**FAMILY LAW AMENDMENT ACT (No. 2) 1976**

**No. 95 of 1976**

An Act to amend the Family Law Act 1975.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

**Short title, &c.**

**1.** (1) This Act may be cited as the Family Law Amendment Act (No. 2) 1976.

(2) The Family Law Act 1975 is in this Act referred to as the Principal Act.

**Commencement.**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Child welfare law not affected.**

**3.** Section 10 of the Principal Act is amended—

(a) by omitting from sub-section (2) the words “Nothing in this Act” and substituting the words “Subject to sub-section (3), nothing in this Act”; and

(b) by adding at the end of sub-section (3) the words “and an order made in accordance with this sub-section has effect notwithstanding any order or action of the kind referred to in paragraph (2)(b) or (d) made or taken before the making of the order made in accordance with this sub-section”.

**Intervention by Attorney-General.**

**4.** Section 91 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:—

“(1a) At any time after a decree nisi has been made in any proceedings and before it has become absolute, the Attorney-General may intervene in the proceedings for the purposes of bringing to the notice of the court matters relevant to the exercise of its powers under section 58.”.

**5.** After section 91 of the Principal Act the following section is inserted:—

**Delegation by Attorney- General.**

“91a. (1) Where, in a State, there is a Family Court of the State, the Attorney-General may, either generally or as otherwise provided by the instrument of delegation, by writing under his hand, delegate all or any of his powers and functions under section 91 in respect of intervention in proceedings in the Family Court of that State and in other courts of that State to the person occupying from time to time, while the delegation is in force, the office of Attorney-General of that State.

“(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

“(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Attorney-General.

“(4) Where the Attorney-General of a State intervenes in any pro­ceedings in accordance with a delegation under this section, he shall be deemed to be a party to the proceedings with all the rights, duties and liabilities of a party.”.

**Enforcement generally.**

**6.** Section 105 of the Principal Act is amended by omitting from sub-section (2) the words “A court” and substituting the words “Except as prescribed, a court”.

**Regulations.**

**7.** Section 123 of the Principal Act is amended—

(a) by inserting in sub-section (3), before paragraph (a), the following paragraphs:—

“(aa) prescribing court fees to be payable in respect of proceedings under this Act;

“(ab) the exempting of persons from liability to pay a court fee prescribed under paragraph (aa);”; and

(b) by adding at the end thereof the following sub-sections:—

“(4) Court fees payable in pursuance of regulations made under this section in respect of proceedings in a Family Court of a State are payable to the State.”.

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