Western Australia

Child Support (Adoption of Laws) Act 1990

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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.

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;

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 Assent [1].

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 2002; 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.]

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)   does not include a reference to Parts 11, 12 and 13 of that Act;

        (b)   is a reference to that Act in the form in which that Act existed on 1 July 2002; 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.]

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 [1a]. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Child Support (Adoption of Laws) Act 1990	98 of 1990	22 Dec 1990	19 Jan 1991 (see s. 2)
Child Support (Adoption of Laws) Amendment Act 1994	72 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
Child Support (Adoption of Laws) Amendment Act 2000	21 of 2000	30 Jun 2000	30 Jun 2000 (see s. 2)
Child Support (Adoption of Laws) Amendment Act 2002 [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)

[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
Family Legislation Amendment Act 2006 Pt. 5 [3]	35 of 2006	4 Jul 20096	To be proclaimed (see s. 2)

[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]   On the date as at which this compilation was prepared, the *Family Legislation Amendment Act 2006* Pt. 5 had not come into operation. It reads as follows:

"

Part 5 — *Child Support (Adoption of Laws) Act 1990*

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.

197. **The Act amended**

The amendments in this Part are to the *Child Support (Adoption of Laws) Act 1990*.

198. **Section 3 amended**

Section 3(a) of the *Child Support (Adoption of Laws) Act 1990* is amended by deleting "1 July 2002" and inserting instead —

"   1 July 2006   ".

199. **Section 4 amended**

Section 4(b) of the *Child Support (Adoption of Laws) Act 1990* is amended by deleting "1 July 2002" and inserting instead —

"   1 July 2006   ".

                                                                                    ".