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1999B00103

Child Support (Assessment) Amendment Regulations 1999 (No. 2)

Statutory Rules 1999 No. /

/03

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the *Child Support (Assessment) Act 1989.*

Dated   0 9 JUN 1999   1999.

WILLIAM DEANE

Governor-General

By His Excellency's Command,

WARREN ERROL TRUSS

Minister for Community Services

Child Support (Assessment) Amendment Regulations 1999 (No. 2)[1]

Statutory Rules 1999 No. ∠ [2]

/ O3

made under the

Child Support (Assessment) Act 1989

Contents

1   **Name of regulations**

These regulations are the *Child Support (Assessment) Amendment Regulations 1999 (No./)*.   *2*

2   **Commencement**

These regulations commence on 1 July 1999.

3   **Amendment of *Child Support (Assessment) Regulations 1989***

Schedule 1 amends the *Child Support (Assessment) Regulations 1989*.

Schedule 1   Amendments

(regulation 3)

[1]   After regulation 3

insert

3A   Excuse for contravening court order or registered parenting plan (Act s 8A (1))

(1) For paragraph 8A (1) (c) of the Act, the Registrar is to be satisfied that a person (the *contravening person*) does not have a reasonable excuse for contravening a court order or a registered parenting plan unless:

(a) at the time of the contravention, the contravening person did not understand the obligations imposed by the order or plan on the person who was bound by it; or

(b) the person or persons having care of a child under the order or plan agreed to the contravention; or

(c) if the contravention resulted in a child being deprived of rightful contact (within the meaning of subregulation (2)):

(i) the contravention happened because the contravening person believed, on reasonable grounds, that the actions constituting the contravention were necessary to protect the health or safety of a person (the *person at risk*); and

(ii) the child was deprived of rightful contact for no longer than was necessary to protect the health or safety of the person at risk.

(2) For paragraph (1) (c):

(a) a child is *deprived of rightful contact* during the time that, contrary to an order or plan, the child does not live with or have contact with a person; and

(b) the person at risk may be the child, the contravening person or anyone else.

[2] After regulation 7A

insert

7B Apportioning amount between carers (Act s 66 (3))

(1) For subsection 66 (3) of the Act, the notional total annual rate of $260 of child support is to be apportioned between the carers as set out in this regulation.

(2) The annual rate for each carer is:

$$\frac{NC}{TC} \times \$260 \; ;$$

rounded to the nearest dollar as set out in subregulation (3), where:

NC is the number of children of the liable parent who are in the sole care of the carer.

TC is the total number of children of the liable parent who are in the care, whether sole or joint, of all carers, calculated as follows:

(a) count as:

    (i) 0.35 each child of the liable parent to whom the liable parent has substantial contact; and

    (ii) 0.5 each shared custody child of the liable parent; and

(iii) 0.65 each child of the liable parent to whom the liable parent has major contact; and

(b) count as 1 each other child.

(3) If an amount calculated under subregulation (2) includes a number of cents, 50 cents or more is to be rounded up to the nearest dollar, and less than 50 cents is to be rounded down.

7C   Application to have liability reduced to nil (Act s 66A (1))

An application under subsection 66A (1) of the Act must be made in writing and signed by the applicant, within the child support period to which it relates.

[3]   Subregulation 12 (1)

substitute

(1) An application for administrative assessment or for the acceptance of a child support agreement is to be taken to have been made on the day on which the application is received in an office of:

(a) Commonwealth Services Delivery Agency (Centrelink); or

(b) the Child Support Agency; or

(c) the Australian Taxation Office.

Notes

1.   These regulations amend Statutory Rules 1989 No. 259, as amended by 1991 No. 81; 1992 No. 63; 1993 No. 131; 1994 No. 129; 1995 Nos. 179 and 292; 1996 Nos. 142 and 273; 1997 Nos. 170 and 374; 1998 No. 164; 1999 No. 5.

2.   Made by the Governor-General on ⟋ 1999, and notified in *9 June* the *Commonwealth of Australia Gazette* on ⟋ 1999. *17 June*

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