

# **Child Support (Assessment) Amendment Regulations 1999 (No. 1) 1999 No. 5**

## EXPLANATORY STATEMENT

### Statutory Rules 1999 No. 5

Issued by the Authority of the Minister for Family and Community Services

#### *Child Support (Assessment) Act 1989*

Child Support (Assessment) Amendment Regulations 1999 (No. 1)

Section 164 of the *Child Support (Assessment) Act 1989* (the Act) provides that the Governor-General may make Regulations for the purposes of the Act.

The Act provides for the administrative assessment of child support by the Child Support Registrar for eligible children.

The purpose of the Regulation is to detail those children not covered by the Act. The reason for the current amendment arises as a consequence of recent changes to the Victorian *Commonwealth Powers (Family Law - Children) Act 1986*.

#### *Regulation 4 - (Exclusion of Certain Children)*

Section 22 of the *Child Support (Assessment) Act 1989* provides for a child in the custody of, or under the guardianship, care and control or supervision of, a person under a child welfare law of certain states or territories to be excluded from the operation of the Assessment Act. Regulation 4 of the Child Support (Assessment) Regulations lists those states excluding a child who is the subject of an order in force for each State until the State to whose welfare the child is subject has referred the necessary power to the Commonwealth.

The Victorian Department of Justice has advised of recent amendments to their *Commonwealth Powers (Family Law - Children) Act 1986* effected by the *Commonwealth Powers (Family Law - Children) Amendment Act 1997*. The effect of these amendments is that Victoria has referred the relevant powers to the Commonwealth with the result that children who are subject to a child welfare law of the State of Victoria will no longer be excluded from the provisions of the *Child Support (Assessment) Act 1989*.

Implementation of the referral of those powers requires that a Proclamation under the Family Law Act 1975 be made with amendments to both the Family Law Regulations and Child Support (Assessment) Regulations. Regulation 4 has been amended to remove the reference to Victoria.

The Regulations commence on gazettal.