



# **Child Support (Assessment) Amendment Regulations 2007 (No. 1)<sup>1</sup>**

## **Select Legislative Instrument 2007 No. 219**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Child Support (Assessment) Act 1989*.

Dated 19 July 2007

P. M. JEFFERY  
Governor-General

By His Excellency's Command

MAL BROUGH  
Minister for Families, Community Services and Indigenous  
Affairs

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**1 Name of Regulations**

These Regulations are the *Child Support (Assessment) Amendment Regulations 2007 (No. 1)*.

**2 Commencement**

These Regulations commence on the commencement of Part 1 of Schedule 2 to the *Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007*.

**3 Amendment of *Child Support (Assessment) Regulations 1989***

Schedule 1 amends the *Child Support (Assessment) Regulations 1989*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 3, at the foot**

*insert*

*Note* Several other terms used in these Regulations have the meanings given by subsection 4 (1) of the *Child Support (Registration and Collection) Act 1988*. For example:

- international maintenance arrangement
- overseas authority
- reciprocating jurisdiction.

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**[2] After regulation 4**

*insert*

**4A Carer applications and liable parent applications — actions that may be taken by overseas authority (Act s 25, s 25A)**

- (1) For subsection 25 (5) of the Act, if an overseas authority makes an application under paragraph 25 (4) (a) of the Act, the overseas authority may take any of the following actions under the Act for the person on whose behalf the application was made:
- (a) make an election;
  - (b) lodge an objection;
  - (c) file an application for leave to appeal;
  - (d) appeal against a decision.
- (2) For subsections 25 (6) and 25A (5) of the Act, if an overseas authority gives an application to the Registrar under paragraph 25 (4) (b) or 25A (4) (b) of the Act, the overseas authority may take any of the actions mentioned in subregulation (1) if the person who made the application consents to the action being taken.

**4B Prescribed overseas jurisdictions (Act s 29)**

For subsection 29 (2) of the Act, each reciprocating jurisdiction is a prescribed overseas jurisdiction.

**5 Excluded reciprocating jurisdictions (Act s 30A)**

For section 30A of the Act, the following reciprocating jurisdictions are specified:

- (a) Brunei Darussalam;
- (b) Cook Islands;
- (c) Israel;
- (d) Niue;

- (e) Papua New Guinea;
- (f) Samoa;
- (g) the Yukon Territory of Canada.

**[3] Regulation 6**

*omit*

**[4] After regulation 7A**

*insert*

**7AA Overseas income — conversion of currency**

- (1) For the purpose of determining, under Subdivision AA of Division 3 of Part 5 of the Act, an amount of income expressed in foreign currency to be a person's overseas income, the Registrar must convert the amount into an equivalent amount in Australian currency.
- (2) The amount must be calculated in accordance with:
  - (a) the average exchange rate for the foreign currency for the financial year in which the income was derived, being the average of the telegraphic transfer rates published by the Commonwealth Bank of Australia for that currency for that financial year; or
  - (b) if no such rate is available for the foreign currency for that financial year — an exchange rate for the foreign currency that the Registrar considers appropriate.

**[5] After regulation 9**

*insert*

**9A Circumstances in which Registrar's jurisdiction ceases (Act s 150DA)**

- (1) For section 150DA of the Act, Article 5.2 of the Australia-New Zealand Agreement is prescribed.

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(2) In this regulation:

*Australia-New Zealand Agreement* means the Agreement between the Government of Australia and the Government of New Zealand on Child and Spousal Maintenance done at Canberra on 12 April 2000, a copy of the text of which is set out in Schedule 1 to the *Child Support (Registration and Collection) Regulations 1988*.

**[6] After regulation 11A**

*insert*

**11AA Service of documents in Australia for overseas authority**

If a document is required to be served by an overseas authority of a reciprocating jurisdiction on a person who is in Australia, the Registrar (or a person authorised to do so on the Registrar's behalf) may serve the document on behalf of the overseas authority if it is necessary or convenient to do so for the purposes of an international maintenance arrangement with the reciprocating jurisdiction.

**[7] After regulation 11B**

**11C Giving notices or other communications in reciprocating jurisdictions (Act s 162B)**

For section 162B of the Act, a notice or other communication that is required to be given to a person who is a resident of a reciprocating jurisdiction may be given to an overseas authority of the reciprocating jurisdiction, if the Registrar considers that it is desirable or appropriate to do so.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).