

Family Law (Child Abduction Convention) Regulations (Amendment) 1993 No. 358

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 358

Issued by the Authority of the Attorney-General

Family Law Act 1975

Family Law (Child Abduction Convention) Regulations (Amendment)

Regulation 125(1) of the Family Law Act 1975 (the Act) empowers the Governor-General to make regulations for the purposes of the Act.

Section 111B of the Act provides that the regulations may make such provision as is necessary to enable Australia to perform its obligations under the Convention on the Civil Aspects of International Child Abduction (the Convention). The Convention was signed at the Hague on 25 October 1980.

The objects of the Convention are to secure the prompt return of children wrongfully removed to or retained in any Convention country, and to ensure that rights of custody and access to children under the laws of a Convention country are effectively respected in the other Convention countries. On 22 April 1986, the Family Law (Child Abduction Convention) Regulations were made to give effect to the Convention for Australia.

The proposed Regulations would extend the list of countries in Schedule 2 by specifying Mauritius, Monaco, Poland and Romania as additional Convention countries in respect of which the Convention has entered into force for Australia. In addition, Schedule 2 would be amended by omitting the former Socialist Federal Republic of Yugoslavia and replacing it with the three Republics of Croatia, Macedonia and Bosnia and Herzegovina. Included in Schedule 2 is the date the Convention came into force for each of these countries.