



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*² 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.]

s. 1

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. *Child Support (Registration and Collection) Act 1988 (Cwlth)*, construction of references to

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 2015; 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; No. 34 of 2014 s. 4; No. 37 of 2015 s. 4.]

4. *Child Support (Assessment) Act 1989 (Cwlth)*, construction of references to

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

- [(a) deleted]*
- (b) is a reference to that Act in the form in which that Act existed on 1 July 2015; 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); No. 34 of 2014 s. 5; No. 37 of 2015 s. 5.]

5. *Child Support (Registration and Collection) Act 1988 (Cwlth) and Child Support (Assessment) Act 1989 (Cwlth) adopted*

- (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. *Child Support (Registration and Collection) Act 1988 (Cwlth) s. 20, arrangements for*

- (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.

s. 7

7. Adoption of Cwlth Acts may be terminated

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. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

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> ³ | 41 of 2002 | 9 Dec 2002 | 9 Dec 2002 (see s. 2) |
| Reprint 1: The <i>Child Support (Adoption of Laws) Act 1990</i> as at 2 May 2003 (includes amendments listed above) | | | |
| <i>Family Legislation Amendment Act 2006 Pt. 5</i> ⁴ | 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> ⁵ | 29 of 2007 | 31 Oct 2007 | s. 1 and 2: 31 Oct 2007 (see s. 2(a)); s. 3-5: 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> ⁶ | 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</i> ⁷ | 39 of 2012 | 22 Nov 2012 | s. 1-5 and 6(1): 22 Nov 2012 (see s. 2(1)) |
| Reprint 2: The <i>Child Support (Adoption of Laws) Act 1990</i> as at 1 Feb 2013 (includes amendments listed above) (correction in <i>Gazette</i> 26 Apr 2013 p. 1657) | | | |

| Short title | Number and year | Assent | Commencement |
|--|------------------------|---------------|--|
| <i>Child Support (Adoption of Laws) Amendment Act 2014</i> | 34 of 2014 | 3 Dec 2014 | s. 1 and 2: 3 Dec 2014 (see s. 2(a)); Act other than s. 1 and 2: 4 Dec 2014 (see s. 2(b)) |
| <i>Child Support (Adoption of Laws) Amendment Act 2015</i> | 37 of 2015 | 27 Nov 2015 | s. 1 and 2: 27 Nov 2015 (see s. 2(a)); Act other than s. 1 and 2: 28 Nov 2015 (see s. 2(b)) |

² The section in this Act repealing that Act was omitted under the *Reprints Act 1984* s. 7(4)(f).

³ 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.

⁴ 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.

⁵ 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*.

⁶ 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.*

⁷ The *Child Support (Adoption of Laws) Amendment Act 2012* s. 6(2) and (3) will not come into operation because they were deleted (see s. 2(2) and (3) and conditional deletions in s. 3(1) and (2)).

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|--|---------------------|
| adopts..... | 5(2) |
| Child Support Register..... | 6(2) |
| collection agency maintenance liabilities..... | 6(2) |