

House of Representatives
Supplementary Order Paper

Tuesday, 2 July 2013

Taxation (Livestock Valuation, Assets Expenditure,
and Remedial Matters) Bill

Proposed amendments

Hon Todd McClay, in Committee, to move the following amendments:

New cross-heading and clauses 110B to 110H

After *clause 110* (after line 8 on page 162), insert:

Amendments to Child Support Amendment Act 2013

110B Child Support Amendment Act 2013

Sections 110C to 110H amend the Child Support Amendment Act 2013.

110C Section 5 amended (Interpretation)

- (1) In section 5(1), after “**eligible custodian**,” insert “**income amount order, last relevant tax year**,”.
- (2) In section 5(1), delete “**properly made**,”.
- (3) In section 5(2), insert in their appropriate alphabetical order:
“**income amount order** means a determination under Part 5A, 6A, or 6B, or an order under Part 7, that, in relation to a person who is subject to a formula assessment, substitutes a new—
“(a) child support income amount; or
“(b) amount of taxable income or adjusted taxable income;
or
“(c) annual amount of child support
“**last relevant tax year** means,—
“(a) in a case where a parent’s taxable income for the most recent tax year was derived solely from withholding income, and has no adjustments of the sort referred to in section 35(1), the calendar year ending in that tax year:

“(b) in any other case, the tax year immediately preceding the most recent tax year”.

110D Section 8 amended (New section 4A inserted)

In section 8, new section 4A(1), delete “, who does not live with a parent of the child in a marriage, civil union, or de facto relationship,”.

110E Section 10 amended (New headings and sections 7B to 19 substituted)

- (1) In section 10, new section 8(1), replace “if the applicant is not living with a parent of the child” with “if the applicant is not living with that parent”.
- (2) In section 10, new section 17, after subsection (3), insert:
“(3A) Despite subsections (2) and (3), a parent whose income percentage is 100% and whose care cost percentage is also 100% is a receiving carer.”

110F Section 12 amended (New headings and sections 29 to 36D substituted)

- (1) In section 12, new section 31(2)(c)(iii), replace “either amount” with “each of the amounts”.
- (2) In section 12, new section 35, replace subsection (2) with:
“(2) However, for the purposes of an assessment of child support for the child support year commencing 1 April 2014 only, the adjustments referred to in subsection (1) must not be applied to a person’s taxable income.”
- (3) In section 12, new section 35(3), after “child support year if”, insert “, in the most recent tax year,”.
- (4) In section 12, new section 35(3)(a), replace “it” with “the person’s taxable income”.

110G New heading and section 22A inserted

After section 22, insert:

“Amendments to Part 6A

“22A Application for determination

- “(1) Section 96B(1) is amended by omitting ‘A qualifying custodian or a liable parent’ and substituting ‘Any liable parent or receiving carer of a qualifying child’.
- “(2) Section 96B(2)(a) is amended by omitting ‘, the qualifying custodian, and the liable parent concerned’.
- “(3) Section 96B is amended by repealing subsection (3) and substituting the following subsection:
“ (3) The parties to the application are—

- “(a) the applicant; and
“(b) every other liable parent or receiving carer of the qualifying child.”

110H Schedule 3 amended (Consequential amendments to principal Act)

- (1) In Schedule 3, item relating to section 38, delete the first item.
(2) In Schedule 3, replace the items relating to sections 96B and 96C(1)(b)(ii)(A) with:

Section 96C(1)(b)(ii)(A)

“Omit ‘, the qualifying custodian, and the liable parent’ and substitute ‘and all parties to the application’.

Section 96D(2)

“Omit ‘both parties’ and substitute ‘each party’.

Section 96H

“Heading: omit ‘party’ and substitute ‘parties’.

“Subsection (1): omit ‘the other’ and substitute ‘each other’.

“Subsection (2)(b)(i): omit ‘the other party’ and substitute ‘the party’.

“Subsection (3): replace with:

“(3) The Commissioner must send a copy of any reply and accompanying documentation to the applicant, and may send a copy of any reply and accompanying documentation to the other parties.’

Section 96I

“Subsection (1)(a): omit ‘the reply (if any)’ and substitute ‘any reply received’.

“Subsection (2): omit ‘the other party’ and substitute ‘each other party’.

“Subsection (3)(a): omit ‘the other party’ and substitute ‘any other party’.

“Subsection (4): omit ‘the other party’ and substitute ‘any other party’ ”

- (3) In Schedule 3, replace the item relating to section 103B(1) with:

Section 103B

“Subsection (1); omit ‘qualifying custodian’ in each place where it appears and substitute in each case ‘receiving carer’.

Section 103B—*continued*

“Subsection (4)(b): omit ‘the other party’ and substitute ‘any other party’.”

Explanatory note

This Supplementary Order Paper proposes minor drafting and remedial changes to the Taxation (Livestock Valuation, Assets Expenditure, and Remedial Matters) Bill. The changes amend the Child Support Amendment Act 2013 to—

- clarify that a parent with 100% of the care costs of a child is a receiving carer:
 - ensure that a receiving carer can apply for child support in situations where there are more than 2 legal parents, and 2 of those parents are living together:
 - clarify which tax year is used when assessing income:
 - make various further consequential amendments to the Child Support Act 1991, including to the definition of “income amount order” and to the process of administrative review under Part 6A:
 - correct other minor errors.
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