

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 220

Issued by the Authority of the Minister for Families, Community Services and
Indigenous Affairs

Child Support (Assessment) Act 1989

*Child Support (Assessment) (Overseas-related Maintenance Obligations) (Repeal)
Regulations 2007*

The *Child Support (Assessment) Act 1989* (the Act) provides for the assessment of the level of parents' child support liabilities for their children.

Section 164 of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

Section 163B of the Act provides that regulations, which may be inconsistent with the Act, may make provision for, and in relation to, giving effect to certain maintenance obligations, either under an international agreement or arising where one of the parties is in a reciprocating jurisdiction. The *Child Support (Assessment) (Overseas-related Maintenance Obligations) Regulations 2000* (the Overseas Assessment Regulations) are in force to this effect.

The Act is being amended by the *Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007* (the Amending Act) to relocate into the Act most of the provisions in the Overseas Assessment Regulations.

The remaining provisions in the Overseas Assessment Regulations are too few to retain and, separately, those provisions are being relocated into the *Child Support (Assessment) Regulations 1989*. Accordingly, the Overseas Assessment Regulations are redundant and they are being repealed by these Regulations.

Details of the Regulations are set out below.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the commencement of Part 1 of Schedule 2 to the Amending Act which will be 28 days after the Amending Act received Royal Assent, to coincide with the commencement of the amendments made by the Amending Act.

Consultation

No consultation in relation to these Regulations was undertaken because they do not have a direct or significant indirect impact on business and do not restrict competition. Furthermore, the amendments are of a minor or machinery nature, not substantially altering existing arrangements.

Details of the Regulations

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Child Support (Assessment) (Overseas-related Maintenance Obligations) (Repeal) Regulations 2007*.

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on the commencement of Part 1 of Schedule 2 to the Amending Act. Part 1 of Schedule 2 to the Amending Act commences 28 days after Royal Assent to the Amending Act. Because Royal Assent was given on 21 June 2007, the Part commences on 19 July 2007.

Regulation 3 – Repeal

This regulation would provide that the Overseas Assessment Regulations are repealed.