

# CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2001

## CLAUSE NOTES

The Commonwealth child support scheme enables maintenance payments to be collected and paid to parents having responsibility for a child or children. The bill will adopt recent changes to the relevant Commonwealth legislation to allow ex-nuptial children to be treated in the same way as nuptial children.

### 1. Short Title

Clause 1 provides the title to the Act.

### 2. Commencement

Clause 2 makes provision for the commencement of the Act

### 3. Purpose of the Act

Clause 3 sets out the purpose of the Act which will adopt the provisions of the Commonwealth legislation detailed therein.

#### A. The *Child Support (Registration and Collection) Act 1988*

- (i) the *Public Employment (Consequential and Transitional) Amendment Act 1999*

An Act to deal with consequential and transitional matters arising from the repeal of the *Public Service Act 1922* and the enactment of the *Public Service Act 1999*.

- (ii) the *A New Tax System (Tax Administration) Act 1999*;

An Act to implement a new tax system by amending the law about taxation and Australian Business Numbers, for related purposes.

- (iii) the *Federal Magistrates (Consequential Amendments) Act 1999*;

The *Child Support (Registration and Collection) Act* was amended by the *Federal Magistrates (Consequential Amendments) Act 1999* (No. 194 of 1999) on 23 December 1999, the day on which the *Federal Magistrates Act 1999* received assent.

The *Federal Magistrates Act* establishes the Federal Magistrates Court, and the amendments to the *Child Support Registration and Collection) Act* are to give the Federal Magistrates Court jurisdiction under that Act. In addition, other amendments provide for appeals from the Federal magistrates Court to the Family Court

in proceedings under that Act, and give the Family Court power to transfer proceedings to the Federal Magistrates Court.

- (iv) the *Child Support Legislation Amendment Act 2000*;

The Act amends Australian domestic law in order to enable Australia to fulfil its international maintenance obligations.

- (v) the *Family Law Amendment Act 2000*, and

The Act amends consequentially as a result of the inclusion of financial agreements and amends in relation to the appeal process.

- (vi) the *Child Support Legislation Amendment Act 2001*

The Act gives effect to four measures relating to child support announced as part of the Commonwealth Government's 2000-01 Budget and also gives effect to several non-Budget measures. This is a significant piece of amending legislation for the purposes of the child support scheme. Most of the measures commenced operation on 30 June 2001. There are two measures in Schedule 1A concerned with Fringe Benefit Tax which will commence operation on 1 December 2001 and 1 July 2002.

B. The *Child Support (Assessment) Act 1989*

- (i) the *Public Employment (Consequential and Transitional) Amendment Act 1999*;

See 1(i)

- (ii) the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*;

An Act to amend legislation providing for assistance for families and for related purposes.

- (iii) the *Federal Magistrates (Consequential Amendments) Act 1999*;

See 1(iii)

- (iv) the *A New Tax System (Family Assistance and Related Measures) Act 2000*;

An Act to amend legislation providing for assistance to families, and for related purposes.

(v) the *Child Support Legislation Amendment Act 2000*;

See 1(iv)

(vi) the *Family Law Amendment Act 2000*; and

See 1(v)

(vii) the *Child Support Legislation Amendment Act 2001*

See 1(vi)

4. Sections 3 and 4 of the *Child Support (Adoption of Laws) Act 1990* amended at different times.

Clause 4 sets out the amendment times for Sections 3 and 4 of the *Child Support (Adoption of Laws) Act 1990*.