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Child Support (Assessment) Amendment Regulations 1999 (No. 3)

Statutory Rules 1999 No.

286

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 **25 NOV 1999** 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

LARRY ANTHONY
Minister for Community Services



Child Support (Assessment) Amendment Regulations 1999 (No. 3)¹

Statutory Rules 1999 No. 3²

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made under the

Child Support (Assessment) Act 1989

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1 Name of Regulations

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

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2 Commencement

These Regulations are taken to have commenced on 15 December 1998.

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

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

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

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Schedule 1 Amendments

(regulation 3)

[1] Regulation 7A

substitute

7A Effect of election — child support year ending before 1 July 1999

- (1) This regulation applies in relation to an election made by a person for a child support year ending before 1 July 1999.

Note Schedule 16 to the *Child Support Legislation Amendment Act 1998* made extensive changes to arrangements for making elections about child support income amounts. The amendments made by Sch 16 commenced on 15 December 1998.

However, subs 4 (3) of that Act states that the amendments made by Sch 16 do not apply in relation to the 1998-99 child support year or any earlier child support year.

- (2) A reference in this regulation to a provision of the Act is a reference to the provision as in force immediately before 15 December 1998.
- (3) For paragraphs 61 (1) (b) and 63 (1) (b) of the Act, the day on and after which the person's child support income amount applies for the child support year, as a result of the election, is:
- (a) if, when the election was made, the first amount was not more than the second amount — the day when the election was made; or
 - (b) if the second amount is nil — the first day of the child support year; or
 - (c) in any other case — the first day after the day in the child support year on which the amount of child support payable to that day was first greater than the second amount.

- b) For subregulation (3):
- (a) the *first amount* is the amount payable for the part of the child support year before the date of the most recent election; and
 - (b) the *second amount* is the amount that would be payable for the child support year if the person's child support income amount estimated under section 60 of the Act applied to all that year.

[2] After regulation 7C

insert

7D Conversion of annual rates into daily rates of payment — child support year ending before 1 July 1999 (Act s 69)

- (1) This regulation applies in relation to a child support year ending before 1 July 1999.

Note Schedule 16 to the *Child Support Legislation Amendment Act 1998* made extensive changes to arrangements for making elections about child support income amounts. The amendments made by Sch 16 commenced on 15 December 1998.

However, subs 4 (3) of that Act states that the amendments made by Sch 16 do not apply in relation to the 1998-99 child support year or any earlier child support year.

- (2) A reference in this regulation to a provision of the Act is a reference to the provision as in force immediately before 15 December 1998.
- (3) Subject to subregulation (4), an annual rate of child support is to be converted into a daily rate by using the formula:

$$DR = \frac{AR}{365.25}$$

where:

DR is the daily rate of payment.

AR is the annual rate of payment.

- (4) If an election has been made under section 60 of the Act, the annual rate of child support applying as a result of the election is to be converted into a daily rate for each day on and after which the annual rate applies by using the formula:

$$DR = \frac{\left(\frac{AR \times \text{days remaining}}{365.25} \right) - (B - C)}{\text{days remaining}}$$

where:

AR is the annual rate of payment.

B is:

- (a) if, when the election was made, the first amount under paragraph 7A (4) (a) was not more than the second amount under paragraph 7A (4) (b) — the first amount under paragraph 7A (4) (a); or
- (b) in any other case — the amount payable for the part of the child support year before the day on and after which the child support income amount applies in accordance with subregulation 7A (3).

C is the part of the second amount under paragraph 7A (4) (b) that applies to the part of the child support year to which the estimate does not apply.

DR is the daily rate of payment.

days remaining is the number of days remaining in the child support year starting on the day on and after which the annual rate applies.

- (5) If section 64 of the Act applies in relation to an election, the annual rates of child support applying before the application of section 64 are to be converted into a daily rate for each day in the child support year by using the formula:

$$DR = EDR + ADR$$

where:

DR is the daily rate of payment for a day in the child support year.

EDR is the existing daily rate of payment for the day before the application of section 64 (in accordance with subregulation (3) or (4)).

ADR is the additional daily rate calculated using the formula:

$$\frac{X - Y}{365.25}$$

where:

X is the annual rate of child support applying after the application of section 64.

Y is the annual rate of child support applying as a result of the election (before the application of section 64).

Note Section 64 applies in relation to an election if, at the end of the child support year, the person's taxable income exceeds the estimated income specified in the election.

- (6) In calculating a conversion, the calculation must be made to 6 decimal places, and:
- (a) if the final figure is greater than 4 — the second-last figure must be increased by 1 and the final figure then disregarded; and
 - (b) if the final figure is 4 or less, it must be disregarded.

[3] Regulation 8, heading*substitute*

8 Conversion of annual rates into daily rates of payment — child support period starting on or after 1 July 1999

[4] Subregulation 8 (1)*omit*

if no election has been made under section 60 of the Act,

[5] Subregulation 8 (1A)*omit***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 Nos. 5 and 103.
2. Made by the Governor-General on *the Commonwealth of Australia Gazette* on 1999, and notified in 1999.

25 November
2 December