



Social Services Legislation Amendment (Child Support and Family Assistance Technical Amendments) Act 2024

No. 11, 2024

**An Act to amend the law relating to child support
and family assistance, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Social Services Legislation Amendment (Child Support and Family Assistance Technical Amendments) Act 2024

No. 11, 2024

An Act to amend the law relating to child support and family assistance, and for related purposes

[Assented to 28 March 2024]

The Parliament of Australia enacts:

1 Short title

*This Act is the **Social Services Legislation Amendment (Child Support and Family Assistance Technical Amendments) Act 2024**.*

No. 11, 2024

*Social Services Legislation Amendment (Child Support and Family
Assistance Technical Amendments) Act 2024*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	29 March 2024

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

A New Tax System (Family Assistance) Act 1999

1 Paragraph 35F(1)(b)

Omit “the determination; or”, substitute “the determination.”.

2 Paragraph 35F(1)(c)

Repeal the paragraph.

3 Paragraph 35P(2)(a)

Omit “disregarding paragraph 35F(1)(c),”.

4 Paragraph 35Q(2)(a)

Omit “disregarding paragraph 35F(1)(b),”.

Child Support (Assessment) Act 1989

5 Paragraph 53(1)(b)

Omit “the determination; or”, substitute “the determination.”.

6 Paragraph 53(1)(c)

Repeal the paragraph.

7 Paragraph 54F(2)(a)

Omit “disregarding paragraph 53(1)(c),”.

8 Paragraph 54H(2)(a)

Omit “disregarding paragraph 53(1)(c),”.

Part 2—Application and validation provisions

9 Definitions

In this Part:

Child Support Act means the *Child Support (Assessment) Act 1989*.

Child Support (Registration and Collection) Act means the *Child Support (Registration and Collection) Act 1988*.

Family Assistance Act means the *A New Tax System (Family Assistance) Act 1999*.

Family Assistance (Administration) Act means the *A New Tax System (Family Assistance) (Administration) Act 1999*.

10 Application of amendments—family assistance

The amendments of the Family Assistance Act made by this Schedule apply in relation to a determination that is to be or has been made under section 35A or 35B of that Act on or after the commencement of this item if the change of care day for the individual, and the child, concerned occurs on or after that commencement.

11 Application of amendments—child support

The amendments of the Child Support Act made by this Schedule apply in relation to a determination that is to be or has been made under section 49 or 50 of that Act on or after the commencement of this item if the change of care day for the responsible person, and the child, concerned occurs on or after that commencement.

12 Validation of percentage of care determinations—family assistance

(1) If:

- (a) a determination that was made, or purportedly made, in relation to an individual and a child in the relevant period under section 35A or 35B of the Family Assistance Act for the purposes of section 35C of that Act would, apart from this item, be wholly or partly invalid or ineffective only because of the operation of paragraph 35F(1)(c) of that Act, as in force in that period; and

- (b) the change of care day for the individual and the child occurred in the relevant period;

then the determination, and any other decision covered by subitem (2), is as valid and effective, and is taken always to have been as valid and effective, as it would have been had section 35F of the Family Assistance Act, as amended by this Act, been in force during that period.

- (2) This subitem covers a decision that was made under the Family Assistance Act or the Family Assistance (Administration) Act in the relevant period in relation to the individual or another individual in connection with the making of the determination.
- (3) This item does not affect rights or liabilities arising between parties to proceedings heard and finally determined by a court before the commencement of this item, to the extent that those rights or liabilities arose from, or were affected by, a determination, or other decision, referred to in subitem (1).
- (4) In this item:
relevant period means the period beginning on 23 May 2018 and ending at the end of the day before the commencement of this item.

13 Validation of percentage of care determinations—child support

- (1) If:
- (a) a determination that was made, or purportedly made, in relation to a responsible person for a child in the relevant period under section 49 or 50 of the Child Support Act for the purposes of section 51 of that Act would, apart from this item, be wholly or partly invalid or ineffective only because of the operation of paragraph 53(1)(c) of that Act, as in force in that period; and
- (b) the change of care day for the responsible person for the child occurred in the relevant period;
- then the determination, and any other decision covered by subitem (2), is as valid and effective, and is taken always to have been as valid and effective, as it would have been had section 53 of the Child Support Act, as amended by this Act, been in force during that period.

Schedule 1 Amendments

Part 2 Application and validation provisions

- (2) This subitem covers a decision that was made under the Child Support Act or the Child Support (Registration and Collection) Act in the relevant period in relation to the responsible person or another person in connection with the making of the determination.
- (3) This item does not affect rights or liabilities arising between parties to proceedings heard and finally determined by a court before the commencement of this item, to the extent that those rights or liabilities arose from, or were affected by, a determination, or other decision, referred to in subitem (1).
- (4) In this item:
relevant period means the period beginning on 23 May 2018 and ending at the end of the day before the commencement of this item.
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[Minister's second reading speech made in—
House of Representatives on 28 February 2024
Senate on 21 March 2024]

(29/24)
