquiries. Part 4 draws key strands together.

4.1 History of the Australian Child Support Scheme

The political environment in which the Howard government was in power from 1996 to 2007 was a homogenous environment. This was particularly evident in part of the final term of this government when the Coalition won control of the Senate. This was a very different political environment to the later assessments, particularly the 2014–2015 assessment.

In June 1988 sweeping changes were made to Australia's child maintenance laws. Much of the drive behind this reform came from a pervasive trend in Australia: following divorce or separation, non-resident parents (mostly fathers) often provided little (if any) ongoing financial support to their children – even when court orders mandated the provision of such support. Many sole parents and their children were thus thrust into poverty (Hyams, 1997; McDonald, 1986).

The need for reform was also underpinned by several mutually reinforcing trends. Specifically (a) the existing court-based discretionary system of assessment was producing typically low and varied child maintenance amounts which did not adjust for inflation; (b) adjusting or enforcing maintenance through this system was expensive and time consuming, and off-putting to payees; (c) community values were moving toward the view that the financial support of children should be a parental, as well as State, responsibility (cf., Harrison, Snider & Merlo, 1990); and (d) there was substantial economic pressure to reduce government expenditure on social security (especially in light of increasing rates of unemployment and sole parenthood) (Bowen, 1994; Cabinet Subcommittee on Maintenance, 1986; Child Support Evaluation Advisory Group, 1992; Joint Select Committee, 1994b).

The scheme was introduced in two stages, the first of which commenced 1 June 1988. Stage One sought to move the collection and enforcement (but not assessment) of child support away from the courts to an administrative agency through the conversion of court orders into Child Agency Agreements. This stage was primarily for those already in the existing court-based system. It sought to improve the collection of maintenance covered by court orders. It did so by creating a national, cooperative administrative structure in which the newly created Child Support Agency (an adjunct to the Australian Taxation Office) collected and enforced maintenance, while the Department of Social Security took responsibility for the disbursement of these funds.

Stage Two transferred the assessment function to the administrative agency, The Child Support Agency. This stage was primarily for new clients to the child support system.

4.2 Focal policy issues

The Child Support Scheme is an extremely dynamic, technical, complex area of social policy. The past five inquiries of child support policy have yielded over 300 recommendations. For practical reasons, I sought to constrain the number of issues to be examined. To this end, I developed a preliminary list of key issues and then consulted experts to ensure these issues best-captured key themes in past and the most recent child support inquiries.[7] Seven key policy issues emerged, and guide the analytic focus undertaken here of prior evaluations. They are as follows:

[7] The experts consulted were Professor Matthew Gray, A/Prof Paul Henman, Adjunct A/Prof David Stanton, A/Prof Kristin Natalier and A/Prof Kay Cook.

- Non-payment/non-compliance/enforcement issues (including income minimisation; working cash- in- hand).
- Formula-related issues: including the financial costs of caring for children; how these costs should be allocated between parents; maximum and minimum liabilities; etc.
- Definition of "income" for child support purposes (for example, the exclusion of overtime; net vs. gross; etc.).
- Service Delivery issues: for example, communication with clients; letters (content and frequency); processing delays; conflicting advice; etc.
- 'Special circumstances': for example, re-partnering; stepchildren; private education; special needs of children; etc.
- Interaction with family law system: for example, links between parenting time and child support; issues with enforcement of court orders for time with children; disputes over time; etc.
- Control by payers over how child support is spent: including crediting of payments made for the child's benefit without payee agreement; and allegations that child support is not spent on the child.

4.3 Foci of the inquiries

In this section of the chapter I will be focusing on the five inquiries conducted into the Child Support Scheme in Australia and highlight how my focal issues are reflected in these inquiries. While I have included all of my key focal issues, one of them did not feature in the inquiries:

the ability of payers to have a say in how child support is spent. The following briefly sets out the focus of each inquiry and how they relate to the key focal policy issues of interest here.

4.3.1 Non-payment/non-compliance/enforcement issues

Inquiry # 5- The 2015 Standing Committee on Social Policy and Legal Affairs (From Conflict to Cooperation): In this inquiry there was attention paid to the methods used by the Child Support Agency to collect payments in arrears and to manage overpayments.

4.3.2 Formula-related issues

Inquiry #1: 1994 – The Price Report: This inquiry appears to have been driven by complaints to the Commonwealth Ombudsman. Its terms of reference were focused on the operation and effectiveness of the child support scheme. The recommendations largely centered on formula related inequities between payers and payees, compliance and service delivery issues. With respect to the government response, the government noted the need for better data and for marked improvements in service delivery. It was evident that there were little data available and of they were of dubious quality.

Inquiry # 3 The 2004-05 Ministerial Taskforce on Child Support ('The Parkinson Report'): This inquiry focused on issues of shared parenting, compliance and the needs of stepchildren. It raised concerns about the living standards of children following marriage breakdown particularly those living in sole-parent households. The terms of reference covered areas such as increasing the minimum child support liability, evaluating the existing formula percentage and considering how the Child Support Scheme can play a role in encouraging shared parenting arrangements. In addition, a review of how Family Relationship Centres was

recommended believing that this could contribute to understanding of and competence with the Child Support Scheme.

Inquiry # 5- The 2015 Standing Committee on Social Policy and Legal Affairs (From Conflict to Cooperation): The areas of focus of this evaluation included the flexibility of the child support scheme to accommodate changing circumstances of families and how the scheme can provide better outcomes for high conflict families in particular. Of particular interest were the linkages between family court decisions and the child support policies and processes.

4.3.3 Definition of "income" for child support purposes

Inquiry #2: 2003 – 'Every Picture Tells a Story'- Review of the Family Law System: This report focused primarily on the issue of child custody but the financial support of children is also an important aspect of caring for children after separation. While child support was not the primary focus of the inquiry, Every Picture Tells a Story Report acted as the catalyst for the establishment of the Ministerial Taskforce – a separate inquiry in its own right (see below). Three important child support issues were raised by this inquiry:

1. Service Delivery issues: for example, communication with clients; letters (content and frequency); processing delays; conflicting advice; etc.
2. 'Special circumstances': for example, re-partnering; stepchildren; private education; special needs of children; etc.
3. Interaction with family law system: for example, links between parenting time and child support; issues with enforcement of court orders for time with children; disputes over time; etc.

Inquiry #4: 2010 – Australian Law Reform (ARLC) - Family Violence and Commonwealth Laws-Improving Legal Frameworks Report 117: The intention of the recommendations was to ensure that the legislation would support the goals of CSA to avoid actions, which could contribute to family violence. They also focused on the Child Support Scheme being accessible for victims of family violence. The government response focused on strategies to deal with complaints recommended for implementation by the CSA.

4.4 Summary

The first two inquiries highlight a number of key issues that continue to be represented in each inquiry including formula related issues and inequities between payers and payees and service delivery in the first inquiry shifting to include more focus on parenting time and money and compliance in addition to the *Every Picture Tells a Story* inquiry.

The Ministerial Taskforce on Child Support continued the focus on compliance, enforcement and formula issues but shifted the spotlight onto special circumstances such as step parenting and 2nd families and re-partnering and the impact on children.

The final two inquiries covered the issues of victims of family violence being able to access the child support scheme, and recommended reforms to increase safety by improving legal frameworks with the final inquiry focused on the same issues as the earlier inquiries. This suggests that many problems remained unresolved and that child support scheme and policy has gone unchanged for a number of years despite issues being raised and recommendations being provided. It is thus important that we move on to discuss what was of interest to the Committee in the 2014–15 Inquiry in more detail to ascertain the impact of these earlier inquiries on the outcomes of the latest inquiry.

None of these inquiries appear to have addressed my final focal policy issue of the control by payers over how child support is spent.

5

Were some Terms of Reference prioritised over others?

This chapter examines the first research question: (a) Did the Committee focus on particular Terms of Reference?

The chapter is in two parts. Part 1 contains 5 subsections:

a) number of *questions* related to specific Terms of Reference asked by Committee members during Oral Hearings [that is, *frequency of references* to specific Terms of Reference];

b) number of *words* related to specific Terms of Reference used by Committee members during Oral Hearings [that is, *frequency of words*];

c) a comparison of (a) and (b) for points of contact and disparity;

d) number of *references to* specific Terms of Reference used by Committee members contained in the final report [that is, *frequency of references* to specific Terms of Reference];

e) number of *words* related to specific Terms of Reference used by Committee members contained in the final report [frequency of references to specific Terms of Reference].

Part 2 comprises only one sub-section: a summary. But first a brief technical note.

5.1 Technical preface: Analytic approach

Following several visual iterations of the data, and manual coding and notes in the margins of the transcripts, AtlasTI was used as the data analysis software to code the data, and to provide some additional analytic tools to help code and view the data. For instance, code document tables provide frequency counts for each of the Terms of Reference – including number of quotations and number of words within the different data sources (that is, Oral Hearings; *From Conflict to Cooperation* final report).

5.2 Oral hearings

One way to assess the weight given to different Terms of Reference is to examine the number of times different Terms of Reference are raised and/or addressed by Committee members during Oral Hearings (that is, references to TORs act as a proxy for importance).

5.2.1 Background

Oral submissions were invited by the Inquiry from a number of parties who had provided written submissions to the committee. These parties ranged from government departments closely associated with or involved in the child support program or related issues, the ombudsman office, women's and men's interest groups, expert organisations, individual experts, professional associations, parenting groups and academic experts.

The process for selecting those to provide oral submissions was traditional and straight-forward. According to the Christensen report (p. 8): "The Committee asked for expressions of interest (EOIs) from members of the public who wished to take part, aware that it would not be possible to offer a place to all individuals".

So that the limited places could be allocated as fairly as possible, the Committee used a randomised selection process and issued invitations to EOIs on the basis of that process.

Oral evidence was requested from (a) 15 non-partisan organisations (b) 14 interest groups; and (c) three experts.

5.2.2 Number of times specific Terms of References were raised

In total, the Committee made 79 references to different Terms of Reference during the Oral Hearings. Figure 5.1 shows the number of times questions related to specific Terms of Reference were asked by Committee members during Oral Hearings (shown as a % of total questions asked related to the TOR).

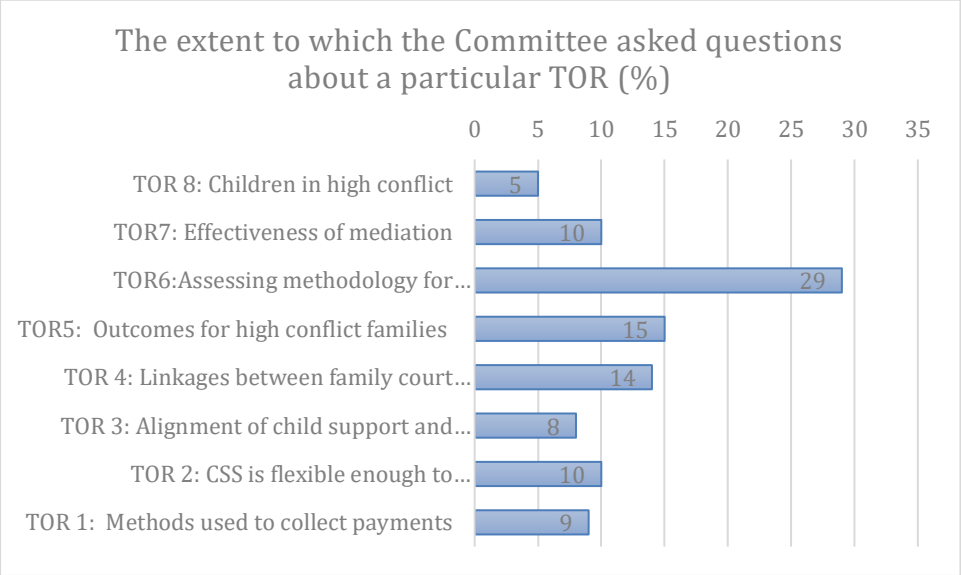

Figure 5.1. The percentage to which particular terms of reference were referred to by the Committee during the oral hearings, Hansard- House of Representatives, Standing Committee on Social Policy and Legal Affairs, Child Support Program, 2014.

Figure 5.1 suggests that the Committee was especially interested in evaluating the method for deriving the child support formula and child support compliance (Reference 6). Just under one third (29%) of questions by Committee Members were about this Reference. By contrast,

the Committee seemed least interested in children stuck in high levels of inter-parental conflict (Reference 8): only 5 percent of questions from the Committee during Oral Hearings were related to this Reference.

In addition, issues surrounding high conflict families (Reference 5) and family court decisions and their link to Child Support policies and procedures (Reference 4) were of moderate interest to the Committee with 15% and 14% of questions during the Oral Hearings focused on these issues, respectively. Possible reasons for these patterns are discussed in the final chapter.

5.2.3 Number of times words related to specific Terms of Reference were raised

In total, the Committee used 2,549 words during the Oral Hearings that related to specific Terms of Reference. Table 5.2 shows the frequency of words (expressed as a % of total words related to specific Terms of Reference) used by Committee members to each Term of Reference during Oral Hearings.

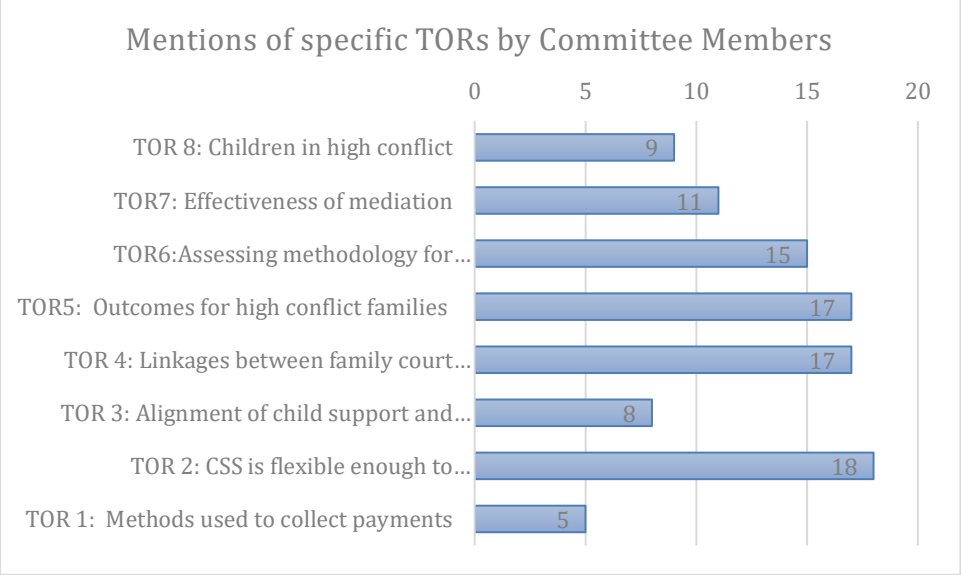

Figure 5.2. The frequency of mentions of words by Committee Members of specific Terms of Reference

Hansard- House of Representatives, Standing Committee on Social Policy and Legal Affairs, Child Support Program, 2014.

Figure 5.2 suggests that during the Oral Hearings, the Committee was particularly focused on the flexibility of the scheme for the changing circumstances of families (Reference 2) with nearly one fifth (18%) of the word count dedicated to this issue.

In similar proportions (17% of words used) were (a) the challenges for high conflict families (Reference 5) and (b) the links between family court decisions and child support (Reference 4). Moreover, assessing the method for formula and compliance measures (Reference 6) at 15% formed a cluster with these three totalling just over a half (52%) of all the words used in relation to specific Terms of Reference.

It is noteworthy that the 'collection of payments in arrears and how to manage overpayments' (Reference 1) received the least attention (5% of words) by the Committee members during Oral Hearings. This is discussed further in the final chapter.

5.2.4 Comparison of results between quotations and word count for oral hearings

The Terms of Reference listed above are similar to those most cited in the quotations, although "assessing the methodology for calculating payments and the adequacy of current compliance and enforcement powers for the management of child support payments" (*n*=23/79: 30%; Reference 6) featured more heavily in the quotations than in the word count. In contrast, the lowest words use (*n*=136/2549: 5%) related to "methods used by Child Support to collect payments in arrears and manage overpayments" (Reference 1) and "the alignment of the child support and family assistance frameworks" (Reference 3) (*n*=206/2549: 8%) and "ensuring that children in high conflict families are best provided for under the Child Support Scheme" (Reference 8) (*n*=234/2549: 9%).

5.3 The Committee's final report

This section examines the number of words related to specific Terms of Reference, and the number of times (expressed as a % of total words related to TORs) specific references, were made in the final report. Figure 5.3 shows the percentage of words related to specific Terms of Reference reported in the Committee's final report.

The following figure illustrates the number of references to specific Terms of Reference asked, used by Committee members contained in the final report [that is, frequency of references to specific Terms of Reference]

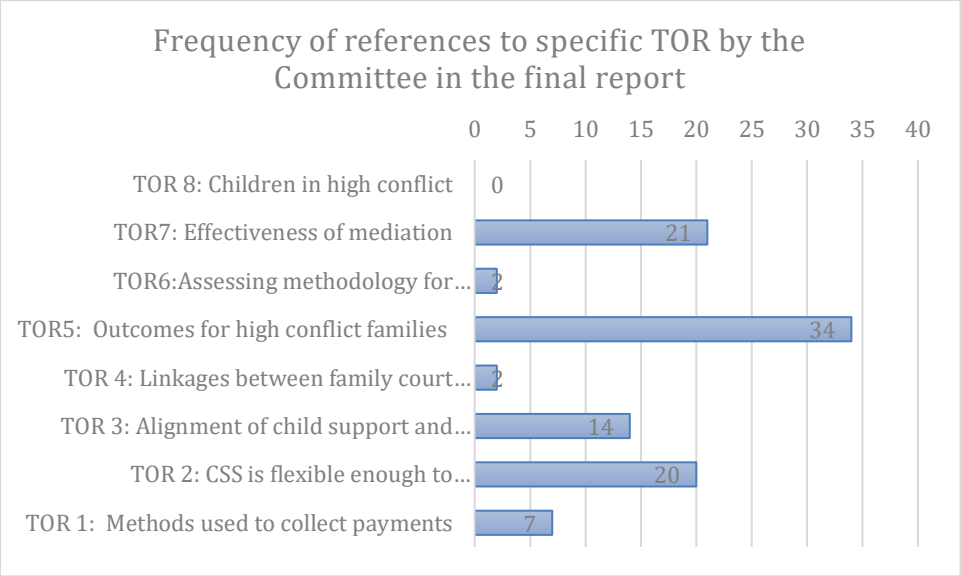

Figure 5.3. The frequency of references to specific terms of reference by the Committee in the final report (%)

Hansard- House of Representatives, Standing Committee on Social Policy and Legal Affairs, Child Support Program, 2014.

Figure 5.3 suggests that the committee was particularly interested in how the scheme could provide better outcomes for high conflict families (Reference 5). Just over one third (34%) of all mentions made to the Terms of Reference were attributed to this reference.

The next most prominent grouping focused on the Terms of Reference related to 'family issues including mediation and counselling', 'the flexibility of the child support scheme', and the 'alignment to family assistance frameworks' (Terms of Reference 7, 2 and 3, respectively). These references collectively represented over half (55%) of mentions.

By way of contrast, the issues that appeared to be of least interest to the committee were related to formula and compliance (7% and 2%), and the linkages between family court and child support (2%) (References 1, 4 and 6, respectively). 'Children in high conflict families' (Reference 8) received no mentions by the Committee in the final report.

Figure 5.4 below shows the frequency of words (expressed as a % of total words related to Terms of Reference) related to specific Terms of Reference made in the final report.

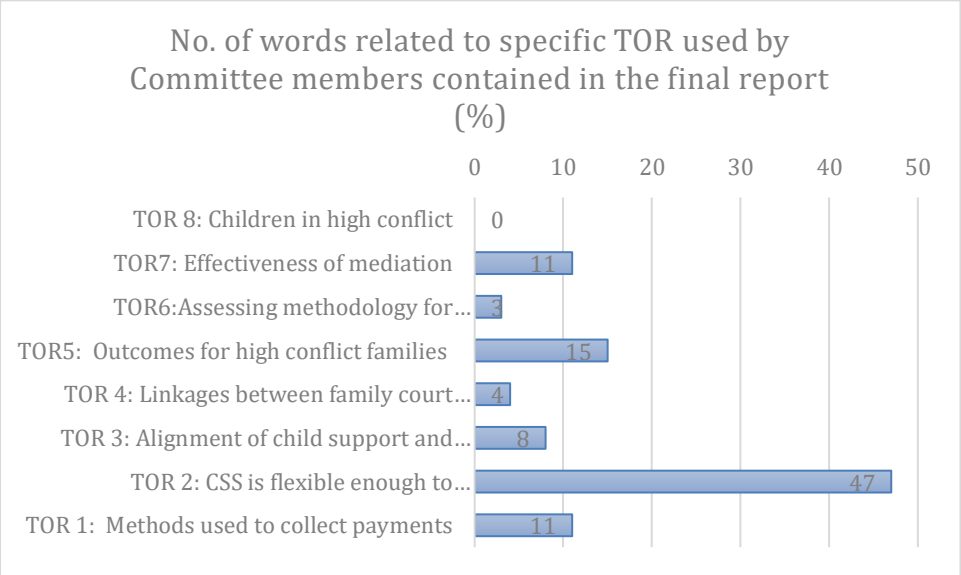

Figure 5.4. The number of words related to specific Terms of Reference used by Committee members contained in the final report (%)

Hansard- House of Representatives, Standing Committee on Social Policy and Legal Affairs, Child Support Program, 2014.

The ‘flexibility of the scheme to meet changing circumstances’ (Reference 2) that appeared to be of most interest to the committee – as suggested by the final report. This issue accounted for nearly half (47%) of all words related to the TORs used in the final report.

In marked contrast, ‘children in high conflict families’ had no references (reference 8). Discussion of ‘the formula and compliance’ (Reference 6), and links between family court and child support (Reference 4) also being of limited interest to the committee (3% and 4%, respectively).

There was some interest in specific family issues (e.g. Providing better outcomes for high conflict families , the effectiveness of mediation and counselling and the alignment of child support and family assistance frameworks (References 5, 7 and 3), with 15%, 11% and 8% of the word count attributed to these issues.

5.4 Comparison of results between quotations and word count in the final report

The differences between the results for the extent to which the Committee asked about a particular TOR (%) and the frequency of mentions of words by Committee Members of specific Terms of Reference in the oral hearings are worthy of mention. The term of reference relating to how the scheme could provide better outcomes for high conflict families was particularly important to the committee in the oral hearings whereas the flexibility of the scheme for changing circumstances of families was the most frequently mentioned term of reference in relation to number of words. The Terms of Reference that generated a medium amount of interest were similar for both what the committee asked those appearing and the number of words. The common areas of focus were the effectiveness of mediation and counselling and

the alignment of child support scheme to family assistance frameworks. The terms of reference of no interest did differ with no mention of children in high conflict families in the questions asked by committee members, in comparison there were no references to formula and compliance issues and the links between the family court and child support scheme.

5.5 Comparison of results between oral hearings and the final report

The differences between the results of oral hearings and the final report are more pronounced than the similarities. The main focus of the oral hearings was the child support formula and compliance methods and the flexibility of the scheme for changing circumstances of families whereas for the final report it was on how the scheme could provide better outcomes for high conflict families and the flexibility of the scheme for changing circumstances with families.

Also worthy of mention in relation to the differences between results of the oral hearings and final report are those issues of moderate interest which for the oral hearings was the links between family court decisions and child support, formula and compliance measures and better outcomes for high conflict families, whereas for the final report they were moderately interested in the effectiveness of mediation and counselling, flexibility of the CSS and alignment to family assistance framework.

The common issue of interest to both was achieving better outcomes for high conflict families and the flexibility of the child support scheme to meet the changing circumstances of families.

6

Whose voices were heard?

This chapter focuses on the second research question: Were any individuals, organisations, or interest groups (for example, men's groups or women's groups) privileged over other sources? Which written submissions received greatest attention from the Committee? To explore these questions, two simple quantitative measures were used: (a) the number of times each individual or organisation was cited in the *From Conflict to Cooperation* report's footnotes; and (b) the total number of words by an individual or an organisation quoted in-text in the report.

The chapter comprises discussion of evidence in the form of written submissions. These are examined in two subsections: (a) material from *written* submissions that was cited in the final report (Section 6.1); (b) material from *oral* submissions that was cited in the final report (Section 6.2).

6.1. Written Submissions

The inquiry received 130 submissions to the inquiry. Figure 6.1 shows the top five individuals or organisations referenced by name in the final report, from least number of mentions to the greatest number of mentions.

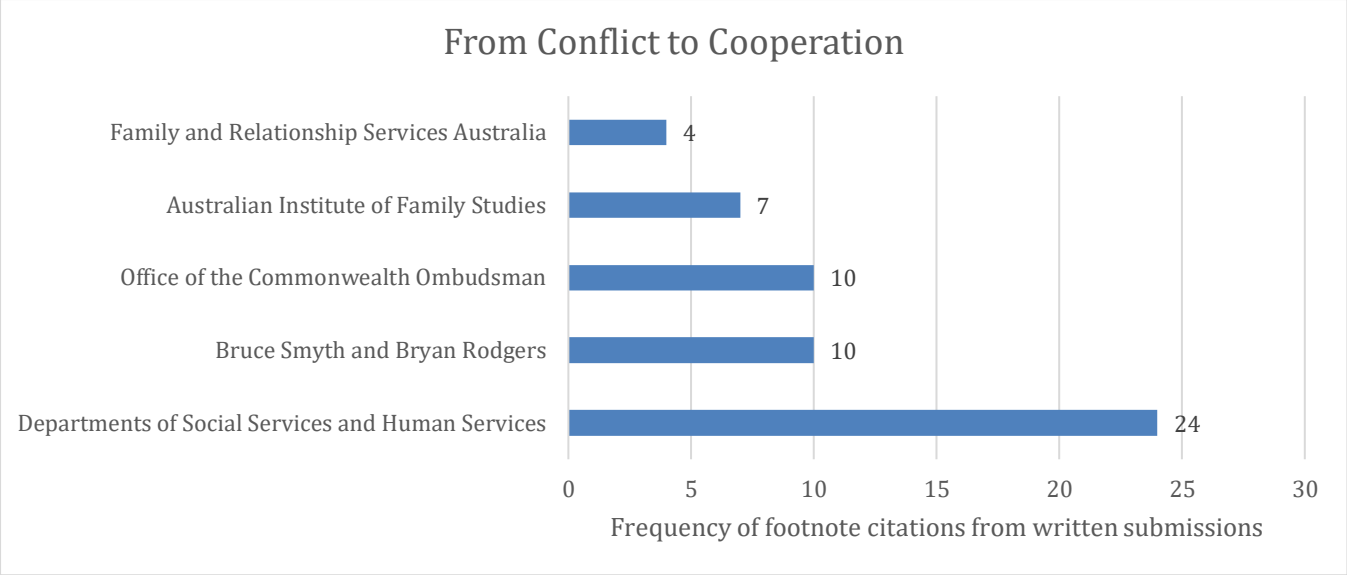

Figure 6.1. Number of times an organisation or individual expert was mentioned in the final report (in-text or in a footnote): Top five

Data source: From Conflict to Cooperation report (Commonwealth of Australia, 2014)

The above figure shows that the most cited organisations in the final report were Commonwealth Departments that is the Department of Social Services (DSS) and the Department of Human Services (DHS) (joint submission) (cited 24 times), followed by the Office of the Commonwealth Ombudsman (cited 10 times) and two academics namely, Bruce Smyth PhD and Bryan Rodgers PhD (ANU) (cited 10 times). The fourth most cited organisation was the Australian Institute of Family Studies (AIFS) (cited 7 times), followed by Family and Relationship Services Australia (FRSA) (cited 4 times). That the two Australian Government Departments responsible for child support policy (DSS) and child support service delivery (DHS) received the most attention in the final report in terms of number of mentions is not surprising given that they have specialist technical knowledge of the workings of the Scheme. Moreover, given the relatively large number of complaints received by the Commonwealth Ombudsman each year, and the deep knowledge staff at the Ombudsman's office would have

of the pressure points and inner workings of the child support system, it is also of little surprise that this independent statutory authority was cited relatively frequently.

Figure 6.2 below shows the top five individuals or organisations cited in the final report – again ordered from least cited to most cited – based on the number of words used in the final report.

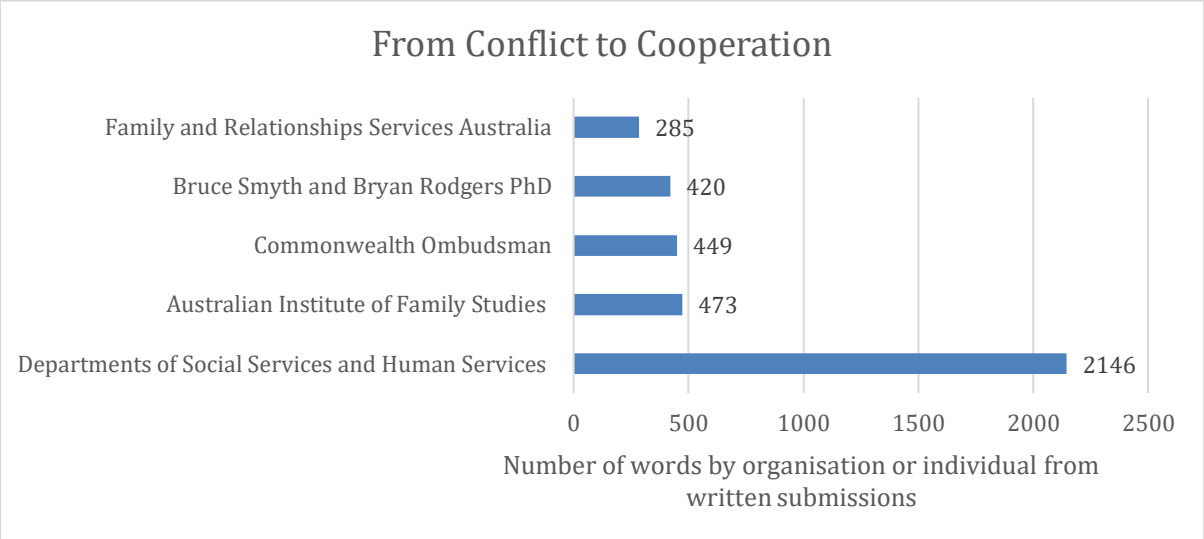

Figure 6.2 Total number of words related to an organisation or individual expert in the final report: Top five

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

The list in Figure 6.2 is similar to Figure 6.1 except that the Australian Institute of Family Studies submission carried more weight in terms of number of words used (second most cited source) as opposed to the number of times it was cited as an organisation (fourth most cited source).

The most words attributed to a single source came from the Department of Social Services and the Department of Human Services (joint submission) (2,146 total words quoted in total across the report), followed by the Australian Institute of Family Studies (473 words quoted

in total), closely followed by the Office of the Commonwealth Ombudsman (449 words quoted in total). The fourth most cited source was Bruce Smyth PhD and Bryan Rodgers PhD (420 words quoted in total), followed by the Family and Relationship Services Australia (285 words quoted in total).

6.2 Oral Submissions

Oral evidence was requested by the Parliamentary Committee from (a) 3 individual knowledge experts; (b) 3 non-expert: Experiential Publics (individuals); (c) 10 organisations deemed to be knowledge experts: (d) 12 Stakeholder organisations deemed to be non-experts (non-gender based) and; (e) 18 non-expert interest groups (gender-based) individual experts.

Of those invited to provide an oral submission 86 percent were organisations (*n*=40). Of the 88 individuals who were invited to make an oral submission, 5 individuals were individual knowledge experts; 83 individuals were Non-expert: Experiential Publics.

Was any oral evidence by some given more weight than that provided by others? The same frequency measures that were used for the written submissions are used to explore this question. Figure 6.3 shows the top five individuals or organisations mentioned by name in the final report – based on the number of times each was mentioned.

Figure 6.3. Frequency of footnote citations for organisations and individuals giving oral evidence

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

As shown in Figure 6.3, the most cited oral evidence was by an individual: Professor Patrick Parkinson (mentioned 7 times). Professor Patrick Parkinson is the Academic Dean and Head of School for the TC Beirne School of Law at the University of Queensland. Professor Parkinson is a specialist in family law, child protection and the law of equity and trusts, and led the Ministerial Taskforce. While Parkinson appeared to have little expertise prior to accepting the position of Chair of the Ministerial Taskforce, it is abundantly clear from the quality and clarity of the final report, that he quickly became an expert in this complex and contested policy space.

Figure 6.3 also shows that oral evidence provided by four organisations was mentioned in two instances in the final report: Aqua Dreaming Ltd (Indigenous expertise); the Parenting and Family Support Centre, University of Queensland; the Department of Social Services; and the Law Society of New South Wales.

As shown in Figure 6.4, the top five individuals or organisations cited in the final report – ordered from least cited to most cited – based on the number of words used in the final report.

Figure 6.4. Number of words quoted by organisations and individuals non-experts giving oral evidence

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

The five individuals or organisations whose oral evidence was quoted the most were (Professor Patrick Parkinson (1,010 total words cited), followed by Department of Human Services (732 total words cited) and the Office of the Commonwealth Ombudsman (417 total words cited). The fourth most quoted source was the Women's Legal Services (205 total words cited), followed by the Lone Fathers Association of Australia (168 total words cited). It is noteworthy that material in the oral submissions made by two non-expert gender-based groups (that is, the Lone fathers Association, and the National Council of Single Mothers and their Children) attracted attention in the final report, while their written submissions were

not drawn on heavily. It is tempting to speculate on the reasons for this, but I avoid this temptation here.

6.3 Conclusion

It is noteworthy that the results for the written and oral submissions were quite divergent. The top three organisations drawn on from the written submissions were (a) the Departments of Social Services and Human Services; (b) the Australian Institute of Family Studies; and (c) the Commonwealth Ombudsman. The joint DSS/DHS submission was by far the most drawn on in terms of number of words used. The written submission co-authored by Smyth and Rodgers was the most cited written evidence in the final report by individual experts.

Turning to the oral submissions, the highest rated submission, both for citations and quotations, was Parkinson. The Commonwealth Ombudsman and Departments of Social Services and Human Services was the only set of experts that had their material from both the oral submissions and written submissions drawn on in the final report.

In relation to the oral submissions and who was referred to most, it is clear that the committee was particularly interested in the views of Parkinson as an individual and then a mix of advocacy organisations and expert organisations. It is interesting to note that the information obtained from Parkinson's oral submission was not reflected in the final report as the information Parkinson provided in the oral submission probably satisfied the committee at the time. In contrast the written submission provided by Smyth and Rodgers were the only individual experts referred to in the final report. This submission addressed the terms of reference but also provided some additional findings from the ANU Child Support Reform Study, which were highly relevant to the inquiry.

In the final report the Committee did acknowledge submissions received from interest individuals.

> The Committee received personal stories from more than 170 people. Often, they contained detailed accounts of individual and family experiences with the CSP [Child Support Program]. The Committee carefully reviewed each of them, and has accepted them as part of the inquiry's evidence (Commonwealth of Australia, 2014, p. 10).

7

The Role of Expert Evidence

This chapter examines the third research question: To what extent was the Committee's final report based on expert evidence? Expert knowledge can potentially bring some independence, objectivity, and rigour to the process of policy development and decision-making. Of course, political imperatives can – and often do – trump science in the policy development and reform processes (Smyth, 2008).

7.1 Defining 'expert'

There is little agreement as to who is an "expert", and "no guidelines for defining expert or evidence" (Baker, Lovell & Harris, 2006, p. 61–62). This lack of clarity has led to a plethora of definitions.

Roberts and Lightbody's (2017) categories are worth revisiting and will be used to distinguish different types of experts and non-experts:

- '*Knowledge Experts*: individuals with specialist scientific, technical or legal knowledge to provide information
- *Stakeholders*: representatives from interested parties (lobbying or interest groups) that usually provide evidence advocating a certain perspective
- *Experiential publics*: members of the public who have knowledge about an issue as a result of direct experience, and so who can share their personal insights.

- *Representative publics*: members of the public who may have no particular knowledge or first-hand experience of the issue, but who might reflect some aspect of the wider public' (Roberts & Lightbody, 2017, p. 4) (italics added).

As noted in Chapter 1, drawing on Roberts and Lightbody's (2017) categorization, for the purpose of the present investigation, I define an 'expert' as an individual or an organisation that has specialist skills and technical knowledge in the field of child support policy or service delivery. Individuals and organisations that I classify for the purposes of my analysis as non-experts might still be considered to have a type of "expertise" (e.g., lay or stakeholder "expertise").

Obvious experts here include Australian Government departments, such as the Department of Social Services [DSS] and the Department Human Services [DHS] which are responsible for child support policy and service delivery, respectively. Given its historically close administrative links with DHS, the Australian Taxation Office also falls into the expert category as do specialist areas within State and Territory departments (for example, child support specialists in state-based Legal Aid Offices); Independent Statutory Authorities (for example, the Commonwealth Ombudsman's Office; the Australian National Audit Office [ANAO]); Government research institutes (most notably, the Australian Institute of Family Studies); and academics who have written about child support legislation (for example, Professor Belinda Fehlberg; Professor Lisa Young; Judge Grant Riethmuller) or have been involved in the child support policy evaluation process (for example, Professor Patrick Parkinson – Chair of the 2004 Child Support Ministerial Taskforce; Associate Professor David Stanton – Deputy Chair of the Taskforce; Professors Matthew Gray, Paul Henman, Ann Harding, and Bruce Smyth –

four of the eight members of the Taskforce; Associate Professor Kay Cook – who has been critical of the Australian Child Support Scheme from a feminist perspective).

By non-experts, I simply mean the converse: those individuals and organisations who do not appear to have significant subject matter expertise in child support policy and program and/or have little legal or social science academic training. Some non-experts advocate a particular position, for example, interest groups based on gender lines (for example, fathers' groups, and mothers' groups). Others have expertise but this expertise is generally indirectly related to child support practice (for example, Family Dispute Resolution Practitioners in family law matters, who are members of Family and Relationships Services Australia). This is not to say that non-experts' understanding of the workings of the Scheme on the ground is not important. It is. Grass roots feedback to government (especially in the form of Ministerial complaints) about problems and pitfalls with the child support system has been a feature of the Scheme's history since its inception – and a common trigger of parliamentary inquiries. Indeed, the most recent parliamentary inquiry led by George Christensen is a clear example of discontent driving change (as noted in Chapters 1 and 3).

This chapter comprises three parts. Part 1 attempts to identify the individuals and organisations deemed to be experts, and then assess the extent of the influence of their expert evidence in the final report. The second part seeks to identify individual non-experts and organisations, the latter who are either stakeholder (non-gender-based) or interest groups (typically gender-based). I then assess the extent of non-expert evidence reflected in the final report. The third and final part of this chapter summarises key results regarding the prevalence of expert and non-expert evidence in the final report.

7.2 List of individuals and organisations deemed to be experts

In relation to the written submissions, 15 organisations with clear expertise in child support issues were identified (most of which had either legal or psychological expertise), along with 5 academic child support experts (Cook, Fehlberg, Natalier, Parkinson & Smyth) – as shown in Table 7.1 below. Table 7.1 is an extract from Table 3.1 to save the reader from having to return to the earlier chapter to find the full table. This is also the case for Table 7.2.

Table 7.1 Submissions written by individuals or organisations deemed to be 'experts'

Submission Number	Individual Knowledge Expert	Organisations deemed to be knowledge experts
1 Name withheld		
2 Patrick Parkinson	x	
3 Name withheld		
4 Name withheld		
5 Name withheld		
6 Suzzanne Roszka		
7 Non-Custodial Parents Party		
8 Mr Peter Carroll		
9 Mr Philip Thomson		
10 Name withheld		
11 Name withheld		
12 Mr Trevor Koops		
13 Bruce Smyth PhD & Bryan Rodgers PhD	x	
14 The Family Issues Committee of the Law Society of NSW		x
15 Name withheld		
16 Mr David Rose		
17 Name Withheld		
18 Adelaide Psychological Services		
19 Name Withheld		
20 Name Withheld		
21 Name Withheld		
22 Name Withheld		
23 Name Withheld		

Submission Number	Individual Knowledge Expert	Organisations deemed to be knowledge experts
24 Name Withheld		
25 Mr Geoff Ogden		
26 Hobart Women's Health Centre		
27 Name Withheld		
28 Mr Andrew Thompson		
29 Name Withheld		
30 National Council of Women of Tasmania		
31 Name Withheld		
32 Hobart Branch of the National Council of Single Mothers and their Children		
33 Name Withheld		
34 Name Withheld		
35 WIRE Women's Information		
36 Women's Legal Services Australia		
37 Relationships Australia		x
38 Dr Kay Cook	x	
39 Dr Kristin Natalier	x	
40 National Council of Single Mothers and their Children Inc.		
41 Gosnells Community Legal Centre		
42 Lone Fathers Association (Australia)		
43 Women's Legal Services NSW		
44 Name Withheld		
45 Dads in Distress Support Services		
46 Ms Giovana Arrarte		
47 United Sole Parents of Australia		
48 Australian Men's Health Forum		
49 Council of Single Mothers and their Children (Victoria)		
50 Australian Institute of Family Studies		x
51 Name Withheld		
52 Illawarra Legal Centre		x
53 Victorian Legal Aid		x
54 Name Withheld		

Submission Number	Individual Knowledge Expert	Organisations deemed to be knowledge experts
55 Commonwealth Ombudsman		x
56 Name Withheld		
57 National Legal Aid		x
58 Name Withheld		
59 Law Council of Australia		x
60 Name Withheld		
61 Family and Relationship Services Australia		
62 Ms Leslie James		
63 Ms Lynn Cresswell		
64 economic Security4Women		
65 Barwon Community Legal Service		
66 Name Withheld		
67 Name Withheld		
68 Name Withheld		
69 Family Law Council		x
70 Mr Marcus Smith		
71 Support Help and Empowerment		
72 Mr Ali Noonan		
73 Mr Rodney Davies		
74 Name Withheld		
75 Name Withheld		
76 Name Withheld		
77 Name Withheld		
78 Name Withheld		
79 Name Withheld		
80 Name Withheld		
81 Dads on the Air		
82 Name Withheld		
83 Women's Legal Service Tasmania		
84 Name Withheld		
85 Name Withheld		
86 Name Withheld		
87 Name Withheld		
88 NT Office Status of Family		
89 Name Withheld		
90 Fathers Australia		

Submission Number	Individual Knowledge Expert	Organisations deemed to be knowledge experts
91 Name Withheld	x	
92 Name Withheld		
93 Dads 4 Kids		
94 Social Security Appeals Tribunal		x
95 Attorney-General's Department		x
96 Name Withheld		
97 Name Withheld		
98 The Australian Family Association (Queensland Branch)		
99 Department of Social Services (DSS) and Department of Human Services (DHS)		x
100 Queensland Law Society		
101 Springvale Monash Legal Service		x
102 Ms Elisa Clark		
103 Name Withheld		x
104 Ms Tanya Fisher		
105 Name Withheld		
106 Ms Alissa Brabin		
107 Mr David Skeels		
108 Name Withheld		
109 Name Withheld		
110 Professor Belinda Fehlberg	x	
111 Mr Iain Rice	x	
112 Name Withheld		
113 Name Withheld		
114 Name Withheld		
115 Name Withheld		
116 Name Withheld		
117 Mrs R Johnson		
118 Name Withheld		
119 Name Withheld		
120 Name Withheld		
121 Name Withheld		
122 Name Withheld		
123 Name Withheld		
124 Ms Michelle Rowland-MP		

Submission Number	Individual Knowledge Expert	Organisations deemed to be knowledge experts
125 Name Withheld		
126 Name Withheld		
127 Boystown		
128 Australian Taxation Office		x
129 Name Withheld		
130 Mr Michael Loizou		
Total	7	15

Source: List of written submissions publicly available in *from conflict to cooperation* (2015) report.

Notes: Classification by author.

7.3 Assessing the extent of expert evidence in the Committee's final report

To enable an assessment of the amount of attention paid to expert evidence in the final report, references to experts within the report are examined. The committee clearly paid considerable attention to a range of experts in the final report, including academics, research institutes, legal experts and government departments.

The Committee drew heavily on data from the Australian Institute of Family Studies (AIFS) and other expert organisations. For instance, the Committee concluded:

> Studies conducted by the Australian Institute of Family Studies (AIFS) indicate that the majority of separated parents establish cooperative relationships with each other and meet their child support obligations. Submissions from professional bodies also argued that the scheme usually works. National Legal Aid concluded that, despite the system's complexity, the CSP could be considered generally effective, while similar conclusions were reached by Family and Relationship Services Australia, and the Queensland Law Society. (p11)

The above positive conclusions look dubious based on the suite of papers by Smyth and colleagues from the Child Support Reform Study (see, for example, Smyth, Rodgers, Son, Allen & Vnuk, 2012; Smyth, Rodgers, Son & Vnuk, 2015; Smyth, Vnuk, Rodgers & Son, 2014; Son, Rodgers & Smyth, 2014). This body of work points to many problems with the operation of the Child Support Scheme, including poor policy knowledge by separated parents; low levels of compliance by non-resident fathers (based on single mothers' reports); sizeable rates of poverty among single mothers and their children; and relatively poor perceptions of fairness by both mothers and fathers. One reason for the apparent disconnect here is that some of the positive appraisals are from organisations that rely on governments (that is, non-independent research).

It is noteworthy that Smyth and Rodgers offered to conduct specific analysis of data from the Child Support Reform Study (the most comprehensive longitudinal data set on the child support scheme to date), but no requests from the Committee were forthcoming.[8] This lack of interest is curious.

7.3.1 Individual knowledge experts

Figure 7.1 shows the frequency of footnote and in-text citations attributed to individual knowledge experts.

[8] See Hansard, Australian Parliament, House of Representatives, Social Policy and Legal Affairs Committee, Friday 29 August 2014, oral testimony by Professor Bryan Rodgers, and Associate Professor Bruce Smyth.

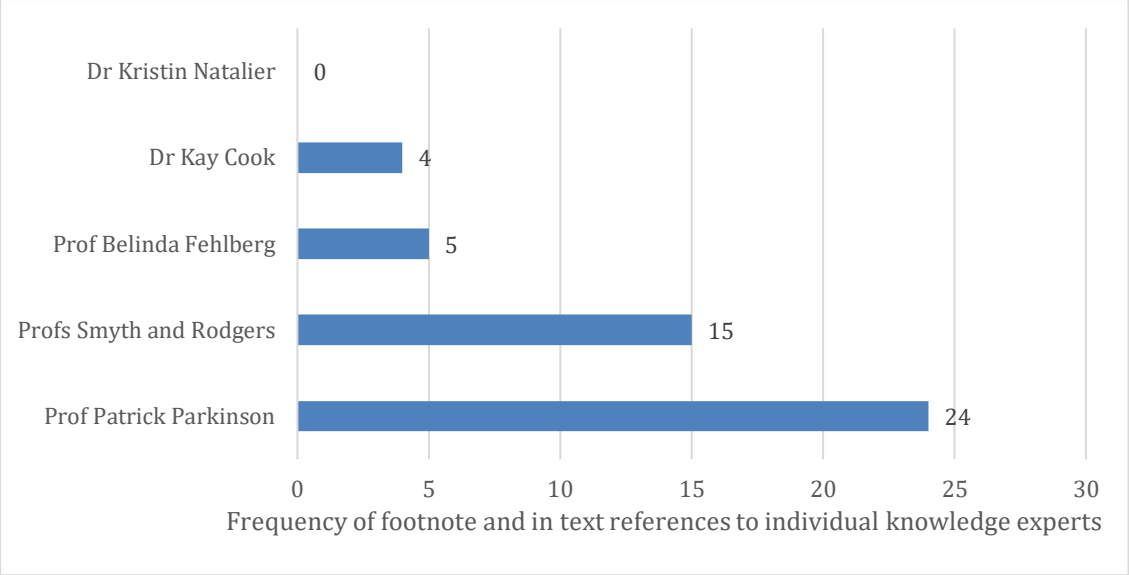

Figure 7.1 Frequency of footnote citations referencing individual knowledge experts in final report

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2015)

Figure 7.1 indicates that the most cited individual knowledge experts in the final report were Professor Patrick Parkinson (cited 24 times), followed by Professors Smyth and Rodgers (cited 15 times) and Professor Belinda Fehlberg (cited 5 times). The fourth most cited individual expert was Dr Kay Cook (cited 4 times). The fact that Professors Patrick Parkinson, Smyth and Rodgers were the most cited individual experts is not surprising considering they been involved in child support policy for many years, and have considerable legal or social science expertise in the fields of family law, family transitions, and child and family wellbeing.

Figure 7.2 shows the frequency of quotations by individual knowledge experts used in the final report.

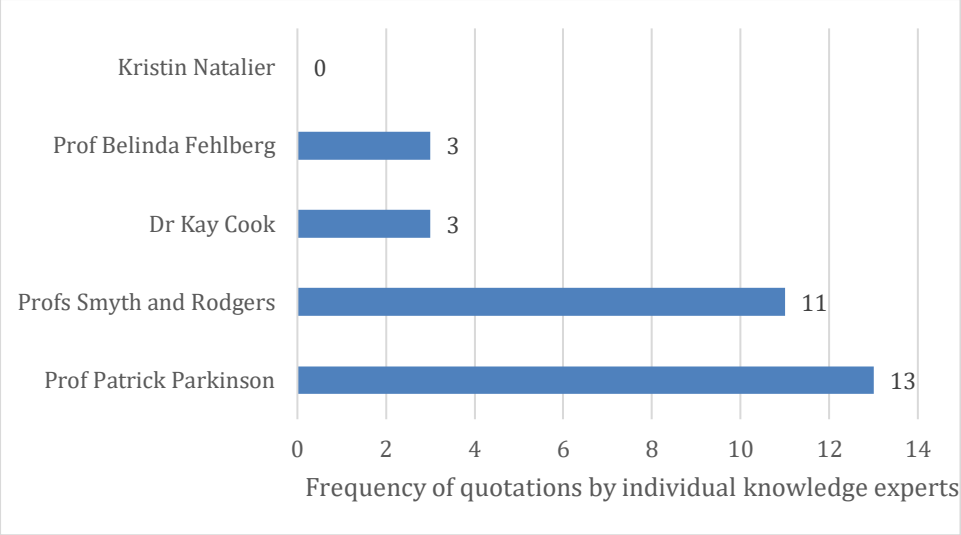

Figure 7.2 Frequency of quotations by individual knowledge experts used in the final report

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2015)

This and the previous figure (Figure 7.1) yield similar results. In Figure 7.2, once again, the highest frequency of quotations was attributed to Professor Patrick Parkinson (cited 13 times), followed by Professors Smyth and Rodgers (cited 11 times). The third most cited individual experts were Dr Kay Cook and Professor Belinda Fehlberg (cited 3 times). Again, individual experts featured.

Figure 7.3 shows the frequency of footnote and in-text references to organisations deemed to be (non-gender-based) expert (that is, the number of times an expert organization was mentioned).

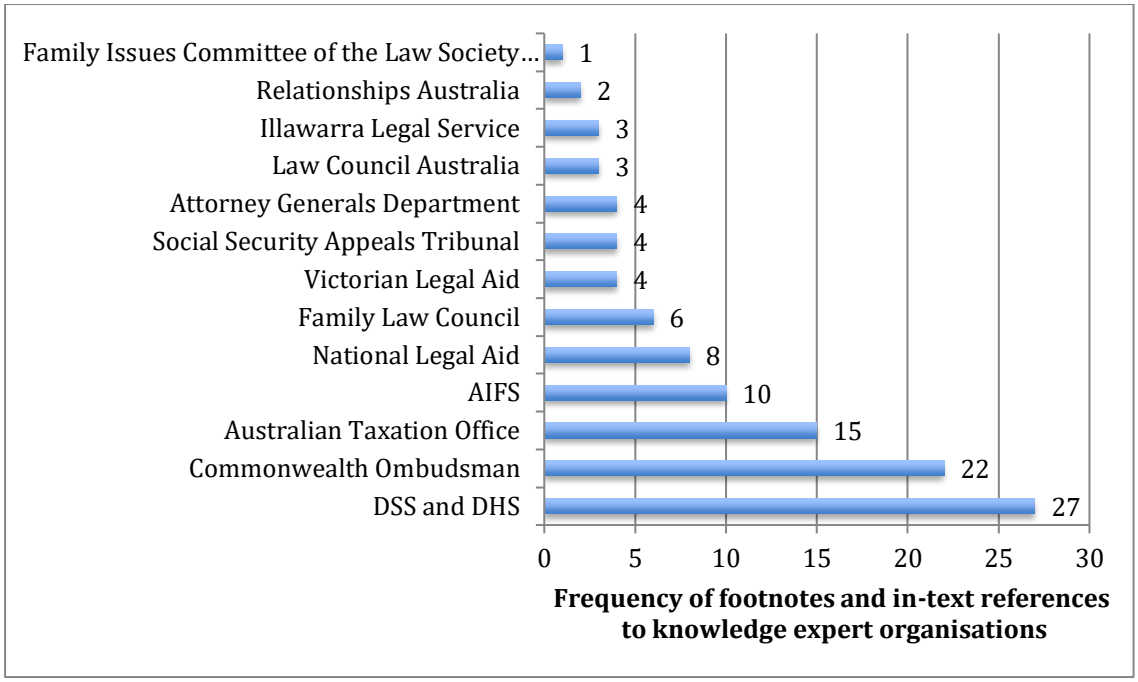

Figure 7.3 Frequency of footnote and in-text references to knowledge expert organisations

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

The above figure shows that the most cited expert organisations were the Departments of Social Services and Human Services (cited 27 times – jointly or separately) in the final report, followed by the Commonwealth Ombudsman (cited 22 times) and Australian Taxation Office (cited 15 times). The fourth most cited expert organisation was the Australian Institute of Family Studies (cited 10 times). This is not surprising given that these organisations play a pivotal role in the development of child support policy and/or delivery of programs, and are well placed to offer high-level conceptual knowledge to the committee. One important means by which these departments have sought to stay in touch with how child support policy plays out 'on the ground' is through feedback from various key stakeholder. Specifically, for many years (2007–2015), 29 members of the Child Support National Stakeholders Engagement Group would meet with child support staff in DSS and DHS three times a year to provide 'grass

roots' feedback on the impacts of the child support system on different groups in the community.[9]

The degree to which these departments have accurate data, and make good use of these data, remains unclear.

The Department of Social Services (DSS) is responsible for administering the child support legislation and for developing and improving child support policy to ensure effective delivery of the child support scheme. Due to this their close link with DHS this would allow DSS to understand the pressure points in the scheme prompting the need for policy change.

The Department of Human Services (DHS) has the responsibility to deliver the scheme and in providing services to parents and carers. This department also has a role in assisting parents to apply for a child support assessment and facilitates the collection and transfer of child support payments.

The Commonwealth Ombudsman has knowledge of child support as a result of the complaints about the actions and decisions of Australian Government agencies involved in child support that they investigate on behalf of complainants.

[9] See: https://www.directory.gov.au/portfolios/services-australia-part-social-services-portfolio/services-australia/child-support-national-stakeholder-engagement-group The group ceased to meet face-to-face at the end of 2014.

The Australian Taxation Office (ATO) has a long history with child support as the Child Support agency began in the ATO in 1988. There are now arrangements in place between DHS and the ATO to support accurate and timely child support payments and to measure the performance of their cooperative child support collection activities and transparently report on outcomes.

There is also value in examining the number of quotes attributed to different individuals or organisations (contrasting experts and non-experts) used in the final report – though arguably this is a weaker analytic approach given that quotes tend to be used to make a point. References (in-text or footnotes) to an individual or organisation, on the other hand, buttress an idea and point to the apparent value of particular forms and sources of evidence.

Figure 7.4 shows the frequency of quotations by organisations deemed to be (non-gender-based) experts used in the final report.

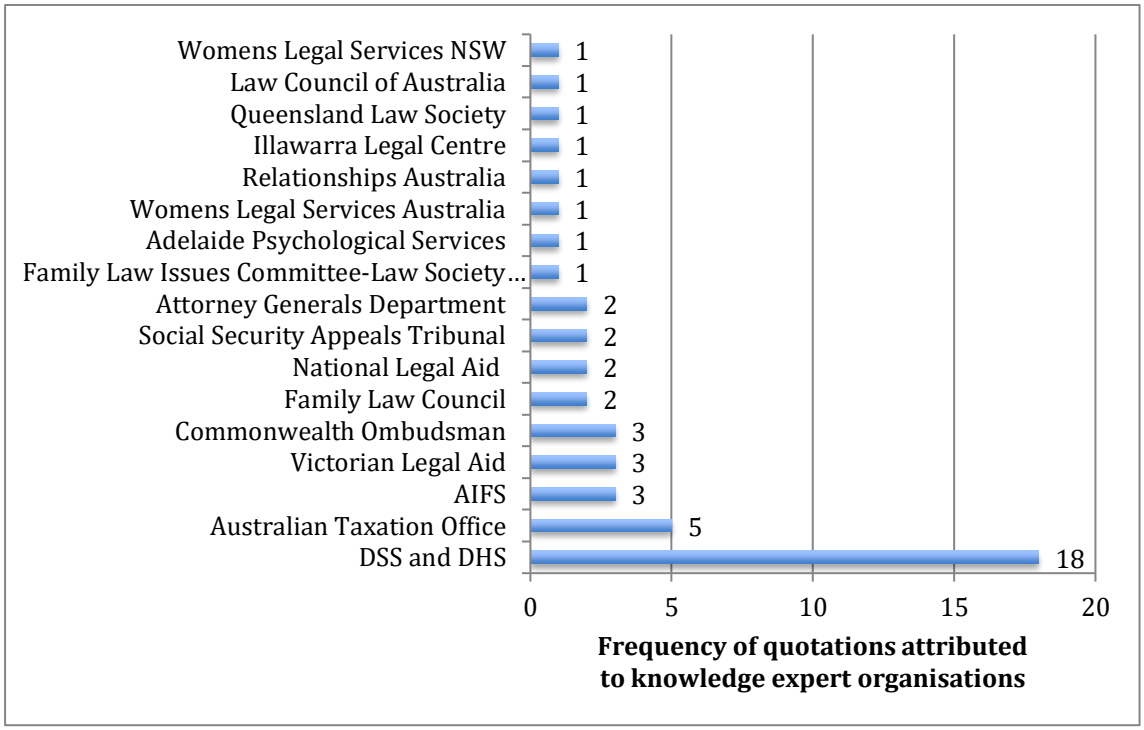

Figure 7.4 Frequency of quotations from knowledge expert organisations

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

Two knowledge expert organisations stand out in Figure 12 – most notably the joint submission made by DSS and DHS (18 quotations). A range of other knowledge expert organisations were cited once (e.g. Queensland Law Society and Relationships Australia), twice (NLA, and SSAT), three times (CO, VLA, AIFS) or five times (ATO).

7.3.2 List of individuals and organisations deemed to be non-experts

In relation to the written submissions, 8 stakeholder organisations were deemed to be non-experts (non-gender based) organisations, as were 18 Non-Expert: Interest Groups (gender-based), and 83 non-expert experiential individuals – as shown in Table 7.2 below:

Table 7.2 Submissions written by individuals or organisations deemed to be 'non-experts'

Submission Number	Non-Expert: Experiential Publics (Individuals)	Stakeholder organisations deemed to be non-experts (non-gender based)	Non-Expert: Interest Groups (gender based)
1 Name withheld	x		
2 Patrick Parkinson			
3 Name withheld	x		
4 Name withheld	x		
5 Name withheld	x		
6 Suzzanne Roszka	x		
7 Non-Custodial Parents Party		x	
8 Mr Peter Carroll	x		
9 Mr Philip Thomson	x		
10 Name withheld	x		
11 Name withheld	x		
12 Mr Trevor Koops	x		
13 Bruce Smyth PhD & Bryan Rodgers PhD			
14 The Family Issues Committee of the Law Society of NSW			
15 Name withheld	x		
16 Mr David Rose	x		

Submission Number	Non-Expert: Experiential Publics (Individuals)	Stakeholder organisations deemed to be non-experts (non-gender based)	Non-Expert: Interest Groups (gender based)
17 Name withheld			
18 Adelaide Psychological Services		x	
19 Name withheld	x		
20 Name withheld	x		
21 Name withheld	x		
22 Name withheld	x		
23 Name withheld	x		
24 Name withheld	x		
25 Mr Geoff Ogden	x		
26 Hobart Women's Health Centre			x
27 Name withheld	x		
28 Mr Andrew Thompson	x		
29 Name withheld	x		
30 National Council of Women of Tasmania			x
31 Name withheld	x		
32 Hobart Branch of the National Council of Single Mothers and their Children			x
33 Name Withheld	x		
34 Name Withheld	x		
35 WIRE Women's Information			x
36 Women's Legal Services Australia			x
37 Relationships Australia			
38 Dr Kay Cook			
39 Dr Kristin Natalier			
40 National Council of Single Mothers and their Children Inc.			x
41 Gosnells Community Legal Centre		x	
42 Lone Fathers Association (Australia)			x
43 Women's Legal Services NSW			x
44 Name Withheld	x		
45 Dads in Distress Support Services			x
46 Ms Giovana Arrarte	x		
47 United Sole Parents of Australia			x

Submission Number	Non-Expert: Experiential Publics (Individuals)	Stakeholder organisations deemed to be non-experts (non-gender based)	Non-Expert: Interest Groups (gender based)
48 Australian Men's Health Forum			x
49 Council of Single Mothers and their Children (Victoria)			x
50 Australian Institute of Family Studies			
51 Name Withheld	X		
52 Illawarra Legal Centre			
53 Victorian Legal Aid			
54 Name Withheld	X		
55 Commonwealth Ombudsman			
56 Name Withheld	X		
57 National Legal Aid			
58 Name Withheld	x		
59 Law Council of Australia			
60 Name Withheld	x		
61 Name Withheld	x		
62 Ms Leslie James			
63 Ms Lynn Cresswell	x		
64 economic Security4Women			x
65 Barwon Community Legal Service		x	
66 Name Withheld	x		
67 Name Withheld	x		
68 Name Withheld	x		
69 Family Law Council			
70 Mr Marcus Smith	x		
71 Support Help and Empowerment			x
72 Mr Ali Noonan	x		
73 Mr Rodney Davies	x		
74 Name Withheld	x		
75 Name Withheld	x		
76 Name Withheld	x		
77 Name Withheld	x		
78 Name Withheld	x		
79 Name Withheld	x		
80 Name Withheld	x		
81 Dads on the Air			x

Submission Number	Non-Expert: Experiential Publics (Individuals)	Stakeholder organisations deemed to be non-experts (non-gender based)	Non-Expert: Interest Groups (gender based)
82 Name Withheld	x		
83 Women's Legal Service Tasmania			x
84 Name Withheld	x		
85 Name Withheld	x		
86 Name Withheld	x		
87 Name Withheld	x		
88 NT Office Status of Family		x	
89 Name Withheld	x		
90 Fathers Australia			x
91 Name Withheld	x		
92 Name Withheld	x		
93 Dads 4 Kids			x
94 Social Security Appeals Tribunal			
95 Attorney-General's Department			
96 Name Withheld	x		
97 Name Withheld	x		
98 The Australian Family Association (Queensland Branch)		x	
99 Department of Social Services (DSS) and Department of Human Services (DHS)			
100 Queensland Law Society		x	
101 Springvale Monash Legal Service			
102 Ms Elisa Clark	x		
103 Name Withheld	x		
104 Ms Tanya Fisher	x		
105 Name Withheld	x		
106 Ms Alissa Brabin	x		
107 Mr David Skeels	x		
108 Name Withheld	x		
109 Name Withheld	x		
110 Professor Belinda Fehlberg			
111 Mr Iain Rice	x		
112 Name Withheld	x		
113 Name Withheld	x		

Submission Number	Non-Expert: Experiential Publics (Individuals)	Stakeholder organisations deemed to be non-experts (non-gender based)	Non-Expert: Interest Groups (gender based)
114 Name Withheld	x		
115 Name Withheld	x		
116 Name Withheld	x		
117 Mrs R Johnson	x		
118 Name Withheld	x		
119 Name Withheld	x		
120 Name Withheld	x		
121 Name Withheld	x		
122 Name Withheld	x		
123 Name Withheld	x		
124 Ms Michelle Rowland-MP	x		
125 Name Withheld	x		
126 Name Withheld	x		
127 Boystown		x	
128 Australian Taxation Office			
129 Name Withheld	x		
130 Mr Michael Loizou	x		
Total	83	8	18

Source: List of written submissions publicly available in *from conflict to cooperation* (2015) report.
Notes: Classification by author.

7.4 Assessing the extent of non-expert evidence in the Committee's final report

This subsection examines the extent to which non-expert evidence was used in the Committee's final report. Figure 7.5 shows individuals deemed to be non-experts – formally termed individual non-expert experiential publics – referenced by name (or submission number where their name was withheld) in the final report, from least number of mentions to the greatest number of mentions. These mentions could have occurred either in-text or in the footnotes.

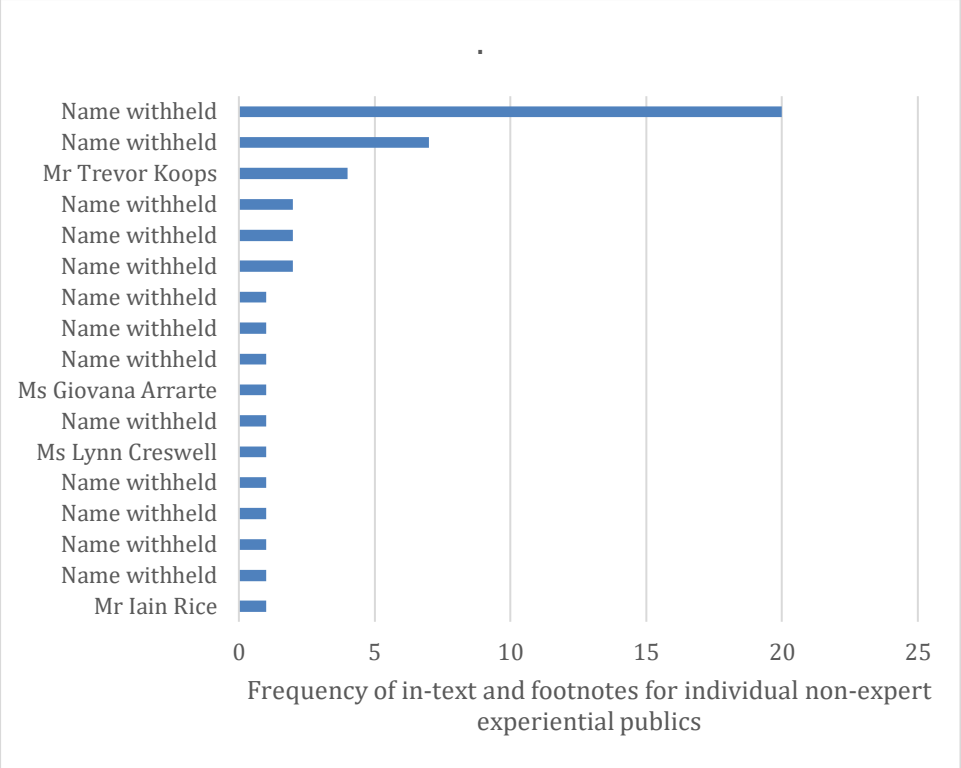

Figure 7.5 Frequency of footnotes and in-text references to individual non-expert experiential publics

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

Note: Submissions not mentioned in the final report were excluded.

Figure 7.5 indicates that one non-expert (Submission 20: name withheld, based on a petition of over 1400 affected parents) was heavily cited (20 times) while another non-expert (Submission 12: Mr. Trevor Koops, pertaining to the technical details of the child support formula and the costs of children) was moderately cited (4 times). Other individuals deemed to be non-experts were cited once (for example, Lynn Cresswell, Giovana Arrate) or twice.

Figure 7.6 shows the frequency of quotations from individual non-experts, experiential publics used in the Committee's final report.

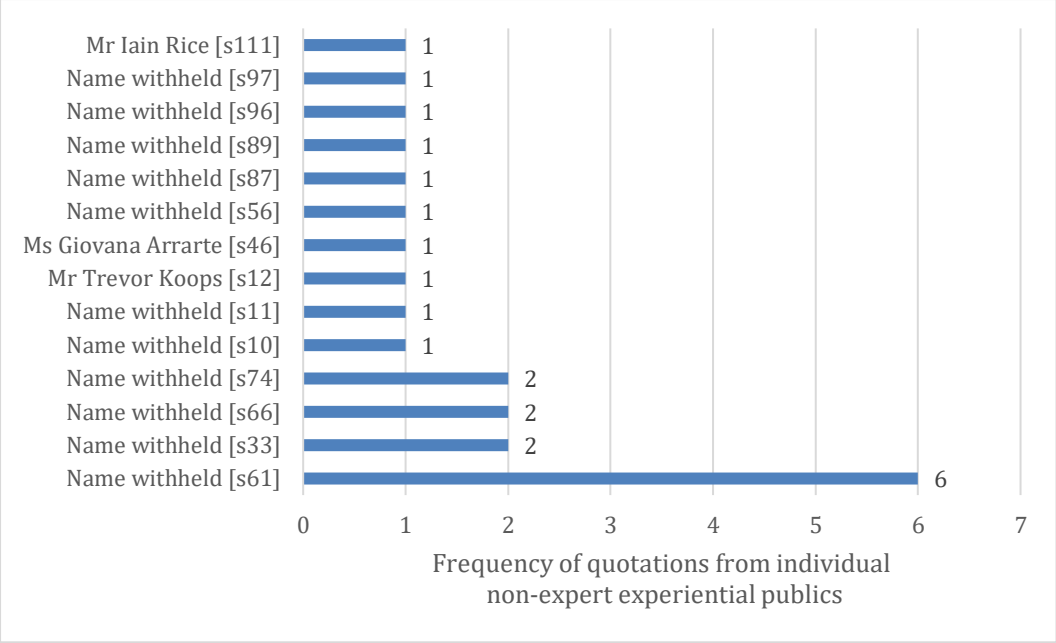

Figure 7.6 Frequency of quotations from individual non-expert experiential publics

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

The above figure shows that one individual non-expert (Submission 61: name withheld) had the largest number of their quotations cited in the final report (cited 6 times) with a group of three individuals being cited twice (name withheld) followed by a larger group of ten individuals being quoted once including Mr. Iain Rice, Ms. Giovana Ararte and Mr. Trevor Koops.

The following figure (Figure 7.7) illustrates the frequency of footnotes and in-text references to non-expert organisations (non-gender based) within the final report.

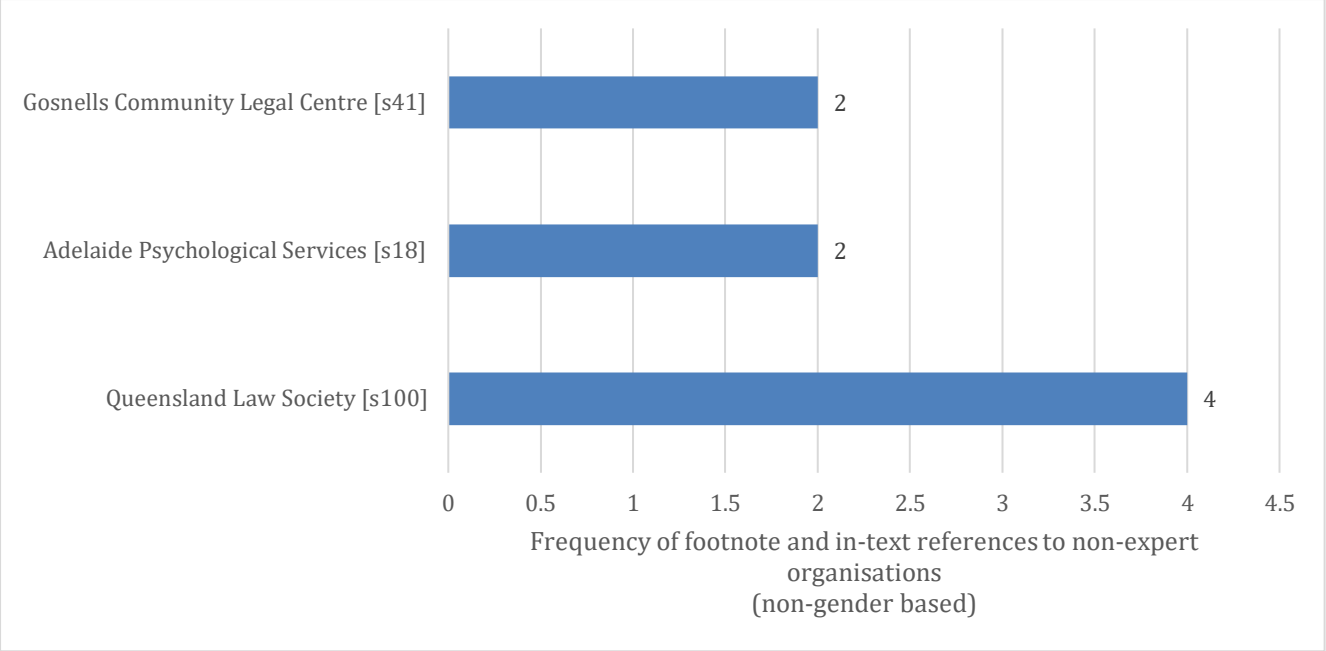

Figure 7.7 Frequency of footnotes and in-text references to non-expert organisations (non-gender based)

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

Figure 7.7 indicates that the Queensland Law Society was the most cited non-expert (non-gender-based) organisation (albeit only cited 4 times). Both the Adelaide Psychological Services and Gosnell's Community Legal Centre were the only other non-expert organisations cited in-text and in footnotes (each cited twice).

Figure 7.8 below shows the frequency of quotations attributed to non-expert (non-gender-based) organisations in the Committee's final report.

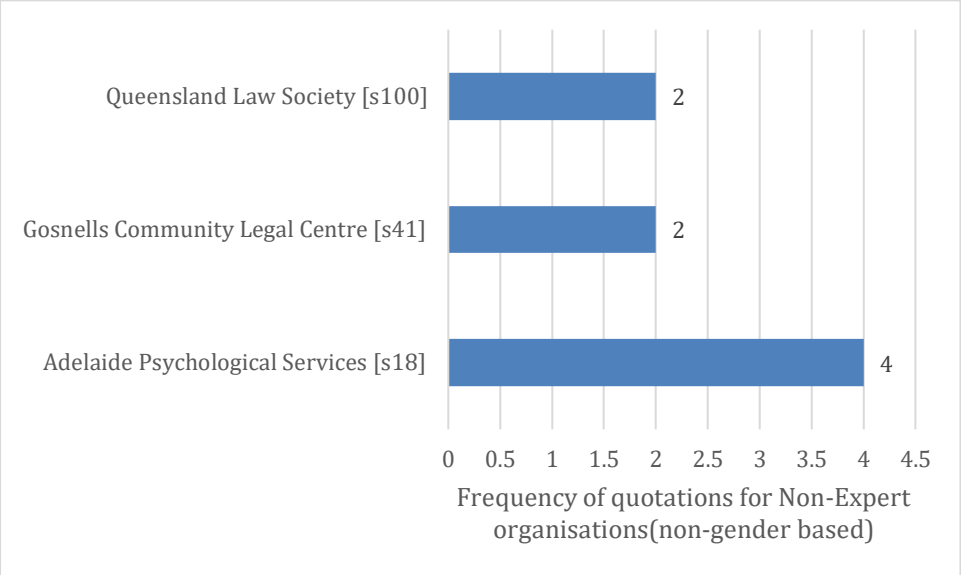

Figure 7.8 shows the frequency of footnotes and in-text references to non-expert interest groups (gender-based) cited in the Committee's final report.

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

The above figure indicates that the Adelaide Psychological Services was the most quoted non-expert (non-gender-based) organisation cited in the Committee's final report (mentioned 4 times), followed by the Queensland Law Society, and Gosnell's Community Legal Centre (each cited twice).

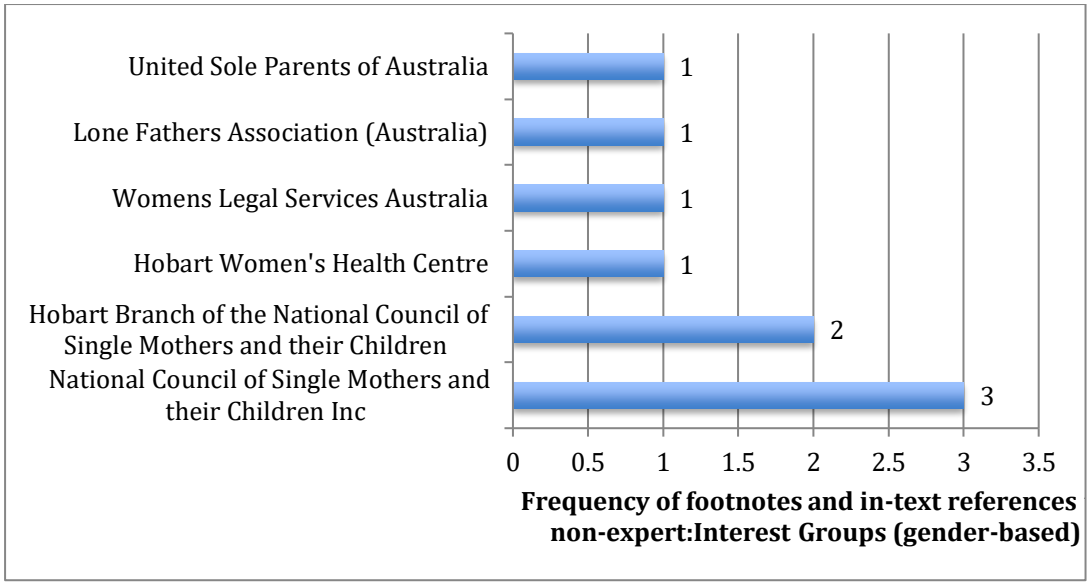

Figure 7.9 Frequency of footnotes and in-text references to Non-Expert Interest Groups (gender-based) cited in the Committee's final report

Data source: *From Conflict to Cooperation report* (Commonwealth of Australia, 2014)

Figure 7.9 above indicates that the National Council of Single Mothers and their Children was the most referenced interest group (cited 3 times), followed by the Hobart Branch of this organisation (cited 2 times). A range of other organisations were cited once (that is, United Sole Parents of Australia; Lone Fathers Association Australia; Women's Legal Services Australia).

The final figure, Figure 7.10, shows the frequency of quotations attributed to non-expert interest groups (gender-based) cited in the Committee's final report.

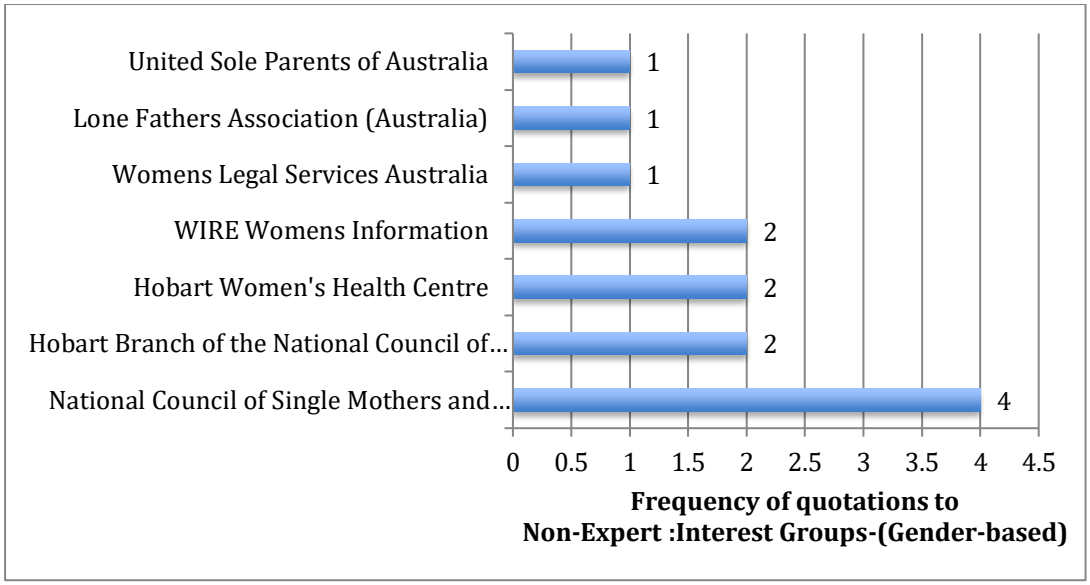

Figure 7.10 Frequency of quotations to and in-text references to Non-Expert: Interest Groups (Gender-based).

Figure 7.10 shows that the National Council of Single Mothers and their Children had the largest number of quotations cited in the final report (cited 4 times), with several other interest groups being cited twice (i.e. WIRE: Women's Information & Referral Exchange, and Hobart Women's Health Centre). The United Sole Parents of Australia, Lone Fathers Association (Australia) and Women's Legal Services Australia each had material quoted once in the final report.

7.5 Summary

The aim of this chapter was to explore the extent to which the Committee's final report based on expert or non-expert evidence. Drawing on Roberts and Lightbody's (2017, p4) typology, individuals and organisations that made written and/or oral submissions were classified into one of three groups. Those with specialist scientific, technical or legal knowledge were classified as individual or organisation 'knowledge experts'. Interested parties, such as lobby or interest groups that advocated for a particular position were classified as non-expert organisations / 'stakeholders'. And individuals with knowledge derived from direct experience

of an issue were classified as individual non-expert 'experiential publics'.[10]

7.5.1 Composition of those who made written submissions

In relation to the written submissions, expert organisations with child support expertise (*n*=20) outnumbered individual academic child support experts (*n*=5). (The latter suggests that a number of individual experts did not make submissions to this inquiry.) The reverse seems to have been the case for non-experts. Specifically, the vast majority of written submissions from non-experts were made by individual (experiential) non-experts (*n*=83) – that is, primarily payers, payees or families (including new partners) affected by the Scheme, compared with 18 non-expert (gender-based) interest groups, and 8 non-expert (non-gender-based) stakeholder groups. Put simply, expert organisations far outnumbered expert individuals, whereas non-expert individuals far outnumbered non-expert organisations or groups. We discuss this further in the final chapter.

7.5.2 Dominant voices

Based on the various pieces of quantitative analysis presented in this chapter, evidence from the several individuals and organizations (expert and non-expert) featured in the Committee's final report.

Professor Patrick Parkinson was the most cited individual knowledge expert in the Committee's final report (cited 24 times), followed by Professors Smyth and Rodgers (cited

[10] Roberts and Lightbody (2017) offer one other category: 'representative publics' (i.e., community members with little knowledge, but who might reflect some aspect of the broader public). This group was not a focus of the present study given their relatively small number and likely non-influence.

15 times). The joint submission made by the Departments of Social Services and Human Services was drawn on most heavily (cited 27 times), followed by the Commonwealth Ombudsman (cited 22 times) and the Australian Taxation Office (cited 15 times).

Turning to non-expert evidence, the submission of one individual non-expert 'experiential publics' (Submission 20: name withheld, based on a petition of over 1400 affected parents) was heavily cited (20 times); the Queensland Law Society was the most cited non-expert (non-gender-based) organisation (cited 4 times); and the National Council of Single Mothers and their Children was the most referenced interest group (cited 5 times[11]).

In sum, experts appeared to feature heavily in the final report compared with non-experts.

[11] This includes two citations by the Hobart branch of this group.

8

The Nature of the Issues Raised: A qualitative analysis

The prior two results chapters have concentrated on counting things – that is, the number of times different (expert and non-expert) individuals and organisations were mentioned, and the number of quotes used in the Committee's final report attributed to individuals or organisations (again, expert and non-expert). But counting things can be a crude metric for the value or impact of a submission. Clearly, the *content* of written or oral submissions also matters. That is to say, one powerful idea in a submission might have far greater impact in the final report or in the Committee's recommendations than a not-so-great idea which is a personal hobby horse that is mentioned 20 times. In this chapter, I try to capture the nature of key issues raised by experts and non-experts through qualitative analysis of the content of written submissions, and if and how they might align with any particular recommendations.

This chapter examines the third and central research question: To what extent is the Committee's final report based on expert evidence? As noted, expert knowledge can potentially bring some independence, objectivity, and rigour to the process of policy making and decision-making. Grass-roots feedback by non-experts, on the other hand, can detect early or ongoing problems in particular areas of policy for certain groups in a particular real-world context. Both have a role to play in the broader policy arena.

This chapter comprises two parts. First, key issues raised by individual and organisation knowledge experts are examined, followed by key issues raised by non-expert individuals and organisations. Along the way, I briefly note where the content of a submission may be related to certain recommendations made by the Committee. While potential links might act as circumstantial evidence that certain actors shaped some recommendations (or at least carried some weight), it would be foolish to imply that such links are evidence of a direct causal link in the absence of interview data from Committee members involved in the decision-making process.

One final note: due to the complexity of the Australian Child Support Scheme, the number of focal issues examined in this thesis was kept to seven for practical reasons (see Chapter 4, Section 4.2). However, not all of these issues were addressed by expert individuals and organisations and/or picked up by the Committee in the form of recommendations – e.g., the interactions between child support and family law systems, and the ability of payers to control how child support should be spent. Moreover, two issues emerged that sit in the margins of service delivery issues: the lack of government data available on the operation of the Scheme, and the need for parents to be able to access mediation services in some child support matters.

8.1 Key issues raised by experts

Key issues raised by those who made (written and oral) submissions are set out below.

8.1.1 Individual knowledge experts

As noted earlier, Professor Patrick Parkinson, as an individual expert, dominated much of the Committee's attention in the final report. He raised numerous issues including: The Change of Assessment (CoA) process, the revised formula, and the costs of children. Specifically, Parkinson argued that there needed to be more extensive use of mediation in the Change of Assessment process (see p. 34 of the report). Later in the report (pp. 76-77) he argued that the Change of Assessment process 'balances the need for certainty and simplicity with the need to take account of individual financial circumstances' … and there are 'numerous problems' with its practical application**.**

Another issue raised by Parkinson was about the 'capacity to earn' in terms of deemed income. He argued that:

> there ought to be a very high bar before we say that somebody has an income, they do not in fact have because they have the capacity to earn in a job, they do not have…. Only yesterday I was dealing with that very issue with a client where nobody is saying he is hiding money or acting in the cash economy; it is simply that he left a job. He had good reason to leave that job. He was concerned the department did not think he had good reasons, and then he was deemed to have an income he did not in fact have. So, I think we do need to look at the law again and to set a very high bar in those situations (pp. 77, 78).

This concern was noted in the final report, and in Recommendation 10: 'The Committee … recommends the Australian Government review 'capacity to earn' as a rationale for initiating Changes of Assessment under Reason 8' (p.91 of the final report).

By contrast, some of Parkinson's comments appeared to be simply educative in nature – and looked to be drawn on in the final report for this reason. For instance, he explained how the "income shares" approach worked, whereby the income of both parents is taken into account- and went onto explain the rationale behind the cost percentage scale (p. 57 of the final report). Parkinson also detailed the rationale and process for including the costs of children in the child support system (p. 58) and discussed the need to review the costs of children data, which underpin the formula (p. 62).

Also educative in nature, Parkinson noted that "[t]he idea that a parent ought to contribute approximately what he or she would have been paying if the parents had not separated is a reasonable moral position to take. It justifies the requirement that liable parents on higher incomes pay more than those on lower incomes." This idea and statement also appeared in the final report (p. 58). In sum, Parkinson's submissions – bearing in mind he was the Chair of the 2004/05 Ministerial Taskforce on Child Support – comprised a mix of information about the intended workings of the revised Scheme, as well as some suggestions for improving it.

Another individual knowledge expert referred to in the final report was Professor Belinda Fehlberg. Professor Fehlberg noted the lack of data available on a number of issues relating to the success of the Child Support Program. For instance, Fehlberg argued in her submission that:

> 'DHS has reduced the amount of information on the scheme that it makes public: There is still much that isn't known. The absence of publicly available data in this area is a significant problem. The CSA used to release a document each year called 'Facts and

> Figures', which was very helpful indeed in understanding current patterns and trends, but this hasn't been done since 2009' (p. 16).

The lack of available data on a number of issues was noted in the Recommendation 2: 'The Committee recommends that the Australian Government make anonymised statistical information on the Child Support Program and its clients available so that the effects of the scheme may be better researched, evaluated and understood' (p. 41 of the report).

Fehlberg also noted the importance of functional parental relationships in leading to good child support outcomes, and the contribution that mediation can make to achieving these functional relationships. She argued that the mediation might help bridge the "perceptual gap" between paying and receiving parents (p. 28).

Professors Bruce Smyth and Bryan Rodgers, as individual knowledge experts, argued that there were limited data on the financial practices of Australian couples, and that there had "only been 'sparse' interest in 'how separated couples discuss and directly negotiate child support'". They were particularly focused on how separated parents deal with money and the consequences for the children, in addition to the emotional toll separating parents undergo. They discussed how the parents' views on money can change following separation. This issue was picked up by the Committee (p 23) – and the fact that each parent can have a different view of the separation process:

> 'We know that men and women tend to report different experiences of the separation process, and tend to hold different perceptual frames … it's not unusual for separated parents from the same relationship to report very different views about their

> relationship … and different information about their parenting arrangements'. (p 24, n 30)

Like Fehlberg, Smyth and Rodgers suggested that there could be 'scope to provide [dispute resolution] services to assist separated parents to discuss child support matters directly with each other, where appropriate'. This was noted by the Committee (p. 31 of the final report).

Dr Kay Cook was yet another expert whose work was drawn on by the Committee. Cook was concerned with the lack of data in relation to private arrangements. In her oral evidence, she claimed that:

> '[w]e do not really know anything about them [private arrangements] at all … We have broad brushstroke reporting of who these people are, but we know very little about how the system actually works in practice, how people experience it and why parents are making the decisions they are" (p. 16 of the final report)'.

The Committee seemed receptive to Cook's argument, as evident by Recommendation 19: 'The Committee recommends the Australian Government conduct ongoing statistical surveys of the rate of actual payment for Child Support Program clients using Private Collect, with results published regularly and summaries provided in the Department of Human Services annual report' (p. 137 of the final report).

In the Committee's final report, it was also noted on the basis of Cook's testimony that receiving parents' (mostly sole mothers') income can be:

> 'Affected by a range of relationship dynamics external to the CSP. She noted that in many cases receiving parents make decisions on child support matters with factors other than income maximisation in mind. Cook noted that women might not take

> advantage of the full range of benefits available to them because of a need to 'keep the peace' or because of a perceived threat of adverse consequences' (p. 20).

Cook was especially interested in the Entitlement method, which places the responsibility on recipients to report and manage the under-payments of their ex-partners, and places the onus on women to manage the Child Support/ Centrelink bureaucracy. Her perspective is that a lack of knowledge often prevents this occurring effectively (p. 103).

It is noteworthy that Cook spent a considerable amount of time in her written and oral evidence encouraging the Committee to consider a guaranteed basic income scheme for payees, similar to that offered until recently in Finland. However, the basic income for sole parent's idea was not mentioned in the Committee's final report.

In summary, the Committee seemed sympathetic to the need for better data on the workings of the Scheme (especially for the Private Collect group), and the need to revisit the notion of 'capacity to earn' by payers (as suggested by Fehlberg & Cook regarding the former, and Parkinson regarding the latter). By contrast, the argument for a basic income by Cook was ignored.

Moreover, it is noteworthy that in their oral evidence, Smyth and Rodgers offered to explore any empirical questions that the Committee might have drawn on comprehensive longitudinal data from the ANU Child Support Reform Study. This offer was not taken up despite the huge investment by government to fund this study. It is somewhat curious that a

Committee makes a recommendation on the need for better data when such data already exist, and were offered it.

8.1.2 Expert organisations

Organisations classified as 'knowledge experts' raised a myriad of issues. Because of the crosscutting nature of the issues raised by different organisations, this section is framed around broad issues (rather than organisations) for ease of discussion.

8.1.2.1 Service delivery problems

A common set of issues raised by several organisations was the operation of the Child Support Program. The Committee's final report noted that studies conducted by AIFS indicate "that the majority of separated parents establish cooperative relationships with each other and meet their child support obligations" (p. 11: based on Submission 50), and that "most parents establish and sustain friendly or cooperative post-separation relationships with each other, [and that] most resolve issues related to their children…." (p. 25: also based on Submission 50). The AIFS material cited by the Committee was thus largely educative.

The Family Law Council argued that Aboriginal families can experience difficulties with the child support program due to perceived inadequate cultural sensitivity (p.15: based on Submission 69). In a similar vein, Victorian Legal Aid stressed the difficulty for people with lower literacy or from a non-English speaking background navigating the child support system:

> 'the complexity of the scheme is a particular challenge. Issues of illiteracy, low education levels, culturally and linguistically diverse backgrounds, disability and mental illness can make it difficult for clients to understand the system and engage

with the system to ensure it provides equitable outcomes…" (p. 26: based on Submission 53).

Recommendation 1 that: '[t]he Committee recommends the Australian Government take steps to collect comprehensive demographic information on all clients of the Child Support Program…" (p. 40 of the report) can be seen as a 'first step' response to the Family Law Council's and Victorian Legal Aid's concerns over cultural and social sensitivity to certain vulnerable groups of clients. That is, knowing the prevalence of different groups in the system can help to allocate resources and flag the need for specialised staff training. Recommendation 17 touches on a related point: 'The Committee recommends the Department of Human Services appoint dedicated and suitably trained 'information officers' in the Child Support Program' (p. 135 of the final report).

Victorian Legal Aid was also concerned that the increasing complexity of the child support system may worsen the financial hardship and therefore negatively impact on the capacity to provide financial support to children (p. 48 of the report: based on Submission 53). In response it would seem is the committee's Recommendation 14: 'The Committee recommends that the Australian Government introduce a Centrelink policy which will reduce financial hardship (p.133 of the final report).

Another service delivery issue noted in the Committee's final report was the need for less confusing correspondence for clients. This issue was raised by the Commonwealth Ombudsman (p.108; based on Submission 55).

Evidence from DHS identified another issue; namely, that some clients had a perception of bias especially in relation to the quality of decisions, the lack of contact with clients prior to a

decision, and that clients were often unhappy with the decision or the process used to reach the decision (p. 101 of the report: based on Supplementary Submission 99.1 provided by DHS). As the policy and service delivery experts, it is noteworthy that DSS provided two supplementary submissions, and DHS provided two supplementary submissions, in addition to their original length combined submission.

8.1.2.2 Compliance

Child support compliance has been an ongoing issue since the Scheme first began 30 years ago. Not surprisingly, the Committee drew on the work of several expert organisations to discuss this issue. Data provided by Department of Human Services indicated that 5% of liabilities in 2013–2014 were not paid (p. 80: based on Supplementary Submission 99.5). DSS/DHS also provided data to suggest that the total child support debt was $1.35 billion as at 31 March 2014, with almost $1billion in domestic debt (pp. 110–111: based on Submission 99).

Drawing on the Commonwealth Ombudsman's report, the Committee's final report noted that: "[p]ayees complain that Child Support does not actively collect their ongoing child support payments or take sufficient action to recover the payer's child support debt" (p. 109 of the report, based on Submission 55). The Ombudsman sought a briefing on the criteria that Child Support used when deciding which cases to take to court (p. 115 of the report: based on Submission 55). National Legal Aid held a similar view (p. 115 of the report: based on Submission 57).

Recommendation 6 seems apposite here: 'The Committee recommends the Australian National Audit Office conduct a performance audit of the cooperation between the Australian Taxation Office and the Department of Human Services to address the non-lodgement of tax

returns by clients of the Child Support Program' (p.88 of the final report). So too does Recommendation 22: 'The Committee recommends that the Australian Government ensure equity in the collection of child support debts and overpayments….' (p.139 of the final report).

It is noteworthy that the empirical data provided in Smyth and Rodgers' written submission showed no change in child support compliance over time – from just before the change in formula on 1 July 2008 to late 2011 (both longitudinally at three waves, and sequentially by three different cohorts of child support clients) (see Smyth, Rodgers, Son & Vnuk, 2016 for more detail). This information, however, was not noted in the final report despite being recent, robust and representative. This is another curious omission.

8.1.2.3 Mediating over money and relationships

The Australian Institute of Family Studies raised the lack of services available to assist separated couples to manage financial arrangements as an important issue (pp. 30–31 of the report: cited in Submission 99). The Committee noted that Relationships Australia (RA) held a similar view. RA suggested, "children whose parents maintain cooperative relationships tend to do better than children in high conflict families. Since financial issues like child support can generate conflict between parents, RA argued that 'programs which can improve the quality of family relationships' such as mediation should be 'strongly embedded in the administration of the Child Support Program' (p. 29 of the report: based on Submission 37).

Likewise, the Commonwealth Ombudsman noted that 'the two party nature of a child support case and the background of parental separation… [means] there is a greater capacity for things to occur that will lead to dissatisfaction and complaint on the part of one or both parties' (p. 25 of the report: based on Submission 55).

National Legal Aid argued that timeframes could not be met without an increase in resources being made available to mediation services (p. 38 of the report: based on Supplementary Submission 57.1), and that legally-assisted mediation could lead to more positive child support outcomes as this approach addresses power imbalances between parties (p. 38 of the report: based on Submission 57).

Moreover, the Family Law Council – which provides advice to the Federal Attorney-General, but which has ceased to operate since July 2016 – suggested that 'the CSP [Child Support Program] could benefit from greater collaboration with the FDR process' but there were risks where family violence and power imbalances were present, and that consideration is needed as to the appropriateness of using mediation in these situations (p. 36 of the report, based on Submission 69). Illawarra Legal Service held a similar view urging caution around the use of mediation where family violence is involved as 'mediation can be used as another tool for intimidation and abuse' (p. 35 of the report: based on Submission 52).

Recommendation 3 and 4 appear to address issues raised by the above organisations. Specifically:

> '[t]he Committee recommends that the Australian Government provide additional funding and training to Family Relationship Centres to assist separating or separated parents to negotiate child support arrangements….' (p. 43 of the final report); and
>
> '[t]he Committee recommends that the Australian Government provide additional funding and training to Family Relationship Centres to trial the provision of mediation services in cases involving child support objections or change of assessment processes, where these are in dispute….' (p. 43 of the final report).

To sum up: the views of several expert organisations, most notably the Family Law Council, National Legal Aid, Victorian Legal Aid, and the Commonwealth Ombudsmen's Office, appear to have been heard – as evidenced by responses to their concerns in the form of Recommendations 1, 3, 4, 6, 14, 17, and 22.

8.2 Key issues raised by non-experts

8.2.1 Individual non-experts ('Experiential publics')

Evidence from a range of individual non-experts was featured in the final report. For instance, one individual (Submission 11) raised the difficulty of predicting annual income due to overtime and bonus payments. This created the need to notify the Child Support Agency of changes in circumstances every two weeks to maintain an accurate figure (p. 32 of the final report).

Two individuals (p. 52 of the final report, based on Submissions 96 and 89) requested that child support be assessed on the basis of net income rather than gross income. This issue has been raised in every previous inquiry. Some of the submissions also questioned the tax treatment of child support payments with one individual calling for child support payments to be tax free to allow a tax break for workers on a fixed salary (p. 52 of the report: based on Submission 111).

Several individuals raised the issue of the 'self-support' component (that is, the amount allowed for a payer or payee to support themselves), which was subsequently taken up in the Committee's final report. For instance, one person argued that the self-support amount was too low and thus hard to survive on (p. 53 of the report, based on Submission 87); others stressed that the self-support amount did not take into account an individual's location, and

therefore disregarded regional variations in living expenses (for example, Sydney housing costs compared with those in Adelaide) (p. 53 of the report: based on Submission 33). Another person, as noted by the Committee, was concerned that the self-support amount did not rise with income, whereas child support payments do (p. 53 of the report: based on Submission 74). Another individual non-expert suggested that "the self-support amount should be variable, at a set proportion of an individual's income such as twenty-five percent" (p. 54 of the report: based on Submission 1).

The final report also noted, based on an individual non-expert's submission, that the cost of children table led to the potential for 'exorbitant assessments, when applied to individuals on high incomes, beyond the real cost of raising a child" (p. 60 of the report: based on Submission 12). This is issue is another well-rehearsed complaint in prior inquiries.

These varied concerns around perceived formula inequities appear to have been responded to in Recommendation 5: '[t]he Committee recommends that the Australian Government review the Child Support Program to ensure the adequacy of calculated amounts and equity of the program for both payers and payees….' (p.86 of the final report). This particular recommendation takes the form of a deceptive motherhood statement. Not only would ensuring the adequacy and equity of calculated amounts require an enormous amount of research and policy work, the reality is that 'equity' from the point of view of payers and payees is unlikely to ever be achieved given that they typically perceive fairness in very different ways (see for example, Smyth, Rodgers, Son & Vnuk, 2016).

8.2.2 Stakeholder organisations deemed to be non-experts (Non-gender based)

Evidence from a small number of non-expert stakeholder organisations was referred to in the Committee's final report. These organisations tended to focus on the use of mediation for child support matters, and the potential value of this for the welfare of children and quality of the interparental relationship.

Both the Queensland Law Society, and Family Relationship Services Australia (FRSA), believed that the child support program is generally effective (p. 11 of the report, based on Submissions 100 and 61). FRSA pointed to the Family Mediation Centre (FMC) in Melbourne which has a specialist dual trained financial counsellor/Mediator who can help with parenting, property and financial disputes, as well as help to develop family budgets (p. 33 of the report, based on Supplementary Submission 61.1). FRSA considered that 'mediating child support arrangements is a positive step, as it is in the best interests of the child/ren that all areas of parental conflict be addressed' (p. 34 of the report, based on Supplementary Submission 61.1). However, FRSA was also quick to point out that many family dispute resolution practitioners would need additional training to be effective mediators in child support and financial matters (p. 37 of the report, based on Submission 61).

Other policy and legislative obstacles to widespread use of child support mediation was also noted. A clear example highlighted by Gosnell's Community Legal Centre was Section 66 E (1) of the Family Law Act, which prevents courts from approving negotiated agreements that contain financial maintenance arrangements if parties haven't sought a child support assessment (p. 37 of the report: based on the Submission 61).

Family and Relationships Services Australia (FRSA) noted that family dispute resolution practitioners would need additional training to be effective mediators in child support and financial matters. FRSA's submissions found support in Recommendation 3: 'The Committee recommends that the Australian Government provide additional funding and training to Family Relationship Centres to assist separating or separated parents to negotiate child support arrangements…' (p. 43 of the final report).

It is not surprising that FRSA's view may have been influential. As the national peak body for family and relationship services, FRSA has had a strong policy engagement over many years and plays a leadership role for the 160-member organisations that service over 400,000 clients at 1300 outlets across Australia each year. While FRSA does not specialise in child support, its practitioner base has a wealth of expertise in child and family wellbeing. FRSA members also have a good understanding of disputes about money and children.

8.2.3 Non-expert interest groups (Gender-based)

In the past, fathers groups and mothers' groups have been extremely vocal about child support (for example, JSC 1994; Commonwealth of Australia, 2003). Consequently, several non-expert gender-based interest groups were concerned with the (a) culture of the child support agency, compliance and enforcement issues, and family violence as noted in the Committee's final report.

For example, the Hobart Women's Health Centre was concerned that even articulate and highly educated people can find the child support scheme hard to navigate, and how 'less empowered' people don't understand the program's requirements and frequently 'take the path of least resistance' (p. 26 of the report: based on Submission 26). The Centre's

submission also suggested that the culture of the Child Support Agency was one where single mothers were blamed for being 'welfare dependent'; and that '[m]any men do not think they should have financial responsibility for children they do not live with and resent having to contribute' (p. 25 of the report: based on Submission 26) .

The Women's Information & Referral Exchange (WIRE) was also concerned with how difficult and complex the child support system was for women to navigate: "the lack of consistency of information from and between Child Support and Centrelink was a common problem for … women …." (p. 97 of the report: based on Submission 35).

The Hobart Branch of National Single Mothers and their Children (NCSMC) believed there should be more scrutiny of self-employed payers as these payers may be minimising income to artificially deflate or cease child support payments (Submission 32). And the National Branch questioned why the 'self-support' amount should be the same for both payers and payees when women's and men's circumstances are far from equal in real life (p. 53 of the report: based on Submission 40). The NCSMC's submission refers to the best interests of the child, and its members remain:

> unconvinced that a 24% discount in child support payments in exchange for as little as 13% care is a fair or equitable outcome and consider that the significant and disproportional outcomes is an economic driver which is contradictory to the best interest of the child (p. 57 of the report, based on Submission 32).

By contrast, the Lone Fathers Association of Australia focused on the impact of the Change of Assessment process during the period when parent–child contact has not been granted as it places 'heavy pressure on the parent who is paying child support and also has commitments

to pay for legal assistance to enforce the access order' (p 75 of the report: based on Submission 42).

A number of concerns by the above non-expert gender-based organisations overlapped with those of individual expert organisations and, as a consequence, overlapped with the recommendations noted earlier. For instance, the Hobart Women's Health Centre and the Women's Information and Referral Exchange (WIRE) concerns about being able to navigate and understand the child support system, and inconsistent information, looked to be addressed by Recommendations 3, 6 and 17 (see above). In addition, the National Single Mothers and their Children (NCSMC) call for greater equity in the self-support amount for payers and payees looks to be addressed in Recommendation 5 (see above).

This overlap in concerns by non-expert individuals and organisations (bearing in mind that these two groups are not mutually exclusive – that is, some individuals may also be members of groups) points to the complexity of trying to disentangle whose voices were heard and responded to by the Committee.

8.3 Summary

This chapter sought to capture the nature of key issues raised by individuals and organisations (expert and non-expert) through qualitative analysis of the content of submissions, and whether some actors' arguments aligned with any particular recommendations made by the Committee. The latter, of course, is extremely tentative and circumstantial given the confidential nature of Committee decision-making.

While some material from individual experts (such as Parkinson and Fehlberg) and organisations (such as AIFS) used as background information, the lack of data and technical

issues relating to 'capacity to earn' as a reason for a Change of Assessment attracted Committee attention – as was evident in two recommendations. Expert organisations, such as the Commonwealth Ombudsman's Office, Victorian Legal Aid, and Family Law Council, noted how certain minority groups required more culturally-sensitive services – an issue which was taken up in several Committee recommendations.

In relation to the recommendations I have only focused on those that align to my key focal policy issues (see Chapter 4). Submissions made by non-expert individuals and organisations tended to focus on three broad issues: service delivery, child support compliance; and mediation over money and children. Formulated-related inequities featured among both individuals and organisations (for example-National Council of Single Mothers and their Children; United Sole parents and the Hobart Women's Health Centre). Thus, there was some overlap in related recommendations made by the Committee.

The lack of government data available on the operation of the Scheme, and the need for parents to be able to access mediation services in some child support matters look to be emerging and important issues to be examined in future evaluations of the Scheme.

Organisations deemed to be knowledge experts had the most number of recommendations seemingly related to their submissions (14 recommendations), followed by the non-expert:experiential publics (individuals) – (11 recommendations), and individual knowledge experts and non-expert interest groups (gender-based) both with (7 recommendations). The least represented was stakeholder organisations deemed to be non-experts (non-gender based) (5 recommendations).

Finally, the omission of any discussion of basic income (Cook), and the non-use of the available data offered by Smyth and Rodgers warrants brief comment. Stepping back from the detail, these ideas which attracted little or no interest from the Committee are just as interesting to note as those that did because this process of selection and omission shines a light on the values, politics and choices of the Chair, Committee members, and possibly the secretariat depending on the degree to which the Chair and Committee members were involved in developing and writing the final report. We return to the important issues of values, politics and choices in the following concluding chapter.

9

Conclusion

The Australian Child Support Scheme currently affects over one million parents, and one million children. It has been in operation for 30 years, and remains one of the most contested, controversial, complex, and evaluated areas of policy. This is not surprising given that it is enveloped in, and imbued with, highly charged emotions, gender politics, and technical complexity. Persistent policy problems and politics plague the scheme: many fathers claim they are paying too much, and that child support is really alimony; many mothers claim that payments are late or do not occur at all. A quick scan of the international media suggests that many politicians and governments around the world say the system needs fixing but appear to have little idea where to begin.

To recap: at least five major inquiries into child support have been conducted since the Scheme was introduced in the late '80s:

1. the 1994 Joint Select Committee on Certain Family Law Issues (Child Support Scheme, An examination of the operation and effectiveness of the scheme) ('The Price Report');
2. the 2003 Standing Committee on Social and Legal Affairs (Every Picture Tells a Story);
3. the 2005 Ministerial Taskforce on Child Support (In the best interests of children) ('The Parkinson Report');

4. the 2010 Australian Law Reform Commission Inquiry (Family Violence and Commonwealth Law- Improving Legal Frameworks); and
5. the 2015 Standing Committee on Social Policy and Legal Affairs (From Conflict to Cooperation) ('The Christiansen Report'), which is the focus of the present study.

The catalyst for these inquiries was largely driven by complaints to backbench Members of Parliament from gender-based interest groups (particularly fathers groups[12]).

Seven foci have consistently dogged these inquiries:

- compliance and enforcement;
- formula-related inequities;
- the definition of 'income';
- service delivery issues;
- 'special circumstances' (for example, Change of Assessment);
- interaction with the family law system (for example, the so-called contact–maintenance nexus); and
- payers' sense of control of how child support is spent.

In total, 257 recommendations have been made to improve the child support system over the years: 163 by the Joint Select Committee (Joint Select Committee 1994); 29 by the Hull Committee (Commonwealth of Australia, 2003); 30 by the Ministerial Taskforce (Commonwealth of Australia, 2005); 10 by the Australian Law Reform Commission (ALRC, 2010); and 25 by the recent Social Policy and Legal Affairs Committee chaired by George

[12] See, for example, https://www.cairnspost.com.au/news/crime-court/far-northern-fathers-joined-lobby-groups-push-for-fairer-child-access-legislation/news-story/16d19b3b40ee5e347a62f86d12c32b56

Christensen (Commonwealth of Australia, 2015). It is noteworthy that apart from the first major inquiry, which produced 163 recommendations, most of the remaining child support inquiries have made around 25–30 recommendations. (The ALRC inquiry was primarily about family violence and commonwealth laws, but child support fell within its ambit.)

Not surprisingly perhaps, the focus of many of these recommendations has been on service delivery issues mainly around (a) creating a better experience for clients in the Scheme, and a more efficient and cost-effective delivery of service; (b) formula-related inequities; and (c) child support compliance and enforcement. The substance and scope of these recommendations has been very varied, as has the government response to each inquiry. For instance, the Ministerial Taskforce's recommendations were vast, detailed and deep, and were accepted in virtual totality. The Taskforce's recommendations were far from cost-neutral, and resulted in sweeping changes to the Scheme, featuring a markedly different administrative formula for assessing child support liability.

By contrast, the brief and superficial response by the then Coalition government to the most recent inquiry by the Hon George Christensen MP suggests that this inquiry was not taken seriously by the then Coalition government. This gives further weight to my argument that this inquiry was indeed a 'tick-and-flick' inquiry to appease a political handshake bargain between Christensen and Abbott (members of the National and Liberal parties, respectively) (see Chapter 1).

9.1 The study's foci and research design: A brief recap

The present study sought to explore the extent to which certain forms of evidence – expert and non-expert, written and oral – were given weight in the 2015 Child Support Inquiry

chaired by George Christensen (Parliament of Australia, 2014). The research questions were derived through the identification of gaps in the literature and previous research.Three research questions guided the study:

1. Did the Committee focus on particular terms of reference;
2. Were any individuals or organisations (e.g. men's or women's groups) privileged over other sources?
3. To what extent was the Committee's final report based on 'expert' evidence?

These questions were examined by conducting a thematic analysis of 130 written submissions and oral evidence from 79 witnesses at 12 public hearings around Australia. These data remain publicly available on the Parliamentary website.

The distinction between 'experts' and 'non-experts' is a critical one in the present study given the focus on the experts in the third research question (Did expert evidence prevail?). With no universally agreed definition of what constitutes an 'expert' (Baker et al, 2006), I defined 'expert' simply as someone who, or an organisation that, has specialist skills and technical knowledge in the field of child support policy or service delivery (see Chapter 7). Thus, obvious experts here would include individuals, such as Professor Patrick Parkinson (Chair of the Ministerial Taskforce), and Australian Government departments, most notably the Department of Social Services, and the Department of Human Services (the policy and service delivery arms of the Government's child support program, respectively).

I defined 'non-experts' as the converse: that is, those individuals and organisations with little significant subject matter expertise in child support policy and program and/or have little legal or social science academic expertise. Some non-experts included organisations (for

example, fathers' groups, and mothers' groups) that advocate a particular position based along gender lines, while other organisations have expertise that is only indirectly related to child support practice (for example, Family Dispute Resolution Practitioners in family law matters).

9.2. Study limitations

Before setting out the key findings from the study, several study limitations warrant mention. First and foremost, the Parliamentary Inquiry report writing process is confidential and thus it is unclear exactly who was involved in writing the final report, whose evidence was dismissed or omitted, and why. Second, on a related point, we have no idea which members of the Committee selected those invited to present oral evidence to the committee, and why they were selected. I have sought to build up an impressionistic set of tentative conclusions based on the totality of written and oral evidence, but there is no certainty that these conclusions are an accurate reflection of the Committee's reasoning and choices. Third, it is unclear to what extent a *group* submission was indeed the voice of a community or whether it was in fact the views of one or two influential members. Fourth, the quantitative analyses featured in Chapters 6 and 7 act as a crude metric for the attention paid to a submission, and need to be treated with caution. Fifth, any attempt to link the qualitative data with specific recommendations (Chapter 8) draws a very long bow between inputs and outcomes. Indeed, some might say that such an overly simplistic approach to linking submission data to Committee Recommendations is ill-conceived. But with so little work in this important area, I argue that this analytic work, or at least its consideration, needs to start somewhere. Finally, the inquiries and reviews in the present study are not all *parliamentary* inquiries, and so direct comparisons with prior work are not straightforward. Having said this, comparing prior

reviews does offer some insight into the role these reviews have taken in child support policy directions over the last two decades.

9.3 Key findings

Key findings are structured around each research question. To recap: drawing on Roberts and Lightbody's (2017, p4) typology, individuals and organisations that made submissions were classified into one of three groups: (a) *individual or organisation 'knowledge experts'* (that is, those with specialist scientific, technical or legal knowledge); (b) *non-expert organisations / 'stakeholders'* (that is, those from interested parties (lobby or interest groups) that advocate for a particular position); (c) *individual non-expert 'experiential publics'* (that is, individual non-experts from the public with knowledge derived from direct experience of an issue). I further distinguished two groups in (b): gender-based and non-gender-based interest groups/stakeholder organisations.

9.3.1 Did the Committee focus on any particular Terms of Reference?

During the oral hearings, the Committee referred to all of the Terms of Reference but focussed their questions primarily on issues relating to the child support formula and compliance. By contrast, in the final report, the Terms of Reference mostly focused on:

- providing better outcomes for high-conflict families;
- the potential effectiveness of mediation and counselling in the child support space;
- the extent to which the Scheme could be flexible enough to deal with the changing circumstances of families (this issue received the greatest number of words of all the Terms of Reference in the final report); and
- the alignment of the Child Support Scheme to family assistance frameworks.

Thus, while issues relating to the child support formula and compliance featured in the Committee's questions during oral evidence, they were far less prominent in the final report. Why this apparent disjuncture?

One interpretation of the final report's lack of emphasis on issues relating to the child support formula and compliance is that addressing these issues would require an enormous amount of work, energy and money, far beyond the time and resources available for this inquiry. Consider the child support formula, for example. One of the key recommendations of the Ministerial Taskforce was that the relevant department "… should undertake or commission periodic updates to research on the costs of children" (Commonwealth of Australia, 2005, p. 265: Recommendation 29.1(a)). But these periodic updates have not occurred even though significant changes in the economy and the financial wellbeing of many families have occurred over the past 14 years. Thus, it is unclear how the child support formula is behaving in the current environment. It would seem that work relating to the cost of children remains in the 'too-hard basket' for government.

Compliance is a similar story. Smyth and Rodgers found no change in rates of compliance in the 3–4 years after the 2006–2008 child support reforms. It remains unclear if any headway has been made since. Thus, it is unsurprising that child support compliance still features on the public and policy radar. Changing people's behaviour is no easy thing, and so it is also not surprising that child support compliance and enforcement also appear to remain in the same 'too-hard basket' as revisiting the costs of children, and the broader formula.

The four Terms of References featured in the final report are equally challenging but for different reasons. Turning first to providing better outcomes for high-conflict families, it is estimated that around 14 per cent of the separated parent population in Australia report high

levels of conflict (Kaspiew et al., 2009; Smyth & Moloney, 2019). However, there is a small but significant group of separated parents (around 4–5 per cent) who appear to experience an especially pernicious form of high-conflict; namely, entrenched interparental hatred (Smyth & Moloney 2017; Demby, 2017). This group is likely to consume an inordinate amount of time, energy and resources across the family law system, including child support (see Neff & Cooper, 2004). Little headway has been made on how to work with this group. These are not disputes in the traditional sense of the word but involve complex and often dysfunctional relationship dynamics and personal issues, often including mental health, substance and alcohol abuse, family violence and abuse, or some combination of these (on the latter, see, for example, Kaspiew et al, 2009).

The potential effectiveness of mediation and counselling for family assistance, including disputes about money and child support, is another thorny issue. Kaspiew et al (2009, p. E2) found that pre- and post-separation service use had increased significantly since the family law changes of 2006, and that "[a]bout two-thirds of parents who separated after the 2006 changes had contacted or used family relationship services during or after separation". There is some evidence to suggest that many of these services are stretched to capacity, with long wait times to access family dispute resolution services a common occurrence (see, for example, Australian Law Reform Commission, 2019). Increasing the ambit of family and relationship support services to include mediating over child support is likely to place additional burden on an already over-stretched system.

In relation to the flexibility of the scheme for the changing circumstances of families (for example, issues relating to Change of Assessment, and other special considerations), one

issue here is that if the formula begins to go out of kilter, there is likely to be more pressure placed on mechanisms such as the Change of Assessment process. This might also help to explain the growing interest by government and others in the use of mediation in financial and child disputes (discussed above). While mediation may be helpful for some families early in the piece, the Scheme needs to be robust, be seen to be 'fair', and to be able to work for the majority of families, based on the utilitarian principle of 'greatest good for the greatest number' – a principle that always involves 'rough justice' for some of the population. The bottom line is that as greater pressure is placed on the formula by changing circumstances, and it remains unresponsive to these changes, pressure on the whole system increases. While data from the anonymous online survey were out-of-scope for the present investigation, the large number of individuals who participated in that survey (N=11,316) suggests that there is still a substantial number of unhappy clients (male and female) who are keen to be heard and understood. Until a major revisit of the costs of children occurs, and the broader technical detail of the formula is re-examined, not much is likely to change.

Finally, turning to the alignment of the Child Support Scheme to family assistance frameworks, it would seem that very few people in Australia, apart from those deep within the Department of Social Services, and Department of Human Services, with a long history with the Scheme, have a solid understanding of the complex interplays between the different variants of the formula for different families and context and the complex array of different family payments, benefits and income tax rules.

All of the above suggests that the Committee, and the Government more generally, are stuck between a rock and a hard place when it comes to proposing solutions to such fraught policy

problems. The Chair of the most recent inquiry, the Hon George Christensen, just prior to the Inquiry, exclaimed that the child support system was "unfair, unworkable and unnecessarily complex" and that he was working with others on how to make the system 'fairer'. Post-inquiry, and like many other MPs before him seeking positive change in such a complex policy space, it would seem that Mr Christensen may not have achieved as much as he had hoped for.

9.3.2 Were any individuals or organisations privileged over other sources?

The short answer to Research Question 2 appears to be 'yes': expert individuals and organisations (that is, 'knowledge experts') seemed to be privileged over other sources. Specifically, the joint submission by the Department of Social Services (DSS and Department of Human Services (DHS) – as the two expert child support policy and service delivery agencies, respectively – had their written and oral evidence cited heavily. The Commonwealth Ombudsman's Office also appeared influential.

As for individual knowledge experts, the written submission co-authored by Smyth and Rodgers was the most cited written evidence in the final report by individual experts and it was also based on the most reliable, relevant and rigorous set of empirical data. However, none of Smyth and Rodgers' oral evidence was used. By contrast, the Committee, was especially interested in the oral evidence provided by Parkinson (another individual knowledge expert), even though material from his written submission was not heavily featured. Some of Parkinson's material was used as context and background as was material from the Australian Institute of Family Studies.

Interestingly, the Australian Institute of Family Studies, which also makes use of reliable empirical data, only received a small number of mentions as an expert organisation in the

final report, but its material was drawn on quite heavily in terms of the number of words, with the Institute's material often as used as contextual background.

There are many moving parts here. The big picture is not clear-cut. One interpretation of the diverse use of expert material from written and oral evidence, or both in the case of DSS/DHS, is that this is a good example of evidence-based policy decision-making at work, whereby a range of material is used to inform policy refinement. A more cynical view might be that this is a clear example of how Committees (and secretariats) pick and choose what they want to support their own positions or agendas. The drawing of oral evidence from two gender-based non-expert interest groups, arguably the two 'squeakiest wheels' in all of the prior child support inquiries, adds an interesting element of gender politics to the apparent base of knowledge expert evidence offered. In sum, expert organisations and individuals attracted the most attention compared to other sources.

Privileging expert evidence has an interesting impact on policy development as the evidence of experts could result in a ticking the box exercise where the departments involved can say they have listened to the experts. The gap between the expert evidence and findings and developing policies and programs in response may be too great to conquer and keep changes and reforms in the too hard basket.

9.3.3 To what extent was the Committee's final report based on expert evidence?

In many ways, the extent to which the Committee's final report drew on expert evidence is the central focus of the present study and represents an overarching higher-order question. The short answer to Research Question 3 appears to be that expert evidence was drawn on to a large extent (as touched on above in 9.3.2).

Specifically, in relation to written submissions, there were more references in the final report to expert organisations with child support expertise (*n*=20) than individual knowledge experts (*n*=5).

The most dominant voices in the final report, based on various pieces of quantitative analysis presented in Chapter 7, were several individuals and organisations. Specifically, Parkinson was the most cited individual knowledge expert (cited 24 times), followed by Smyth and Rodgers. The joint submission made by the Departments of Social Services and Human Services was drawn on most heavily (cited 27 times) followed by the Commonwealth Ombudsman (cited 22 times) and the Australian Taxation Office (cited 15 times). By contrast, the vast majority of written submissions cited in the final report for non-experts, were from individual experiential publics (*n*=83).

Stepping back from the detail, it seems while a number of ideas were floated in the written and oral submissions (for example, basic universal income, the ability of paying parents to have full control of how child support was to be spent by a receiving parent), the final report is much more considered, balanced and somewhat conservative, and largely tempered by the voices of experts. It thus seems that a shift occurred during the latter part of the inquiry process: whereas the Committee asked questions about many of the perceived criticisms of the Scheme during oral submissions, the final report seemed quite positive. It also seemed to view the written submissions of several 'experts' as quite authoritative, but did not appear to be dismissive of other more radical views insofar as these views were not mentioned in the

final report. In short, it is clear that what goes into an inquiry may not be what comes out.[13] And there are limits as to what Parliamentary Inquiries in particular are allowed to use as evidence.[14]

Whereas the Chair of the Committee implicitly suggested he was going to fix a broken system, his final report and the government's brief non-committal response to the Inquiry's recommendations, suggest that politically-motivated inquiries driven by back-room politics and agendas can fall short of real-world change. With little apparent appetite for family law reform, and in such a tight fiscal environment, it is thus not surprising that the final report relied heavily on experts to contextualize the many challenges that face child support policy

[13] A good example of this potentiality is the recent Australian Law Reform Commission's review of the family law system. In a public lecture at the Australian National University (ANU) College of Law on 15 September 2019, Professor Richard Chisholm AM and the former Deputy Chief Justice of the Family Court of Australia, the Hon John Faulks – both of whom were involved in the ALRC's review as an Advisory Committee Member and Part-Time Commissioner respectively – noted that Recommendation 1 appeared 'out of the blue'. Yet this recommendation was one of the most significant recommendations made by the Commission.

[14] See: www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice. There are formal requirements for evidence presented to parliamentary committees. For instance, in the case of oral evidence, the committee may send questionnaires to the witnesses to use as the basis for questioning. This is an illustration of the level of formality and procedure in place. Committees can also request submissions from those they perceive as having a "special interest or expertise in the field under investigation". This is a value-based decision in itself and the committee also has the power to return a submission or other document lodged if they deem it to be irrelevant, offensive or scurrilous. With these procedures and powers in place, experiential evidence considered by parliamentary committees may need to exceed a higher threshold than empirical data or technical knowledge.

at present. Moreover, committees comprised of members with little expertise in the issues at hand – as seems to have been the case with the Christensen Committee – are likely to place great pressure on the secretariat, especially in compiling the Committee's final report.

My concern with such inquiries is that they raise hope for those most affected by policy. With little change on the horizon from the Christensen inquiry, it is understandable that those who had made submissions in the hope of change are likely to remain disillusioned, cynical and angry.

More broadly, the present study offers a lens into the role of values, politics and attitudes in the policy process. The role of values and attitudes clearly occurs at many levels of the policy-making process. After all, policymakers are human too and have their own experiences, beliefs and values. Relationship breakdown touches many Australians (including MPs), directly, indirectly, or both. In the intersection of love and money after parental separation, and in such a contested and complex policy space, disentangling attitudes and values is far from straightforward in the policy process. Moreover, gender politics, party politics, and layers of politics further complicate this process. One key insight from the present study is that successful reform in this area is unlikely to occur without bi-partisan support for change, a protected space for technical experts to pick-up where the 2004–05 Ministerial Taskforce on Child Support left off, and government accepts that major policy change is rarely cost neutral. Child support indeed remains a so-called 'wicked' policy problem.

9.4 Conclusion

Inquiries derived from handshake backroom deals are not a strong platform on which to try to address complex policy issues and to come-up viable with new solutions. They can be a

waste of time and money, and raise expectations among affected citizens that positive change will emerge. The Christensen Inquiry looks to be a good example of such inquiries. The current 'controversial' Joint Select Committee on Australia's Family Law System inquiry has the appearance of another such inquiry:

> The establishment of the [family law] inquiry in 2019 was largely pushed by One Nation leader Pauline Hanson, who had claimed mothers would lie about domestic violence to disadvantage fathers during custody battles. Hanson is deputy chair of the committee (Jenkins 2021: 1).

It would appear that little has been learned by the current Coalition government in the area of family law and child support policy: these areas continue to be driven by politics rather than evidence-informed policy gaps and pressure points. The need to update the costs of children tables in the child support formula, for example, is a case in point (see Smyth 2021).

Much of the analysis presented in this thesis highlights the political nature of the contemporary parliamentary inquiry process and how this affects how evidence is used in that process. Child support is about the wellbeing of children (Smyth 2021). Children of separated parents are an especially vulnerable group. More than politics alone is required to address their needs.

9.5 Future research

An obvious next step would be to interview key players in this process (for example, the Chair, Members of the Committee, Secretariat etc.) to see if any insights could be obtained about the decision-making process (see, for example, Regan 2017). In addition, further research is

needed to review and measure the effectiveness of the changes that the two departments involved in Child Support Scheme have made since the first inquiry- (the Price Report) and how they are aligned to the key issues identified throughout the inquiries.

9.6 Epilogue

Over four years have passed since the Government responded to the Christensen Inquiry. There appears to be little interest in the report's recommendations by the present and previous Coalition government. The intersection of love and money appears not just hard for families to work through but also for government.

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