

# **Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 2) 1998 No. 340**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1998 No. 340**

*Issued by the Authority of the Attorney-General*

*Family Law Act 1975*

Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 2)

Subsection 125(1) of the *Family Law Act 1975* (the Act) empowers the Governor-General to make regulations prescribing all matters necessary to be prescribed for the purposes of the Act.

Section 111B of the Act provides that the regulations may make such provision as is necessary to enable Australia to perform its obligations, or obtain any advantage or benefit, under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Convention).

The objects of the Convention are to secure the prompt return of children wrongfully removed to, or retained in, any convention country, and to ensure that rights of custody of, and access to, children under the laws of a convention country are effectively respected in the other convention countries.

Australia signed and ratified the Convention on 25 October 1986, and the Convention came into force for Australia on 1 January 1987.

The purpose of the Regulations is to add the Republic of Belarus, the Republic of Moldova and Turkmenistan to the list of convention countries in Schedule 2 of the Family Law (Child Abduction Convention) Regulations. Australia officially accepted the accessions of the Republic of Belarus, the Republic of Moldova and Turkmenistan to the Convention on 25 August 1998. Therefore, in accordance with Article 38 of the Convention, the Convention will enter into force between Australia and these acceding countries on 1 November 1998.

Details of the Regulations are as follows:

Regulation 1 is formal.

Regulation 2 amends Schedule 2 of the Regulations to insert details relating to the Republic of Belarus, the Republic of Moldova and Turlanenistan, including the provisions of the Convention in respect of which any country has entered reservations. The Republic of Belarus and the Republic of Moldova have entered reservations under Article 26 (third paragraph) of the Convention excluding its liability for legal costs arising from court proceedings except insofar as those costs may be covered by its legal aid system.

The Regulations commenced on gazettal.

Authority: Section 125 of the *Family Law Act 1975*