

Family Law (Child Abduction Convention) Amendment Regulations 2000 (No. 2) 2000 No. 275

EXPLANATORY STATEMENT

Statutory Rules 2000 No. 275

Issued by the Authority of the Attorney-General

Family Law Act 1975

Family Law (Child Abduction Convention) Amendment Regulations 2000 (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 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 proposed regulations is to add the Republic of Costa Rica, the Republic of the Fiji Islands, and Turkey, to the list of convention countries in Schedule 2 of the Family Law (Child Abduction Convention) Regulations. The list also records the dates on which the convention entered into force between Australia and these countries.

Australia deposited its declaration of acceptance of the accession of the Republic of Costa Rica and the Republic of the Fiji Islands with the Netherlands Ministry of Foreign Affairs on 24 February 2000. Therefore, in accordance with Article 38 of the Convention, the Convention entered into force between Australia and both the Republic of Costa Rica and the Republic of the Fiji Islands on 1 May 2000. As Turkey was an original signatory to the Convention, in accordance with Article 43 the Convention came into force between Australia and Turkey on 1 August 2000 without the need for any action on the part of the Australian Government.

Details of the proposed regulations are as follows:

Regulation 1 is formal.

Regulation 2 amends Schedule 2 of the Regulations to insert details relating the Republic of Costa Rica, the Republic of the Fiji Islands, and Turkey. Turkey has made a reservation in respect of Article 26, third paragraph, of the Convention, so that it may require payment from the applicant towards the costs and expenses of proceedings, or those relating to legal counsel or advisers.

The proposed regulations would commence on gazettal.