

Western Australia

Child Support (Adoption of Laws) Act 1990

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Child Support (Adoption of Laws) Act 1990

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Child Support (Adoption of Laws) Act 1990

An Act to adopt the *Child Support (Registration and Collection) Act 1988*, and the *Child Support (Assessment) Act 1989*, of the Commonwealth insofar as those Acts apply to or in relation to the maintenance of children and do not otherwise extend to Western Australia, to authorise the Governor to make certain arrangements for the purposes of section 20 of the *Child Support (Registration and Collection) Act 1988* of the Commonwealth, to repeal the *Child Support (Adoption) Act 1988* and to provide for matters incidental to or connected with the foregoing.

Preamble

WHEREAS the Parliaments of the States of New South Wales, Victoria, South Australia and Tasmania have referred to the Parliament of the Commonwealth the matter of the maintenance of children to the extent that that matter is not otherwise included in the legislative powers of the Parliament of the Commonwealth;

AND WHEREAS the Parliament of the Commonwealth has subsequently enacted the *Child Support (Registration and Collection) Act 1988* (formerly known as the *Child Support Act 1988*) and the *Child Support (Assessment) Act 1989*;

AND WHEREAS it is desired to adopt the *Child Support (Registration and Collection) Act 1988*, and the *Child Support (Assessment) Act 1989*, of the Commonwealth insofar as those Acts apply to or in relation to the maintenance of children and do not otherwise extend to Western Australia and to authorise the Governor to make certain arrangements for the purposes of section 20 of the *Child Support (Registration and Collection) Act 1988* of the Commonwealth;

[Preamble amended by No. 19 of 2010 s. 50.]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Child Support (Adoption of Laws) Act 1990*¹.

2. Commencement

This Act shall come into operation on the 28th day after the day on which it receives the Royal Assent¹.

3. Construction of references to *Child Support (Registration and Collection) Act 1988 of the Commonwealth*

A reference in this Act to the *Child Support (Registration and Collection) Act 1988 of the Commonwealth* —

- (a) is a reference to that Act in the form in which that Act existed on 1 July 2012; and
- (b) is not a reference to which section 16(3) of the *Interpretation Act 1984* applies.

[Section 3 amended by No. 72 of 1994 s. 5; No 21 of 2000 s. 5; No. 41 of 2002 s. 4; No. 35 of 2006 s. 198; No. 29 of 2007 s. 5(1), 6 and 7; No. 5 of 2011 s. 5; No. 39 of 2012 s. 5.]

4. Construction of references to *Child Support (Assessment) Act 1989 of the Commonwealth*

A reference in this Act to the *Child Support (Assessment) Act 1989 of the Commonwealth* —

- [(a) repealed]*
- (b) is a reference to that Act in the form in which that Act existed on 1 July 2012; and
- (c) is not a reference to which section 16(3) of the *Interpretation Act 1984* applies.

[Section 4 amended by No. 72 of 1994 s. 6; No 21 of 2000 s. 6; No. 41 of 2002 s. 4; No. 35 of 2006 s. 199; No. 29 of 2007 s. 5, 6 and 7; No. 5 of 2011 s. 6; No. 39 of 2012 s. 6(1).]

5. Adoption of *Child Support (Registration and Collection) Act 1988*, and *Child Support (Assessment) Act 1989*, of the Commonwealth

- (1) The State of Western Australia adopts the *Child Support (Registration and Collection) Act 1988*, and the *Child Support (Assessment) Act 1989*, of the Commonwealth insofar as those Acts apply to or in relation to the maintenance of children and do not otherwise extend to Western Australia.
- (2) In subsection (1) —
adopts shall be construed in accordance with the meaning attributed to “adopt” in section 51(xxxvii) of the Constitution of the Commonwealth.

6. Governor authorised to make certain arrangements for purposes of section 20 of *Child Support (Registration and Collection) Act 1988* of the Commonwealth

- (1) The Governor may for the purposes of section 20 of the *Child Support (Registration and Collection) Act 1988* of the Commonwealth make arrangements with the Governor-General of the Commonwealth for the transfer to the Child Support Register of collection agency maintenance liabilities of the State.
- (2) In subsection (1) —
Child Support Register and ***collection agency maintenance liabilities*** have the respective meanings given to them by the *Child Support (Registration and Collection) Act 1988* of the Commonwealth.

7. Termination of adoption

The Governor may, at any time, by proclamation published in the *Gazette* fix a day as the day on which the adoption by this Act of the *Child Support (Registration and Collection) Act 1988*, and the *Child Support (Assessment) Act 1989*, of the Commonwealth shall terminate.

8. Repeal

The *Child Support (Adoption) Act 1988* is repealed.

Notes

¹ This is a compilation of the *Child Support (Adoption of Laws) Act 1990* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Child Support (Adoption of Laws) Act 1990</i>	98 of 1990	22 Dec 1990	19 Jan 1991 (see s. 2)
<i>Child Support (Adoption of Laws) Amendment Act 1994</i>	72 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Child Support (Adoption of Laws) Amendment Act 2000</i>	21 of 2000	30 Jun 2000	30 Jun 2000 (see s. 2)
<i>Child Support (Adoption of Laws) Amendment Act 2002</i> ²	41 of 2002	9 Dec 2002	9 Dec 2002 (see s. 2)
Reprint 1: The Child Support (Adoption of Laws) Act 1990 as at 2 May 2003 (includes amendments listed above)			
<i>Family Legislation Amendment Act 2006 Pt. 5</i> ³	35 of 2006	4 Jul 2006	1 Aug 2006 (see s. 2 and <i>Gazette</i> 14 Jul 2006 p. 2559)
<i>Child Support (Adoption of Laws) Amendment Act 2007</i> ⁴	29 of 2007	31 Oct 2007	s. 1 and 2: 31 Oct 2007 (see s. 2(a)); s. 4 and 5: 1 Nov 2007 (see s. 2(d)) s. 6: 1 Jan 2008 (see s. 2(b)) s. 7: 1 Jul 2008 (see s. 2(c))
<i>Standardisation of Formatting Act 2010 s. 50</i>	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Child Support (Adoption of Laws) Amendment Act 2011</i> ⁵	5 of 2011	2 Mar 2011	s. 1 and 2: 2 Mar 2011 (see s. 2(a)); Act other than s. 1 and 2: 3 Mar 2011 (see s. 2(b))
<i>Child Support (Adoption of Laws) Amendment Act 2012 s. 1-5 and 6(1)</i>	39 of 2012	22 Nov 2012	22 Nov 2012 (see s. 2(1))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Child Support (Adoption of Laws) Amendment Act 2012</i> s. 6(2) and (3)	39 of 2012	22 Nov 2012	s. 6(2): 1 Jan 2013 (conditional on s. 3(1)) (see s. 2(2)); s. 6(3): 1 Jul 2013 (conditional on s. 3(1)) (see s. 2(3))

² The *Child Support (Adoption of Laws) Amendment Act 2002* s. 3 reads as follows:

“

3. Purpose of Act

The purpose of this Act is to provide that the adoption by the *Child Support (Adoption of Laws) Act 1990* of —

- (a) the *Child Support (Registration and Collection) Act 1988* of the Commonwealth extends to that Act as amended by —
 - (i) the *Public Employment (Consequential and Transitional) Amendment Act 1999*;
 - (ii) the *A New Tax System (Tax Administration) Act 1999*;
 - (iii) the *Federal Magistrates (Consequential Amendments) Act 1999*;
 - (iv) the *Child Support Legislation Amendment Act 2000*;
 - (v) the *Family Law Amendment Act 2000*;
 - (vi) the *Child Support Legislation Amendment Act 2001*; and
 - (vii) the *Family and Community Services Legislation Amendment (Application of Criminal Code) Act 2001*,of the Commonwealth; and
- (b) the *Child Support (Assessment) Act 1989* of the Commonwealth extends to that Act as amended by —
 - (i) the *Public Employment (Consequential and Transitional) Amendment Act 1999*;
 - (ii) the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*;

- (iii) the *Federal Magistrates (Consequential Amendments) Act 1999*;
 - (iv) the *A New Tax System (Family Assistance and Related Measures) Act 2000*;
 - (v) the *Child Support Legislation Amendment Act 2000*;
 - (vi) the *Family Law Amendment Act 2000*;
 - (vii) the *Child Support Legislation Amendment Act 2001*; and
 - (viii) the *Family and Community Services Legislation Amendment (Application of Criminal Code) Act 2001*,
- of the Commonwealth.

”.

³ The *Family Legislation Amendment Act 2006* s. 196 reads as follows:

“

196. Purpose of Part

The purpose of this Part is to provide that the adoption by the *Child Support (Adoption of Laws) Act 1990* of —

- (a) the *Child Support (Registration and Collection) Act 1988* of the Commonwealth extends to that Act as amended by —
 - (i) the *Financial Framework Legislation Amendment Act 2005*; and
 - (ii) the *Child Support Legislation Amendment (Reform of the Child Support Scheme — Initial Measures) Act 2006*; and
 - (iii) the *Family Law Amendment (Shared Parental Responsibility) Act 2006*; and
 - (iv) the *Financial Framework Legislation Amendment Act (No. 1) 2006*; and
 - (v) the *Jurisdiction of Courts (Family Law) Act 2006*; and
 - (vi) the *Jurisdiction of the Federal Magistrates Court Legislation Amendment Act 2006*,
of the Commonwealth; and
- (b) the *Child Support (Assessment) Act 1989* of the Commonwealth extends to that Act as amended by —
 - (i) the *Tax Laws Amendment (Improvements to Self Assessment) Act (No. 2) 2005*; and

- (ii) the *Child Support Legislation Amendment (Reform of the Child Support Scheme — Initial Measures) Act 2006*; and
 - (iii) the *Jurisdiction of Courts (Family Law) Act 2006*; and
 - (iv) the *Family Law Amendment (Shared Parental Responsibility) Act 2006*,
- of the Commonwealth.

”

⁴ The *Child Support (Adoption of Laws) Amendment Act 2007* s. 4 reads as follows:

“

4. Purpose of Act

The purpose of this Act is to provide that the adoption by the *Child Support (Adoption of Laws) Act 1990* of —

- (a) the *Child Support (Registration and Collection) Act 1988* of the Commonwealth extends to that Act as amended by the following Commonwealth Acts —

- (i) the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006*; and
- (ii) the *Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006*; and
- (iii) the *Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Act 2006*; and
- (iv) the *Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007*;

and

- (b) the *Child Support (Assessment) Act 1989* of the Commonwealth extends to that Act as amended by the following Commonwealth Acts —

- (i) the *Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006*; and
- (ii) the *Families, Community Services and Indigenous Affairs and Veterans’ Affairs*

- Legislation Amendment (2006 Budget Measures) Act 2006; and*
- (iii) *the Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Act 2006; and*
 - (iv) *the Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007.*

”.

⁵ The *Child Support (Adoption of Laws) Amendment Act 2011* s. 4 reads as follows:

4. Purpose of Act

The purpose of this Act is to provide that the adoption by the *Child Support (Adoption of Laws) Act 1990* of —

- (a) the *Child Support (Registration and Collection) Act 1988* (Commonwealth) extends to that Act as amended by, or as a consequence of the enactment of, the following Commonwealth Acts —
 - (i) *New Business Tax System (Alienation of Personal Services Income) Act 2000;*
 - (ii) *Financial Sector Legislation Amendment Act (No. 1) 2000;*
 - (iii) *Corporations (Repeals, Consequentials and Transitionals) Act 2001;*
 - (iv) *Statute Law Revision Act 2007;*
 - (v) *Superannuation Legislation Amendment (Simplification) Act 2007;*
 - (vi) *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Act 2008;*
 - (vii) *Statute Law Revision Act 2008;*
 - (viii) *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008;*
 - (ix) *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Act 2008;*

- (x) *Same-Sex Relationships (Equal Treatment in Commonwealth Laws — General Law Reform) Act 2008;*
- (xi) *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Act 2010;*
- (xii) *Tax Laws Amendment (2010 Measures No. 1) Act 2010;*
- (xiii) *Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Act 2010;*
- (xiv) *Paid Parental Leave (Consequential Amendments) Act 2010;*

and

- (b) the *Child Support (Assessment) Act 1989* (Commonwealth) extends to that Act as amended by, or as a consequence of the enactment of, the following Commonwealth Acts —
 - (i) *Statute Law Revision Act 2007;*
 - (ii) *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Act 2008;*
 - (iii) *Statute Law Revision Act 2008;*
 - (iv) *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008;*
 - (v) *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Act 2008;*
 - (vi) *Same-Sex Relationships (Equal Treatment in Commonwealth Laws — General Law Reform) Act 2008;*
 - (vii) *Tax Laws Amendment (2009 Measures No. 1) Act 2009;*
 - (viii) *Statute Law Revision Act 2010;*
 - (ix) *Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Act 2010.*

⁶ On the date as at which this compilation was prepared, the *Child Support (Adoption of Laws) Amendment Act 2012* s. 6(2) and (3) had not come into operation. They read as follows:

6. Section 4 amended

(2) In section 4(b) delete “1 July 2012; and” and insert:

1 January 2013; and

Note: This amendment is made to ensure that the adoption by Western Australia of the *Child Support (Assessment) Act 1989* (Commonwealth) will, from 1 January 2013, extend to that Act as amended on that date by the *Social Security and Other Legislation (Disability Support Pension Participation Reforms) Act 2012* (Commonwealth) Sch. 4 Pt. 1 Div. 2.

(3) In section 4(b) delete “1 January 2013; and” and insert:

1 July 2013; and

Note: This amendment is made to ensure that the adoption by Western Australia of the *Child Support (Assessment) Act 1989* (Commonwealth) will, from 1 July 2013, extend to that Act as amended on that date by the *Social Security and Other Legislation (Disability Support Pension Participation Reforms) Act 2012* (Commonwealth) Sch. 4 Pt. 1 Div. 3.