

Family Law (Hague Convention on Intercountry Adoption) Amendment Regulations 2000 (No. 1) 2000 No. 312

EXPLANATORY STATEMENT

Statutory Rules 2000 No. 312

Issued by the Authority of the Attorney-General

Family Law Act 1975

Family Law (Hague Convention on Intercountry Adoption) Amendment Regulations 2000 (No. 1)

Section 125 of the *Family Law Act 1975* (the Act) provides that the Governor-General may make regulations that are necessary or convenient for carrying out or giving effect to the Act.

Section 111C of the Act provides for the making of regulations prescribing all matters necessary for the purposes of giving effect to international arrangements in respect of intercountry adoptions under the Act.

Sub-section 111C(1) of the Act provides that the Regulations may make such provision as is necessary to enable the performance of the obligations of Australia, or to obtain for Australia any advantage or benefit, under the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Convention). Sub-section 111C(5) of the Act provides that the regulations may confer jurisdiction on federal or Territory courts or invest a State Court with federal jurisdiction.

The purpose of the proposed Regulation is to give effect to the Convention by adding Nova Scotia, Ontario, and North West Territories (Canada), Monaco, Italy, Panama, Czech Republic, Iceland, and Mongolia to the list of new countries in Schedule 2 of the Regulations.

The Republic of Panama, the Czech Republic and Italy have ratified the Convention. Canada has extended the Convention to the provinces of Nova Scotia, Ontario and the North West Territories. Monaco, Iceland, and Mongolia have deposited instruments of accession in accordance with Article 44. Article 44 paragraph 3 provides that the accessions shall have effect only as regards the relations between Monaco, Iceland and Mongolia, and those Contracting States which have not raised an objection to their accessions in the six months after receipt of the notification. No objections have been made by the States and Territories to the accessions of Monaco, Iceland or Mongolia.

The proposed Regulations would commence on gazettal.