Child Support (Assessment) Act 1989

No. 124, 1989 as amended

**Compilation start date:** 7 April 2014

**Includes amendments up to:** Act No. 14, 2014

**About this compilation**

**This compilation**

This is a compilation of the *Child Support (Assessment) Act 1989* as in force on 7 April 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 7 April 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

**Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the

4 Objects of Act

(e) that Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage.

(3) It is the intention of the Parliament that this Act should be construed, to the greatest extent consistent with the attainment of its objects:

(a) to permit parents to make private arrangements for the financial support of their children; and

(b) to limit interferences with the privacy of persons.

(ii) the parent has the duty, under section 124 of the *Family Court Act 1997* of Western Australia, of maintaining the step‑child; and

(e) in the case of a child—the parent is not assessed in respect of the costs of the child (except for the purposes of step 4 of the method statement in section 46).

***relevant dependent child amount*** has the meaning given by section 46.

***relevant June quarter*** has the meaning given by subsection 5A(2).

(b) in any other case:

(i) if there is another rate of exchange for the currency, or there are other rates of exchange for the currency, available at the Commonwealth Bank of Australia at the start of business in Sydney on that day and the Secretary determines that it is appropriate to use the other rate or one of the other rates—the rate so determined; or

(ii) otherwise—a rate of exchange for the currency available from another source at the start of business in Sydney on that day that the Secretary determines it is appropriate to use.

6 Interpretation—expressions used in Registration and Collection Act

Unless the contrary intention appears, expressions used in this Act, and in the Registration and Collection Act, have the same respective meanings as in that Act.

7 Interpretation—expressions used in Part VII of Family Law Act

Unless the contrary intention appears, expressions used in this Act, and in Part VII of the *Family Law Act 1975*, have the same respective meanings as in that Part.

13 Extension and application of Act in relation to maintenance of exnuptial children

Extension of Act to States (except Western Australia)

(1) Subject to subsections (4) and (5), this Act so far as it relates to the maintenance of exnuptial children extends to New South Wales, Victoria, Queensland, South Australia and Tasmania.

Extension of Act to Western Australia

(2) If:

(a) the Parliament of Western Australia refers to the Parliament of the Commonwealth the matter of the maintenance of exnuptial children or matters that include that matter; or

(b) Western Australia adopts this Act in so far as it relates to the maintenance of exnuptial children;

then, subject to subsections (4), (5), (5A) and (5B), this Act in so far as it relates to the maintenance of exnuptial children also extends to Western Australia.

Application of Act to Territories

(3) This Act so far as it relates to the maintenance of exnuptial children applies in and in relation to the Territories.

Limitations on extension of Act to States

(4) This Act extends to a State because of subsection (1) or (2) only for so long as there is in force:

(a) an Act of the Parliament of the State by which there is referred to the Parliament of the Commonwealth:

(i) the matter of the maintenance of exnuptial children; or

(ii) matters that include that matter; or

(b) a law of the State adopting this Act so far as it applies in relation to the maintenance of exnuptial children.

Note: See subsections (5A) and (5B) for the extension of this Act to Western Australia if the Act is amended in relation to the maintenance of exnuptial children.

(5) This Act extends to a State at any time because of subsection (1) or paragraph (2)(a) only so far as it makes provision with respect to:

(a) the matters that are at that time referred to the Parliament of the Commonwealth by the Parliament of the State; or

(b) matters incidental to the execution of any power vested by the Constitution in the Parliament of the Commonwealth in relation to those matters.

(5A) The Parliament of the Commonwealth intends that this Act, so far as it is amended by one or more other Acts in relation to the maintenance of exnuptial children, not extend to Western Australia, unless and until one of the following events occurs:

(a) the Parliament of Western Australia refers to the Parliament of the Commonwealth the matter of the maintenance of exnuptial children or matters that include that matter;

(b) Western Australia adopts this Act, as so amended.

(5B) The Parliament of the Commonwealth also intends that, unless and until one of those events occurs, this Act continue to extend to Western Australia in relation to the maintenance of exnuptial children as if those amendments had not been made.

Note: If this Act is amended by one or more other Acts in relation to the maintenance of exnuptial children, unless and until one of the events mentioned in subsection (5A) occurs, there are effectively 2 versions of this Act that apply in Australia. This Act, as amended, applies:

(a) in all States and Territories in relation to children of marriages; and

(b) in all States and Territories, except Western Australia, in relation to exnuptial children.

This Act continues to apply in Western Australia in relation to exnuptial children as if those amendments had not been made.

(6) Nothing in this section affects the operation of the provisions of this Act to the extent that they give effect to an international maintenance arrangement.