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Statutory Rules 1995 No. ¹

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Child Support (Registration and Collection) Regulations² (Amendment)

I, THE 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 ^L 1995.

27 June/

^L BILL HAYDEN
Governor-General

By His Excellency's Command,

^L
Assistant Treasurer

GEORGE GEAR/

1. Amendment

1.1 The Child Support (Registration and Collection) Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

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2. New regulations 5A and 5B**2.1 After regulation 5, insert:****Prescribed income test—paragraphs 37B (4) (b) and 37B (5) (b) of the Act**

“5A. (1) For the purposes of paragraphs 37B (4) (b) and 37B (5) (b) of the Act (which deal with the start and the end of the low-income non-enforcement period, respectively) a payer is taken to satisfy the prescribed income test in relation to an instalment of a social security pension or social security benefit paid to the payer if:

(a) where that instalment was paid in respect of a fortnight—the total of:

(i) that instalment less any non-taxable additional amounts; and

(ii) the payer’s ordinary income for that fortnight; is not more than the highest maximum basic rate of pension for a fortnight determined under point 1064-B1 of section 1064 of the *Social Security Act 1991*; or

(b) where that instalment was paid in respect of a period of less than a fortnight—the total of:

(i) that instalment less any non-taxable additional amounts; and

(ii) the payer’s ordinary income for that period; is not more than the amount calculated using the formula:

$$\begin{array}{l} \text{highest maximum} \\ \text{basic rate of pension} \\ \text{referred to} \\ \text{in paragraph (a)} \end{array} \times \frac{\text{week days in the period}}{10}.$$

“(2) In this regulation:

‘**ordinary income**’ has the same meaning as in the *Social Security Act 1991*;

‘**week day**’ means a day other than a Saturday or Sunday.

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Unsatisfactory payment record—paragraph 38 (3) (a) of the Act

“5B. For the purposes of paragraph 38 (3) (a) of the Act (which deals with the circumstances when the Registrar can refuse to vary the Child Support Register), a payer is taken to have an unsatisfactory payment record if:

- (a) any part of the period of 6 months immediately before the election was not part of a child support enforcement period in relation to the payer; or
- (b) at the time of the election; a maintenance liability in relation to the payee had become due and payable and was unpaid; or
- (c) any maintenance liability in relation to the payee that had become due and payable during the 6 months immediately before the election was not paid when due and payable.”.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on *L* 1995.
- 2. Statutory Rules 1988 No. 87 as amended by 1989 Nos. 51 and 258; 1990 No. 90; 1991 No. 242; 1994 Nos. 128 and 197.

30 June/