

Child Support (Registration and Collection) Amendment Regulations 2001 (No. 2) 2001 No. 205

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 205

Issued by the authority of the Minister for Community Services

Child Support (Registration and Collection) Act 1988

Child Support (Registration and Collection) Amendment Regulations 2001 (No. 2)

The two purposes of the Regulations (which are made under section 125 of the *Child Support (Registration and Collection) Act 1988* (the Act)) are to amend the *Child Support (Registration and Collection) Regulations 1988* (the Registration and Collection Regulations) to:

- prescribe persons who must be provided with documents and information relevant to enforcing orders that prohibit certain persons from leaving Australia; and
- Make two consequential amendments to reflect the fact that the Child Support Registrar is no longer the Commissioner of Taxation.

Departure prohibition orders

Schedule 6 to the *Child Support Legislation Amendment Act 2001* (the Amendment Act) recently inserted into the Act provisions for a system of child support departure prohibition orders. This system provides that, in certain cases of a person liable to pay child support having persistently failed to pay his or her child support debts, the person may be prevented from leaving Australia unless either all debts are discharged or satisfactory arrangements are made to discharge them. The system closely mirrors the existing system of taxation departure prohibition orders in place under the *Taxation Administration Act 1953*.

If a departure prohibition order is issued in respect of a person, the Child Support Registrar must, under subsection 72G(5), give a copy of the order, and information likely to enable identification of the person for relevant purposes, to other appropriate people. This is so that those other people may assist in enforcing the departure prohibition order by preventing the person from leaving Australia. Those people must fall within the range of people prescribed by the Regulations.

The Regulations prescribe for this purpose: the Chief Executive Officer of the Australian Customs Service, the Commissioner of Police of the Australian Federal Police and the Secretary of the Department of Foreign Affairs and Trade. These are the same as the people already prescribed for the purpose of the equivalent taxation departure prohibition order provision.

Child Support Registrar

The child support function has been part of the Family and Community Services portfolio, rather than the Treasury portfolio, for more than two years. However, this move has only recently been reflected legislatively, by Schedule 5 to the Amendment Act. Because of this legislative change, the Child Support Registrar is no longer the Commissioner of Taxation but the General Manager of the Child Support Agency. Therefore, two existing references in the Registration and Collection Regulations to information held by the Registrar "(whether as Registrar or Commissioner)" are no longer appropriate. Accordingly, these references to the former dual role of the Registrar/Commissioner are omitted by the Regulations.

The Regulations commenced on gazettal.