

# **Family Law (Child Abduction Convention) Amendment Regulations 2002 (No. 1) 2002 No. 110**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 2002 No. 110**

*Issued by the Authority of the Attorney-General*

*Family Law Act 1975*

Family Law (Child Abduction Convention) Amendment Regulations 2002 (No. 1)

Subsection 125(1) of the *Family Law Act 1975* (the Act) provides that the Governor-General may 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 other Convention countries.

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

The purpose of the proposed Regulations is to add the Slovak Republic, Brazil, Malta, Trinidad and Tobago, Uruguay and Uzbekistan to the list of Convention countries in Schedule 2 of the Family Law (Child Abduction Convention) Regulations 1986. The list also records the dates on which the Convention entered into force between Australia and each of these countries.

The Slovak Republic ratified the Convention on 7 November 2000. As this state was an original signatory to the Convention, in accordance with Articles 37 and 43 of the Convention, the Convention entered into force between Australia and the Slovak Republic on 1 February 2001 without the need for any action on the part of the Australian Government.

Brazil, Malta, Trinidad and Tobago, Uruguay and Uzbekistan have acceded to the Convention. Australia deposited its declaration of acceptance of the accession of these countries on 8 February 2001. Therefore, in accordance with Articles 38 and 43 of the Convention, the Convention entered into force between Australia and each of these countries on 1 May 2001.

The proposed Regulations would commence on gazettal.