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BINDING CHILD SUPPORT AGREEMENT

PURSUANT TO SECTION 80C OF THE
CHILD SUPPORT (ASSESSMENT) ACT 1989 (CTH)

BETWEEN

ACHI EVE

AND

NAI EVE

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DATE

Parties

Liabe Parent	ACHI EVE of 555 Oceanfront Avenue, Bondi Beach NSW 2026 (the <i>Liabe Parent</i>)
Carer	NAI EVE of 55 Ocean Road, Bondi Beach NSW 2026 (the <i>Carer</i>)

Recitals

- A The parties are the parents of the Child.
- B The parties acknowledge their continuing responsibility to provide financially for the Child.
- C The parties married on 27 December 2002 and separated on a final basis on or about 13 December 2019. In their opinion, there is no reasonable likelihood of the relationship being resumed.
- D The parties have not yet finalised the settlement of their matrimonial property.
- E The Liabe Parent is an Australian citizen and resides in Australia.
- F The Carer is:
- (a) an Australian citizen and resides in Australia; and
- (b) eligible to receive Child Support in relation to the Child from the Liabe Parent.
- G The Child is an Australian citizen, unmarried and not living in a De Facto Relationship and is under the age of 18 years.
- H The Child is living with the Liabe Parent and spending time with the Carer.
- I The parties agree to formalise their current Child Support arrangements by way of this agreement, made pursuant to sections 80C and 81 of the Child Support Act, and to have all future payments of Child Support made in accordance with this agreement.
- J The parties agree to give effect to this agreement, made pursuant to sections 80C and 81 of the Child Support Act, which includes Periodic Child Support.

Operative provisions

1. Definitions and interpretation

Definitions

- 1.1 The following definitions apply in this agreement unless the context requires otherwise:

Annual Rate means, at a particular time, the annual rate of Child Support payable by the Liable Parent to the Carer in respect of the Child at that time, to be calculated in accordance with paragraph 15 of the *Child Support (Assessment) Regulations 2018* (Cth) based on the Periodic Child Support payable by the Liable Parent under this agreement at that time.

Binding Child Support Agreement has the meaning given to the expression “binding child support agreement” under section 5 of the Child Support Act.

Business Day means a day (other than a Saturday, Sunday or public holiday) when banks in the city in which the Carer resides are open for business.

Child means Bell Eve born 10 December 2020.

Child Support has the meaning given to the expression “child support” under section 5 of the Child Support Act.

Child Support Act means the *Child Support (Assessment) Act 1989* (Cth).

Child Support Agency mean Services Australia of the Australian federal government.

Child Support Agreement has the meaning given to the expression “child support agreement” under section 5 of the Child Support Act.

De Facto Relationship has the meaning given to the expression “de facto relationship” under section 4AA of the *Family Law Act 1975*.

Eligible Carer has the meaning given to the expression “eligible carer” under section 5 of the Child Support Act.

Full-Time Secondary Education has the meaning given to the expression “full-time secondary education” under section 5 of the Child Support Act.

Governmental Agency means any government or governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity whether foreign, federal, state, territorial or local.

Income Reduction Notice has the meaning given in clause 4.3(a)(i).

Last Day has the meaning given to the expression “last day” under section 5 of the Child Support Act.

Limited Child Support Agreement has the meaning given to the expression “limited child support agreement” under section 5 of the Child Support Act.

Periodic Child Support means Child Support that is paid in weekly, monthly, yearly or other periodic amounts.

Periodic Payment means a payment of Periodic Child Support.

Unemployment Benefit means an income-tested social security benefit or pension at the full rate received as a result of not being in employment.

Interpretation

- 1.2 The following rules of interpretation apply in this agreement unless the context requires otherwise:

- (a) any expression in this agreement that is not defined, but which has a defined meaning in the Child Support Act, has the same meaning as in the Child Support Act;
- (b) headings in this agreement are for convenience only and do not affect its interpretation or construction;
- (c) no rule of construction applies to the disadvantage of a party because this agreement is prepared by (or on behalf of) that party;
- (d) where any word or phrase is defined, any other part of speech or other grammatical form of that word or phrase has a cognate meaning;
- (e) a reference to a document (including this agreement) is a reference to that document (including any schedules and annexures) as amended, consolidated, supplemented, novated or replaced;
- (f) references to recitals, clauses, subclauses, paragraphs, annexures or schedules are references to recitals, clauses, subclauses, paragraphs, annexures and schedules of or to this agreement;
- (g) a reference to any statute, proclamation, rule, code, regulation or ordinance includes any amendment, consolidation, modification, re-enactment or reprint of it or any statute, proclamation, rule, code, regulation or ordinance replacing it;
- (h) an expression importing a natural person includes any individual, corporation or other body corporate, partnership, trust or association and any Governmental Agency and that person's personal representatives, successors, permitted assigns, substitutes, executors and administrators;
- (i) a reference to writing includes any communication sent by post, facsimile or email;
- (j) all monetary amounts are in the Australian currency;
- (k) the word "*week*" means seven consecutive calendar days and the word "*fortnight*" means two consecutive weeks;
- (l) the word "*month*" means calendar month, the word "*quarter*" means 3 calendar months and the word "*year*" means 12 calendar months;
- (m) the meaning of general words is not limited by specific examples introduced by "*include*", "*includes*", "*including*", "*for example*", "*in particular*", "*such as*" or similar expressions;
- (n) a reference to a "*party*" is a reference to a party to this agreement;
- (o) a reference to any thing is a reference to the whole and each part of it;
- (p) a reference to a group of persons is a reference to all of them collectively and to each of them individually;
- (q) words in the singular include the plural and vice versa; and
- (r) a reference to one gender includes a reference to the other genders.