

House of Representatives
Supplementary Order Paper

Tuesday, 6 December 2005

Statutes Amendment Bill (No 5)

Proposed amendments

Hon Clayton Cosgrove, in Committee, to move the following amendments:

Clause 2

To insert, before *subclause (1)* (before line 6 on page 4), the following subclause:

(1AA) **Part 3AA** comes into force as provided in **section 12AB**.

New Part 3AA inserted

To insert, after *Part 3* (after line 8 on page 7), the following Part:

Part 3AA
Child Support Act 1991

12AA Child Support Act 1991 called principal Act in this Part

In **this Part**, the Child Support Act 1991¹ is called “the principal Act”.

¹ 1991 No 142

12AB Commencement

- (1) **Section 12AC(4) and (5)** is deemed to have come into force immediately after the commencement of section 22(2) of the Taxation (Working for Families) Act 2004.
- (2) **Section 12AC(1) to (3), (6), and (7)** comes into force on 1 April 2006.
- (3) The rest of **this Part** comes into force on the day after the date on which this Act receives the Royal assent.

12AC Meaning of term living allowance

- (1) Section 30(4)(b) of the principal Act is amended by omitting the words “adjusted in the manner required by subsection (4B)”, and substituting the words “or in subsection (4B) (as the case may be)”.
- (2) Section 30(4B) of the principal Act is amended by inserting, after the words “2006 is”, the words “, in respect of each dependent child,”.
- (3) **Subsections (1) and (2)** apply for the 2006–07 and subsequent child support years.
- (4) Section 30(5) of the principal Act is amended by omitting from the definition of **gross married rate of unemployment benefit** the expression “(1)(e)”, and substituting the expression “(1)(h)”.
- (5) **Subsection (4)** applies for the 2005–06 child support year.
- (6) Section 30(5) of the principal Act (as amended by **subsection (4)**) is amended by omitting from the definition of **gross married rate of unemployment benefit** the expression “(1)(h)”, and substituting the expression “(1)(e)”.
- (7) **Subsection (6)** applies for the 2006–07 and subsequent child support years.

Explanatory note

This Supplementary Order Paper inserts a new Part into the Statutes Amendment Bill (No 5). The amendments correct minor drafting errors introduced into the Child Support Act 1991 by the Taxation (Working for Families) Act 2004. Originally, the corrections were provided for in the Child Support Amendment Bill (No 4). However, due to time constraints, the corrections are now provided for in this Bill.

The amendments amend section 30 of the Child Support Act 1991 (which relates to the meaning of the term **living allowance**) to—

- clarify that, for the child support years commencing on and after 1 April 2006, the living allowance allowed in respect of each dependent child is \$2,444, inflated by the rate of inflation; and
- correct an amendment that was made to the principal Act by the Taxation (Working for Families) Act 2004. That amendment changed a cross reference to a paragraph in Schedule 9 of the Social Security Act 1964 to reflect a renumbering of the paragraph by the Social Security (Working for Families) Amendment Act 2004. The amendment to Schedule 9 of the Social Security Act 1964 came into force on 1 April 2005. The amendment to section 30 applied for the 2005–06 and subsequent child support years, but should have applied for the 2006–07 and subsequent child support years. *New clause 12AC(4)* (which is deemed to have come into force immediately after the amendment in the Taxation (Working for Families) Act 2004) reverses the incorrect amendment.

New clause 12AC(6) (which comes into force on 1 April 2006) inserts the new cross reference with the correct application.
