

Binding child support agreement

THIS AGREEMENT made the day of 20 [redacted]

BETWEEN: [FULL NAME OF FATHER] of [address] in the [State/Territory] of [specify]
(hereinafter the "Father")

AND: [FULL NAME OF MOTHER] of [address] in the [State/Territory] of [specify]
(hereinafter the "Mother")

RECITALS

- A. This is a binding child support agreement under section 80C and section 81 of the Act.
- B. The children are:
 - 1) under the age of 18;
 - 2) neither married nor living in a bona fide de facto relationship;
 - 3) present in Australia at the date of this Agreement;
 - 4) Australian citizens; and
 - 5) ordinarily resident in Australia at the date of this Agreement.
- C. The parties are the parents of the children.
- D. The parties [married/commenced cohabitation] on [date] and separated on [date].
- E. The children live with the Mother and spend each alternate weekend and half of each school holiday period with the Father [or specify applicable sharing of time].
- F. The Mother is the eligible carer entitled to support under the provisions of the Act in relation to the children and is the person to whom child support is to be paid or provided under this Agreement.
- G. The Father is the liable parent and is the liable party for the purposes of section 84 of the Act.
- H. The Mother [is/is not] in receipt of the Family Tax Benefit A.
- I. The Mother [is/is not] in receipt of an income-tested pension.
- J. [Delete this recital if the Agreement is for periodic payments only, i.e. if there is no provision for non-periodic child support.] As of the date of this Agreement, an administrative assessment is in force in relation to the children in respect of whom this Agreement is made.

IT IS AGREED

- 1. In this Agreement:

“Act” means the *Child Support (Assessment) Act 1989* and extends to all statutes amending, consolidating or replacing same;

“Agency” means the Child Support Agency;

“Assessment” means any administrative assessment or amended administrative assessment for a parent to pay child support, made or to be made by the Agency pursuant to the Act;

“Children” means:

- (a) [first child's full name] born on [date of birth] (hereinafter “[first name]”); and
- (b) [second child's full name] born on [date of birth] (hereinafter “[first name]”); and
- (c) [third child's full name] born on [date of birth] (hereinafter “[first name]”);

“Eligible carer” means a person with at least shared care of a child and otherwise as defined by section 7B of the Act;

“Liable parent” means a parent by whom child support is to be paid or provided in this Agreement;

“The parties” means the Mother and Father.

2. The terms of this Agreement are operative from the date of the Agreement.
3. This Agreement will cease to operate in relation to a child (except for any arrears due on the date this Agreement ceases to operate):-
 - (a) upon completion of Year 12 or, should the child not complete secondary schooling, upon the child’s 18th birthday;
 - (b) if the child dies;
 - (c) if the child ceases to be an eligible child under the regulations made under section 22(1) of the Act;
 - (d) if the child is adopted;
 - (e) if the child becomes a member of a couple as defined by the Act;
 - (f) if the liable parent dies; or
 - (g) if the eligible carer ceases to be an eligible carer of the child.

The Agreement will remain operative in relation to any child to whom paragraph 3 does not apply.

4. This Agreement is binding on and enforceable by the personal representatives, legal representatives, trustees, executors and administrators of the Father or his estate.
5. This Agreement is binding on and enforceable by the personal representatives, legal representatives, trustees, executors and administrators of the Mother or her estate.