



Child Support (Registration and Collection) Amendment Regulations 2008 (No. 1)¹

Select Legislative Instrument 2008 No. 99

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Child Support (Registration and Collection) Act 1988*.

Dated 30 May 2008

P. M. JEFFERY
Governor-General

By His Excellency's Command

JENNY MACKLIN
Minister for Families, Housing, Community Services and
Indigenous Affairs

1 Name of Regulations

These Regulations are the *Child Support (Registration and Collection) Amendment Regulations 2008 (No. 1)*.

2 Commencement

These Regulations commence on 1 July 2008.

3 Amendment of *Child Support (Registration and Collection) Regulations 1988*

Schedule 1 amends the *Child Support (Registration and Collection) Regulations 1988*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 5C

omit

[2] Regulation 5D, heading

substitute

5D Specified payments (Act s 71C)

[3] Regulation 5D

omit

paragraph 71C (2) (a)

insert

paragraph 71C (1) (b)

[4] Regulation 5E

substitute

5E Prescribed periodic deduction (Act s 72AA)

- (1) For paragraph 72AA (1) (b) of the Act, the prescribed periodic deduction is the lesser of:
 - (a) 3 times the minimum rate for the instalment period; and
 - (b) the amount of the enforceable maintenance liability payable for the instalment period.
- (2) For paragraph 72AA (2) (d) of the Act, the prescribed periodic deduction is the lesser of:
 - (a) 3 times the minimum rate for the instalment period less any amount to be deducted from the payer's social security pension or benefit under paragraph 72AA (1) (b) of the Act; and
 - (b) the amount of the debt that has not been paid.
- (3) In this regulation:

instalment period means the period for a social security periodic payment determined under paragraph 43 (1) (b) of the *Social Security (Administration) Act 1999*.

minimum annual rate of child support means the amount set out in subsection 66 (5) of the Assessment Act as if that amount applied to a calendar year in which a periodic deduction is made.

minimum rate, for an instalment period in a calendar year, means the amount worked out using the following steps:

- Step 1: Divide the minimum annual rate of child support by 365.25.
- Step 2: Round the amount worked out in Step 1 to 5 decimal places by increasing the fifth decimal place by 1 if the sixth decimal place is 5 or more.
- Step 3: Multiply the amount worked out in Step 2 by the number of days in the instalment period.
- Step 4: Round the amount worked out in Step 3 to the nearest cent by increasing the second decimal place by 1 if the third decimal place is 5 or more.

**5EA Prescribed periodic deduction for veterans
(Act s 72AC)**

- (1) For paragraph 72AC (2) (c) of the Act, the prescribed periodic deduction is the lesser of:
 - (a) 3 times the minimum rate for the pension period; and
 - (b) the amount of the enforceable maintenance liability payable for the pension period.
- (2) For paragraph 72AC (2) (d) of the Act, the prescribed periodic deduction is the lesser of:
 - (a) 3 times the minimum rate for the pension period less any amount to be deducted from the payer's veterans' pension or allowance under paragraph 72AC (2) (c) of the Act; and
 - (b) the amount of the debt that has not been paid.

- (3) In this regulation:

minimum annual rate of child support means the amount set out in subsection 66 (5) of the Assessment Act as if that amount applied to a calendar year in which a periodic deduction is made.

minimum rate, for a pension period in a calendar year, means the amount worked out using the following steps:

Step 1: Divide the minimum annual rate of child support by 365.25.

Step 2: Round the amount worked out in Step 1 to 5 decimal places by increasing the fifth decimal place by 1 if the sixth decimal place is 5 or more.

Step 3: Multiply the amount worked out in Step 2 by the number of days in the pension period.

Step 4: Round the amount worked out in Step 3 to the nearest cent by increasing the second decimal place by 1 if the third decimal place is 5 or more.

pension period has the same meaning as in section 5Q of the *Veterans' Entitlements Act 1986*.

[5] Regulation 8A

relocate as regulation 7A

[6] Schedule 3*substitute***Schedule 3 Provisions to which
subsection 103T (1) of the Act
does not apply**

(regulation 7A)

Part 1 Provisions of the Act

Item	Provision
1	subsection 13 (2)
2	subsections 15 (1), (1A) and (2)
3	subsections 16A (1), (2), (3), (4) and (5)
4	section 16B
5	section 16C
6	section 21
7	subsection 24 (2)
8	subsection 30A (2)
9	section 37A
10	subsections 38B (1) and (2)
11	subsection 45 (1), paragraph 45 (2) (b) and subsection 45 (2A)
12	subsection 47 (4)
13	subsection 61 (1)
14	paragraph 72 (1) (c)
15	subsection 72A (1) and paragraph 72A (3) (b)
16	subsections 72AA (1) and (2)
17	subsection 72AB (3)
18	subsection 72AC (1)
19	subsection 72B (2)

Item	Provision
20	subsection 72C (1)
21	Part VA
22	section 111D
23	section 111E
24	subsection 112 (2)
25	paragraph 113 (1) (b) and subsection 113 (2)
26	subsections 116 (1), (2) and (3)
27	subsection 117 (1)
28	subsection 120 (1)
29	section 121A

Part 2 Provisions of the Assessment Act

Item	Provision
1	subsection 145 (1)
2	subsection 146 (2)
3	subsections 149 (1), (1AA), (1A) and (2)
4	subsections 150A (1), (2), (3), (4) and (5)
5	section 150D
6	section 153
7	subsection 157 (1)
8	subsection 160 (1)
9	subsection 161 (1)
10	section 162A

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.