



Administrative
Appeals Tribunal

2022 Moot Preliminary Round 2
Brief for the Respondent

You are counsel for the Respondent, Mr Robert Kardashian.

On 1 February 2019, a delegate of the Registrar found that the care of Kim from July 2013 was 50% to each parent.

On 10 July 2020, Kris objected to the delegate's decision.

On 28 November 2020, an objections officer allowed the objection, but having found no special circumstances existed preventing Kris from applying within time, the effect of the delegate's decision remained.

On 5 December 2020, Robert appealed to the Social Security and Child Support Division of the Administrative Appeals Tribunal, seeking a different care percentage to the one determined by the objections officer. AAT1 affirmed the objections officer decision on 6 June 2021.

On 2 July 2021, Kris lodged this appeal submitting the decision of the objections officer to not back-date their ruling was incorrect.

The relevant legislation in this area is the *Child Support (Registration and Collection) Act 1988*. In particular, you should seek to understand ss 87AA, 89 and 96A, however, others may be relevant, and you should not limit your research to these three.

The questions before the Tribunal, therefore, are:

- 1) Does the AAT2 have the jurisdiction to review the date of effect decision made by the objections officer?

Your role, as counsel for Applicant, is to assist the Tribunal in coming to the correct or preferable decision. You may wish to commence your research with *Child Support Registrar v MQMV* [2019] FCA 1171 (31 July 2019) and *YXVZ and Child Support Registrar (Child support second review)* [2022] AATA 2387 (25 July 2022).

From the information provided, you must prepare and present arguments to the Tribunal as to why it should find in favour of the Respondent. Your argument should be in the form of closing submissions. You should cite any relevant provisions of the legislation, regulations, policies, and case law (if applicable) to support your argument.

Although the issues raised in this scenario are based on those found in real cases, all characters and other events referenced in this scenario are fictional.