(1) Schedule 1, item 1, page 55 (line 29) to page 56 (line 2), omit subsection 65B(2) and the note, substitute:

(2) The parent making the application must provide evidence to the Registrar concerning the parent’s income (within the meaning of subsection 66A(4)) to demonstrate that his or her current income is:

(a) less than the pension PP (single) maximum basic amount; and

(b) that it would be unjust and inequitable to expect him or her to pay the amount assessed under this section.

(3) An assessment issued by the Commissioner of Taxation for the last relevant year of income shall not be sufficient evidence of the income of the parent for the purposes of this section.

(4) If the parent makes an application, the Registrar may determine in writing that the section not apply to the parent if the parent’s current income (within the meaning of subsection 66A(4)) is less than the pension PP (single) maximum basic amount and it would be unjust and inequitable to expect him or her to pay the amount assessed under this section.

Note: If the Registrar refuses to grant an application under this section, the Registrar must serve a notice on the applicant under section 66C.

(2) Schedule 3, item 69, page 157 (after line 13), at the end of section 103W, add:

(4) The SSAT must not make a decision by consent under subsection (2) or (3) in relation to a departure from administrative assessment of child support in accordance with Part 6A of the Act unless it is satisfied that it is just and equitable and otherwise proper to do so, having regard to the matters set out in subsections 117(4) and (5).

(3) Schedule 5, item 28, page 214 (after line 17), at the end of section 136, add:

(5) If:

(a) the court sets aside a child support agreement under this section; and

(b) the court is not satisfied as mentioned in paragraph 117(1)(b) (departure orders); and
(c) the payee has received or will receive benefits pursuant to the agreement; the court may still make an order that departs from the administrative assessment where it is just and equitable to do so, having regard to the benefits that the payee has already received pursuant to the agreement.

HARRY EVANS
Clerk of the Senate

The Senate
9 November 2006