



Child Support Legislation Amendment Act 2000

No. 49, 2000



Child Support Legislation Amendment Act 2000

No. 49, 2000

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

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Amendments		3
	<i>Child Support (Assessment) Act 1989</i>	3
	<i>Child Support (Registration and Collection) Act 1988</i>	4
	<i>Family Law Act 1975</i>	5



Child Support Legislation Amendment Act 2000

No. 49, 2000

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

[Assented to 3 May 2000]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Child Support Legislation Amendment Act 2000*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Child Support (Assessment) Act 1989

1 At the end of subsection 4(2)

Add:

- ; and (e) that Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage.

2 After section 163A

Insert:

163B Regulations in relation to overseas-related maintenance obligations etc.

- (1) The regulations may make provision for, and in relation to, the following matters:
 - (a) giving effect to an international agreement that relates to maintenance obligations arising from family relationship, parentage or marriage;
 - (b) maintenance obligations arising from family relationship, parentage or marriage, where:
 - (i) the maintenance is claimed by or on behalf of a person who is in a reciprocating jurisdiction; or
 - (ii) the person from whom the maintenance is claimed is in a reciprocating jurisdiction.
- (2) Regulations made for the purposes of this section may:
 - (a) confer jurisdiction on a federal court (other than the High Court) or a court of a Territory; or
 - (b) invest a court of a State with federal jurisdiction.
- (3) Regulations made for the purposes of this section:
 - (a) may be inconsistent with this Act; and
 - (b) prevail over this Act (including any other regulations or other instruments made under this Act), to the extent of any inconsistency.

(4) In this section:

international agreement means an agreement whose parties are:

- (a) Australia and a foreign country; or
- (b) Australia and 2 or more foreign countries.

reciprocating jurisdiction means:

- (a) a foreign country; or
- (b) a part of a foreign country;

that is prescribed by the regulations to be a reciprocating jurisdiction for the purposes of this section.

Child Support (Registration and Collection) Act 1988

3 At the end of subsection 3(1)

Add:

- ; and (c) that Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage.

4 After section 124

Insert:

124A Regulations in relation to overseas-related maintenance obligations etc.

- (1) The regulations may make provision for, and in relation to, the following matters:
 - (a) giving effect to an international agreement that relates to maintenance obligations arising from family relationship, parentage or marriage;
 - (b) maintenance obligations arising from family relationship, parentage or marriage, where:
 - (i) the maintenance is claimed by or on behalf of a person who is in a reciprocating jurisdiction; or
 - (ii) the person from whom the maintenance is claimed is in a reciprocating jurisdiction.
- (2) Regulations made for the purposes of this section may:

- (a) confer jurisdiction on a federal court (other than the High Court) or a court of a Territory; or
 - (b) invest a court of a State with federal jurisdiction.
- (3) Regulations made for the purposes of this section:
- (a) may be inconsistent with this Act; and
 - (b) prevail over this Act (including any other regulations or other instruments made under this Act), to the extent of any inconsistency.
- (4) In this section:

international agreement means an agreement whose parties are:

- (a) Australia and a foreign country; or
- (b) Australia and 2 or more foreign countries.

reciprocating jurisdiction means:

- (a) a foreign country; or
- (b) a part of a foreign country;

that is prescribed by the regulations to be a reciprocating jurisdiction for the purposes of this section.

Family Law Act 1975

5 After section 124

Insert:

124A Regulations in relation to overseas-related maintenance obligations etc.

- (1) The regulations may make provision for, and in relation to, the following matters:
- (a) giving effect to an international agreement that relates to maintenance obligations arising from family relationship, parentage or marriage;
 - (b) maintenance obligations arising from family relationship, parentage or marriage, where:
 - (i) the maintenance is claimed by or on behalf of a person who is in a reciprocating jurisdiction; or

- (ii) the person from whom the maintenance is claimed is in a reciprocating jurisdiction.
- (2) Regulations made for the purposes of this section may:
 - (a) confer jurisdiction on a federal court (other than the High Court) or a court of a Territory; or
 - (b) invest a court of a State with federal jurisdiction.
- (3) Regulations made for the purposes of this section:
 - (a) may be inconsistent with this Act; and
 - (b) prevail over this Act (including any other regulations or other instruments made under this Act), to the extent of any inconsistency.
- (4) In this section:

international agreement means an agreement whose parties are:

- (a) Australia and a foreign country; or
- (b) Australia and 2 or more foreign countries.

reciprocating jurisdiction means:

- (a) a foreign country; or
- (b) a part of a foreign country;

that is prescribed by the regulations to be a reciprocating jurisdiction for the purposes of this section.

[*Minister's second reading speech made in—
House of Representatives on 9 March 2000
Senate on 5 April 2000*]

(28/00)
