

s 22 (out of scope)

Debt Enforcement

Referral to Debt Enforcement

Table1

Summary: Table 1: this table explains when and how to refer customers to debt enforcement

Referral criteria	Debt Enforcement initiated in court by Child support s 47E(d)

	To clarify any of the above requirements or to discuss the case specifics, contact the Debt Enforcement Gateway Officer. Debt Enforcement initiated in court by a customer • A request is made for a debt certificate, and/or • The Family Court requests the customer supply a certificate of debts and/or • The customer is taking private court action to recover the debt. Tell the customer they need to provide in writing their intention to commence court action To clarify any of the above requirements or to discuss the case specifics, contact the Debt Enforcement Gateway Officer.
Referral method	Debt Enforcement initiated in court by Child support s 47E(d) Referrals are assessed for suitability within 3 working days unless further searches or information is needed to make a decision. In these situations

	the referring officer will be kept up to date of the progress of the referral. The referring officer needs to continue to work on the case until they are notified of the referral outcome. Court action initiated by customers s 47E(d)
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Locked to Debt Enforcement

Table 2

Summary: Table 2: this table has the referral process for customers locked to a Service Officer or a position in Debt Enforcement

Referral criteria	The customer is locked to a Debt Enforcement Service Officer or a position in Debt Enforcement. s 47E(d)
Referral method	s 47E(d)

Outside business hours/transfer unsuccessful	Issue considered non urgent s 47E(d) Issue considered urgent If the customer is: s 47E(d)
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Australian Government

Services Australia

Debt Enforcement referrals 277-04220000

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Background

This is a [Family and Domestic Violence Interaction Point](#). If the customer is with another person, on speaker phone, or already identified with family and domestic violence concerns, continue with the current business conversation. Otherwise, go to the [Family and domestic violence](#) procedure to conduct the risk identification and referral process.

This document outlines the debt enforcement process commencing from the initial management of a case once referred to Debt Enforcement, to the ultimate recovery of debts following the finalisation of court proceedings.

▼ Referral for Debt Enforcement

Once Services Australia registers a [registrable maintenance liability](#) for collection, the amounts payable are debts due to the Commonwealth by the payer. Recoverable overpayments are also debts due to the Commonwealth. The debt is enforceable by Services Australia and may be recovered through court proceedings pursuant to section 113(1) of the [Child Support \(Registration and Collection\) Act 1988](#).

Cases are referred to Debt Enforcement for recovery of the amounts through the initiation of legal proceedings if a customer has:

- an outstanding child support or overpayment debt, and
- a demonstrated financial capacity exists to repay those outstanding amounts

▼ Roles and responsibilities

Service Officer

Responsible for referring cases to Debt Enforcement.

Debt Enforcement Gateway Officers

Conducts an initial review of the referral, reviews cases prior to any letter of demand and reviews transfers to the Debt Enforcement Team.

Debt Enforcement SO3/SO4

Located in the Debt Enforcement Team, responsible for making last chance phone calls, holistic case management and liaising with the agency's Legal Service Provider recommending that a Letter of Demand to be sent.

Debt Enforcement SO5

Responsible for preparing briefing material, working with Litigation and Information Release Branch (LIR) to decide on action to be taken, liaising with the appointed Legal Service Provider through the provision of verbal and written instructions and representing the agency in court.

Debt Enforcement Team Leader

Responsible for the general operations of the Debt Enforcement Team including, quality assurance of briefs, providing direct support to Debt Enforcement Officers and managing the stakeholder relationships with Legal Service Providers.

Debt Enforcement Program Support Manager

Responsible for operational support to the Debt Enforcement Teams, conducting quality assurance for referrals out of Debt Enforcement and managing the stakeholder relationships with Legal Service Providers.

Legal Service Provider

A reference to a Law Firm engaged by the agency to perform legal services on its behalf. LIR is responsible for approving profiles, providing direction/instructions on legal matters, managing the activities of the Legal Service Providers, approving referrals to the sheriff or official receiver and authorising legal expenditure to progress the matter through court.

Contents

[Guidelines prior to referring Child Support customers for debt enforcement](#)

[Taking a Child Support customer to court](#)

[Monitoring orders and case management, including enforcing orders \(CS\).](#)

[Managing Child Support customer debt enforcement referrals](#)

Related links

[Bankruptcy](#)

[Change of assessment in special circumstances](#)

[Customer location \(Tracing\)](#)

[Customer Management Approach \(CMA\) for Child Support](#)

[Debt repayment](#)

[Departure Prohibition Orders \(DPO\) for Child support customers](#)

[Child Support estimates](#)

[Child Support estimates - Reconcile \(from 1 July 2011\)](#)

[Non-pursuit of individual Child Support debts](#)

[Child Support objections](#)

[Collecting Child Support payments privately and/or discharging arrears](#)

[Child Support late payment penalties and estimate penalties](#)

[Section 107 and Section 143 orders for Child Support customers](#)

[Income processing for Child Support customers](#)

[Contact with Child Support customers](#)

[Documenting Child Support information](#)

[Child support overpayments and other payee debt](#)

[Family and domestic violence](#)

[Accounting Cuba Process Help](#)

[Costs and fines Cuba Process Help](#)

[Disbursement Cuba Process Help](#)

[Debt Enforcement Cuba Process Help](#)

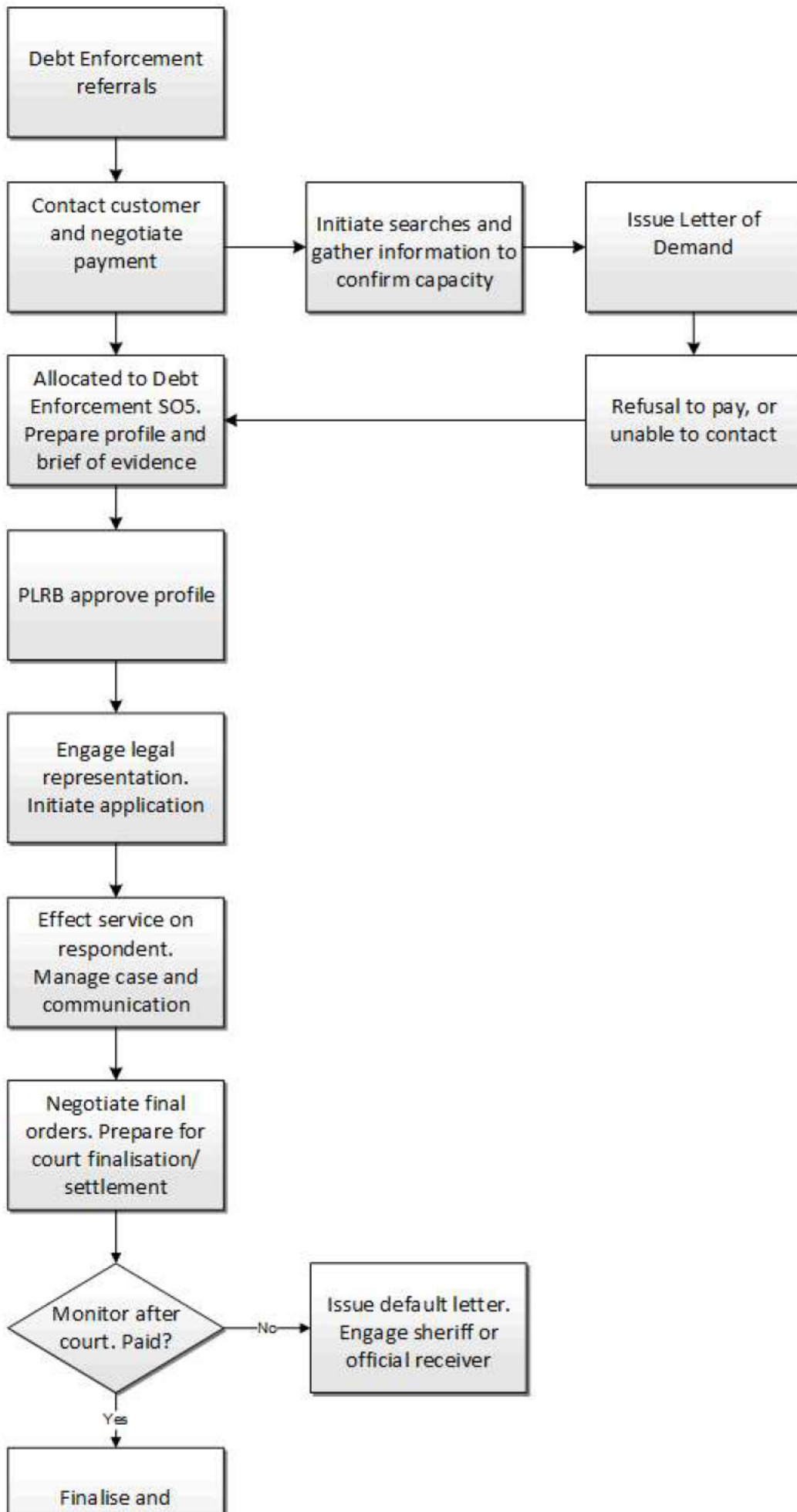
[Transfer or lock a customer Cuba Process Help](#)

Process Summary

Flowchart

Refer Child Support customers for debt enforcement

This image provides a summary of the debt enforcement process commencing from the initial management of a case once referred to Debt Enforcement, to the ultimate recovery of debts following the finalisation of court proceedings.



transfer case

References

Policy

[The Child Support Guide 8.2: Late payment penalties](#)

[The Child Support Guide 8.3.4: Bankruptcy](#)

[The Child Support Guide 8.4.1: The Registrar's power to recover debt through litigation](#)

[The Child Support Guide 8.4.4: Enforcement under the FL Act](#)

[The Child Support Guide 8.4.5: Applying to court to set aside or restrain a transaction](#)

Legislation

Links to the Federal Register of Legislation site go to a 'Series' page. Select the 'Latest' version.

[Child Support \(Registration and Collection\) Act 1988](#)

- section 18A, Liability in relation to registrable overseas maintenance liabilities
- section 30, Effect of registration
- section 67, Penalty for late payment of child support debts
- section 69B: Overpayments of payees
- section 72C, Transaction to defeat maintenance liability
- section 105, Application of Family Law Act
- section 106, Appellate jurisdiction of Family Court under Act
- section 113, Recovery of debts etc.
- section 116, Evidence
- section 117, Appearance by Registrar etc.

Delegations and authorisations

[Child Support Services, Delegations and Authorisations](#)

Resources

[Debt Enforcement Program Support Manager \(PSM\)](#)

▼ Macros

[Document upload request macro](#)

[Collection and debt macro](#)

▼ Guidelines

These attachments are not to be shared externally. See [Freedom of Information – Information Publication Scheme](#).



[Assertive Debt Conversations approach](#)



[Evidence requirements](#)

▼ Family Law Rules

These attachments are not to be shared externally. See [Freedom of Information – Information Publication Scheme](#).



[Schedule 1 of the Federal Magistrate Court Rules 2001](#)



[Schedule 3 of the Family Law Rules 2004](#)

▼ Templates

These attachments are not to be shared externally. See [Freedom of Information – Information Publication Scheme](#).



[Submission to transfer case from Debt Enforcement](#)



[Submission to Obtain an Enforcement Warrant for personal property](#)



[Submission to Obtain an Enforcement Warrant for real property](#)



[Submission to Issue a Contravention Application](#)



[Submission to obtain an Arrest Warrant](#)

▼ Legal services

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[Legal Services Directions 2005](#)