



Family Law Regulations 1984

Statutory Rules 1984 No. 426 as amended

made under the

Family Law Act 1975

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The text of any of those amendments not in force
on that date is appended in the Notes section

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Regulation 1

Part I Preliminary**1 Name of regulations** [see Note 1]

These regulations are the *Family Law Regulations 1984*.

2 Commencement

Subject to section 111 of the Act, these Regulations shall come into operation on 2 January 1985.

3 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

accredited family dispute resolution practitioner means a person accredited as a family dispute resolution practitioner under Part 4A.

Act means the *Family Law Act 1975*.

applicant means a person who institutes or has instituted proceedings under the Act or is an applicant in pending proceedings under the repealed Act.

application means an application to a court for the purpose of instituting proceedings under the Act or an application to a registrar made under these Regulations.

certified copy means a copy of an order, decree or document certified to be a true copy by an officer of the court that made the order or by which the order has been registered or confirmed or, in the case of an overseas order, by the Secretary.

Child Support Registrar means the Child Support Registrar mentioned in section 10 of the *Child Support (Registration and Collection) Act 1988*.

conference, in relation to proceedings, includes any attendance in connection with the proceedings, whether in person or by telephone, by a solicitor who is acting for a party to the proceedings on:

- (a) that party;

Regulation 3

- (b) a witness, or a person who may be a witness, in the proceedings;
- (c) another party to the proceedings or, where another solicitor is acting for that other party in the proceedings, that other solicitor;
- (d) counsel for any party to the proceedings;
- (e) a Judge;
- (f) a registrar;
- (g) a marriage counsellor, an approved marriage counselling organisation or a family counsellor;
- (h) a family consultant; or
- (j) any other person on whom the attendance is reasonable.

family dispute resolution applicant means a person who applies for registration in the Family Dispute Resolution Register as:

- (a) a family dispute resolution practitioner; or
- (b) a transitional family dispute resolution practitioner.

Family Dispute Resolution Register means the register established and maintained under regulation 59A.

filed has the same meaning as in the applicable Rules of Court.

intervener means, in relation to proceedings, the Attorney-General or any other person when intervening or applying to intervene under Part IX of the Act, or a child independently represented under subsection 68L (2) of the Act.

legal practitioner means a person enrolled as a barrister, a solicitor, a barrister and solicitor, or a legal practitioner, of the High Court of Australia, or of the Supreme Court of a State or Territory.

party to proceedings means an applicant, respondent or intervener in proceedings under the Act.

Principal Registrar means the Principal Registrar of the Family Court.

registrar includes the Principal Registrar, a Registrar within the meaning of section 4 of the Act, a Deputy Registrar and, in relation to a court of summary jurisdiction, the clerk of the court, clerk of petty sessions or other person holding or performing the duties of a similar office in the court.

Regulation 3AA

respondent means, in relation to proceedings, a party to the proceedings other than an applicant or an intervener.

sealed means sealed with the seal of the court or otherwise endorsed by an officer of the court.

Secretary means:

- (a) the Secretary of the Attorney-General's Department; or
- (b) a person authorised by the Secretary to perform a function in relation to which the expression is used.

Shared Parental Responsibility Act means the *Family Law Amendment (Shared Parental Responsibility) Act 2006*.

State Family Court means a court to which section 41 of the Act applies.

supervised family dispute resolution has the meaning given by regulation 3AA.

the former Regulations means Statutory Rules 1975 No. 210 as amended by the other Statutory Rules repealed by regulation 78.

transitional family dispute resolution practitioner means a person taken, under item 124 of Schedule 4 to the Shared Parental Responsibility Act, to be a family dispute resolution practitioner.

Note The following expressions used in these Regulations are defined in subsection 4 (1) of the Act:

- applicable Rules of Court
- related Federal Magistrates Rules
- standard Rules of Court.

- (2) A reference in these Regulations, other than in regulation 10, to the Family Court shall be read as including a reference to a State Family Court.

3AA Supervised family dispute resolution

- (1) Dispute resolution conducted by a person is **supervised family dispute resolution** if:
 - (a) it is supervised by a family dispute resolution practitioner who has at least 12 months experience in providing family dispute resolution or by a person who regularly gives, on

Regulation 3A

behalf of an education and training provider, training in family dispute resolution; and

- (b) it includes:
 - (i) preparation by the person for a family dispute resolution session; or
 - (ii) de-briefing of the person by the supervisor after conducting or attending family dispute resolution; or
 - (iii) presentation, to the supervisor or a group, of a summary of the matters dealt with in the family dispute resolution session and of the conduct and results of the session.
- (2) Unless the person and the supervisor have determined that it is impracticable to do so, the supervised family dispute resolution must include:
 - (a) direct supervision of the person during the conduct of family dispute resolution; or
 - (b) attendance by the person at family dispute resolution conducted by the supervisor.

3A Prescribed contract limit

For paragraph 38A (4) (b) of the Act, a higher amount of \$1,000,000 is prescribed.

Regulation 4

Part II General**4 Directions as to practice and procedure**

- (1) Where a court is satisfied in the circumstances of a particular case that:
 - (a) the provisions of the Act, these Regulations and the applicable Rules of Court do not make adequate provision for practice and procedure; or
 - (b) a difficulty arises or doubt exists as to practice and procedure;the court may give such directions with respect to the practice and procedure to be followed in the case as the court considers necessary.
- (2) In proceedings to which section 9 of the Act applies, the court or a registrar may give directions in all matters of practice and procedure.
- (3) Directions under this regulation shall be directed to providing a speedy and inexpensive hearing of the matters in issue between the parties and shall be consistent with these Regulations and the applicable Rules of Court.

5 Non-compliance with Regulations

- (1) Non-compliance with these Regulations, or with a rule of practice or procedure in a court exercising jurisdiction under the Act, does not render proceedings in that court void unless the court so directs.
- (2) In exercising its discretion under this regulation, the court shall have regard to the real merits of the case, the minimizing of expense, and whether any party to the proceedings has suffered injustice or has been prejudicially affected by non-compliance with these Regulations.

Regulation 7

- (3) In relation to proceedings that commenced before the commencement of these Regulations, a reference, in subregulation (1), to these Regulations shall be read as including a reference to the former Regulations in their application to those proceedings.

6 Court or registrar may relieve from consequences of non-compliance

- (1) Subject to the Act and these Regulations:
- (a) the court or a registrar may, at any time, upon such terms as the court or registrar thinks fit, relieve a party from the consequences of non-compliance with these Regulations, a rule of practice and procedure of the court applicable to the proceedings or an order made by a registrar;
 - (b) the court may at any time, upon such terms as the court thinks fit, relieve a party from the consequences of non-compliance with an order made by a court; and
 - (c) the court may, upon such terms as the court thinks fit, dispense with the need for compliance by a party with any provision of these Regulations.
- (2) Where these Regulations fail to make provision on any matter, the court is empowered to give, and shall give, such directions as to practice and procedure as the court thinks fit.
- (3) In relation to proceedings that commenced before the commencement of these Regulations, a reference, in subregulation (1) or (2), to these Regulations shall be read as including a reference to the former Regulations in their application to those proceedings.

7 Appointment of family consultants (Act s 11B)

For paragraph 11B (c) of the Act, a family consultant may be appointed in writing by:

- (a) the Chief Executive Officer of the Family Court of Australia; or
- (b) the Chief Executive Officer of the Federal Magistrates Court.

Regulation 8

8 Prescribed information about non-court based family services and court's processes and services (Act s 12B)

For section 12B of the Act, the information that must be included in documents provided to persons under Part IIIA of the Act in relation to non-court based family services and court's processes and services is information about:

- (a) the legal and possible social effects of the proposed proceedings (including the consequences for children whose care, welfare or development is likely to be affected by the proceedings); and
- (b) the services provided by family counsellors and family dispute resolution practitioners to help people affected by separation or divorce; and
- (c) the steps involved in the proposed proceedings; and
- (d) the role of family consultants; and
- (e) the arbitration facilities available to arbitrate disputes in relation to separation and divorce.

8A Prescribed information about reconciliation (Act s 12C)

For section 12C of the Act, the information that must be included in documents provided to persons under Part IIIA of the Act is information about family counselling and family dispute resolution services.

Note Section 13B of the Act allows a court to adjourn proceedings to give the parties the opportunity to consider a reconciliation. The parties will be advised in such circumstances to attend family counselling or other appropriate services.

8B Prescribed information about Part VII proceedings (Act s 12D)

For section 12D of the Act, the information that must be included in documents provided under Part IIIA of the Act to persons involved in Part VII proceedings, is information about family counselling services available to assist the parties and the child or children concerned in the proceedings to adjust to the consequences of orders made under Part VII of the Act.

Regulation 11

Note Part VII deals with issues including parental responsibility, parenting orders and maintenance orders in relation to a child or children concerned in the proceedings.

10 Record of proceedings

- (1) Wherever practicable, all proceedings in the Family Court shall be fully recorded.
- (2) Proceedings in the Family Court need be transcribed only where a Judge or registrar so orders.

10A Proceedings for divorce order not to be instituted in a court of summary jurisdiction other than a prescribed court (Act s 44A)

For section 44A of the Act, proceedings for a divorce order in relation to a marriage may not be instituted in, or transferred to, a court of summary jurisdiction other than the following prescribed courts:

- (a) a court constituted by a stipendiary magistrate who is the Principal Registrar, or a Registrar, of the Family Court of Western Australia;
- (b) the Magistrates Court constituted by section 4 of the *Magistrates Court Act 1930* of the Australian Capital Territory;
- (c) the Court of Petty Sessions of Norfolk Island.

11 Fees in respect of proceedings

- (1) Subject to subregulations (1A) and (7), the following fees are payable in respect of proceedings under the Act (other than proceedings in the Family Court of Australia or the Federal Magistrates Court):
 - (a) for a divorce order in relation to a marriage or a decree of nullity of marriage:
 - (i) a filing fee of \$500; and
 - (ii) if the proceedings are defended — a hearing fee of \$300;

Regulation 11

- (b) for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage:
 - (i) a filing fee of \$500; and
 - (ii) if the proceedings are defended — a hearing fee of \$300;
- (c) in relation to financial or Part VII proceedings:
 - (i) a filing fee of \$150 for each of the following applications:
 - (A) an Application for Final orders;
 - (B) a Response to an application for Final orders;and
 - (ii) for an application for final orders that is defended — a hearing fee of \$300;
- (d) for an appeal under section 96 of the Act from a decree of a court of summary jurisdiction — a hearing fee of \$300.

Note 1 The term *financial or Part VII proceedings* is defined in s 4 (1) of the Act.

Note 2 The fees payable under this subregulation are subject to increase under Part IIAA.

- (1AA) Subject to subregulations (1A) and (7), the following fees are payable for proceedings under the Act in the Family Court of Australia:
 - (a) for a divorce order in relation to a marriage or a decree of nullity of marriage:
 - (i) a filing fee of \$639; and
 - (ii) if the proceedings are defended — a hearing fee of \$500;
 - (b) for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage:
 - (i) a filing fee of \$639; and
 - (ii) if the proceedings are defended — a hearing fee of \$500;
 - (c) in relation to financial or Part VII proceedings:
 - (i) a filing fee of \$145 for each of the following applications:
 - (A) an application for final orders;

Regulation 11

- (B) a response to an application for final orders;
and
- (ii) for an application for final orders that is defended —
a hearing fee of \$500.
- (d) for an appeal under section 96 of the Act from a decree of
a court of summary jurisdiction — a hearing fee of \$500.

Note 1 The term *financial or Part VII proceedings* is defined in subsection 4 (1) of the Act.

Note 2 The fees payable under this subregulation are subject to increase under Part IIAA.

- (1A) The filing fee payable for a proceeding for a divorce order in
relation to a marriage is \$405 if the proceeding is:
 - (a) instituted in a prescribed court mentioned in paragraph
10A (a) or (c); or
 - (b) instituted in another court for transfer to a prescribed court
mentioned in paragraph 10A (a) or (c).

Note The fee payable under this subregulation is subject to increase under Part IIAA.

- (2) The person liable to pay a fee is:
 - (a) the person initiating the proceedings in respect of which
the fee is payable; or
 - (b) if the court, a Judge or a registrar so orders:
 - (i) another party to the proceedings; or
 - (ii) each of 2 or more of the parties to the proceedings,
including the person initiating the proceedings, in
the proportions ordered.
- (3) A filing fee is payable at the time when the application is filed.
- (4) A hearing fee is payable:
 - (a) if the Court or Registrar directs a time within which the
fee must be paid — within that time; or
 - (b) in any other case — at the time when a date is fixed for the
hearing of the proceedings.

Regulation 11

- (5) Subject to subregulation (7), a registrar must not accept an application for filing in the office of a court unless any filing fee payable under subregulation (1), (1AA) or (1A) has been paid.
- (6) Subject to subregulation (7), if, in relation to an application, a hearing fee payable under subregulation (1) or (1AA) is unpaid:
- (a) the court, a Judge, or a registrar may order that no proceedings, or no proceedings other than specified proceedings, are to take place, except by leave, in the matter to which the application relates; and
 - (b) a person other than the person liable to pay the fee may pay the fee without affecting any power of the court, a Judge, or a registrar to make an order for costs for the fee; and
 - (c) the court, a Judge, or a registrar may vacate the date fixed for hearing.
- (7) A fee referred to in subregulation (1), (1AA) or (1A) is not payable if:
- (a) the fee has been paid in respect of the proceedings by a person other than the person liable to pay the fee; or
 - (b) in relation to a fee payable under paragraph (1) (a) or (b), paragraph (1AA) (a) or (b) or subregulation (1A) — the divorce order, decree of nullity of marriage, or declaration mentioned in paragraph (1) (b) or (1AA) (b) (whichever is applicable) was made under the Act or the repealed Act.
 - (c) the person liable to pay the fee has been granted legal aid, under a legal aid scheme or service established under Commonwealth, State or Territory law or approved by the Attorney-General, for the matter to which the proceedings relate; or
 - (d) the applicant is, at the time the application is filed or a date is fixed for the hearing of the proceedings (as the case requires):
 - (i) the holder of one of the following cards issued by Centrelink:
 - (A) a health care card;
 - (B) a health benefit card;

Regulation 11

- (C) a pensioner concession card;
- (D) a Commonwealth seniors health card; or
- (ii) the holder of any other card issued by Centrelink or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions; or
- (iii) an inmate of a prison or otherwise lawfully detained in a public institution; or
- (iv) a child under the age of 18 years; or
- (v) in receipt of a youth allowance, or an austudy payment, within the meaning of the *Social Security Act 1991*; or
- (vi) in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
- (e) a registrar, having regard to the income, day to day living expenses, liabilities and assets of the person liable to pay the fee, waives payment of the fee because, in his or her opinion, it would cause financial hardship to the person.

Note Regulation 16A makes provision in relation to the review of a decision of a registrar under paragraph (7) (e).

- (7A) For subparagraphs (7) (d) (i) and (ii), **holder** of a card does not include a dependant of the holder of the card.
- (8) If:
 - (a) a fee referred to in subregulation (1), (1AA) or (1A) has been paid; and
 - (b) the fee is not payable under subregulation (7);
a registrar must refund to the applicant, or other person who paid the fee, an amount equal to the amount of the fee.
- (9) Upon written notice to a Registrar, a person who has paid a hearing fee is entitled to a refund of the fee if:
 - (a) notice that the hearing for which the fee was paid will not proceed is given to the Registrar:
 - (i) if the hearing date was fixed less than 10 working days before that date — at least 2 working days before that date; or

Regulation 12

- (ii) in any other case — at least 20 working days before the hearing date; and
- (b) the hearing:
 - (i) does not proceed; or
 - (ii) is conducted only to formalise the making of final orders.

12 Service in countries that are parties to certain conventions

- (1) This regulation applies, subject to the provisions of the relevant convention, in relation to the service of a document in a country that is a party to a convention, extending to Australia, regarding legal proceedings in civil and commercial matters.
- (2) Where, under a convention referred to in subregulation (1), service of a document relating to proceedings is not to be effected in a country referred to in that subregulation otherwise than in accordance with the convention, service of such a document in that country shall not be effected otherwise than in accordance with this regulation.
- (3) Where a party to proceedings who desires to effect service of a document relating to the proceedings on a person in a country referred to in subregulation (1) files a request for service of the document in accordance with the Form in Schedule 1, and deposits with the registrar of the court in which the proceedings are pending the documents required by subregulation (4) to be deposited, the registrar shall forward the documents so deposited direct to the Secretary for transmission to that country for service.
- (4) For the purposes of subregulation (3), the documents to be deposited are:
 - (a) the document to be served;
 - (b) a translation of the document into the language of the country in which the service is to be effected, being a translation bearing a certificate, in that language, of the person who made the translation certifying that it is a translation of the document of which it purports to be a translation;

Regulation 12A

- (c) a copy of the document to be served and of the translation; and
 - (d) such further copies (if any) of the document and translation as are required by the relevant convention.
- (5) A document, a translation of a document or a copy of a document shall, before being forwarded to the Secretary in accordance with subregulation (3), be sealed with the seal of the court.
- (6) Where a registrar has received a certificate transmitted through diplomatic channels, by a judicial authority in a country referred to in subregulation (1), certifying that a document has been served on a person on a date specified in the certificate, the certificate may be filed and, subject to subregulation (7), is then evidence of the matters stated in the certificate.
- (7) Where service of a document is required to be effected on a person by delivering the document to that person personally, the due service of the document shall be deemed not to have been proved by a certificate referred to in subregulation (6) unless:
- (a) it also certifies the means by which the person who served the document identified the person served; or
 - (b) other evidence, whether by affidavit or otherwise, is furnished showing that the document came to the notice of the person on whom it was to be served.

12A Prescribed pensions, allowances or benefits — subsection 4 (1) of the Act

For the purposes of the definition of *income tested pension, allowance or benefit* in subsection 4 (1) of the Act, each of the following pensions, allowances or benefits is prescribed:

- (a) the following entitlements under the *Veterans' Entitlements Act 1986*:
 - (i) a service pension within the meaning given by subsection 5Q (1) of that Act;
 - (ii) a Defence Force Income Support Allowance (DFISA) within the meaning given by subsection 5Q (1) of that Act;

Regulation 12AB

- (iii) income support supplement under Part IIIA of that Act;
- (b) a social security pension or a social security benefit within the meaning given by subsection 23 (1) of the *Social Security Act 1991*;
- (c) a family tax benefit within the meaning given by subsection 3 (1) of the *A New Tax System (Family Assistance) Act 1999*, the Part A rate of which is higher than the base rate under clause 4 of Schedule 1 to that Act;
- (ca) so much of an allowance under the Aboriginal study assistance scheme, within the meaning given by subsection 23 (1) of the *Social Security Act 1991*, as is means tested;
- (d) the amount of a boarding allowance under the Assistance for Isolated Children Scheme, referred to in paragraph (a) of the definition of ***current special educational assistance scheme*** in subsection 3 (1) of the *Student Assistance Act 1973*, that is greater than the non means tested amount of the allowance;
- (e) a payment under the scheme known as the New Enterprise Incentive Scheme;
- (f) an AUSTUDY benefit under Part 2 of the *Student and Youth Assistance Act 1973* as in force immediately before 1 July 1998.

12AB Appeal division — prescribed number of members (Act s 22 (2AC))

For subsection 22 (2AC) of the Act, the prescribed number of members is 9.

12AC Transfer of proceedings from court of summary jurisdiction — ceiling amount

For paragraph 46 (1AA) (a) of the Act, the amount of \$5 000 000 is specified.

Regulation 12BA

12B Child welfare law — prescribed law of a State or Territory

- (1) For the purposes of the definition of *child welfare law* in subsection 4 (1) of the Act, each of the following classes of laws is prescribed, namely, any law of:
- (a) the State of New South Wales;
 - (b) the State of Victoria;
 - (c) the State of Queensland;
 - (d) the State of Western Australia;
 - (e) the State of South Australia;
 - (f) the State of Tasmania;
 - (g) the Australian Capital Territory;
 - (h) the Northern Territory; or
 - (i) the Territory of Norfolk Island;
- that relates to the imprisonment, detention or residence of a child upon being dealt with for a criminal offence.
- (2) For the purposes of the definition of *child welfare law* in subsection 4 (1) of the Act, each law specified in Column 2 of an item in Schedule 5, being a law of the State or Territory specified in Column 3 of that item, is prescribed.

12BA Child welfare officer — prescribed office of a State or Territory

For paragraph (a) of the definition of *child welfare officer* in subsection 4 (1) of the Act, each of the following is a prescribed office:

- (a) for New South Wales — the offices of:
 - (i) Minister for Community Services, in relation to the *Adoption Act 2000* (NSW) and the *Children and Young Persons (Care and Protection) Act 1998* (NSW); and
 - (ii) Minister for Disability Services, in relation to the *Guardianship Act 1987* (NSW);
- (b) for Tasmania — the office of Secretary to the Department of Health and Human Services;

Regulation 12BB

- (c) for Victoria — the office of Secretary to the Department of Human Services;
- (d) for Queensland — the office of the Chief Executive of the Department of Child Safety;
- (e) for the Australian Capital Territory — the offices of:
 - (i) Chief Executive of the Department of Education Youth and Family Services; and
 - (ii) Chief Psychiatrist appointed under section 112 of the *Mental Health (Treatment and Care) Act 1994* (ACT);
- (f) for the Northern Territory — the office of the Minister for Health and Community Services.

12BB Family violence order — prescribed laws of State or Territory

For the purposes of the definition of *family violence order* in subsection 4 (1) of the Act, each of the laws specified in column 2 of an item in Schedule 8 is a prescribed law of the State or Territory set out in column 3 of that item.

12C Artificial conception procedures: child of woman and man — prescribed laws

Each of the laws specified in Column 2 of an item in Schedule 6, being a law of the Commonwealth, a State or a Territory as set out in Column 3 of that item, is a prescribed law for the purposes of subsection 60H (1) of the Act.

12CA Artificial conception procedures: child of woman — prescribed laws

Each of the laws specified in Column 2 of an item in Schedule 7 is a prescribed law for the purposes of subsection 60H (2) of the Act.

Regulation 12CC

12CB Commonwealth information orders — prescribed Departments and Commonwealth instrumentalities

For the purposes of paragraph 67N (3) (b) of the Act, the following Departments and Commonwealth instrumentalities are prescribed:

- (a) Department of Employment, Education, Training and Youth Affairs;
- (b) Department of Foreign Affairs and Trade;
- (c) Department of Health and Family Services;
- (d) Department of Immigration and Multicultural Affairs;
- (e) Centrelink;
- (f) Department of Veterans' Affairs;
- (g) Australian Institute of Family Studies;
- (h) Child Support Agency;
- (j) Medicare Australia.

12CC Registration of court decision (Act s 68R (6))

- (1) For subsection 68R (6) of the Act, if, in relation to family violence proceedings before a court, the court:
 - (a) makes a final family violence order or a final order varying a family violence order; and
 - (b) revives, varies, discharges or suspends an order, injunction or arrangement mentioned in subsection 68R (1) of the Act;the registrar of the court must send a sealed copy of the decision mentioned in paragraph (b) to the registrar of the Family Court, as soon as practicable.
- (2) On receiving the sealed copy of the decision, the registrar must register the decision by:
 - (a) filing the sealed copy; and
 - (b) noting on the sealed copy the fact and date of registration.

Note For the definition of *family violence order*, see subsection 4 (1) of the Act and regulation 12BB.

Regulation 12CD

12CD Evidence relating to child abuse or family violence — prescribed State or Territory agencies (Acts 69ZW (1))

For subsection 69ZW (1) of the Act, an agency mentioned in column 2 of an item in Schedule 9 is a prescribed agency for the State or Territory mentioned in column 3 of the item.

12CE Evidence relating to professional confidential relationship privilege — prescribed laws

For paragraph 69ZX (4) (b) of the Act, each law mentioned in an item in Schedule 9A, being a law of the State or Territory mentioned in the item, is prescribed.

12D Registration of State child orders — prescribed States

For the purposes of section 70C of the Act, each of the following States and Territories is a prescribed State:

- (a) the State of New South Wales;
- (b) the State of Victoria;
- (ba) the State of Queensland;
- (bb) the State of Western Australia;
- (c) the State of South Australia;
- (d) the State of Tasmania;
- (e) the Australian Capital Territory;
- (f) the Northern Territory;
- (g) the Territory of Norfolk Island.

13 Authentication of consent in writing

For paragraphs 65Y (2) (a), 65Z (2) (a), 65ZA (3) (a) and 65ZB (3) (a) of the Act, a consent in writing must be authenticated by a person mentioned in section 8 of the *Statutory Declarations Act 1959* endorsing on the consent a statement that:

- (a) the person is satisfied about the identity of the person signing the consent; and
- (b) the consent was signed in the person's presence.

Regulation 15

14 Meaning of prescribed overseas jurisdiction

For the purposes of the definition of *prescribed overseas jurisdiction* in subsection 4 (1) of the Act:

- (a) each country or part of a country, set out in column 2 of an item in Schedule 1A is declared to be a prescribed overseas jurisdiction for the purposes of:
 - (i) subsection 4 (1) of the Act, in relation to the definition of *overseas child order*; and
 - (ii) sections 70M and 70N of the Act; and
- (b) each country, or part of a country, set out in Schedule 2 as a reciprocating jurisdiction is declared to be a prescribed overseas jurisdiction for the purposes of:
 - (i) subsection 4 (1) of the Act, in relation to the definition of *overseas maintenance agreement*; and
 - (ii) paragraph 89 (b) of the Act.

14A Prescribed maximum period — sentence or order (Act s 70NFC (6), 112AG (6))

For the definitions of *maximum period* in subsections 70NFC (6) and 112AG (6) of the Act, 200 hours is prescribed in relation to each State and Territory.

15 Institution etc of proceedings by persons holding certain offices

- (1) For the purposes of sections 69D and 89A and paragraph 125 (1) (f) of the Act, each of the following offices under a law of a State or of a Territory is specified:
 - (a) Collector of Maintenance;
 - (b) Deputy Collector of Maintenance;
 - (c) Assistant Collector of Maintenance.
- (2) A person for the time being holding an office referred to in subregulation (1) is authorized, in his or her discretion, to institute, continue or prosecute proceedings with respect to the maintenance of a party to a marriage or of a child, on behalf of that party or child.

Regulation 15AA

- (3) For the purposes of paragraph 125 (1) (f) of the Act, each person for the time being holding an office referred to in subregulation (1), and each officer of a court of summary jurisdiction of a State or Territory, is a person entitled, in his or her discretion, to institute, continue or prosecute proceedings, on behalf of the person entitled to moneys payable under child maintenance order under Part VII of the Act, or a maintenance order under Part VIII of the Act, for the purpose of enforcing payment of those moneys.

15AA Third party expenses (Act s 90AJ)

- (1) For subsection 90AJ (4) of the Act, this regulation provides for matters relating to the expenses of a third party in relation to a marriage in situations where the court has not made an order under subsection 90AJ (2) in relation to those expenses.
- (2) A third party in relation to a marriage may charge reasonable fees to cover the reasonable expenses of the third party incurred as a necessary result of an order made or an injunction granted, in accordance with Part VIII AA of the Act, in relation to the marriage.
- (3) Without limiting subregulation (2), the fees may cover the reasonable expenses incurred by the third party in complying with the order or injunction.

Examples

Expenses incurred for any of the following matters could be covered in the fees charged by the third party:

- legal and registration fees
 - valuation fees
 - government charges and duties
 - searching, obtaining and producing documents
 - postage, delivery, transport or other transmission of documents
 - communications with the parties to the marriage or another person.
- (4) Each of the parties to the marriage is separately liable to pay to the third party half of the total amount of the fees charged.
- (5) Jurisdiction is conferred on a court having jurisdiction under the Act:

Regulation 16

- (a) to decide whether fees charged by a third party under subregulation (2) are reasonable; and
- (b) to make an order in relation to the collection or recovery of such reasonable fees.

15A Leave to appeal — prescribed decrees (Act s 94AA)

- (1) For items 1 to 5 of the table in subsection 94AA (1) of the Act, a prescribed decree is an interlocutory decree (other than a decree in relation to a child welfare matter).
- (2) In this regulation:
 - child welfare matter* means a matter relating to:
 - (a) the person or persons with whom a child is to live; or
 - (b) the person or persons with whom the child is to spend time or communicate; or
 - (c) any other aspect of parental responsibility, within the meaning of Part VII of the Act, for a child.

16 Fee in respect of appeals

- (1) Subject to subregulation (3), a court fee of \$616 is payable in respect of an appeal under section 94 or 94AAA of the Act.

Note This fee is subject to increase under Part IIAA.
- (2) Subject to subregulation (3), the court fee is payable by the appellant at the time of filing the notice of appeal.
- (2A) Except in a case to which subregulation (3) applies, a registrar shall not accept a notice of appeal for filing unless the court fee has been paid.
- (3) The court fee referred to in subregulation (1) is not payable if:
 - (a) the appellant has been granted legal aid, under a legal aid scheme or service established under Commonwealth, State or Territory law or approved by the Attorney-General, for the matter to which the proceedings relate; or
 - (b) the appellant is, at the time of filing a notice of appeal:
 - (i) the holder of one of the following cards issued by Centrelink:

Regulation 16A

- (A) a health care card;
- (B) a health benefit card;
- (C) a pensioner concession card;
- (D) a Commonwealth seniors health card; or
- (ii) the holder of any other card issued by Centrelink or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions; or
- (iii) an inmate of a prison or otherwise lawfully detained in a public institution; or
- (iv) a child under the age of 18 years; or
- (v) in receipt of a youth allowance, or an austudy payment, within the meaning of the *Social Security Act 1991*; or
- (vi) in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
- (c) a registrar, having regard to the income, day to day living expenses, liabilities and assets of the appellant, waives payment of the fee because, in his or her opinion, it would cause financial hardship to the appellant.

Note Regulation 16A makes provision in relation to the review of a decision of a registrar under paragraph (3) (c).

- (3A) For subparagraphs (3) (b) (i) and (ii), **holder** of a card does not include a dependant of the holder of the card.
- (4) Where the court fee referred to in subregulation (1) has been paid, being a fee that is not payable under subregulation (3), a registrar must refund to the applicant or other person who has paid the fee the full amount of fee.
- (5) In this regulation, **appeal** includes **cross appeal**, and **appellant** includes **cross appellant**.

16A Review by Administrative Appeals Tribunal

- (1) Application under the *Administrative Appeals Tribunal Act 1975* may be made to the Administrative Appeals Tribunal for review of a decision of a registrar under paragraph 11 (7) (e) or 16 (3) (c).

Regulation 18

- (2) If a registrar makes a decision under paragraph 11 (7) (e) or 16 (3) (c) refusing to waive a fee, a registrar must, within 28 days, give the applicant written notice of:
 - (a) the decision; and
 - (b) the applicant's right, under subsection 28 (1) of the *Administrative Appeals Tribunal Act 1975*, to request a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and the reasons for the decision.
- (3) Failure to give notice of the matter set out in paragraph (2) (b) does not affect the validity of the decision.
- (4) In this regulation, *registrar* does not include the registrar of a court of summary jurisdiction.

17 Registration of decrees

- (1) A decree (other than a divorce order or a decree of nullity of marriage) may be registered in any court having jurisdiction under the Act by filing a sealed copy of the decree in that court.
- (2) For the purposes of subregulation (1), a decree may be filed:
 - (a) by a party to the proceedings in which the decree was made;
 - (b) by a child entitled to benefit under the decree;
 - (c) by an officer of the court;
 - (d) by an officer, authority or person entitled under paragraph 125 (1) (f) of the Act to take proceedings for the enforcement of the decree; or
 - (e) with the leave of the court, by any other person.
- (3) A decree filed and registered under subregulation (1) shall be numbered in accordance with the applicable Rules of Court.

18 Interstate enforcement of affiliation and similar orders

- (1) This regulation applies to orders to which section 109 of the Act applies.

Regulation 18

- (2) A reference in this regulation to an order made by a court shall be read as including a reference to an order made by another court on an appeal in connection with proceedings that originated in the first-mentioned court.
- (3) For the purposes of this regulation, a person working in a place, whether temporarily or permanently, shall be deemed to be resident in that place as well as in the place in which he or she is in fact resident.
- (4) Where an order to which this regulation applies is still in force and it appears that the person against whom the order has been made is resident in, or proceeding to, a State or Territory, other than the State or Territory in which the order was made, the registrar of the court in the State or Territory in which the order was made may, of his or her own motion, or on the application of a person for whose benefit the order was made, send to a court having jurisdiction under the Act in that other State or Territory:
 - (a) 3 certified copies of the order;
 - (b) a certificate setting out the amounts payable and remaining unpaid under the order;
 - (c) such information and material (if any) as the registrar possesses for ascertaining the identity and whereabouts of the person against whom the order has been made; and
 - (d) a request in writing that the order be made enforceable in that State or Territory.
- (5) Where the registrar of a court receives the documents referred to in subregulation (4), the registrar of that court shall, if there are reasonable grounds for believing that the person against whom the order has been made is resident in or proceeding to the area over which the court has jurisdiction, register the order by filing in the court a certified copy of the order and certificate and noting the fact and date of the registration on that certified copy.
- (6) An order registered under subregulation (5) is, until the registration is cancelled, enforceable in the court in which the certified copy of the order is filed both with respect to any moneys or arrears presently payable under the order and with

Regulation 18

respect to amounts becoming due under the order after it is so registered as if it were an order made under the Act.

- (7) Upon registration under subregulation (5) of an order, the registrar of the court shall:
- (a) notify the registrar of the requesting court of the registration; and
 - (b) cause a certified copy of the order to be served upon the person against whom the order has been made, together with a notice of registration of the order in the court specifying:
 - (i) the amount, if any, (including arrears) due under the order; and
 - (ii) the person, authority or court to whom or to which money payable under the order is to be paid.
- (8) Service of the documents may be effected by:
- (a) delivering the documents to the person personally; or
 - (b) sending the documents by prepaid post to the person at the person's last known address; or
 - (c) posting, faxing or delivering the documents to the person at the person's address for service within the meaning of the applicable Rules of Court.
- (8A) Documents served under paragraph 8 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.
- (9) Where an order has been registered in a court in accordance with this regulation and there are reasonable grounds for believing that the person against whom the order has been made is no longer resident in the State or Territory in which the order has been registered but is or is about to be resident in another State or Territory, the registrar of the court in which the order has been registered shall forthwith notify the registrar of the court in which the order was made accordingly and shall give to that registrar such information as the registrar of the first-mentioned court possesses concerning the whereabouts and intended movements of that person.

Regulation 19

- (10) Where:
- (a) an order has been registered in accordance with this regulation; and
 - (b) the registrar of a court receives from the requesting court a request in writing that the order be no longer enforced;
the registrar shall cancel the registration by noting the fact and date of the cancellation on the certified copy of the order filed in the court.
- (11) Upon the cancellation of the registration of an order:
- (a) the order ceases to be enforceable by the court in which it has been registered;
 - (b) the order remains unenforceable by that court unless and until it is again registered in that court; and
 - (c) every warrant or other process arising out of the registration of the order ceases to have force or effect.
- (12) Where:
- (a) an order to which this regulation applies made by a court in a State or Territory was, before the commencement of the Act, registered in a court in another State or Territory (being a court that has jurisdiction under the Act); and
 - (b) the registration had not been cancelled before the commencement of this subregulation;
subregulations (6), (9), (10) and (11) apply in relation to that order as if it were an order registered in the last-mentioned court in accordance with this regulation.

19 Operation of State and Territory laws — prescribed laws (Act s 114AB)

For section 114AB of the Act, the following are prescribed laws:

- (a) the *Crimes (Domestic and Personal Violence) Act 2007* (NSW);
- (b) the **Family Violence Protection Act 2008** (Vic);
- (c) the *Domestic and Family Violence Protection Act 1989* (Qld) and the *Peace and Good Behaviour Act 1982* (Qld);
- (d) Parts 1 to 6 of the *Restraining Orders Act 1997* (WA);

Regulation 21

- (e) the *Domestic Violence Act 1994* (SA);
- (f) the *Family Violence Act 2004* (Tas) and Part XA of the *Justices Act 1959* (Tas);
- (g) the *Domestic Violence and Protection Orders Act 2001* (ACT);
- (h) the *Domestic and Family Violence Act 2007* (NT);
- (i) the *Domestic Violence Act 1995* (NI).

20 Priority of attachment orders

For the purposes of the *Maintenance Orders (Commonwealth Officers) Act 1966*, an order made under the applicable Rules of Court for the attachment of moneys payable by the Commonwealth, a State, a Territory or the Administration of a Territory or by an authority of the Commonwealth, of a State or of a Territory (other than moneys as to which it is provided by any law of the Commonwealth, of a State or of a Territory that they are not liable to attachment) shall be regarded as having been made under this regulation and shall have the same force and effect as an order made under the Third Schedule to the repealed Act.

21 Conversion of currency

- (1) If the Child Support Registrar has calculated the amount in Australian currency (the *Australian amount*) that is equivalent to an amount expressed in a currency of an overseas country in a document to which this regulation applies, the calculation done by the Child Support Registrar also applies for these Regulations.
- (2) If the Child Support Registrar has not done the calculation mentioned in subregulation (1), the calculation must be done in the way set out in this regulation.
- (3) The Australian amount is calculated by using the telegraphic transfer rate of exchange prevailing on the day on which the order, agreement or liability relevant to the document becomes enforceable in Australia.

Regulation 21

- (4) If the Secretary calculates the Australian amount for a document to which this regulation applies, the Secretary must endorse on the document the rate of exchange used for the calculation.
- (5) This regulation applies to the following documents:
 - (a) an overseas maintenance order (including a provisional order);
 - (b) an overseas maintenance agreement;
 - (c) a document about an overseas maintenance entry liability for Division 2 in Part III;
 - (d) a certificate or notice, originating in an overseas jurisdiction, about an overseas maintenance order or agreement.

Regulation 21AAB

Part IIAAA Protected names and symbols**21AAA Protected names (Act s 9A)**

For the definition of *protected name* in subsection 9A (4) of the Act, each of the names specified in Schedule 10 is prescribed.

21AAB Protected symbols (Act s 9A)

- (1) Each symbol whose design is set out in Schedule 11 is a *protected symbol* for the purposes of the definition of that term in subsection 9A (4) of the Act.
- (2) A symbol mentioned in subregulation (1) does not cease to be a protected symbol by reason only of the symbol being expressed in a colour, combination of colours, font or size different from that set out in Schedule 11.

Regulation 21AA

Part IIAA Automatic variation of fees**21AA Biennial increases**

Despite any other provision of these Regulations, a fee prescribed by regulation 11 or 16 is increased, in accordance with this Part, on each biennial anniversary of 1 July 1996.

21AB Calculation of increase

- (1) In this regulation:

fee means a fee prescribed by regulation 11 or 16.

CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

relevant period means any of the following periods:

- (a) the 2 year period commencing on 1 July 1996;
- (b) after that period — each 2 year period commencing on a biennial anniversary of 1 July 1996.

- (2) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, a fee is taken to increase, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{fee} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

where:

earlier CPI number is the CPI number for the last March quarter before the beginning of the relevant period; and

fee is the fee in force at the end of the relevant period; and

latest CPI number is the CPI number for the last March quarter before the end of the relevant period.

- (3) If, apart from this subregulation, the amount of a fee increased under subregulation (2) would be an amount of dollars and

Regulation 21AB

cents, the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.

- (4) Subject to subregulation (5), if at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for an index number previously published by the Australian Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this regulation.
- (5) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the application of this regulation after the change is made, regard shall be had only to numbers published in terms of the new reference base.

Part IIA Parentage testing procedures and reports

Division 1 General

21A Application of Part

This Part applies to a parentage testing procedure that is required to be carried out on a person under a parentage testing order made by the court under subsection 69W (1) of the Act.

21B Interpretation

In this Part, unless the contrary intention appears:

bodily sample is not limited to a sample of blood.

donor means the person required to provide a bodily sample for the purposes of a parentage testing procedure.

HLA means human leucocyte antigen.

NATA means the National Association of Testing Authorities, Australia.

nominated reporter means the person nominated by a laboratory to prepare a report relating to the information obtained as a result of carrying out a parentage testing procedure at that laboratory.

report means a report in accordance with regulation 21M.

sample means a sample taken from a donor for the purposes of a parentage testing procedure.

sampler means a person who takes a bodily sample from a donor for the purposes of a parentage testing procedure.

testing means the implementation, or any part of the implementation, of a parentage testing procedure.

Regulation 21E

21C Parentage testing procedures

For the purposes of the definition of *parentage testing procedure* in subsection 4 (1) of the Act, the following medical procedures are prescribed:

- (a) red cell antigen blood grouping;
- (b) red cell enzyme blood grouping;
- (c) HLA tissue typing;
- (d) testing for serum markers;
- (e) DNA typing.

21D Compliance with Regulations

A parentage testing procedure is taken to be carried out in accordance with these Regulations if:

- (a) it is carried out:
 - (i) in compliance with Division 2; and
 - (ii) at a laboratory that is accredited by NATA for the purpose of carrying out parentage testing procedures; and
 - (iii) in accordance with standards of practice that entitle the laboratory to be so accredited; and
- (b) it is supplemented by a report under Division 3.

Division 2 Collection, storage and testing of samples

21E Samplers

A person must not take a bodily sample from a donor for the purposes of a parentage testing procedure unless:

- (a) the person is a registered medical practitioner; or
- (b) the person is employed by a hospital, a pathology practice, a parentage testing practice or a registered medical practitioner for the purpose of taking a bodily sample from a donor.

Regulation 21F

21F Provision of information by donor — Form 2

- (1) A sampler must not take a bodily sample from a donor unless the donor or, if appropriate, a person described in subregulation (3), has:
 - (a) immediately before the sampler takes the bodily sample, completed an affidavit in accordance with Form 2 in Schedule 1, to which is attached a recent photograph of the donor named in the affidavit; and
 - (b) either:
 - (i) provided to the sampler a recent photograph of the donor, measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the donor's head and the donor's shoulders against a plain background; or
 - (ii) made a written arrangement with the sampler for a photograph of that kind to be taken.
- (2) The photograph required by paragraph (1) (b) is in addition to the photograph that is required to be attached to Form 2.
- (3) If the donor is a child under the age of 18 years, or a person who is suffering from a mental disability, the affidavit referred to in paragraph (1) (a) may be completed only by:
 - (a) in the case of a child under the age of 18 years — a person who is responsible for the long-term care, welfare and development of the child; or
 - (b) in the case of a person who is suffering from a mental disability:
 - (i) a trustee or manager in relation to the person under a law of the State or Territory whose laws apply to the person; or
 - (ii) a person who is responsible for the care, welfare and development of the person suffering from a mental disability.

21G Collection of blood samples

- (1) A sampler may take a sample of blood from a donor only with a needle or syringe that:

Regulation 21I

- (a) has not been used for any purpose; and
 - (b) has been sterilised; and
 - (c) is disposable.
- (2) Before taking a sample of blood from a donor, the sampler must ensure that the area of the donor's skin into which the needle is to be inserted to withdraw the blood has been cleaned with an antiseptic.

21H Collection of bodily samples for DNA typing

- (1) This regulation applies to the taking of a bodily sample (except a sample of blood) from a donor for the purposes of a parentage testing procedure that is DNA typing.
- (2) A sampler must not take a bodily sample from a donor with a swab unless the swab:
- (a) has not been used for any purpose; and
 - (b) has been sterilised.
- (3) If the bodily sample to be taken from a donor is a skin scraping or a hair root, the implement used by the sampler to take the sample must have been sterilised before use.

21I Container to be sealed and labelled

- (1) If a bodily sample is taken from a donor, the sampler must ensure that:
- (a) the sample is placed in a container:
 - (i) immediately after it is taken; and
 - (ii) in the presence of the donor; and
 - (b) the container has not previously been used for any purpose; and
 - (c) the container is sealed in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container; and
 - (d) the container is labelled in a way that:
 - (i) if the label, or any part of the label, were removed;
or

Regulation 211

- (ii) if writing on the label were impaired by alteration or erasure;
the removal of the label, or the impairment, would be evident on inspection of the container; and
 - (e) the particulars on the label are inscribed in ink and include:
 - (i) the full name of the donor; and
 - (ii) the date of birth and the sex of the donor; and
 - (iii) the date and time at which the sample was taken; and
 - (f) when paragraph (e) is complied with — the sampler and the donor sign the label, in ink.
- (2) If the donor is a child under the age of 18 years:
- (a) the procedure specified in paragraph (1) (a) must be completed in the presence of the person who is responsible for the long-term care, welfare and development of the child; and
 - (b) the procedure specified in paragraph (1) (f) is taken to be satisfied only if the person who is responsible for the long-term care, welfare and development of the child signs the label.
- (3) If the donor is a person who is suffering from a mental disability:
- (a) the procedure specified in paragraph (1) (a) must be completed in the presence of:
 - (i) a trustee or manager in relation to the person under a law of the State or Territory whose laws apply to the person; or
 - (ii) a person who is responsible for the care, welfare and development of the person suffering from a mental disability; and
 - (b) the procedure specified in paragraph (1) (f) is taken to be complied with only if the label is signed:
 - (i) by a trustee or manager in relation to the person under a law of the State or Territory whose laws apply to the person; or

Regulation 21L

- (ii) by a person who is responsible for the care, welfare and development of the person suffering from a mental disability.

21J Statement by sampler — Form 4

After taking a bodily sample from a donor, the sampler must:

- (a) complete a statement in accordance with Form 4 in Schedule 1; and
- (b) affix the photograph of the donor referred to in paragraph 21F (1) (b) to the statement; and
- (c) sign his or her name partly on the photograph and partly on the statement in a way that, if the photograph were later removed from the statement, the removal would be evident from inspection of the statement.

21K Packing and storage requirements

- (1) A bodily sample must be packed, stored and transported to a laboratory for testing in a manner that:
 - (a) will preserve the integrity of the sample; and
 - (b) ensures that the testing of the sample will produce the same results as would have been obtained if the sample had been tested immediately after collection.
- (2) The sampler must ensure that the following documents are sent to the laboratory with the sample:
 - (a) the affidavit completed under paragraph 21F (1) (a);
 - (b) the statement completed under regulation 21J.

21L Testing of bodily samples

- (1) A laboratory to which a bodily sample has been sent for testing must ensure that the testing is completed:
 - (a) if the proposed procedure is red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers — within 6 days after the sample is taken; or
 - (b) if the proposed procedure is HLA tissue typing — within 3 days after the sample is taken; or

Regulation 21M

- (c) if the proposed procedure is DNA typing — within a reasonable time after the sample is taken.
- (2) If the proposed procedure is red cell enzyme blood grouping or testing for serum markers, paragraph (1) (a) is complied with if a dried sample of the bodily sample to be tested is prepared within 6 days after the sample is taken from the donor.

Division 3 Reports

21M Reports — Form 5

- (1) For the purposes of paragraph 69ZB (b) of the Act, a report must be prepared, in accordance with this regulation, relating to the information obtained as a result of carrying out a parentage testing procedure.
- (2) The report must be in accordance with Form 5 in Schedule 1.
- (3) Part I of the report must be completed by the nominated reporter identified in the report.
- (4) Part II of the report must be completed by:
 - (a) the person who carried out the parentage testing procedure; or
 - (b) the person under whose supervision the parentage testing procedure was carried out.
- (5) A report completed otherwise than in accordance with this regulation is taken to be of no effect.

Division 4 Miscellaneous

21N Notification of accredited laboratories and nominated reporters

- (1) NATA must prepare, for each financial year:
 - (a) a list of any laboratories that are accredited by NATA to carry out parentage testing procedures; and
 - (b) for each accredited laboratory — a nominated reporter.

Regulation 21N

- (2) Immediately before the beginning of each financial year, NATA must give a copy of the list to:
 - (a) the Attorney-General; and
 - (b) the Chief Executive Officer of the Family Court of Australia; and
 - (c) the Registrar of the Family Court of Western Australia; and
 - (d) the Chief Executive Officer of the Federal Magistrates Court.
- (3) The Attorney-General must publish the list in a manner determined by the Attorney-General.
- (4) If NATA amends the list during the year to which it applies, it must give written notice of the amendment to each person referred to in subregulation (2).
- (5) If NATA gives notice under subregulation (4), the Attorney-General must publish a revised list in a manner determined by the Attorney-General.

Regulation 23

Part III Overseas orders

Division 1 Overseas child orders

23 Registration of overseas child orders

- (1) Subregulation (1A) applies if:
- (a) the Secretary receives:
 - (i) from a prescribed overseas jurisdiction a certified copy of an overseas child order that was made in that jurisdiction; and
 - (ii) a certificate signed by an officer of a court or by some other authority in that jurisdiction relating to the order and containing a statement that the order is, at the date of the certificate, enforceable in that jurisdiction; and
 - (b) there are reasonable grounds for believing that any of the following persons is ordinarily resident in, present in, or proceeding to, Australia:
 - (i) the child who is the subject of the order;
 - (ii) a parent of that child;
 - (iii) a person having the right to have the child live with him or her, or the right of custody of or access to the child, or the right to spend time or communicate with the child.
- (1A) The Secretary must send the documents mentioned in paragraph (1) (a) to:
- (a) a registrar of the Family Court; or
 - (b) the registrar of a State Family Court; or
 - (c) the Registrar of a Supreme Court of a State or Territory.
- (2) When the registrar of a court receives from the Secretary the documents referred to in subregulation (1), the registrar shall register the order by filing in the court a certified copy of the order and the certificate relating to the order and noting the fact and the date of the registration on the certified copy.

Regulation 23

- (3) Where an overseas child order has been registered in accordance with subregulation (2), the order may, on the application of the registrar of a court or a person interested in the order (including the child who is the subject of the order), be registered concurrently in any other court having jurisdiction under the Act.
- (4) A certificate by a court that the order has been registered in that court in accordance with subregulation (2) shall be sufficient evidence to enable a concurrent registration to be made.
- (5) An overseas child order registered in accordance with this regulation is enforceable throughout Australia until the registration (including a concurrent registration) has been cancelled.
- (6) Where it appears to a court that the documents referred to in subregulation (1) have been received by the court other than from the Secretary, the court may, if all other requirements of subregulation (1) are satisfied, register the order.
- (7) Where a court exercising jurisdiction under section 70J of the Act substantially varies the order, the registrar of the court shall forthwith forward to the court or to the appropriate authority in the prescribed overseas jurisdiction:
 - (a) 3 certified copies of the order of the court and the reasons for the order;
 - (b) a copy of the depositions; and
 - (c) such further material as the court directs.
- (8) This regulation does not prevent a court that has jurisdiction under the Act from receiving evidence of an order made in an overseas jurisdiction (whether or not the jurisdiction is a prescribed overseas jurisdiction), being an order that:
 - (a) deals with the person with whom a child is supposed to live, spend time or communicate; or
 - (b) provides for a person to have custody of, or access to, a child.

Regulation 24

24 Transmission of orders to overseas jurisdiction

- (1) This regulation applies if:
 - (a) a State child order, or a parenting order other than a child maintenance order, is made by a court in Australia in relation to a child who is under 18; and
 - (b) the order may be enforced in a prescribed overseas jurisdiction under provisions corresponding to Subdivision C of Division 13 of Part VII of the Act.
- (2) If the registrar of the court in which the order was made, registered or last varied, receives a written request from a person mentioned in subregulation (3) to send the order to the prescribed overseas jurisdiction for registration and enforcement in that jurisdiction, the registrar must send the documents mentioned in subregulation (4) to the appropriate court or authority in the prescribed overseas jurisdiction.
- (3) For subregulation (2), a request may be made by a person:
 - (a) with whom the child is supposed to live, spend time or communicate under the order; or
 - (b) who has a right to custody of, or access to, the child under the order.
- (4) For subregulation (2), the documents are as follows:
 - (a) 3 certified copies of the order;
 - (b) a certificate signed by the registrar stating that the order is, at the date of the certificate, enforceable in Australia;
 - (c) any information and material the registrar holds that may assist in identifying and locating the child or any other person who is subject to the order;
 - (d) a request in writing that the order be made enforceable in the prescribed overseas jurisdiction.
- (5) If:
 - (a) the order is registered in a court in the prescribed overseas jurisdiction; and
 - (b) a court in that jurisdiction makes an order under a law corresponding to section 70J of the Act (the *overseas order*);

Regulation 24A

a court having jurisdiction under the Act may treat the overseas order as an overseas child order for the purposes of exercising jurisdiction under that section.

- (6) If a court exercises jurisdiction under section 70J of the Act in relation to a child who is the subject of the overseas order, the registrar of the court must send to the court in the prescribed overseas jurisdiction:
- (a) 3 certified copies of any order made by the court and the reasons for the order; and
 - (b) such further material as the court directs.
- (7) Nothing in this regulation prevents a person having a right of custody of or access to a child, or a right to spend time or communicate with the child, under the order from:
- (a) obtaining certified copies of the order; or
 - (b) applying to a court in an overseas jurisdiction (whether or not it is a prescribed overseas jurisdiction) for registration and enforcement of the order in that jurisdiction.
- (8) In this regulation:

custody, in relation to a child, includes:

- (a) guardianship of the child; and
- (b) responsibility for the long-term or day-to-day care, welfare and development of the child; and
- (c) responsibility as the person or persons with whom the child is to live.

overseas child order has the meaning given by section 70F of the Act.

Division 2 Maintenance

24A Definitions for Division 2

In this Division:

maintenance order means:

- (a) a maintenance order within the meaning of section 110 of the Act; and
- (b) an order made under section 67D or 67E of the Act.

Regulation 25

overseas maintenance entry liability means an overseas maintenance entry liability included in the Child Support Register under section 25A of the *Child Support (Registration and Collection) Act 1988*.

reciprocating jurisdiction has the same meaning as in section 110 of the Act.

registered maintenance liability means a registrable maintenance liability under section 18A of the *Child Support (Registration and Collection) Act 1988*.

25 Reciprocating jurisdictions

Each of the jurisdictions specified in Schedule 2 is declared to be a reciprocating jurisdiction for the purposes of section 110 of the Act.

28 Dealing with provisional overseas maintenance orders

- (1) This regulation applies if:
- (a) a maintenance order has been made in a reciprocating jurisdiction; and
 - (b) the order has no effect under the law of that jurisdiction unless and until it is confirmed by a court outside that jurisdiction; and
 - (c) the Secretary has received:
 - (i) a certified copy of the order; and
 - (ii) a copy of the depositions of the witnesses in the proceedings in which the order was made; and
 - (iii) a statement of the grounds on which the order could have been opposed if the person against whom the order was sought (the *respondent*) had appeared at the hearing; and
 - (d) there are reasonable grounds for believing that:
 - (i) the respondent is ordinarily resident in, is present in, or is proceeding to, Australia; and
 - (ii) the order will have effect under the law of the overseas jurisdiction if it is confirmed by a court having jurisdiction under the Act.

Regulation 28A

- (2) The Secretary must make an application calling upon the respondent to show cause why that order should not be confirmed.

Note For **application**, see subregulation 3 (1).

- (3) The Secretary must serve a copy of the application on the respondent.

Note Service is dealt with by the applicable Rules of Court.

28A Hearings about applications about provisional overseas maintenance orders

- (1) This regulation explains what may happen on the hearing of an application under subregulation 28 (2).
- (2) It is open to the respondent to raise any ground of opposition that the respondent could have raised in the original proceedings or any ground of opposition that the respondent could have raised if the proceedings leading to the making of the provisional overseas order had been heard in Australia.
- (3) The statement mentioned in subparagraph 28 (1) (c) (iii) is conclusive evidence of the grounds of opposition that could have been raised in the original proceedings.
- (4) A court must not determine the application if an application could properly be made at that time, under the *Child Support (Assessment) Act 1989*, read with the *Child Support (Registration and Collection) Act 1988*, for administrative assessment of child support (within the meaning of the *Child Support (Assessment) Act 1989*) by a person seeking payment of child support for the child from the respondent.
- (5) Subregulation (4) has effect whether or not an application for administrative assessment of child support for the child has in fact been made.
- (6) The court may:
- (a) confirm the provisional order (either with or without modification); or
 - (b) discharge the provisional order; or

Regulation 28B

- (c) adjourn the proceedings, and remit the provisional order to the court that made it with a request that that court take further evidence and further consider its provisional order.

28B Making of orders about provisional overseas maintenance orders

- (1) This regulation is about orders made under subregulation 28A (6).
- (2) An order confirming a provisional order may specify:
 - (a) the time or times by which the money payable under the order is to be paid; and
 - (b) the person, authority or court to whom or to which that money is to be paid; and
 - (c) where necessary, the means by which that money must be paid or disbursed.
- (3) A provisional order that is confirmed (whether with or without modification) is enforceable in Australia, as so confirmed, and has effect in Australia as if it were an order made under the Act.
- (4) If the court adjourns the proceedings, the court may make a temporary order for periodic payments by the respondent.
- (5) The Secretary must notify an officer of the court or other authority in the overseas jurisdiction of a decision of the court confirming or discharging an order.

28C Dealing with United States petitions

- (1) This regulation applies if:
 - (a) a petition is filed in a court in a State or Territory of the United States of America seeking a support order against a person claimed in the petition to have a duty of support; and
 - (b) that court gives a certificate to the effect that the petition sets out facts from which it may be determined that the person owes a duty of support; and

Regulation 28D

- (c) the Secretary has received certified copies of the petition and the certificate, together with a copy of the provisions of the law of the State or Territory to which the petition and certificate relate; and
- (d) there are reasonable grounds for believing that the person is ordinarily resident in, present in, or proceeding to, Australia.

- (2) The Secretary must make an application calling on the person claimed in the petition to owe a duty of support to show cause why an order in the same terms as the order sought in the petition should not be made.

Note For **application**, see subregulation 3 (1).

- (3) The Secretary must serve a copy of the application on the person.

Note Service is dealt with by the applicable Rules of Court.

- (4) In this regulation, a reference to a duty of support is a reference to a duty of support within the meaning of the law under which the relevant petition is filed in a State or Territory of the United States of America.

28D Hearing of applications based on United States petitions

- (1) This regulation explains what may happen on the hearing of an application under subregulation 28C (2).
- (2) It is open to the respondent to raise any ground of opposition that the respondent:
 - (a) could have raised to the petition in the relevant court in the United States of America; or
 - (b) could raise in proceedings in relation to the provision of maintenance in a court having jurisdiction under the Act in Australia.
- (3) A court must not determine the application if an application could properly be made, at that time, under the *Child Support (Assessment) Act 1989*, read with the *Child Support (Registration and Collection) Act 1988*, for administrative assessment of child support (within the meaning of the *Child*

Regulation 28E

Support (Assessment) Act 1989) by a person seeking payment of child support for the child from the respondent.

- (4) Subregulation (3) has effect whether or not an application for administrative assessment of child support for the child has in fact been made.
- (5) The court may:
 - (a) make an order for the provision of maintenance in the terms of the order sought in the petition (with or without modification); or
 - (b) refuse to make an order; or
 - (c) adjourn the proceedings and remit the petition and certificate to the court in which the petition was originally filed with a request that that court take further evidence and further consider the certifying of the petition.
- (6) In this regulation:
certificate means a certificate mentioned in paragraph 28C (1) (b).

28E Effect of orders about United States petitions

- (1) An order that is made under regulation 28D may specify:
 - (a) the time or times by which the money payable under the order is to be paid; and
 - (b) the person, authority or court to whom or to which that money is to be paid; and
 - (c) where necessary, the means by which that money must be paid.
- (2) If the court adjourns the proceedings under paragraph 28D (5) (c), the court may make a temporary order for periodic payments by the respondent.
- (3) As soon as practicable after the court makes or refuses to make an order under this regulation, the Secretary must give notice of the decision to the court in which the petition was filed or other authority in the United States of America which caused the petition to be sent to the Secretary.

- (4) In this regulation:

petition means a petition mentioned in paragraph 28C (1) (a).

29 Power to make provisional order against person in reciprocating jurisdiction

- (1) If a court is satisfied that a respondent to an application for a maintenance order is resident in, or on the way to, a reciprocating jurisdiction, the court may make an order in the absence of the respondent.
- (2) Subregulation (1) applies even if the respondent has not been served with the application and has not consented to the order.
- (3) The court can make any order that it could have made under subregulation (1) if the application had been served on the respondent and the respondent had failed to appear at the hearing of the application.
- (4) A court must not make an order under subregulation (1) if an application could properly be made, at that time, under the *Child Support (Assessment) Act 1989*, read with the *Child Support (Registration and Collection) Act 1988*, for administrative assessment of child support (within the meaning of the *Child Support (Assessment) Act 1989*) by a person seeking payment of child support for the child from the respondent.
- (5) Subregulation (4) has effect whether or not an application for administrative assessment of child support for the child has in fact been made.
- (6) An order under subregulation (1) is:
- (a) provisional; and
 - (b) of no effect:
 - (i) unless it is expressed to be provisional; and
 - (ii) unless and until confirmed (either with or without modification) by a competent court in a reciprocating jurisdiction or a jurisdiction with restricted reciprocity in which the respondent is resident at the time of confirmation.

Regulation 29A

29A Dealing with provisional order against person in reciprocating jurisdiction

- (1) This regulation applies if a court makes an order under subregulation 29 (1).
- (2) The registrar of the court must send to the Secretary:
 - (a) a copy of the depositions of the witnesses; and
 - (b) 3 certified copies of the order; and
 - (c) a statement of the grounds on which the making of the order could have been opposed if the respondent had appeared at the hearing; and
 - (d) the information and material (if any) which the registrar has for working out the identity and whereabouts of the respondent.
- (3) The Secretary must, on receipt of the documents and information mentioned in subregulation (2), send them to a court in the jurisdiction in which the respondent is resident or to which the respondent is proceeding, with a request in writing that proceedings be started for the confirmation and enforcement of the provisional order.

29B Taking of further evidence

- (1) If a court in a reciprocating jurisdiction remits an order sent to it under subregulation 29A (3) to the court in which the order was made for the taking of further evidence, the court must take the evidence, and must cause the depositions of the witnesses to be sent to the court in the reciprocating jurisdiction.
- (2) Before taking the evidence, notice must be given to such persons and in such manner as the court thinks fit.
- (3) If, on the taking of further evidence, it appears that the order ought not to have been made, the court may revoke the order or may make a fresh provisional order under subregulation 29 (1).
- (4) A court that takes evidence because of a request made under subregulation (1) may, for subregulation (3), have regard to the evidence given in that other court.

29C Confirmation of provisional order against person in reciprocating jurisdiction

- (1) This regulation applies if a court in a reciprocating jurisdiction in which the respondent is resident for the time being confirms (either with or without modification) an order made under regulation 29.
- (2) The order has effect in Australia as so confirmed.
- (3) In proceedings arising out of or relating to the order, it must be presumed, unless the contrary is proved, that the respondent was resident in the overseas jurisdiction at the time the order was confirmed.

30 Proceedings for enforcement of overseas maintenance entry liabilities

- (1) This regulation is about enforcement proceedings for an overseas maintenance entry liability.
- (2) Proceedings may be taken as if the liability were an order made under Part VII or VIII of the Act.
- (3) The Act, these Regulations and the applicable Rules of Court, so far as they are applicable, and with such modifications as are necessary, apply in relation to the proceedings.
- (4) Proceedings may be taken:
 - (a) by the person who would be entitled to take proceedings if the liability were an order under Part VII or VIII of the Act, as mentioned in subregulation (2); or
 - (b) by the Secretary, on behalf of the person.

31 Cancellation of registration in reciprocating jurisdiction

- (1) Where:
 - (a) a maintenance order made in Australia is, under the law of a reciprocating jurisdiction or a jurisdiction with restricted reciprocity, enforceable in that jurisdiction; and

Regulation 32

- (b) the court in which the order was made is satisfied that there are reasonable grounds for believing that the person against whom the order was made is not resident in, or proceeding to, that reciprocating jurisdiction, or it appears to the court that there is some good reason why the order should no longer be enforceable in that jurisdiction;

the court may direct that steps be taken to cancel the registration of the order in that jurisdiction.

- (2) Where a court directs under subregulation (1) that steps be taken to cancel the registration of an order in a jurisdiction, the registrar of that court shall send to an appropriate authority in that jurisdiction a request in writing that the order be no longer enforceable in that jurisdiction.
- (3) Where a court directs under subregulation (1) that steps be taken to cancel the registration of an order in a jurisdiction, the order shall cease to be enforceable in that jurisdiction for the purposes of these Regulations.

32 Cancellation of registration of overseas maintenance orders

- (1) Where:
- (a) an overseas maintenance order is registered or confirmed under these Regulations; and
- (b) the court in which the order is registered or confirmed receives a request in writing made by the court that made the order or some other competent authority in the overseas jurisdiction that the order be made no longer enforceable in Australia;

the first-mentioned court shall direct its registrar to cancel the registration of the order by noting the fact and date of the cancellation on the certified copy of the order filed in the court.

- (2) Upon the cancellation of the registration of an overseas maintenance order, the order ceases to be enforceable in Australia.
- (3) Where the registrar of a court cancels the registration of an overseas maintenance order in pursuance of a request in writing having been received from a court or authority referred

to in paragraph (1) (b), the registrar shall cause notice in writing of the fact that the registration has been cancelled, and of the date of the cancellation, to be given to the person who was required to make payments under the order.

(4) In this regulation:

registered means registered before 1 July 2000.

34 Cancellation of registration of overseas maintenance agreements

(1) Where:

- (a) an overseas maintenance agreement is registered under these Regulations; and
- (b) the court in which the agreement is registered receives a request in writing from:
 - (i) the parties to the agreement; or
 - (ii) the court or other authority in the prescribed overseas jurisdiction an officer of which signed the certificate for the agreement mentioned in paragraph 33 (2) (b) as in force before 1 July 2000;

that the agreement be no longer enforceable in Australia; the first-mentioned court shall direct its registrar to cancel the registration of the agreement by noting the fact and date of cancellation on the certified copy of the agreement filed in the court.

- (2) Upon the cancellation of the registration of an overseas maintenance agreement under subregulation (1), the agreement ceases to be enforceable in Australia.
- (3) Where the registrar of a court cancels the registration of an overseas maintenance agreement in pursuance of a request in writing having been received from a court or authority referred to in subparagraph (1) (b) (ii), the registrar shall cause notice in writing of the fact that the registration has been cancelled, and of the date of the cancellation, to be given to the person who was required to make payments under the agreement.
- (4) In this regulation:

registered means registered before 1 July 2000.

Regulation 36

36 Party in Australia may apply to vary etc overseas maintenance order, agreement or liability

- (1) This regulation applies to:
 - (a) an overseas maintenance order or agreement registered in a court before 1 July 2000; and
 - (b) an overseas maintenance entry liability or a registered maintenance liability.
- (2) Application may be made to a court having jurisdiction under the Act for an order discharging, suspending, reviving or varying an order, agreement or liability to which this regulation applies.
- (3) An application may be made by:
 - (a) the person for whose benefit the order or agreement was made, or for whose benefit the liability was created; or
 - (b) the person against whom the order was made or the person who is liable to make payments because of the agreement or the liability; or
 - (c) the Secretary, on behalf of a person mentioned in paragraph (a) or (b).
- (4) The law to be applied to determination of an application is the law in force in Australia under the Act.

37 Discharge etc of overseas maintenance order or liability made in absence of party

- (1) This regulation applies to an application that is made under subregulation 36 (1) if:
 - (a) the applicant is the person against whom an overseas maintenance order was made or the person who is liable to make payments because of a liability mentioned in paragraph 36 (1) (b); and
 - (b) the applicant did not have notice of the proceedings giving rise to the order or liability, did not appear in those proceedings and did not consent to the making of the order or to the creation of the liability; and

Regulation 38A

- (c) the application is made within 6 months after the applicant was given notice that the order or liability is enforceable in Australia.
- (2) On the hearing of the application, the applicant may raise any matter that the applicant could have raised under Part VII or VIII of the Act if the proceedings giving rise to the order or to the liability had been heard in Australia.

38 Variation etc orders — status

- (1) An order made under regulation 36 is provisional if the relevant reciprocating jurisdiction is one of the following jurisdictions:

Brunei, Canadian Provinces and Territories mentioned in Schedule 2, Territory of Christmas Island, Territory of Cocos (Keeling) Islands, Cook Islands, Cyprus, Fiji, Gibraltar, Hong Kong, India, Republic of Ireland, Kenya, Malawi, Malaysia, Malta, Nauru, New Zealand, Papua New Guinea, Sierra Leone, Singapore, South Africa, Sri Lanka, Tanzania, Trinidad and Tobago, United Kingdom, including the Channel Islands mentioned in Schedule 2.

- (2) Such an order is final if the reciprocal jurisdiction is any other jurisdiction.

Note For *reciprocating jurisdiction*, see regulation 24A.

38A Making and effect of provisional variation etc orders

- (1) This regulation applies if an order mentioned in subregulation 38 (1) is provisional.
- (2) The order is of no effect:
 - (a) unless it is expressed to be provisional; and
 - (b) unless and until it is confirmed (either with or without modification) by a competent court of the reciprocating jurisdiction in which the overseas maintenance order affected by the provisional order was made (the *foreign court*).

Regulation 38B

- (3) The order may be made even though the respondent has not been served with the application and has not consented to the order proposed in the application.

Note For *application*, see subregulation 3 (1).

- (4) The registrar of the court making the order must send a certified copy of the order, together with a copy of the depositions of the witnesses, to the Secretary.
- (5) The Secretary must send a certified copy of the order, together with a copy of the depositions of the witnesses, to the foreign court.
- (6) If the foreign court confirms the order (with or without modification), the order has effect in Australia as so confirmed.

38B Taking of further evidence

- (1) If the foreign court remits an order mentioned in subregulation 38 (1) for the taking of further evidence, the court to which the order has been remitted (the *receiving court*), after giving notice under subregulation (3), must take the evidence.
- (2) The registrar of the receiving court must send a copy of the depositions of the witnesses whose evidence is taken under subregulation (1) to the foreign court.
- (3) The receiving court must give notice of the taking of further evidence to the applicant for the order and to any other person the court thinks fit.
- (4) The notice may be given in such manner as the court thinks fit.
- (5) If, upon taking the further evidence, it appears to the court that the order ought not to have been made, the court may revoke the order and may make a new order.

39 Confirmation of variations made provisionally in reciprocating jurisdiction

- (1) This regulation applies if the Secretary receives:

Regulation 39

- (a) a certified copy of a provisional order made by a court in a reciprocating jurisdiction varying, discharging, suspending or reviving a maintenance order:
 - (i) made in Australia and enforceable in that jurisdiction; or
 - (ii) made in that jurisdiction and enforceable in Australia; and
 - (b) a copy of the depositions of the witnesses who gave evidence at the hearing of the application upon which the provisional order was made.
- (2) The Secretary must apply to a court for an order confirming the provisional order.
- (3) The Secretary must serve a copy of the application on the respondent.
- Note* Service is dealt with by the applicable Rules of Court.
- (4) The court may:
- (a) confirm the provisional order (with or without modification); or
 - (b) discharge the provisional order; or
 - (c) adjourn the proceedings and remit the provisional order to the court that made it with a request that the court take further evidence and further consider its provisional order.
- (5) A provisional order that is confirmed under this regulation (whether with or without modification) has effect in Australia as if it were an order made by a court having jurisdiction under the Act.
- (6) In this regulation, a reference to a provisional order includes a reference to a provisional variation of:
- (a) an Australian maintenance agreement; or
 - (b) an overseas maintenance agreement.

Regulation 39B

Part IIIB Parentage**39B Extension of provisions of Act**

- (1) Subdivisions D (except subsection 69U (3)) and E of Division 12 of Part VII of the Act apply, subject to this regulation, to proceedings for the purposes of an international agreement or arrangement with a reciprocating jurisdiction or a jurisdiction mentioned in Schedule 4.
- (2) For subregulation (1), each reciprocating jurisdiction and each jurisdiction mentioned in Schedule 4 is a prescribed overseas jurisdiction.
- (3) Matters mentioned in this regulation are taken to be matters arising under the Act for the purposes of the application of section 69H of the Act in relation to those matters.
- (4) Despite subsections 69S (1) and 69U (3) of the Act, the presumption of parentage provided for by subsection 69S (1) is taken, for these Regulations, to be rebuttable under subsection 69U (1) of the Act.

Note Subsection 69U (3) is not extended by subregulation (1).

39BA Jurisdictions

For subsections 69S (1A) and 69XA (4) of the Act, a country mentioned in Schedule 4 or 4A is a jurisdiction.

Regulation 39D

**Part IIIC Jurisdiction of courts and
related matters****39C Jurisdiction of courts**

To the extent that subsections 39 (5) and (6) and section 69H of the Act do not invest the courts of a State or Territory mentioned in those provisions with federal jurisdiction, or confer jurisdiction on a federal court mentioned in those provisions, for proceedings mentioned in Part III or IIIB, the relevant courts are invested with jurisdiction, or jurisdiction is conferred on them for those proceedings, by this regulation.

Note Subsection 124A (2) of the Act authorises the making of regulations conferring jurisdiction on a court or investing a court with jurisdiction.

39D Convention countries

For section 117AC of the Act, a country listed in Schedule 4A is a convention country.

Regulation 40

**Part IV Convention on recovery
abroad of maintenance****40 Interpretation of Part IV**

- (1) In this Part, unless the contrary intention appears:

Convention means the Convention on the Recovery Abroad of Maintenance, referred to in section 111 of the Act, a copy of the English text of which is set out in Schedule 3.

convention country means a country that under regulation 48 is a convention country.

Receiving Agency has the meaning it has in the Convention.

Transmitting Agency has the meaning it has in the Convention.

- (2) In this Part, unless the contrary intention appears:

(a) a reference to payment of money for the maintenance of a child includes a reference to payment of money for the education of that child; and

(b) a reference to proceedings under this Part in a court includes a reference to proceedings on appeal from original proceedings under this Part.

- (3) The purpose of this Part is to give effect to section 111 of the Act.

45 Immunity of Secretary from orders to pay costs

The Secretary must not be made subject to any order to pay costs over the exercise of powers or performance of functions given to the Secretary under these Regulations.

Note *Secretary* includes a person authorised to perform a function: see subregulation 3 (1).

48 Convention countries

For the purposes of this Part, each of the following countries is a convention country:

Regulation 50A

- (a) a country specified in Schedule 4;
- (b) any other country in respect of which the Convention has entered into force for Australia.

50 Applications by persons in convention countries for recovery of maintenance under Commonwealth, State or Territory law

- (1) This regulation applies if:
 - (a) the Secretary receives from a Transmitting Agency in a convention country an application for:
 - (i) recovery of maintenance that a person claims is required, under a law of the Commonwealth or of a State or Territory, to be paid by another person; or
 - (ii) variation of an existing order for maintenance; and
 - (b) there are no reasonable grounds for believing that the other person is not subject to the jurisdiction of the Commonwealth or of a State or Territory.
- (2) The Secretary may do anything required to be done on behalf of the claimant by a Receiving Agency under the Convention to recover the maintenance.
- (3) Things that may be done by the Secretary do not include registration or enforcement of an order mentioned in, or sought by, the application.
- (4) However, an Australian court may, in proceedings under this Part, have regard to the application and the record of proceedings of a court that made any order to which the application relates.
- (5) This regulation does not affect the operation of Part III of these Regulations.

50A Proceedings on behalf of persons in convention countries for recovery of maintenance

- (1) This regulation applies to proceedings under this Part in a court on behalf of a claimant.

Regulation 50B

- (2) The court must proceed as if the claimant were before the court.
- (3) A court must not make a maintenance order in proceedings under this Part if an application could properly be made at that time, under the *Child Support (Assessment) Act 1989*, read with the *Child Support (Registration and Collection) Act 1988*, for administrative assessment of child support (within the meaning of the *Child Support (Assessment) Act 1989*) by a person seeking payment of child support for the child from the respondent.
- (4) Subregulation (3) has effect whether or not an application for administrative assessment of child support for the child has in fact been made.
- (5) The Secretary may do anything that is required or authorised to be done by an applicant in proceedings in that court in relation to maintenance.
- (6) In any document to be filed in, or issued out of, the court, the Secretary may be described as the Secretary of the Attorney-General's Department acting on behalf of the claimant whose name must be set out in the document.

50B Return of applications

- (1) If, in relation to an application mentioned in subregulation 50 (1) received from a Transmitting Agency in a convention country, a summons or other document that requires the other person mentioned in that subregulation to appear in proceedings under this Part cannot be served on the other person, the Secretary must send to that Agency a statement giving whatever information the Secretary has been able to obtain concerning the whereabouts of that other person and must return the application to that Agency.
- (2) For section 89A of the Act, the office of Secretary is a prescribed office.
- (3) Subregulation (2) does not limit the functions of the Secretary under this Part.

Regulation 53

51 Certain requests to be made only with leave of court

Notwithstanding any other provision of these Regulations, in order to prevent proceedings under this Part from being unduly protracted a respondent must not seek, without leave of the court:

- (a) a request for answers to specific questions; or
- (b) a request to make discovery of documents; or
- (c) a notice to produce documents; or
- (d) a notice to admit facts or documents.

53 Taking of evidence at request of appropriate authority in convention countries

- (1) This regulation applies if the Secretary receives a request from the appropriate authority to obtain evidence concerning specified matters about an application under the law of a convention country:
 - (a) to recover maintenance from another person; or
 - (b) to the variation of an order made in that country for payment of maintenance by another person;where the person is subject to the jurisdiction of that country.
- (2) The Secretary and any court exercising jurisdiction under the Act must do anything required to be done under the Convention to obtain the evidence.
- (3) When the evidence is obtained, the Secretary must send a certified copy of a record of the evidence to the appropriate authority.
- (4) If under subregulation (2), the Secretary requests a court to take evidence for the proceedings mentioned in subregulation (1), the court must give notice of the time when, and the place where, the evidence is to be taken to:
 - (a) the Secretary; and
 - (b) the person from whom the maintenance is claimed; and
 - (c) the appropriate authority.

Regulation 54

- (5) The notice must be sufficient, in the opinion of the court, to enable the parties to the proceedings to attend or be represented at the taking of the evidence.
- (6) In this regulation:
 - appropriate authority*, in relation to a request to obtain evidence for proceedings in a convention country, means:
 - (a) the Transmitting Agency for that country under the convention; or
 - (b) a court in that country; or
 - (c) if the request is made through the Child Support Registrar, that Registrar.

54 Obtaining evidence in convention countries for purposes of proceedings under this Part

- (1) In proceedings under this Part in a court on behalf of a claimant in a convention country, the court may require the Secretary or an authorized person to request the Transmitting Agency in the convention country to obtain evidence required for the proceedings.
- (2) A requirement by a court under this regulation shall set out:
 - (a) the names and addresses of the claimant and respondent in the proceedings;
 - (b) the name and address of any person whose evidence is to be taken; and
 - (c) the matters concerning which evidence is required.
- (3) The Secretary shall transmit to the Transmitting Agency in the convention country a request that the Secretary has been required under this regulation to make and shall request the Agency to give the Secretary and the respondent in the proceedings notice of the time when, and place where, the evidence is to be taken in order that the respondent may attend, or be represented at, the taking of the evidence.
- (4) Nothing in this regulation affects the power of a court to order or request the taking of evidence within or outside Australia.

Regulation 56

55 Admissibility of evidence given in convention countries

In a proceeding under this Part in a court, a statement contained in a document that purports:

- (a) to set out or summarise evidence given in a proceeding in a court in a convention country and to have been signed by the person before whom the evidence was given; or
- (b) to set out or summarise evidence taken in a convention country for the purpose of a proceeding under this Part (whether in response to a request made by the court or otherwise) and to have been signed by the person before whom the evidence was taken; or
- (c) to have been received as evidence in a proceeding in a court in a convention country and to have been signed by a judge or other officer of the court;

is admissible as evidence of any fact stated in the document to the same extent as oral evidence of that fact is admissible in the proceeding, without proof of the signature of the person purporting to have signed it or of the official position of that person.

56 Orders of court in convention countries

In proceedings under this Part in a court, a document purporting to be an order, or a copy of an order, of a court in a convention country and to have been signed by a judge or other officer of the court is admissible as evidence of that order without proof of the signature of the person purporting to have signed it or of the official position of that person.

Regulation 57

Part 4A Accreditation Rules

Division 1 Preliminary

57 Definitions

In this Part:

appropriate degree, diploma or other qualification means:

- (a) a degree, diploma or other qualification that represents a course of study that is, or is the equivalent of, at least 3 years of full time study:
 - (i) in law; or
 - (ii) in a social science relevant to the provision of family dispute resolution; or
 - (iii) in conflict management; or
 - (iv) that includes the equivalent of 2 years of full time study in conflict management or a social science relevant to the provision of family dispute resolution; or
- (b) a degree, diploma or other qualification that represents a course of study that is, or is the equivalent of, at least 1 year of full time study in mediation or dispute resolution; or
- (c) a graduate or post graduate diploma, masters degree or doctorate in:
 - (i) law; or
 - (ii) a social science relevant to the provision of family dispute resolution; or
 - (iii) conflict management; or
 - (iv) mediation; or
 - (v) dispute resolution.

Examples of social sciences relevant to the provision of family dispute resolution

- psychology (including behavioural science)
- sociology (including social work).

education and training provider means:

- (a) a university; or
- (b) a college of advanced education; or
- (c) a higher education provider established or recognised by or under a law of the Commonwealth, a State, the Australian Capital Territory or the Northern Territory; or
- (d) a Registered Training Organisation.

Registered Training Organisation means an organisation that is registered by a training recognition authority under a law of a State, the Australian Capital Territory or the Northern Territory as an organisation that is qualified:

- (a) to deliver training or conduct assessments; and
- (b) to issue nationally recognised qualifications in accordance with the Australian Quality Training Framework.

Division 2 Accreditation of persons as family dispute resolution practitioners

58 Family dispute resolution practitioners under section 10G of Act

- (1) For paragraph (a) of the definition of ***family dispute resolution practitioner*** in section 10G of the Act, a person who meets the requirements of subregulation (2) and who is accredited by the Secretary under regulation 58A is a family dispute resolution practitioner.
- (2) A person meets the requirements of this subregulation if:
 - (a) the person:
 - (i) is a legal practitioner; or
 - (ii) has been awarded an appropriate degree, diploma or other qualification by an education and training provider; and
 - (b) the person has completed at least 5 days training in family dispute resolution, including at least 1 training course of a duration of at least 3 days; and
 - (c) the person has engaged in at least 10 hours of supervised family dispute resolution; and

Regulation 58A

- (d) the person would otherwise be eligible for registration as a family dispute resolution practitioner under subregulation 60D (1).

Note The Department is developing new standards, that will incorporate the qualifications developed by the Community Services and Health Industry Skills Council, that are proposed to replace these criteria.

58A Accreditation of persons who meet requirements of subregulation 58 (2)

- (1) The Secretary must accredit a person as a family dispute resolution practitioner for paragraph (a) of the definition of *family dispute resolution practitioner* in section 10G of the Act if the person meets the requirements of subregulation 58 (2).
- (2) If the Secretary decides not to accredit a person, the Secretary must give the person written notice of:
 - (a) the decision and the reasons for it; and
 - (b) the person's review rights under regulation 61E.

58B Conditions of accreditation

- (1) An accredited family dispute resolution practitioner's accreditation is subject to the following conditions:
 - (a) that the practitioner apply for registration, and be registered in the Family Dispute Resolution Register, as a family dispute resolution practitioner within 6 months after accreditation;
 - (b) that the practitioner comply with any request for information by the Secretary;
 - (c) that the practitioner notify the Secretary, in writing, about any change in the practitioner's name or contact details within 28 days after the change;
 - (d) that the practitioner notify the Secretary, in writing, about any matter that may affect the practitioner's eligibility to continue to be accredited, within 7 days after the occurrence of the event, including:

Regulation 58C

- (i) whether the practitioner has been prohibited under a law of a State or Territory from working with children; and
 - (ii) whether the practitioner has failed to comply with a law of a State or Territory relating to employment of persons working with children; and
 - (iii) whether the practitioner has been charged with, or convicted of, an offence mentioned in subregulation 60D (3); and
 - (iv) whether the practitioner has ceased to provide family dispute resolution services and the reasons for it;
 - (e) that the accreditation cannot extend beyond 30 June 2009.
- (2) The Secretary may, by notice in writing given to an accredited family dispute resolution practitioner:
- (a) add a condition to the accreditation; or
 - (b) vary a condition of the accreditation; or
 - (c) revoke a condition of the accreditation.
- (3) The notice must mention the practitioner's review rights under regulation 61E.
- (4) An accredited family dispute resolution practitioner must comply with the conditions to which his or her accreditation is subject, including a condition that has been added or varied.

58C Revocation of accreditation

- (1) The Secretary may revoke the accreditation of an accredited family dispute resolution practitioner if the Secretary is satisfied that the practitioner:
- (a) fails to meet the requirements of subregulation 58 (2); or
 - (b) knowingly gave false or misleading information, or failed to disclose material information, in order to be accredited; or
 - (c) fails, or ceases, to be registered as a family dispute resolution practitioner in the Family Dispute Resolution Register; or
 - (d) has failed to comply with any other condition of the accreditation.

Regulation 58C

- (2) If the Secretary is of the opinion that the accreditation should be revoked, the Secretary must:
 - (a) notify the practitioner, in writing, of the Secretary's opinion and the reasons for the opinion; and
 - (b) ask the practitioner to show cause, in writing, within a specified period of at least 28 days after receipt of the notice, why the accreditation should not be revoked.
- (3) If the Secretary is not satisfied that the practitioner has shown adequate cause within the specified period, the Secretary may revoke the practitioner's accreditation.
- (4) If the Secretary decides to revoke a practitioner's accreditation, the Secretary must give the practitioner written notice of the decision, stating:
 - (a) the reasons for the decision; and
 - (b) the date when the revocation takes effect; and
 - (c) the practitioner's review rights under regulation 61E; and
 - (d) the practitioner's registration in the Family Dispute Resolution Register will be cancelled.

Part 4B Registration or listing of family dispute resolution providers

Division 1 Preliminary

59 Definition

In this Part:

approved family dispute resolution organisation means:

- (a) an organisation for which an approval is in force under item 125 of Schedule 4 to the Shared Parental Responsibility Act; or
- (b) an organisation that is taken to be an approved family dispute resolution organisation because of item 128 of Schedule 4 to the Shared Parental Responsibility Act.

59A Family Dispute Resolution Register

- (1) The Secretary must establish and maintain a register, to be known as the Family Dispute Resolution Register.
- (2) The Family Dispute Resolution Register must include:
 - (a) the names and contact details of persons registered as family dispute resolution practitioners; and
 - (b) the list, mentioned in regulation 61A, of organisations designated by the Minister for paragraph (b) of the definition of *family dispute resolution practitioner* in section 10G of the Act; and
 - (c) until 30 June 2009:
 - (i) the names and contact details of persons registered as transitional family dispute resolution practitioners; and
 - (ii) the list, mentioned in regulation 61B, of approved family dispute resolution organisations.

Regulation 59B

- (3) The Family Dispute Resolution Register may be maintained in any form, including as a computer record or by other electronic means.

59B Powers and functions of Secretary in relation to Family Dispute Resolution Register

- (1) In addition to the powers and functions conferred by other provisions of these Regulations, the powers and functions of the Secretary in relation to the registration of persons in the Family Dispute Resolution Register include the following:
- (a) to monitor compliance with registration requirements;
 - (b) to ensure that persons comply with the conditions of their registration, particularly those relating to continuing education, training or professional development requirements;
 - (c) to make enquiries relating to compliance with the conditions of registration;
 - (d) to request information from persons or organisations;
 - (e) to determine the form in which the Family Dispute Resolution Register is to be maintained;
 - (f) to determine the details that must be included in the Family Dispute Resolution Register;
 - (g) to determine how an individual may access or obtain information relating to the individual in the Family Dispute Resolution Register;
 - (h) to determine the form of, and the manner of giving, extracts from the Family Dispute Resolution Register;
 - (i) to make corrections to the Family Dispute Resolution Register.
- (2) The Secretary has the power to do all things necessary or convenient to be done for the performance of his or her functions under this Part.

Division 2 Registration of family dispute resolution practitioners

60 Form of application

- (1) An application for registration in the Family Dispute Resolution Register must:
 - (a) be in writing and in a form approved by the Secretary; and
 - (b) include the information mentioned in regulation 60A; and
 - (c) be accompanied by evidence that the family dispute resolution applicant is:
 - (i) the kind of family dispute resolution practitioner that he or she claims to be; or
 - (ii) a transitional family dispute resolution practitioner.
- (2) The form may require the family dispute resolution applicant to make a statutory declaration about information, documents or other matters given by the family dispute resolution applicant in or with the application.

60A Information to be included in application

The following information must be included in an application for registration:

- (a) the name and contact details of the family dispute resolution applicant;
- (b) whether the family dispute resolution applicant is applying for registration as:
 - (i) a family dispute resolution practitioner of the kind mentioned in paragraph (a), (b), (c), (d) or (e) of the definition of *family dispute resolution practitioner* in section 10G of the Act; or
 - (ii) a transitional family dispute resolution practitioner;
- (c) if the family dispute resolution applicant is applying for registration as an accredited family dispute resolution practitioner — a statement about how the family dispute resolution applicant meets the requirements of subregulation 58 (2);

Regulation 60B

- (d) a statement to the effect that the family dispute resolution applicant:
- (i) is not prohibited under a law of a State or Territory from working with children; and
 - (ii) has complied with the laws for employment of persons working with children in each of the States and Territories in which the family dispute resolution applicant will provide family dispute resolution services; and
 - (iii) is not disqualified from registration under subregulation 60D (3);
- (e) particulars about a complaints mechanism to which persons who use the family dispute resolution applicant's services as a family dispute resolution practitioner may have recourse if they wish to complain about services provided;

Examples of complaints mechanism

- internal complaints mechanism established by an organisation of which the family dispute resolution applicant is an affiliate or employee or on whose behalf the family dispute resolution applicant provides services
 - complaints mechanism established by a professional association of which the family dispute resolution applicant is a member
 - complaints procedures of statutory bodies established by the Commonwealth, a State or Territory.
- (f) any other matter required by the Secretary by notice given to the family dispute resolution applicant.

60B Decision on application

- (1) On receiving an application for registration, the Secretary must:
- (a) register the family dispute resolution applicant; or
 - (b) refuse to register the family dispute resolution applicant; or
 - (c) ask the family dispute resolution applicant, by written notice, to give the Secretary additional information necessary to assist in deciding whether to register the family dispute resolution applicant.

Regulation 60C

- (2) If the Secretary asks the family dispute resolution applicant to give additional information:
 - (a) the information must be given within the period specified in the notice; and
 - (b) the Secretary is not required to consider the application while waiting for the information to be given.
- (3) If the information is not given within the period specified in the notice, the application is taken to have been withdrawn.
- (4) In deciding an application, the Secretary:
 - (a) must have regard to:
 - (i) the information included in the application; and
 - (ii) evidence, documents and other matters accompanying the application; and
 - (iii) any additional information given under paragraph (2) (a); and
 - (b) may have regard to any other relevant information.

60C Notice of decision

- (1) If the Secretary decides to register a family dispute resolution applicant, the Secretary must give the family dispute resolution applicant written notice of the decision, stating that the registration is subject to any conditions mentioned in the notice and to the conditions mentioned in regulation 60F.
- (2) If the Secretary decides not to register a family dispute resolution applicant, the Secretary must give the family dispute resolution applicant written notice of:
 - (a) the decision and the reasons for it; and
 - (b) the family dispute resolution applicant's review rights under regulation 61E.

Regulation 60D

60D Who is eligible for registration?

Eligibility — family dispute resolution practitioner

- (1) A person is eligible for registration as a family dispute resolution practitioner if the Secretary is satisfied that the person:
- (a) is a family dispute resolution practitioner; and
 - (b) has applied in accordance with regulations 60 and 60A; and
 - (c) is not prohibited under a law of a State or Territory from working with children; and
 - (d) has complied with the laws for employment of persons working with children in each of the States and Territories in which the family dispute resolution applicant will provide family dispute resolution services; and
 - (e) has access to a complaints mechanism mentioned in paragraph 60A (e); and
 - (f) is not disqualified from registration under subregulation (3).

Eligibility — transitional family dispute resolution practitioner

- (2) Until 30 June 2009, a person is eligible for registration as a transitional family dispute resolution practitioner if the Secretary is satisfied that the person:
- (a) is a transitional family dispute resolution practitioner; and
 - (b) has applied in accordance with regulations 60 and 60A; and
 - (c) is not prohibited under a law of a State or Territory from working with children; and
 - (d) has complied with the laws for employment of persons working with children in each of the States and Territories in which the family dispute resolution applicant will provide family dispute resolution services; and
 - (e) has access to a complaints mechanism mentioned in paragraph 60A (e); and

Regulation 60E

- (f) is not disqualified from registration under subregulation (3).

Disqualification

- (3) The Secretary must not register a person as a family dispute resolution practitioner or a transitional family dispute resolution practitioner if the person has been convicted of:
- (a) an offence involving violence to a person; or
 - (b) a sex related offence, including rape, sexual assault, indecent assault, unlawful sexual acts with or upon minors, child pornography, procuring or trafficking of a child for indecent purposes or being knowingly concerned with the prostitution of a child.

Note Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

60E Registration

- (1) If the Secretary decides to register a family dispute resolution applicant, the Secretary must enter the family dispute resolution applicant's name in:
- (a) the list of family dispute resolution practitioners; or
 - (b) the list of transitional family dispute resolution practitioners.
- (2) Registration takes effect on the day the Secretary enters the family dispute resolution applicant's name in the Family Dispute Resolution Register.
- (3) The Secretary may allocate a registration number to a person whose name is entered in the Family Dispute Resolution Register.
- (4) A person whose name is entered in the Family Dispute Resolution Register is entitled to an excerpt from the Register, showing that the person is, as at the date mentioned in the excerpt, registered as:
- (a) a family dispute resolution practitioner of the kind mentioned in paragraph (a), (b), (c), (d) or (e) of the

Regulation 60F

definition of *family dispute resolution practitioner* in section 10G of the Act; or

- (b) a transitional family dispute resolution practitioner.

60F Conditions of registration

Family dispute resolution practitioner

- (1) A person's registration as a family dispute resolution practitioner is subject to the following conditions:
- (a) that the person comply with any request for information by the Secretary;
 - (b) that the person notify the Secretary about any change in the person's name and contact details;
 - (c) that the person notify the Secretary about any matter that may affect the person's eligibility to continue to be registered, including:
 - (i) whether the person has been prohibited under a law of a State or Territory from working with children; and
 - (ii) whether the person has failed to comply with a law of a State or Territory relating to employment of persons working with children; and
 - (iii) whether the person has been charged with, or convicted of, an offence mentioned in subregulation 60D (3); and
 - (iv) whether the person has ceased to provide family dispute resolution services and the reasons for it; and
 - (v) whether the person has ceased to have access to a complaints mechanism mentioned in paragraph 60A (e);
 - (d) that the person undertake at least 24 hours education, training or professional development in family dispute resolution (which may include supervised family dispute resolution) in each 24 month period commencing on the day of the person's registration as a family dispute resolution practitioner.

Transitional family dispute resolution practitioner

- (2) A person's registration as a transitional family dispute resolution practitioner is subject to the following conditions:
- (a) that the person comply with any request for information by the Secretary;
 - (b) that the person notify the Secretary about any change in the person's name and contact details;
 - (c) that the person notify the Secretary about any matter that may affect the person's eligibility to continue to be registered, including:
 - (i) whether the person has been prohibited under a law of a State or Territory from working with children; and
 - (ii) whether the person has failed to comply with a law of a State or Territory relating to employment of persons working with children; and
 - (iii) whether the person has been charged with, or convicted of, an offence mentioned in subregulation 60D (3); and
 - (iv) whether the person has ceased to provide family dispute resolution services and the reasons for it; and
 - (v) whether the person has ceased to have access to a complaints mechanism mentioned in paragraph 60A (e);
 - (d) that the person undertake at least 24 hours education, training or professional development (which may include supervised family dispute resolution) in family dispute resolution before 1 May 2009;
 - (e) that the registration cannot extend beyond 30 June 2009.
- (3) Notice under subregulation (1) or (2) must be in writing and must be given:
- (a) for a notice under paragraph (1) (b) or (2) (b) — within 28 days after the change; or
 - (b) for a notice under paragraph (1) (c) or (2) (c) — within 7 days after the occurrence of the event.

Regulation 60G

- (4) The Secretary may, by notice in writing given to a person registered as a family dispute resolution practitioner or a transitional family dispute resolution practitioner:
 - (a) add a condition to the registration; or
 - (b) vary a condition of the registration; or
 - (c) revoke a condition of the registration.
- (5) The notice must mention the person's review rights under regulation 61E.
- (6) A person must comply with the conditions to which his or her registration is subject, including a condition that has been added or varied.

60G Suspension of registration

Grounds — family dispute resolution practitioner

- (1) The Secretary may suspend a person's registration as a family dispute resolution practitioner if the Secretary is satisfied that the person:
 - (a) has failed to comply with a condition (other than the condition mentioned in paragraph 60F (1) (d)) of his or her registration; or
 - (b) is charged with an offence mentioned in subregulation 60D (3); or
 - (c) has ceased to have access to a complaints mechanism mentioned in paragraph 60A (e); or
 - (d) subject to regulation 60N, fails to undertake the 24 hours education, training or professional development required under paragraph 60F (1) (d); or
 - (e) has engaged in conduct that is likely to bring family dispute resolution into disrepute.

Grounds — transitional family dispute resolution practitioner

- (2) The Secretary may suspend a person's registration as a transitional family dispute resolution practitioner if the Secretary is satisfied that:

Regulation 60H

- (a) any of the grounds mentioned in paragraphs (1) (a) to (c) apply to the person; or
- (b) the person fails to undertake the 24 hours education, training or professional development required under paragraph 60F (2) (d); or
- (c) the person has engaged in conduct that is likely to bring family dispute resolution into disrepute.

60H Cancellation of registration

Grounds — family dispute resolution practitioner

- (1) The Secretary may cancel a person's registration as a family dispute resolution practitioner in the Family Dispute Resolution Register if the Secretary is satisfied that:
 - (a) any of the grounds mentioned in paragraph 60G (1) (a) and (c) apply to the person; or
 - (b) the person has been convicted of an offence mentioned in subregulation 60D (3); or
 - (c) the person has ceased to be a family dispute resolution practitioner; or
 - (d) the person knowingly gave false or misleading information, or failed to disclose material information, in order to be registered; or
 - (e) subject to regulation 60N, the person fails to undertake the 24 hours education, training or professional development required under paragraph 60F (1) (d); or
 - (f) a complaint against the person, for conduct that may be an offence mentioned in subregulation 60D (3) or that is likely to bring family dispute resolution into disrepute, is substantiated through a complaints mechanism mentioned in paragraph 60A (e); or
 - (g) the person has been prohibited under a law of a State or Territory from working with children; or
 - (h) the person has failed to comply with a law of a State or Territory relating to employment of persons working with children; or
 - (i) the person has engaged in conduct that is likely to bring family dispute resolution into disrepute.

Regulation 60J

Grounds — transitional family dispute resolution practitioner

- (2) The Secretary may cancel a person's registration as a transitional family dispute resolution practitioner if the Secretary is satisfied that:
- (a) any of the grounds mentioned in paragraphs 60G (1) (a) and (c) applies to the person; or
 - (b) the person has been convicted of an offence mentioned in subregulation 60D (3); or
 - (c) the person has ceased to be a transitional family dispute resolution practitioner; or
 - (d) the person knowingly gave false or misleading information, or failed to disclose material information, in order to be registered; or
 - (e) the person fails to undertake the 24 hours education, training or professional development required under paragraph 60F (2) (d); or
 - (f) a complaint against the person, for conduct that may be an offence mentioned in subregulation 60D (3) or that is likely to bring family dispute resolution into disrepute, is substantiated through a complaints mechanism mentioned in paragraph 60A (e); or
 - (g) the person has been prohibited under a law of a State or Territory from working with children; or
 - (h) the person has failed to comply with a law of a State or Territory relating to employment of persons working with children; or
 - (i) the person has engaged in conduct that is likely to bring family dispute resolution into disrepute.

60J Notice to show cause and decision

- (1) If the Secretary is of the opinion that a person's registration should be suspended or cancelled, the Secretary must:
- (a) notify the person, in writing, of the Secretary's opinion and the reasons for the opinion; and

Regulation 60L

- (b) ask the person to show cause, in writing, within a specified period of at least 28 days after receipt of the notice, why the registration should not be suspended or cancelled.
- (2) If the Secretary is not satisfied that the person has shown adequate cause within the specified period, the Secretary may suspend or cancel the person's registration.
- (3) Nothing in this regulation prevents the Secretary from suspending a person's registration immediately after the person:
 - (a) is convicted of an offence mentioned in subregulation 60D (3); or
 - (b) is prohibited under a law of a State or Territory from working with children; or
 - (c) fails to comply with a law of a State or Territory relating to employment of persons working with children.

60K Notice of suspension

If the Secretary decides to suspend a person's registration (whether or not the person was asked to show cause why the person's suspension should not be suspended), the Secretary must give the person written notice of the suspension, stating:

- (a) the reasons for, and the effect of, the suspension; and
- (b) the date when the suspension takes effect; and
- (c) the date, if any, when the suspension ends; and
- (d) what the person must do, or the event that must occur, in order to end the suspension; and
- (e) the person's review rights under regulation 61E.

60L Notice of cancellation

If the Secretary decides to cancel a person's registration, the Secretary must give the person written notice of the cancellation, stating:

- (a) the reasons for, and the effect of, the cancellation; and
- (b) the date when the cancellation takes effect; and
- (c) the person's review rights under regulation 61E.

Regulation 60M

60M Automatic cancellation

The Secretary must cancel a person's registration if:

- (a) the person requests the Secretary, in writing, to do so; or
- (b) for an accredited family dispute resolution practitioner — the person's accreditation is revoked; or
- (c) the person dies.

60N Extension of time for education, training or professional development

If the Secretary becomes aware that a person who is registered as a family dispute resolution practitioner has failed to undertake the 24 hours education, training or professional development required under paragraph 60F (1) (d), the Secretary may, instead of suspending or cancelling the person's registration, give the person a specified period within which to comply with the requirement.

Division 3 List of organisations

61A Designated organisations

- (1) The Secretary must maintain, as part of the Family Dispute Resolution Register, a list of organisations designated by the Minister for paragraph (b) of the definition of *family dispute resolution practitioner* in section 10G of the Act.
- (2) The Secretary may allocate an identification number to an organisation included in the list.
- (3) The Secretary must remove the name of an organisation from the list if the organisation's designation is revoked.

61B Approved family dispute resolution organisations

- (1) The Secretary must maintain, as part of the Family Dispute Resolution Register, a list of approved family dispute resolution organisations.
- (2) The Secretary may allocate an identification number to an organisation included in the list.

Regulation 61C

- (3) The Secretary must remove the name of an organisation from the list if, under item 126 of Schedule 4 to the Shared Parental Responsibility Act:
- (a) the organisation ceases to be approved under item 125 of that Schedule; or
 - (b) the organisation's approval as a family dispute resolution organisation is revoked.

Note The list ceases to a part of the Family Dispute Resolution Register on 1 July 2009 (see subparagraph 59A (2) (c) (ii)).

61C Obligation of organisations

An organisation included in the list mentioned in regulation 61A or 61B must comply with any request for information by the Secretary.

Regulation 61D

Part 4C Miscellaneous

Division 1 Offences

61D Offences

- (1) A person is guilty of an offence if the person fails to notify the Secretary of a change or matter in accordance with paragraph 58B (1) (d) or 60F (1) (c) or (2) (c).

Penalty: 10 penalty units.

- (2) A person is guilty of an offence if the person fails to notify the Secretary of a change or matter in accordance with paragraph 58B (1) (c) or 60F (1) (b) or (2) (b).

Penalty: 5 penalty units.

- (3) A person is guilty of an offence if the person knowingly makes a false or misleading representation about a person's accreditation or registration.

Penalty: 10 penalty units.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Division 2 Review of decisions

61E Review by the AAT

An application may be made to the Administrative Appeals Tribunal for the review of the following decisions:

- (a) a decision, under subregulation 58A (2), not to accredit a person;
- (b) a decision, under subregulation 58B (2), to add or vary a condition to an accredited family dispute resolution practitioner's accreditation;

Regulation 61E

- (c) a decision, under regulation 58C, to revoke the accreditation of an accredited family dispute resolution practitioner;
- (d) a decision, under subregulation 60C (2), not to register a family dispute resolution applicant;
- (e) a decision, under subregulation 60F (4), to add or vary a condition to a person's registration;
- (f) a decision, under subregulation 60J (3), to suspend immediately a person's registration in the Family Dispute Resolution Register;
- (g) a decision, under regulation 60K, to suspend a person's registration in the Family Dispute Resolution Register;
- (h) a decision under regulation 60L, to cancel a person's registration in the Family Dispute Resolution Register.

Part 5 Arbitration

67A Definitions for Part 5

In this Part, unless the contrary intention appears:

arbitration means arbitration under section 13E of the Act or relevant property or financial arbitration.

arbitration agreement means an agreement made under regulation 67F between the parties to an arbitration.

67B Prescribed requirements for arbitrator (Act s 10M)

For the definition of *arbitrator* in section 10M of the Act, a person meets the requirements for an arbitrator if:

- (a) the person is a legal practitioner; and
- (b) either:
 - (i) the person is accredited as a family law specialist by a State or Territory legal professional body; or
 - (ii) the person has practised as a legal practitioner for at least 5 years and at least 25% of the work done by the person in that time was in relation to family law matters; and
- (c) the person has completed specialist arbitration training conducted by a tertiary institution or a professional association of arbitrators; and
- (d) the person's name is included in a list, kept by the Law Council of Australia or by a body nominated by the Law Council of Australia, of legal practitioners who are prepared to provide arbitration services under the Act.

67C Matters that may not be arbitrated

A Part VIII proceeding, a part of a Part VIII proceeding, or a matter arising in a Part VIII proceeding, with respect to property to which an approved maintenance agreement under section 87 of the Act applies, must not be dealt with by arbitration under the Act.

67D Application for referral to arbitration (Act s 13E)

An application for an order under section 13E of the Act in relation to a Part VIII proceeding, a part of a Part VIII proceeding, or a matter arising in a Part VIII proceeding, must be:

- (a) in accordance with Form 6; and
- (b) made jointly by all parties to the proceeding; and
- (c) accompanied by a financial statement in accordance with the applicable Rules of Court.

67E Application relating to relevant property or financial arbitration (Act s 13F)

- (1) An application, under section 13F of the Act, for an order to facilitate the effective conduct of the relevant property or financial arbitration of a dispute must be in accordance with Form 7.
- (2) For the avoidance of doubt, an application may be made:
 - (a) by a party to the arbitration; or
 - (b) jointly by all parties to the arbitration.

67F Arbitration agreement

- (1) The parties to an arbitration may make an agreement in relation to the arbitration (an *arbitration agreement*).
- (2) An arbitration agreement must:
 - (a) be in writing; and
 - (b) set out the information mentioned in subregulation (3) in relation to the arbitration; and
 - (c) give details of the arrangements agreed by the parties in relation to the payment of the costs of the arbitration; and
 - (d) include a statement to the effect that each party agrees to pay his or her agreed share of the costs of the arbitration within 28 days, or another specified period agreed by the parties and the arbitrator, after an award has been made; and
 - (e) be signed by each party to the arbitration.

Regulation 67G

- (3) For paragraph (2) (b) the information is as follows:
- (a) the name, address and contact details of each party to the arbitration;
 - (b) the name of the arbitrator;
 - (c) the date, time and place at which the arbitration is to be conducted;
 - (d) the issues to be dealt with in the arbitration;
 - (e) the estimated time needed for the arbitration;
 - (f) information about how the arbitration will be conducted (for example, information about the exchange of documents and witness statements, scheduling and receiving expert evidence);
 - (g) the circumstances in which the arbitration may be suspended or terminated;
 - (h) the estimated costs of the arbitration, including the costs of any disbursements that may be incurred in respect of the arbitration (for example, hire of a venue for the arbitration).

67G Notice of arbitration

- (1) This regulation does not apply if the parties to an arbitration have made an arbitration agreement in relation to the arbitration.
- (2) Before conducting an arbitration, the arbitrator must give to each party to the arbitration a written notice setting out:
 - (a) the information mentioned in subregulation 67F (3) in relation to the arbitration; and
 - (b) in relation to the costs of the arbitration, information explaining the effect of regulation 67H.
- (3) The notice must also state that any party to the arbitration may attend, and be heard at, the arbitration.
- (4) The notice must be given at least 28 days before the arbitration is conducted, unless the parties have agreed on another period of notice.

Regulation 67J

67H Costs of arbitration

- (1) The costs of an arbitration are to be shared equally between the parties to the arbitration unless the parties agree, in writing, otherwise.
- (2) If the parties have not made an arbitration agreement, each party must inform the arbitrator, in writing, before the arbitration starts, that he or she agrees to pay his or her equal or agreed share of the costs of the arbitration, within 28 days, or another period agreed by the parties and the arbitrator, after an award has been made.
- (3) If the parties have not made an arbitration agreement, and do not comply with subregulation (2), the arbitrator must:
 - (a) proceed no further with the arbitration; and
 - (b) for an arbitration under section 13E of the Act, refer the matter to the court that ordered the arbitration.

67I Duties of arbitrator

- (1) In an arbitration, an arbitrator must determine the issues in dispute between the parties to the arbitration in accordance with the Act.
- (2) An arbitrator must conduct an arbitration with procedural fairness (for example, giving each party to the arbitration a reasonable opportunity to be heard and to respond to anything raised by another party).
- (3) An arbitrator must inform each party, in writing, if during the arbitration, the arbitrator becomes aware of anything that could lead to direct or indirect bias in favour of or against any party.

67J Oath or affirmation by arbitrator

An arbitrator must, before acting in the capacity of an arbitrator, make an oath or affirmation in the following form:

Regulation 67K

I [*name of arbitrator*] do swear by Almighty God [*or solemnly and sincerely affirm and declare*] that I will not disclose to any person any communication or admission made to me in my capacity as arbitrator, unless I reasonably believe that it is necessary for me to do so:

- (a) to protect a child; or
- (b) to prevent or lessen a serious and imminent threat to:
 - (i) the life or health of a person; or
 - (ii) the property of a person; or
- (c) to report the commission, or prevent the likely commission, of an offence involving:
 - (i) violence or a threat of violence to a person; or
 - (ii) intentional damage to property of a person or a threat of damage to property; or
- (d) to enable me to discharge properly my functions as an arbitrator; or
- (e) if a child is separately represented by a person under an order under section 68L of the Act — to assist the person to represent the child properly.

67K Suspension of arbitration — failure to comply with direction

If a party to an arbitration does not comply with a procedural direction given by the arbitrator, the arbitrator:

- (a) may suspend the arbitration; and
- (b) if the failure to comply exceeds 28 days, must, for an arbitration under section 13E of the Act, refer the matter to the court that ordered the arbitration.

67L Termination of arbitration — lack of capacity

- (1) If an arbitrator considers that a party to an arbitration does not have the capacity to take part in the arbitration, the arbitrator must:
 - (a) terminate the arbitration; and
 - (b) for an arbitration under section 13E of the Act, refer the matter to the court that ordered the arbitration.

Regulation 67N

- (2) For subregulation (1), a person who is a party to an arbitration does not have the capacity to take part in the arbitration if:
- (a) the person does not understand the nature and possible consequences of the arbitration; or
 - (b) the person is not capable of:
 - (i) giving adequate instruction to his or her representative for the conduct of the arbitration; or
 - (ii) satisfactorily appearing in person in the arbitration.

67M Appearance in arbitration

In an arbitration, a party may appear in person, or be represented by a legal practitioner.

67N Attendance of persons to give evidence

- (1) An arbitrator conducting an arbitration may require a person (whether a party to the arbitration or not):
- (a) to attend the arbitration to give evidence; or
 - (b) to produce documents; or
 - (c) to attend the arbitration to give evidence and produce documents.
- (2) A party to an arbitration may apply to the court for the issue of a subpoena requiring a person (whether a party to the arbitration or not):
- (a) to attend the arbitration to give evidence; or
 - (b) to produce documents; or
 - (c) to attend the arbitration to give evidence and produce documents.
- (3) An application under subregulation (2) must be made in accordance with the applicable Rules of Court.

Note If a person does not comply with a requirement under subregulation (1), or a subpoena issued under subregulation (2), in relation to an arbitration, a court may make such orders as it considers appropriate to facilitate the effective conduct of the arbitration — see subsection 13E (2) of the Act in relation to arbitration under section 13E of the Act, and section 13F of the Act in relation to relevant property and financial arbitration.

Regulation 67O

67O Application of rules of evidence

- (1) Subregulation (2) applies to an arbitration if all parties to the arbitration consent to its application.
- (2) In conducting an arbitration, an arbitrator is not bound by the rules of evidence but may inform himself or herself on any matter in any way that he or she considers appropriate.

67P Making an award

- (1) At the end of an arbitration, the arbitrator must make an award.
- (2) The award must include a concise statement setting out:
 - (a) the arbitrator's reasons for making the award; and
 - (b) the arbitrator's findings of fact in the matter, referring to the evidence on which the findings are based.
- (3) The award must:
 - (a) be mechanically or electronically printed; and
 - (b) be contained in a single document.
- (4) The arbitrator must:
 - (a) give a copy of the award to each party to the award; and
 - (b) if the award was made in an arbitration under section 13E of the Act — inform the court that ordered the arbitration that:
 - (i) the arbitration has ended; and
 - (ii) an award has been made in relation to all, or part, of the proceeding to which the arbitration relates.

67Q Registration of award (Act s 13H)

- (1) For section 13H of the Act, an application to register an award made in an arbitration must be in accordance with Form 8.
- (2) The applicant must serve a copy of the application on each other party to the award.
- (3) A party on whom an application is served may, within 28 days after service, bring to the attention of the court any reason why the award should not be registered.

Regulation 67T

Note An example of a way of bringing a matter to the attention of the court is by filing an affidavit.

- (4) If nothing is brought to the court's attention under subregulation (3), the court must register the award.
- (5) If a party brings a matter to the court's attention under subregulation (3), the court must, after giving all parties a reasonable opportunity to be heard in relation to the matter, determine whether to register the award.

Note For the effect of registration, see subsection 13H (2) of the Act.

67R Notice of registration of award

- (1) If a court registers an award, the court must give notice of the registration to each party to the award.
- (2) The notice must state:
 - (a) the date when the award was registered; and
 - (b) the place where the award was registered.

67S Enforcement of registered awards

A party to a registered award may apply for enforcement of the award as if the award were an order made under Part VIII of the Act.

67T Registration of decree affecting registered award

- (1) If a decree is made by a court under section 13J or 13K of the Act in relation to a registered award, the party who registered the award must apply for registration of the decree in the court in which the award is registered.
- (2) The application must be in accordance with Form 9.

Regulation 78

Part VI Repeal and savings**78 Repeal of former Family Law Regulations**

Statutory Rules 1975 No. 210, 1976 Nos. 97 and 213, 1977 No. 172, 1979 No. 146, 1980 No. 215, 1982 Nos. 244 and 295, 1983 Nos. 243, 273 and 280 and 1984 No. 139 are repealed.

79 Savings — proceedings instituted before 5 January 1976

Subject to section 9 of the Act, regulation 4 and the standard Rules of Court, the Matrimonial Causes Rules and the rules, regulations, practice and procedure of any court having jurisdiction under the repealed Act as in force immediately before 5 January 1976 continue to apply to proceedings instituted before 5 January 1976, and the filing and serving of pleadings including affidavits may be continued as if the repealed Act had continued in force.

80 Savings in relation to the former Regulations

- (1) Subject to subregulations (4) and (5), proceedings pending or orders or directions made, appointments made or authorizations given, documents filed or served, or any other act or thing done, before the commencement of these Regulations, in accordance with the former Regulations, shall, if of a kind to which these Regulations or the standard Rules of Court apply, be treated as if pending, made, given, filed, served, or done, as the case requires, in accordance with these Regulations or those Rules, as the case requires.
- (2) Subject to subregulations (4) and (5), an obligation incurred or undertaking given under the former Regulations before the commencement of these Regulations if of a kind to which these Regulations or the standard Rules of Court apply shall be treated as if incurred or given under these Regulations or the standard Rules of Court, as the case requires.

Regulation 81

- (3) Subject to subregulations (4) and (5), where a person has, before the commencement of these Regulations, omitted to do any act or thing in accordance with the former Regulations and the act or thing is one to which these Regulations apply, the act or thing shall be treated as if omitted to be done under these Regulations unless subsequently done in accordance with these Regulations.
- (4) These Regulations do not operate to revive any period of time for the doing of any act or thing, being a period of time which, under the former Regulations, had expired before the commencement of these Regulations.
- (5) A period of time that commenced under the former Regulations but had not expired before the commencement of these Regulations shall, if the matter in respect of which that period has commenced is a matter to which these Regulations apply, continue as if these Regulations had not come into operation.

81 Transitional matters in connection with *Family Law Amendment Regulations 2000 (No. 2)*

- (1) The former Regulations continue in force in relation to:
 - (a) pending proceedings; and
 - (b) acts or things that have been done, or that may or must be done, in accordance with those Regulations.
- (2) An act or thing that may or must be done by the Controller or an authorised person under Part IV of the former Regulations, as continued in force, may or must be done by the Secretary.
- (3) In this regulation:

former Regulations means the *Family Law Regulations 1984* as in force immediately before 1 July 2000.

pending proceedings means proceedings that were started in accordance with the former Regulations before 1 July 2000 but were not completed before that date.

Regulation 82

82 Shared Parental Responsibility Act — end of transition period

For the definition of *transition period* in subitem 118 (2) of Schedule 4 to the Shared Parental Responsibility Act, the day prescribed is 30 June 2009.

83 Transitional arrangements under Shared Parental Responsibility Act

- (1) For paragraph (b) of item 124 of Schedule 4 to the Shared Parental Responsibility Act, the requirements for persons who are taken to be family dispute resolution practitioners during the transition period are that:
- (a) either:
- (i) the person:
 - (A) is a legal practitioner or has been awarded an appropriate degree, diploma or other qualification by a university, college of advanced education or other tertiary institution of an equivalent standard; and
 - (B) has completed at least 5 days training in mediation or dispute resolution, including at least 1 training course of a duration of at least 3 days; and
 - (C) has engaged in at least 10 hours of supervised mediation or dispute resolution in the 12 months immediately following completion of that training; or
 - (ii) the person:
 - (A) has provided family dispute resolution for a total of at least 150 hours since 11 June 1991, of which at least 50 hours has been provided since 11 June 1994; and
 - (B) enrolled in a course of study for an appropriate degree, diploma or other qualification before the end of 31 August 2001; and

Regulation 83

- (C) is not excluded from completing the course by reason of the person failing to pass any of its requirements; and
 - (D) completes the academic requirements of the course at, or before, the end of 7 academic years of the relevant institution; and
- (b) the person undertakes at least 12 hours education or training in family dispute resolution each calendar year and no more than 12 months elapse between periods of education or training; and
 - (c) the person would otherwise be eligible for registration under subregulation 60D (1); and
 - (d) the person applies for registration, and is registered, on the Family Dispute Resolution Register before 1 July 2007.

(2) In this regulation:

appropriate degree, diploma or other qualification means one that represents:

- (a) a course of study that is, or is the equivalent of, at least 3 years of full time study:
 - (i) in law; or
 - (ii) in a social science (for example, psychology or social work); or
 - (iii) that includes the equivalent of 2 full time years study in a social science; or
- (b) a course of study that is, or is the equivalent of, at least 1 year of full time study in:
 - (i) mediation; or
 - (ii) dispute resolution.

supervised dispute resolution means dispute resolution that is supervised by:

- (a) an experienced family dispute resolution practitioner; or
- (b) a person who is the regular provider of a training course of a kind described in sub-subparagraph (1) (a) (i) (B); or
- (c) a person who is:
 - (i) an experienced family dispute resolution practitioner; and

Regulation 83

- (ii) a practising member of:
 - (A) the Law Society of a State or Territory; or
 - (B) the Bar Association of a State or Territory; or
 - (C) the Australian Psychological Society Limited; or
 - (D) the Australian Association of Social Workers Limited.

Schedule 1

(regulation 12)

Form 1 Request for service abroad

REQUEST FOR SERVICE ABROAD

(Heading in accordance with related forms under the applicable Rules of Court)

TO THE REGISTRAR:

I hereby request that a sealed copy of an application in these proceedings be transmitted through the proper channel to *(name of country)* for service personally on _____ the respondent at _____, or elsewhere in _____, in accordance with the Convention with that country relating to Legal Proceedings in Civil and Commercial Matters.

I hereby undertake to be responsible personally for all expenses incurred by the Australian Government in respect of the service hereby requested, and on receiving due notification of the amount of those expenses I undertake to pay the amount of the expenses to the Australian Treasury and to produce the receipt for payment to the Registrar.

DATED:

Solicitor for the applicant

**Form 2 Parentage testing procedure
Affidavit by/in relation to donor**

(subregulation 21F (1))

PARENTAGE TESTING PROCEDURE

AFFIDAVIT BY/IN RELATION TO DONOR

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE: *(insert child's name)*

NAME OF DONOR: *(insert donor's name)*

DATE OF BIRTH OF DONOR: *(insert donor's date of birth)*

*RELATIONSHIP/*PUTATIVE RELATIONSHIP OF DONOR TO CHILD WHOSE PARENTAGE IS IN ISSUE: *(if donor is not the child whose parentage is in issue, insert relationship of donor to child)*

DATE OF TAKING SAMPLE FROM DONOR: *(insert date sample is to be taken)*

I, *(insert name)*, of *(insert address)*, *(insert occupation)*, *make oath and say/*affirm:

IMPORTANT

Either Part 1 or 2 of this form must be completed and duly sworn or affirmed by the person completing it, and the signature witnessed, on the day the donor's sample is taken.

PART 1

Part 1 must be completed if the person swearing or affirming the affidavit is the donor.

1. I am the person appearing in the photograph attached to this affidavit, being Attachment 'A'.
2. My racial background is *(insert details)*.
3. In the last 2 years:
 - (a) I *have/*have not suffered from leukaemia;
 - (b) I *have/*have not received a bone marrow transplant.
- *4. The particulars of the *leukaemia/*bone marrow transplant are as follows:
(insert particulars).

-
5. I **have/**have not received a transfusion of blood or a blood product within the last 6 months.
 - *6. The particulars of the transfusion of blood or blood product are as follows:
(insert particulars).
 7. I consent to:
 - (a) the taking of **a* bodily sample/**bodily* samples from me on *(insert date sample is to be taken)* at *(insert place sample is to be taken)* for the purposes of **a* parentage testing procedure/**parentage* testing procedures; and
 - (b) the carrying out of **that* procedure/**those* procedures on the **sample/**samples.

PART 2

Part 2 must be completed on behalf of a child or adult who is not capable of swearing or affirming the affidavit. Under subsection 69Z (2) of the Act, a parentage testing procedure must not be carried out in relation to a child without the consent of a parent or guardian of the child or a person who, under a specific issues order, is responsible for the child's long-term or day-to-day care, welfare and development.

1. I am the *(state relationship or other status in relation to the donor)* of *(insert name of donor)* who was born on *(insert date of birth of donor)*.
2. *(insert name of donor)* is the person appearing in the photograph attached to this affidavit, being Attachment 'A'.
3. *(insert name of donor)* is a person whose racial background is *(insert details)*.
4. In the last 2 years:
 - (a) the donor **has/**has not suffered from leukaemia;
 - (b) the donor **has/**has not received a bone marrow transplant.
- *5. The particulars of the **leukaemia/**bone marrow transplant are as follows:
(insert particulars).
6. The donor **has/**has not received a transfusion of blood or a blood product within the last 6 months.
- *7. The particulars of the transfusion of blood or blood product are as follows:
(insert particulars).

8. I consent to:

- (a) the taking of *a bodily sample/*bodily samples from the donor on *(insert date sample is to be taken)* at *(insert place sample is to be taken)* for the purposes of *a parentage testing procedure/*parentage testing procedures; and
- (b) the carrying out of *that procedure/*those procedures on the *sample/*samples.

*SWORN/*AFFIRMED by the
deponent at

on 20

(Signature of deponent)

BEFORE ME: *(insert name of person
before whom the affidavit is sworn
or affirmed)*

*(Signature of person
before whom affidavit is
sworn or affirmed)*

Attach a recent photograph of the donor named in the affidavit, measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the donor's head and the donor's shoulders against a plain background. The photograph must be marked 'A', and must bear a statement, signed by both the person before whom the affidavit is sworn or affirmed and the deponent, identifying it as the photograph mentioned in the affidavit.

**Omit if not applicable.*

**Form 4 Parentage testing procedure
Collection of bodily samples**

(regulation 21J)

**PARENTAGE TESTING PROCEDURE
COLLECTION OF BODILY SAMPLES**

NAME OF CHILD WHOSE
PARENTAGE IS IN ISSUE: *(insert child's name)*

1. I, *(insert name of sampler)*, of *(insert professional address)*, *(insert occupation)*, took the *bodily sample/*bodily samples specified below at *(insert time)* *am/*pm on *(insert date)* at *(insert place of collection)* from the following *person/*persons:
 - (a) *(insert name of person, type of bodily sample and person's photograph);*
 - **(b) (insert name of person, type of bodily sample and person's photograph);*
 - **(c) (insert name of person, type of bodily sample and person's photograph);*
 - **(d) (insert name of person, type of bodily sample and person's photograph).*
2. When I took the *bodily sample/*bodily samples specified above, I strictly observed the procedures provided under Part IIA of the Family Law Regulations.
3. I placed the *bodily sample/*each of the bodily samples specified above in a container that was immediately sealed and then labelled in accordance with regulation 21I of the Family Law Regulations.

DATED:

(Signature of sampler)

**Omit if not applicable.*

Form 5 Parentage testing procedure report

(regulation 21M)

PARENTAGE TESTING PROCEDURE REPORT

NAME OF CHILD WHOSE

PARENTAGE IS IN ISSUE: *(insert child's name)***PART I**

1. I, *(insert name of nominated reporter)*, of *(insert street address of laboratory where testing was performed)*, *(insert occupation)*, am a person nominated by the laboratory specified below to prepare a report for the purposes of paragraph 69ZB (b) of the *Family Law Act 1975*.
2. I report that *a parentage testing procedure/*parentage testing procedures being:
 - *(a) red cell antigen blood grouping;
 - *(b) red cell enzyme blood grouping;
 - *(c) testing for serum markers;
 - *(d) HLA tissue typing;
 - *(e) DNA typing;*has/*have been carried out on the bodily *sample/*samples contained in the sealed *container/*containers bearing the *name/*names of the following *donor/*donors:
 - (a) *(insert donor's name, date of birth and relationship to child whose parentage is in issue)*;
 - *(b) *(insert donor's name, date of birth and relationship to child whose parentage is in issue)*;
 - *(c) *(insert donor's name, date of birth and relationship to child whose parentage is in issue)*;
 - *(d) *(insert donor's name, date of birth and relationship to child whose parentage is in issue)*.
3. Each bodily sample referred to in item 2 is the same bodily sample as the bodily sample specified in the statement completed on *(insert date)* by *(insert name of sampler)* in accordance with Form 4 in Schedule 1 of the Family Law Regulations.

-
4. The parentage testing *procedure was/*procedures were carried out at *(insert name and street address of *laboratory/*laboratories where testing was performed)* on *(insert date/s)*.
5. The results of the parentage testing *procedure/*procedures are set out in Part II of this report.
- *6. I report that the results of the parentage testing *procedure/*procedures carried out on the bodily *sample/*samples of the donors specified above show that *(insert name of putative parent)* is not excluded from identification as the *father/*mother of *(insert name of child whose parentage is in issue)*.

[OR]

- *6. I report that the results of the parentage testing *procedure/*procedures carried out on the bodily *sample/*samples of the donors specified above show that *(insert name of putative parent)* is excluded from identification as the *father/*mother of *(insert name of child whose parentage is in issue)*.
- *7. I further report that the probability that *(insert name of putative parent)* is the genetic *father/*mother of *(insert name of child whose parentage is in issue)* has been calculated as follows:

Putative *father/*mother is *(insert figure)* times more likely to produce a child with the required alleles than a *man/*woman drawn randomly from the general population. This equates to a Relative Chance of *Paternity/*Maternity of *(insert figure)*.

[OR]

- *7. I further report that the exclusion is based on contradictions of the laws of genetic inheritance in *(insert amount)* of the *(insert amount)* genetic markers: *(insert the names of the genetic markers and whether the contradictions are of the first or second order)*.
- *8. I further report *(if necessary, provide further explanation of results detailed in item 6 or 7, or both)*.

DATED: 19 .

(Signature of nominated reporter)

PART II

1. The bodily **sample/*samples* referred to in Part I of this report were received at (*insert name and street address of laboratory at which parentage testing *procedure was/*procedures were carried out*) on the following date/s:
 - (a) (*specify sample*) — (*insert date*)
 - *(b) (specify sample) — (insert date)*
 - *(c) (specify sample) — (insert date)*
 - *(d) (specify sample) — (insert date)*
 - *(e) (specify sample) — (insert date).*
2. The following identification **number was/*numbers were* allocated respectively to the bodily **sample/*samples* in the **container/*containers* in respect of which the parentage testing **procedure was/*procedures were carried out*:
 - (a) (*insert name of donor and identification number*);
 - *(b) (insert name of donor and identification number);*
 - *(c) (insert name of donor and identification number);*
 - *(d) (insert name of donor and identification number).*
3. The results obtained from the parentage testing **procedure/*procedures are: (set out the results).*

Complete this item if the parentage testing procedure carried out was red cell antigen blood grouping, red cell enzyme blood grouping, HLA tissue typing or testing for serum markers

Item applying if parentage testing procedure carried out was red cell antigen blood grouping, red cell enzyme blood grouping, HLA tissue typing or testing for serum markers

- *4. The results set out above in item 3 refer to the parentage testing *procedure/*procedures carried out *by me/*under my supervision on (insert date/s). The bodily *sample was/*samples were tested with the same reagents and in parallel with appropriate known controls. Results from controls show that all reagents were of correct specificity and normal potency. I am satisfied that the results obtained are true and that they have been correctly transcribed from the laboratory records.*

[OR]

Item applying if parentage testing procedure carried out was DNA typing

- *4. The results set out above in item 3 refer to the parentage testing *procedure/*procedures carried out *by me/*under my supervision on (*insert date/s*). The bodily *sample was/*samples were tested with the same probes/primers and in parallel with appropriate known controls. Fragment length and/or hybridisation patterns were in accordance with scientifically accepted standards. I am satisfied that the results obtained have been correctly coded from the fragment and/or hybridisation pattern and that they have been correctly transcribed from the laboratory records.

DATED:

*(Signature of person who carried
out parentage testing procedure
or person under whose
supervision parentage testing
procedure was carried out)*

**Omit if not applicable.*

Form 6 Application for arbitration
(regulation 67D)

[name of court]

Application for arbitration

Form 6 — Family Law Regulation 67D

Fill in box A (file numbers)		
A	File Number	
B	Filed at	
C	Hearing date	AM
	Hearing time	PM

Application

The parties seek an order referring the matter, details of which are given below, to arbitration

Notice

Take notice that:

- this application is set down for hearing before the Court sitting at the time and place in box C above
- if you do not appear at the hearing, the Court may hear and decide the matter in your absence

Details of parties

1 Names of parties making this application

give details for each

family name (surname)

given names

family name (surname)

given names

family name (surname)

given names

attach extra page if you need more space

family name (surname)

given names

2 Postal address for service of documents on each applicant

Applicant 1

send to solicitor/s in 3 other give details:

postcode
tel () fax ()

Applicant 2

send to solicitor/s in 3 other give details:

postcode
tel () fax ()

Attach separate sheet for any others

3 Solicitor for each applicant

Applicant 1

- name
- firm name
- address
- phone/fax/DX

code
postcode
tel () fax () DX and suburb/town

Applicant 2

- name
- firm name
- address
- phone/fax/DX

code
postcode
tel () fax () DX and suburb/town

Attach separate sheet for any others

Details of issue(s) to be arbitrated

4

Details of arbitrator

5 If the parties have agreed on an arbitrator, give brief details of the proposed arbitrator, including name and address

Signature

Signed

Date

applicant(s)

solicitor for applicant(s)

This application was prepared by

applicant

solicitor

counsel

(print name if solicitor/counsel)

Form 7 Application relating to relevant property or financial arbitration
(regulation 67E)

<p>Application relating to relevant property or financial arbitration</p> <p>Form 7 — Family Law Regulation 67E</p>	[name of court]	Fill in box A (file numbers)		
		A	File Number	
		B	Filed at	
		C	Hearing date	AM
		Hearing time	PM	

Application
The parties seek an order, details of which are given below, in relation to the relevant property or financial arbitration of a dispute

Notice
Take notice that:
<ul style="list-style-type: none"> ■ this application is set down for hearing before the Court sitting at the time and place in box C above ■ if you do not appear at the hearing, the Court may hear and decide the matter in your absence

Details of parties					
<p>1 Names of parties making this application</p> <p><i>give details for each</i></p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">family name (surname)</td> <td style="width: 50%; text-align: center;">given names</td> </tr> <tr> <td style="width: 50%; text-align: center;">family name (surname)</td> <td style="width: 50%; text-align: center;">given names</td> </tr> </table>	family name (surname)	given names	family name (surname)	given names
family name (surname)	given names				
family name (surname)	given names				

attach extra page if you need more space

family name (surname)

given names

2 Postal address for service of documents on each applicant

Applicant 1

send to solicitor/s in 3 other give details:

postcode

tel ()

fax ()

Applicant 2

send to solicitor/s in 3 other give details:

postcode

tel ()

fax ()

Attach separate sheet for any others

3 Solicitor for each applicant

Applicant 1

- name

- firm name

- address

- phone/fax/DX

code

postcode

tel ()

fax ()

DX and suburb/town

Applicant 2

- name

- firm name

- address

- phone/fax/DX

code

postcode

tel ()

fax ()

DX and suburb/town

Attach separate sheet for any others

Details of order sought

4

Details of arbitration

5 Give brief details of the arbitration or proposed arbitration, including the name and address of the arbitrator (if already appointed), whether any arbitration proceedings have already taken place (and, if so, when and where)

Attach copy of any award made

Signature

Signed

Date

applicant(s)

solicitor for applicant(s)

This application was prepared by applicant solicitor counsel

(print name if solicitor/counsel)

Form 8 Application to register arbitration award
(regulation 67Q)

[name of court]

Application to register arbitration award

Form 8 — Family Law Regulation 67Q

Fill in box A (file numbers)		
A	File Number	
B	Filed at	
	Hearing date (if hearing needed)	AM PM
	Hearing time	

Notice

Take notice that:

- the applicant seeks registration of the award described below
- within 28 days of service of this application, another party to the award may bring to the court’s attention any reason why the award should not be registered
- if nothing is brought to the court’s attention, the court must register the award

Application

The applicant seeks registration of the award described below

Details of parties

1 Name(s) of applicant(s) making this application <i>give details for each</i> <i>attach extra page if you need more space</i>	family name (surname)	given names
	family name (surname)	given names
	family name (surname)	given names

2 Name(s) of respondent(s) (other parties to the award, if any) <i>give details for each</i>	family name (surname)	given names			
	family name (surname)	given names			
	family name (surname)	given names			
3 Postal address for service of documents on applicants	send to solicitor in 4 <input type="checkbox"/> other <input type="checkbox"/> give details:				
	<table border="1"> <tr> <td>tel ()</td> <td>fax ()</td> <td>postcode</td> </tr> </table>		tel ()	fax ()	postcode
tel ()	fax ()	postcode			
4 Solicitor for applicant(s)					
- name					
- firm name	code				
- address	postcode				
- phone/fax/DX	tel ()	fax () DX and suburb/town			

Details of award

5 Give brief details of the award, including date made and name and address of arbitrator	<i>Attach a copy of the award</i>
---	-----------------------------------

Signature

Signed

Date

applicant(s)

solicitor for applicant(s)

This application was prepared by

applicant

solicitor

counsel

(print name if solicitor/counsel)

Form 9 Application to register decree affecting registered arbitration award

(regulation 67T)

[name of court]

Application to register decree affecting registered arbitration award

Form 9 — Family Law Regulation 67T

Fill in box A (file numbers)		
A	File Number	
B	Filed at	

Application
The applicant seeks registration of the decree described below

Details of parties		
1 Name(s) of applicant(s) making this application <i>give details for each</i> <i>attach extra page if you need more space</i>	family name (surname)	given names
	family name (surname)	given names
	family name (surname)	given names
2 Name(s) of respondent(s) (other parties to the award, if any) <i>give details for each</i>	family name (surname)	given names
	family name (surname)	given names
	family name (surname)	given names

3 Postal address for service of documents on applicants

send to solicitor in 4 other give details:

	postcode
tel ()	fax ()

4 Solicitor for applicant(s)

- name
- firm name
- address
- phone/fax/DX

	code
	postcode
tel ()	fax () DX and suburb/town

Details of decree

5 Give brief details of the decree and the award affected by the decree, including date the decree made and name and address of arbitrator who made the award

Attach a copy of the decree

Signature

Signed

Date

applicant(s)

solicitor for applicant(s)

This application was prepared by

applicant

solicitor

counsel

(print name if solicitor/counsel)

Schedule 1A Countries or parts of countries, declared to be prescribed overseas jurisdictions for certain purposes

(regulation 14)

Column 1 Item No	Column 2 Country or part of a country
1	Alabama
2	Alaska
3	Arizona
4	Arkansas
4A	Austria
5	California
6	Colorado
7	Connecticut
8	Delaware
9	District of Columbia
10	Florida
11	Georgia
12	Hawaii
13	Idaho
14	Illinois
15	Indiana
16	Iowa
17	Kansas
18	Kentucky

Column 1 Item No	Column 2 Country or part of a country
19	Louisiana
20	Maine
21	Maryland
22	Massachusetts
23	Michigan
24	Minnesota
25	Mississippi
26	Montana
27	Nebraska
28	Nevada
29	New Hampshire
30	New Jersey
31	New York
31A	New Zealand
32	North Carolina
33	North Dakota
33A	Ohio
34	Oklahoma
35	Oregon
36	Papua New Guinea
37	Pennsylvania
38	Rhode Island
39	South Carolina
39A	Switzerland
40	Tennessee
41	Texas
42	Utah

Schedule 1A Countries or parts of countries, declared to be prescribed overseas jurisdictions for certain purposes

Column 1 Item No	Column 2 Country or part of a country
43	Vermont
44	Virginia
45	Washington
46	West Virginia
47	Wisconsin
48	Wyoming

Schedule 2 Reciprocating jurisdictions

(regulation 25)

Austria	India
Belarus	Republic of Ireland
Belgium	Italy
Brunei	Kenya
Canada, the following	Luxembourg
Provinces and	Malawi
Territories:	Malaysia
Alberta	Malta
British Columbia	Nauru
Manitoba	Niue
New Brunswick	Netherlands
Newfoundland	New Zealand
Northwest	Norway
Territories	Papua New Guinea
Nova Scotia	Poland
Nunavut	Portugal
Ontario	Sierra Leone
Prince Edward	Singapore
Island	Slovak Republic
Saskatchewan	South Africa
Yukon	Spain
Territory of Christmas	Sri Lanka
Island	Sweden
Territory of Cocos	Switzerland
(Keeling) Islands	Tanzania (excluding
Colombia	Zanzibar)
Cook Islands	Trinidad and Tobago
Cyprus	Turkey
Czech Republic	United Kingdom,
Denmark	including Alderney,
Estonia	Guernsey, Isle of Man,
Fiji	Jersey and Sark
France	United States of America
Germany	Western Samoa
Gibraltar	Zambia
Kazakstan	Zimbabwe
Hong Kong	

Schedule 3 Convention on the recovery abroad of maintenance

(regulation 40)

PREAMBLE

Considering the urgency of solving the humanitarian problem resulting from the situation of persons in need dependent for their maintenance on persons abroad,

Considering that the prosecution or enforcement abroad of claims for maintenance gives rise to serious legal and practical difficulties, and

Determined to provide a means to solve such problems and to overcome such difficulties,

The Contracting Parties have agreed as follows:

Article 1

SCOPE OF THE CONVENTION

1. The purpose of this convention is to facilitate the recovery of maintenance to which a person, hereinafter referred to as claimant, who is in the territory of one of the Contracting Parties, claims to be entitled from another person, hereinafter referred to as respondent, who is subject to the jurisdiction of another Contracting Party. This purpose shall be effected through the offices of agencies which will hereinafter be referred to as Transmitting and Receiving Agencies.

2. The remedies provided for in this Convention are in addition to, and not in substitution for, any remedies available under municipal or international law.

Article 2

DESIGNATION OF AGENCIES

1. Each Contracting Party shall, at the time when the instrument of ratification or accession is deposited, designate one or more judicial or administrative authorities which shall act in its territory as Transmitting Agencies.

2. Each contracting party shall, at the time when the instrument of ratification or accession is deposited, designate a public or private body which shall act in its territory as Receiving Agency.

3. Each Contracting Party shall promptly communicate to the Secretary-General of the United Nations the designations made under paragraphs 1 and 2 and any changes made in respect thereof.

4. Transmitting and Receiving Agencies may communicate directly with Transmitting and Receiving Agencies of other Contracting Parties.

Article 3

APPLICATION TO TRANSMITTING AGENCY

1. Where a claimant is in the territory of one Contracting Party, hereinafter referred to as the State of the claimant, and the respondent is subject to the jurisdiction of another Contracting Party, hereinafter referred to as the State of the respondent, the claimant may make application to a Transmitting Agency in the State of the claimant for the recovery of maintenance from the respondent.

2. Each Contracting Party shall inform the Secretary-General as to the evidence normally required under the law of the State of the Receiving Agency for the proof of maintenance claims, of the manner in which such evidence should be submitted, and of other requirements to be complied with under such law.

3. The application shall be accompanied by all relevant documents, including, where necessary, a power of attorney authorizing the Receiving Agency to act, or to appoint some other person to act, on behalf of the claimant. It shall also be accompanied by a photograph of the claimant and, where available, a photograph of the respondent.

4. The Transmitting Agency shall take all reasonable steps to ensure that the requirements of the law of the State of the Receiving Agency are complied with; and, subject to the requirements of such law, the application shall include:

- (a) the full name, address, date of birth, nationality, and occupation of the claimant, and the name and address of any legal representative of the claimant;
- (b) the full name of the respondent, and, so far as known to the claimant, his addresses during the preceding five years, date of birth, nationality, and occupation;
- (c) particulars of the grounds upon which the claim is based and of the relief sought, and any other relevant information such as the financial and family circumstances of the claimant and the respondent.

Article 4

TRANSMISSION OF DOCUMENTS

1. The Transmitting Agency shall transmit the documents to the Receiving Agency of the State of the respondent, unless satisfied that the application is not made in good faith.

2. Before transmitting such documents, the Transmitting Agency shall satisfy itself that they are regular as to form, in accordance with the law of the State of the claimant.

3. The Transmitting Agency may express to the Receiving Agency an opinion as to the merits of the case and may recommend that free legal aid and exemption from costs be given to the claimant.

Article 5

TRANSMISSION OF JUDGMENTS AND OTHER JUDICIAL ACTS

1. The Transmitting Agency shall, at the request of the claimant, transmit, under the provisions of article 4, any order, final or provisional, and any other judicial act, obtained by the claimant for the payment of maintenance in a competent tribunal of any of the Contracting Parties, and, where necessary and possible, the record of the proceedings in which such order was made.

2. The orders and judicial acts referred to in the preceding paragraph may be transmitted in substitution for or in addition to the documents mentioned in article 3.

3. Proceedings under article 6 may include, in accordance with the law of the State of the respondent, exequatur or registration proceedings or an action based upon the act transmitted under paragraph 1.

Article 6

FUNCTIONS OF THE RECEIVING AGENCY

1. The Receiving Agency shall, subject always to the authority given by the claimant, take, on behalf of the claimant, all appropriate steps for the recovery of maintenance, including the settlement of the claim and, where necessary, the institution and prosecution of an action for maintenance and the execution of any order or other judicial act for the payment of maintenance.

2. The Receiving Agency shall keep the Transmitting Agency currently informed. If it is unable to act, it shall inform the Transmitting Agency of its reasons and return the documents.

3. Notwithstanding anything in this Convention, the law applicable in the determination of all questions arising in any such action or proceedings shall be the law of the State of the respondent, including its private international law.

Article 7

LETTERS OF REQUEST

If Provision is made for letters of request in the laws of the two Contracting Parties concerned, the following rules shall apply:

- (a) A tribunal hearing an action for maintenance may address letters of request for further evidence, documentary or otherwise, either to the competent tribunal of the other Contracting Party or to any other authority or institution designated by the other Contracting Party in whose territory the request is to be executed.
- (b) In order that the parties may attend or be represented, the requested authority shall give notice of the date on which and the place at which the proceedings requested are to take place to the Receiving Agency and the Transmitting Agency concerned, and to the respondent.
- (c) Letters of request shall be executed with all convenient speed; in the event of such letters of request not being executed within four months from the receipt of the letters by the requested authority, the reasons for such non-execution or for such delay shall be communicated to the requesting authority.
- (d) The execution of letters of request shall not give rise to reimbursement of fees or costs of any kind whatsoever.
- (e) Execution of letters of request may only be refused:
 - (1) If the authenticity of the letters is not established;
 - (2) If the Contracting Party in whose territory the letters are to be executed deems that its sovereignty or safety would be compromised thereby.

Article 8

VARIATION OF ORDERS

The provisions of this Convention apply also to applications for the variation of maintenance orders.

Article 9

EXEMPTIONS AND FACILITIES

1. In proceedings under this Convention, claimants shall be accorded equal treatment and the same exemptions in the payment of costs and charges as are given to residents or nationals of the State where the proceedings are pending.

2. Claimants shall not be required, because of their status as aliens or non-residents, to furnish any bond or make any payment or deposit as security for costs or otherwise.

3. Transmitting and Receiving Agencies shall not charge any fees in respect of services rendered under this Convention.

Article 10

TRANSFER OF FUNDS

A Contracting party, under whose law the transfer of funds abroad is restricted, shall accord the highest priority to the transfer of funds payable as maintenance or to cover expenses in respect of proceedings under this Convention.

Article 11

FEDERAL STATE CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

-
- (c) A Federal State Party to this Convention shall, at the request of any other Contracting Party transmitted through the Secretary-General, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article 12

TERRITORIAL APPLICATION

The provisions of this Convention shall extend or be applicable equally to all non-self-governing, trust or other territories for the international relations of which a Contracting Party is responsible, unless the latter, on ratifying or acceding to this Convention, has given notice that the Convention shall not apply to any one or more of such territories. Any Contracting Party making such a declaration may, at any time thereafter, by notification to the Secretary-General, extend the application of the Convention to any or all of such territories.

Article 13

SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention shall be open for signature until 31 December 1956 on behalf of any Member of the United Nations, any non-member State which is a Party to the Statute of the International Court of Justice, or member of a specialized agency, and any other non-member State which has been invited by the Economic and Social Council to become a Party to the Convention.
2. This Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General.
3. This Convention may be acceded to at any time on behalf of any of the States referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the Secretary-General.

Article 14

ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date of deposit of the third instrument of ratification or accession in accordance with article 13.
2. For each State ratifying or acceding to the Convention after the deposit of the third instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the date of the deposit by such State of its instrument of ratification or accession.

Article 15

DENUNCIATION

1. Any Contracting Party may denounce this Convention by notification to the Secretary-General. Such denunciation may also apply to some or all of the territories mentioned in Article 12.

2. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General, except that it shall not prejudice cases pending at the time it becomes effective.

Article 16

SETTLEMENT OF DISPUTES

If a dispute should arise between Contracting Parties relating to the interpretation or application of this Convention, and if such dispute has not been settled by other means, it shall be referred to the International Court of Justice. The dispute shall be brought before the Court either by the notification of a special agreement or by a unilateral application of one of the parties to the dispute.

Article 17

RESERVATIONS

1. In the event that any State submits a reservation to any of the articles of this Convention at the time of ratification or accession, the Secretary-General shall communicate the text of the reservation to all States which are Parties to this Convention, and to the other States referred to in article 13. Any Contracting Party which objects to the reservation may, within a period of ninety days from the date of the communication, notify the Secretary-General that it does not accept it, and the Convention shall not then enter into force as between the objecting State and the State making the reservation. Any State thereafter acceding may make such notification at the time of its accession.

2. A Contracting Party may at any time withdraw a reservation previously made and shall notify the Secretary-General of such withdrawal.

Article 18

RECIPROCITY

A Contracting Party shall not be entitled to avail itself of this Convention against other Contracting Parties except to the extent that it is itself bound by the Convention.

Article 19

NOTIFICATIONS BY THE SECRETARY-GENERAL

1. The Secretary-General shall inform all Members of the United Nations and the non-member States referred to in article 13:
 - (a) of communications under paragraph 3 of article 2;
 - (b) of information received under paragraph 2 of article 3;
 - (c) of declarations and notifications made under article 12;
 - (d) of signatures, ratifications and accessions under article 13;
 - (e) of the date on which the Convention has entered into force under paragraph 1 of article 14;
 - (f) of denunciations made under paragraph 1 of article 15;
 - (g) of reservations and notifications made under article 17.
2. The Secretary-General shall also inform all Contracting Parties of requests for revision and replies thereto received under article 20.

Article 20

REVISION

1. Any Contracting Party may request revision of this Convention at any time by a notification addressed to the Secretary-General.
2. The Secretary-General shall transmit the notification to each Contracting Party with a request that such Contracting Party reply within four months whether it desires the convening of a Conference to consider the proposed revision. If a majority of the Contracting Parties favour the convening of a Conference it shall be convened by the Secretary-General.

Article 21

LANGUAGES AND DEPOSIT OF CONVENTION

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General, who shall transmit certified true copies thereof to all States referred to in article 13.

Schedule 4 Convention countries

(subregulations 39B (1) and (2) and regulations 39BA and 48)

Algeria	Haiti
Argentina	Holy See
Austria	Hungary
Barbados	Israel
Belarus	Italy
Belgium	Luxembourg
Bosnia and Herzegovina	Mexico
Brazil	Monaco
Burkina Faso	Morocco
Cape Verde	Netherlands
Central African Republic	Niger
Chile	Norway
Croatia	Pakistan
Cyprus	Philippines
Czech Republic	Poland
Denmark	Portugal
Ecuador	Republic of Ireland
Estonia	Romania
Federal Republic of Yugoslavia (Serbia and Montenegro)	Slovak Republic
Finland	Slovenia
Former Yugoslav Republic of Macedonia	Spain
France	Sri Lanka
Germany	Suriname
Greece	Sweden
Guatemala	Switzerland
	Tunisia
	Turkey
	United Kingdom
	Uruguay

Schedule 4A Jurisdictions and convention countries

(regulations 39BA and 39D)

Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Italy
Lithuania
Luxembourg
Netherlands
Norway
Poland
Portugal
Slovakia
Spain
Sweden
Switzerland
Turkey
United Kingdom of Great Britain and Northern Ireland

Schedule 5 Prescribed laws — definition of *child welfare law* in subsection 4 (1) of the Act

(subregulation 12B (2))

Item	Prescribed Law	State or Territory
1	<i>Adoption Act 2000</i>	New South Wales
2	<i>Children and Young Persons (Care and Protection) Act 1998</i>	New South Wales
3	<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>	New South Wales
4	<i>Guardianship Act 1987</i>	New South Wales
5	Subject to subsection 3 (2A) of the Commonwealth Powers (Family Law-Children) Act 1986 , the Adoption Act 1984	Victoria
6	Subject to subsection 3 (2A) of the Commonwealth Powers (Family Law-Children) Act 1986 , the Children and Young Persons Act 1989	Victoria
7	Community Services Act 1970	Victoria
8	Maintenance Act 1965	Victoria
9	Mental Health Act 1986	Victoria
10	<i>Adoption of Children Act 1964</i>	Queensland
11	<i>Child Protection Act 1999</i>	Queensland
12	<i>Maintenance Act 1965</i>	Queensland
13	<i>Mental Health Act 2000</i>	Queensland
14	<i>Public Health Act 2005</i>	Queensland
15	<i>Adoption Act 1994</i>	Western Australia
16	<i>Children and Community Services Act 2004</i>	Western Australia
17	<i>Family Court Act 1997</i>	Western Australia

Item	Prescribed Law	State or Territory
18	<i>Mental Health Act 1996</i>	Western Australia
19	<i>Adoption Act 1988</i>	South Australia
20	<i>Children's Protection Act 1993</i>	South Australia
21	<i>Family and Community Services Act 1972</i>	South Australia
22	<i>Mental Health Act 1993</i>	South Australia
23	<i>Adoption Act 1988</i>	Tasmania
24	<i>Children, Young Persons and Their Families Act 1997</i>	Tasmania
25	<i>Youth Justice Act 1997</i>	Tasmania
26	<i>Mental Health Act 1996</i>	Tasmania
27	<i>Adoption of Children Act</i>	Northern Territory
28	<i>Community Welfare Act</i>	Northern Territory
29	<i>Mental Health and Related Services Act</i>	Northern Territory
30	<i>Guardianship of Infants Act</i>	Northern Territory
31	<i>Adoption Act 1993</i>	Australian Capital Territory
32	<i>Children and Young People Act 1999</i>	Australian Capital Territory
33	<i>Guardianship and Management of Property Act 1991</i>	Australian Capital Territory
34	<i>Mental Health (Treatment and Care) Act 1994</i>	Australian Capital Territory
35	<i>Adoption of Children Ordinance 1932</i>	Norfolk Island
36	<i>Child Welfare Ordinance 1937</i>	Norfolk Island
37	<i>Infants' Maintenance and Protection Ordinance 1913</i>	Norfolk Island
38	<i>Lunacy Ordinance 1932</i>	Norfolk Island

Schedule 6 Prescribed laws — subsection 60H (1) of the Act

(regulation 12C)

Column 1 Item	Column 2 Prescribed law or laws	Column 3 Commonwealth / State / Territory
1	Family Relationships Act, 1975: sections 10a, 10b, 10c, 10d and 10e....	South Australia
2	<i>Status of Children Act 1974</i> : sections 10A, 10B, 10C, 10D and 10E	Victoria
3	<i>Status of Children Act 1996</i>	New South Wales
4	<i>Artificial Conception Act 1985</i>	Western Australia
5	<i>Status of Children Act 1974</i> : sections 10A, 10B and 10C	Tasmania
6	<i>Artificial Conception Act 1985</i>	Australian Capital Territory
7	<i>Status of Children Act 1978</i> : sections 5A, 5B, 5C, 5D, 5E and 5F....	Northern Territory

Schedule 7 Prescribed laws — subsection 60H (2) of the Act

(regulation 12CA)

Column 1 Item	Column 2 Prescribed Law
1	Family Relationships Act, 1975, of the State of South Australia, sections 10b and 10c
2	<i>Status of Children Act 1978</i> of the Northern Territory, sections 5B and 5C
3	<i>Artificial Conception Act 1985</i> , of the Australian Capital Territory, sections 3, 4 and 6

Schedule 8 Family violence order — prescribed laws of State or Territory

(regulation 12BB)

Item	Prescribed law	State or Territory
1	<i>Crimes (Domestic and Personal Violence) Act 2007</i>	New South Wales
2	<i>Property (Relationships) Act 1984</i>	New South Wales
3	Family Violence Protection Act 2008	Victoria
4	<i>Domestic and Family Violence Protection Act 1989</i>	Queensland
5	<i>Restraining Orders Act 1997</i>	Western Australia
6	<i>Criminal Law (Sentencing) Act 1988</i>	South Australia
7	<i>Domestic Violence Act 1994</i>	South Australia
8	<i>Summary Procedure Act 1921</i>	South Australia
9	<i>Youth Court Act 1993</i>	South Australia
10	<i>Family Violence Act 2004</i>	Tasmania
11	<i>Justices Act 1959</i>	Tasmania
12	<i>Domestic Violence and Protection Orders Act 2001</i>	Australian Capital Territory
13	<i>Domestic and Family Violence Act 2007</i>	Northern Territory
14	<i>Domestic Violence Act 1995</i>	Norfolk Island

Schedule 9 Evidence relating to child abuse or family violence — prescribed State or Territory agencies

(regulation 12CD)

Item	Prescribed agency	State or Territory
1	Department of Community Services	New South Wales
2	NSW Police (established under section 4 of the <i>Police Act 1990</i> (NSW))	New South Wales
3	Department of Human Services (Office for Children)	Victoria
4	Police Force (constituted under the Police Regulation Act 1958 (Vic))	Victoria
5	Department of Child Safety	Queensland
6	Queensland Police Service (established under section 2.1 of the <i>Police Service Administration Act 1990</i> (Qld))	Queensland
7	Department for Community Development	Western Australia
8	Police Force (constituted under the <i>Police Act 1892</i> (WA))	Western Australia
9	Department for Families and Communities	South Australia
10	South Australia Police (established under section 4 of the <i>Police Act 1998</i> (SA))	South Australia
11	Department of Health and Human Services	Tasmania
12	Department of Police and Emergency Management	Tasmania
13	Department of Disability, Housing and Community Services	Australian Capital Territory
14	Australian Federal Police (constituted under section 6 of the <i>Australian Federal Police Act 1979</i>)	Australian Capital Territory

Item	Prescribed agency	State or Territory
15	Department of Health and Community Services	Northern Territory
16	Police Force of the Northern Territory (established under section 5 of the <i>Police Administration Act</i> (NT))	Northern Territory

Schedule 9A Professional confidential relationship privilege — prescribed laws
(regulation 12CE)

Item	Prescribed law	State or Territory
1	<i>Evidence Act 1995</i>	New South Wales

Schedule 10 Protected Names

(regulation 21AAA)

Item	Protected Name
1	Family Relationship Centre
2	Family Relationship Advice Line
3	Family Relationships Online
4	familyrelationshipadviceline.com
5	familyrelationshipadviceline.com.au
6	familyrelationshipadviceline.net
7	familyrelationshipadviceline.net.au
8	familyrelationshipadviceline.org
9	familyrelationshipadviceline.org.au
10	familyrelationshipcentre.com
11	familyrelationshipcentre.com.au
12	familyrelationshipcentre.net
13	familyrelationshipcentre.net.au
14	familyrelationshipcentre.org
15	familyrelationshipcentre.org.au
16	familyrelationshipcentres.com
17	familyrelationshipcentres.com.au
18	familyrelationshipcentres.net
19	familyrelationshipcentres.net.au
20	familyrelationshipcentres.org
21	familyrelationshipcentres.org.au
22	familyrelationshipsadviceline.com
23	familyrelationshipsadviceline.com.au
24	familyrelationshipsadviceline.net

Item	Protected Name
25	familyrelationshipsadviceline.net.au
26	familyrelationshipsadviceline.org
27	familyrelationshipsadviceline.org.au
28	familyrelationshipscentre.com
29	familyrelationshipscentre.com.au
30	familyrelationshipscentre.net
31	familyrelationshipscentre.net.au
32	familyrelationshipscentre.org
33	familyrelationshipscentre.org.au
34	familyrelationshipscentres.com
35	familyrelationshipscentres.com.au
36	familyrelationshipscentres.net
37	familyrelationshipscentres.net.au
38	familyrelationshipscentres.org
39	familyrelationshipscentres.org.au
40	fral.com.au
41	fral.net.au
42	frc.org.au
43	familyrelationshipadviceline.gov.au
44	familyrelationshipcentre.gov.au
45	familyrelationships.gov.au
46	familyrelationship.gov.au
47	familyrelationship.com
48	familyrelationship.com.au
49	familyrelationship.net
50	familyrelationship.net.au
51	familyrelationship.org
52	familyrelationship.org.au
53	familyrelationships.com

Item	Protected Name
54	familyrelationships.com.au
55	familyrelationships.net
56	familyrelationships.net.au
57	familyrelationships.org
58	familyrelationships.org.au
59	fralcms.gov.au
60	fralcms.com
61	fralcms.com.au
62	fralcms.net
63	fralcms.net.au
64	fralcms.org
65	fralcms.org.au
66	fral.org.au
67	fral.gov.au
68	frc.com.au
69	frc.net.au
70	frc.org
71	frc.com
72	frc.net
73	fral.org
74	fral.com
75	fral.net
76	familyrelationshipsadvice.gov.au
77	familyrelationshipcentres.gov.au
78	familyrelationshipscentre.gov.au
79	familyrelationshipscentres.gov.au
80	familyrelationshiponline.com
81	familyrelationshiponline.com.au
82	familyrelationshiponline.net

Item	Protected Name
83	familyrelationshiponline.net.au
84	familyrelationshiponline.org
85	familyrelationshiponline.org.au
86	familyrelationshiponline.com
87	familyrelationshiponline.com.au
88	familyrelationshiponline.net
89	familyrelationshiponline.net.au
90	familyrelationshiponline.org
91	familyrelationshiponline.org.au
92	familyrelationshiponline.gov.au
93	familyrelationshiponline.gov.au

Schedule 11 Protected Symbols
(regulation 21AAB)

Item	Symbol
1	
2	
3	
4	<p>FAMILY RELATIONSHIP CENTRE: HELPING FAMILIES BUILD BETTER RELATIONSHIPS</p>
5	<p>HELPING FAMILIES BUILD BETTER RELATIONSHIPS</p>

Table of Instruments**Notes to the *Family Law Regulations 1984*****Note 1**

The *Family Law Regulations 1984* (in force under the *Family Law Act 1975*) as shown in this compilation comprise Statutory Rules 1984 No. 426 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 24 December 1997 is not included in this compilation. For subsequent information *see* Table A.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1984 No. 426	20 Dec 1984	2 Jan 1985 (<i>see r. 2</i>)	
1985 No. 183	31 July 1985	1 Aug 1985	—
1986 No. 140	26 June 1986	Rr. 2 and 3: 1 July 1986 R. 4: 1 Sept 1986 Remainder: 26 June 1986	Rr. 2, 3 and 4 (3), (4)
1986 No. 393	12 Jan 1987	12 Jan 1987	—
1987 No. 85	27 May 1987	27 May 1987	—
1987 No. 175	31 Aug 1987	1 Sept 1987	—
1988 No. 42	24 Mar 1988	1 Apr 1988 (<i>see Gazette</i> 1988, No. S83)	—
1988 No. 44	30 Mar 1988	1 Apr 1988	—
1988 No. 164	30 June 1988	1 July 1988	—
1988 No. 165	30 June 1988	1 July 1988 (<i>see Gazette</i> 1988, No. S191)	—
1989 No. 8	13 Feb 1989	13 Feb 1989	—
1989 No. 53	14 Apr 1989	14 Apr 1989	—
1989 No. 74	4 May 1989	4 May 1989	—
1989 No. 155	30 June 1989	1 July 1989	—
1989 No. 205	7 Aug 1989	7 Aug 1989	—
1989 No. 235	5 Sept 1989	5 Sept 1989	—
1989 No. 326	30 Nov 1989	1 Dec 1989	R. 3
1990 No. 294	21 Sept 1990	21 Sept 1990	—
1990 No. 373	6 Dec 1990	6 Dec 1990	—
1991 No. 401	12 Dec 1991	27 Dec 1991 (<i>see r. 1</i>)	—

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
1991 No. 447 (a)	19 Dec 1991	(see r. 1)	R. 6
1992 No. 33	7 Feb 1992	R. 5: 1 Apr 1992 Remainder: 7 Feb 1992	—
1992 No. 160	12 June 1992	12 June 1992	—
1992 No. 287	8 Sept 1992	8 Sept 1992	—
1992 No. 376	30 Nov 1992	30 Nov 1992	—
1992 No. 404	16 Dec 1992	16 Dec 1992	—
1994 No. 86	7 Apr 1994	7 Apr 1994	—
1994 No. 343	18 Oct 1994	18 Oct 1994	—
1995 No. 297	26 Oct 1995	1 Nov 1995	—
1995 No. 400	19 Dec 1995	19 Dec 1995	—
1995 No. 419	22 Dec 1995	1 Jan 1996	—
1996 No. 71	5 June 1996	11 June 1996	—
1996 No. 188	30 Aug 1996	1 Sept 1996	—
as amended by			
1996 No. 201	11 Sept 1996	1 Sept 1996	—
1996 No. 253	26 Nov 1996	1 Dec 1996	Rr. 3 and 6
1996 No. 265	11 Dec 1996	1 Jan 1997	R. 7
1997 No. 157 (b)	30 June 1997	1 July 1997	—
1997 No. 232	10 Sept 1997	10 Sept 1997	—
1997 No. 251	24 Sept 1997	24 Sept 1997	—
1997 No. 376	24 Dec 1997	1 Jan 1998	R. 4 [see Table A]
1998 No. 39	25 Mar 1998	25 Mar 1998	—
1998 No. 121	9 June 1998	9 June 1998	—
1998 No. 222	7 July 1998	7 July 1998	—
1998 No. 270	1 Sept 1998	1 Sept 1998	—
1998 No. 329	16 Dec 1998	16 Dec 1998	—
1999 No. 39	24 Mar 1999	24 Mar 1999	—
1999 No. 173	1 Sept 1999	1 Sept 1999	—
2000 No. 16	15 Mar 2000	15 Mar 2000	—
2000 No. 81	26 May 2000	1 July 2000	—
2000 No. 207	31 July 2000	31 July 2000	—
2000 No. 254	15 Sept 2000	15 Sept 2000	—
2001 No. 31	1 Mar 2001	1 Mar 2001	—
2001 No. 117	6 June 2001	6 June 2001	—

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
2001 No. 264	5 Oct 2001	Rr. 1–3 and Schedule 1: 5 Oct 2001 Remainder: 1 Jan 2002	—
2003 No. 339	23 Dec 2003	23 Dec 2003	—
2004 No. 319	25 Nov 2004	17 Dec 2004 (see r. 2)	—
2004 No. 370	23 Dec 2004	23 Dec 2004	—
2004 No. 371	23 Dec 2004	23 Dec 2004	—
2005 No. 207	19 Sept 2005 (see F2005L02673)	1 Oct 2005 (see r. 2)	—
2006 No. 128	15 June 2006 (see F2006L01760)	1 July 2006	—
2006 No. 256	6 Oct 2006 (see F2006L03252)	9 Oct 2006	—
2007 No. 82	16 Apr 2007 (see F2007L00988)	17 Apr 2007	—
2007 No. 212	23 July 2007 (see F2007L02256)	26 July 2007	—
2007 No. 293	27 Sept 2007 (see F2007L03678)	Rr. 1–3 and Schedule 1: 28 Sept 2007 Remainder: 15 Oct 2007	—
2008 No. 104	20 June 2008 (see F2008L02125)	21 June 2008	—
2008 No. 182	22 Sept 2008 (see F2008L03471)	Rr. 1–3 and Schedule 1: 1 Jan 2009 Schedule 2: (see r. 2 (b) and Note 2)	—
2008 No. 258	17 Dec 2008 (see F2008L04634)	18 Dec 2008	—
2008 No. 259	17 Dec 2008 (see F2008L04631)	Rr. 1–3 and Schedule 1: 18 Dec 2008 Schedule 2: (see r. 2 (1) (b) and Note 3) Schedule 3: 18 Dec 2008 (see r. 2 (2) (b))	—

(a) Statutory Rules 1991 No. 447 was disallowed by the Senate on 3 March 1992.

(b) Statutory Rules 1997 No. 157 was disallowed by the Senate on 24 November 1997.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
R. 1	rs. 1998 No. 270
R. 3	am. 1996 No. 71; 1999 No. 39; 2000 Nos. 81 and 207; 2001 No. 31; 2006 No. 128; 2007 No. 82
Note to r. 3 (1).....	ad. 2000 No. 207
R. 3AA	ad. 2007 No. 82
R. 3A.....	ad. 1998 No. 222
Part II	
R. 4	am. 2000 No. 207
R. 7	rep. 1996 No. 71 ad. 2006 No. 128 rs. 2007 No. 82
R. 7A.....	ad. 1991 No. 401 rep. 1996 No. 71
R. 7B.....	ad. 1992 No. 376 rep. 1996 No. 71
R. 8	rs. 2006 No. 128; 2007 No. 82
R. 8A.....	ad. 2007 No. 82
R. 8B.....	ad. 2007 No. 82
R. 9	rep. 1996 No. 71
R. 9A.....	ad. 1991 No. 401 rep. 1996 No. 71
R. 10.....	am. 1988 No. 164
R. 10A.....	ad. 1988 No. 165 am. 1989 No. 8; 1998 No. 329; 1999 No. 39 rs. 2006 No. 128
R. 11	am. 1985 No. 183; 1987 No. 175; 1988 No. 44; 1989 No. 155; 1995 No. 419 rs. 1996 No. 188 (as am. by 1996 No. 201) am. 1996 No. 253; 1998 No. 39; 2000 Nos. 16 and 207; 2001 No. 264; 2005 No. 207; 2006 Nos. 128 and 256; 2007 No. 293
R. 12	am. 1999 No. 39
R. 12A.....	ad. 1988 No. 42 am. 1994 No. 86; 1996 No. 71; 1998 No. 329; 2000 No. 16; 2004 No. 370
R. 12AB	ad. 2001 No. 31
R. 12AC	ad. 2001 No. 264 rs. 2006 No. 128 am. 2008 No. 104

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 12B.....	ad. 1988 No. 42 am. 1996 No. 71; 2006 No. 128
R. 12BA	ad. 1992 No. 287 am. 1992 No. 404; 1996 No. 71 rs. 1998 No. 329 am. 2001 No. 117; 2003 No. 339; 2004 No. 370; 2006 No. 128
R. 12BB	ad. 1996 No. 71 am. 2006 No. 128
R. 12C.....	ad. 1988 No. 42 am. 1996 No. 71
R. 12CA	ad. 1989 No. 74 am. 1996 No. 71
R. 12CAA.....	ad. 2007 No. 82 rep. 2008 No. 182
R. 12CB	ad. 1996 No. 71 am. 2005 No. 207
R. 12CC	ad. 1996 No. 71 rs. 2006 No. 128
R. 12CD	ad. 2006 No. 128
R. 12CE	ad. 2007 No. 212
R. 12D.....	ad. 1988 No. 42 am. 1994 No. 343; 1996 No. 71
R. 13	am. 1996 No. 71 rs. 1998 No. 329
R. 14	rs. 1988 No. 164; 1996 No. 71 am. 2006 No. 128
Heading to r. 14A.....	rs. 2006 No. 128
R. 14A.....	ad. 2001 No. 31 am. 2006 No. 128
R. 15	am. 1988 Nos. 42 and 164; 1989 No. 74; 1996 Nos. 71 and 188
R. 15AA	ad. 2004 No. 319
R. 15A.....	ad. 2001 No. 31 am. 2004 No. 370 rs. 2006 No. 128
R. 16	am. 1985 No. 183; 1987 No. 175; 1988 Nos. 44 and 164; 1989 No. 155; 1995 No. 419; 1996 No. 188; 2000 Nos. 16 and 207; 2005 No. 207; 2006 No. 128
Note to r. 16 (1).....	ad. 1996 No. 188
R. 16A.....	ad. 1996 No. 188
R. 17	am. 2000 No. 207; 2006 No. 128
R. 18	am. 1999 No. 39; 2000 No. 207

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 18A.....	ad. 1990 No. 294 rep. 2001 No. 31
R. 19	am. 1985 No. 183; 1986 No. 393; 1987 No. 175; 1988 No. 164; 1989 Nos. 74, 205 and 235; 1997 No. 251; 2004 No. 370 rs. 2006 No. 128 am. 2008 No. 259
R. 20	am. 2000 No. 207
R. 21	rs. 2000 No. 81
Part IIAAA	
Part IIAAA	ad. 2006 No. 128
R. 21AAA.....	ad. 2006 No. 128
R. 21AAB.....	ad. 2006 No. 128
Part IIAA	
Part IIAA	ad. 1996 No. 188
R. 21AA	ad. 1996 No. 188
R. 21AB	ad. 1996 No. 188 am. 1996 No. 253
Part IIA	
Part IIA.....	ad. 1988 No. 42 rs. 1996 No. 265
Division 1	
R. 21A.....	ad. 1988 No. 42 rs. 1996 No. 265
R. 21B.....	ad. 1988 No. 42 am. 1989 No. 74 rs. 1996 No. 265
R. 21C.....	ad. 1988 No. 42 rs. 1996 No. 265 am. 2006 No. 128
R. 21D.....	ad. 1988 No. 42 am. 1989 No. 74; 1992 No. 404 rs. 1996 No. 265
Division 2	
R. 21E.....	ad. 1988 No. 42 rs. 1996 No. 265
Heading to r. 21F	rs. 2001 No. 117
R. 21F	ad. 1988 No. 42 rs. 1996 No. 265 am. 2001 No. 117; 2004 No. 370
R. 21G	ad. 1988 No. 42 rs. 1996 No. 265
R. 21H.....	ad. 1996 No. 265

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 21I	ad. 1996 No. 265
R. 21J	ad. 1996 No. 265
R. 21K.....	ad. 1996 No. 265 am. 2001 No. 117
R. 21L	ad. 1996 No. 265
Division 3	
R. 21M	ad. 1996 No. 265
Division 4	
R. 21N.....	ad. 1996 No. 265 am. 2004 No. 370
Part III	
Division 1	
Heading to Div. 1 of Part III	ad. 2000 No. 81 rs. 2004 No. 371
R. 22	rs. 1999 No. 39 rep. 2000 No. 81
Heading to r. 23	rs. 2004 No. 371
R. 23	am. 1987 No. 85; 1996 No. 71; 1999 No. 39; 2004 No. 371; 2006 No. 128
R. 24	am. 1996 No. 71 rs. 2004 No. 371 am. 2006 No. 128
Division 2	
Heading to Div. 2 of Part III	ad. 2000 No. 81
R. 24A.....	ad. 2000 No. 81 am. 2008 No. 258
R. 26	am. 1987 No. 85; 1999 No. 39 rep. 2000 No. 81
R. 27	am. 1990 No. 373; 1999 No. 39 rep. 2000 No. 81
R. 28	am. 1987 No. 85; 1999 No. 39 rs. 2000 No. 81
Note to r. 28 (3).....	am. 2000 No. 207
R. 28A.....	ad. 1987 No. 85 am. 1999 No. 39 rs. 2000 No. 81 am. 2008 No. 258
R. 28B.....	ad. 2000 No. 81
R. 28C.....	ad. 2000 No. 81
Note to r. 28C (3).....	am. 2000 No. 207

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 28D.....	ad. 2000 No. 81 am. 2008 No. 258
R. 28E.....	ad. 2000 No. 81
R. 29.....	am. 1999 No. 39 rs. 2000 No. 81 am. 2008 No. 258
R. 29A.....	ad. 2000 No. 81
R. 29B.....	ad. 2000 No. 81
R. 29C.....	ad. 2000 No. 81
R. 30.....	am. 1999 No. 39 rs. 2000 No. 81 am. 2000 No. 207
R. 32.....	am. 2000 No. 81
R. 33.....	am. 1987 No. 85; 1999 No. 39 rep. 2000 No. 81
R. 34.....	am. 2000 No. 81
R. 35.....	rep. 2000 No. 81
R. 36.....	rs. 2000 No. 81
Note to r. 36 (3).....	ad. 1999 No. 39 rep. 2000 No. 81
R. 37.....	am. 1999 No. 39 rs. 2000 No. 81
R. 38.....	am. 1999 No. 39 rs. 2000 No. 81 am. 2000 No. 254
R. 38A.....	ad. 2000 No. 81
R. 38B.....	ad. 2000 No. 81
R. 39.....	am. 1999 No. 39 rs. 2000 No. 81
Note to r. 39 (3).....	ad. 2000 No. 207
Part IIIA.....	ad. 2000 No. 81 rep. 2007 No. 293
R. 39A.....	ad. 2000 No. 81 rep. 2007 No. 293
Part IIIB	
Part IIIB.....	ad. 2000 No. 81
R. 39B.....	ad. 2000 No. 81 am. 2007 No. 293
Note to r. 39B (1).....	rep. 2007 No. 293
R. 39BA.....	ad. 2007 No. 293

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part IIIC	
Part IIIC.....	ad. 2000 No. 81
R. 39C.....	ad. 2000 No. 81
Note to r. 39C	rs. 2007 No. 293
R. 39D.....	ad. 2000 No. 81 rs. 2007 No. 293
Part IV	
R. 40	am. 2000 No. 81
Rr. 41–44	rep. 2000 No. 81
R. 45	rs. 2000 No. 81
R. 46	rep. 2000 No. 81
R. 47	am. 1985 No. 183 rep. 2000 No. 81
R. 48	rs. 1995 No. 400
R. 49	am. 1999 No. 39 rep. 2000 No. 81
R. 50	am. 1999 No. 39 rs. 2000 No. 81
R. 50A.....	ad. 2000 No. 81 am. 2008 No. 258
R. 50B.....	ad. 2000 No. 81
R. 51	am. 1999 No. 39
R. 52	rep. 2000 No. 81
R. 53	rs. 2000 No. 81 am. 2000 No. 207
R. 54	am. 1999 No. 39; 2000 No. 81
R. 55	rs. 2004 No. 371
Part 4A	
Part 4A.....	ad. 2007 No. 82
Division 1	
R. 57	ad. 2007 No. 82
Division 2	
R. 58	ad. 2007 No. 82
R. 58A.....	ad. 2007 No. 82
R. 58B.....	ad. 2007 No. 82
R. 58C.....	ad. 2007 No. 82
Part 4B	
Part 4B.....	ad. 2007 No. 82

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 1	
R. 59	ad. 2007 No. 82
R. 59A	ad. 2007 No. 82
R. 59B	ad. 2007 No. 82
Division 2	
R. 60	ad. 2007 No. 82
R. 60A	ad. 2007 No. 82
R. 60B	ad. 2007 No. 82
R. 60C	ad. 2007 No. 82
R. 60D	ad. 2007 No. 82
R. 60E	ad. 2007 No. 82
R. 60F	ad. 2007 No. 82
R. 60G	ad. 2007 No. 82
R. 60H	ad. 2007 No. 82
R. 60J	ad. 2007 No. 82
R. 60K	ad. 2007 No. 82
R. 60L	ad. 2007 No. 82 am. 2007 No. 293
R. 60M	ad. 2007 No. 82
R. 60N	ad. 2007 No. 82
Division 3	
R. 61A	ad. 2007 No. 82 am. 2007 No. 293
R. 61B	ad. 2007 No. 82
R. 61C	ad. 2007 No. 82
Part 4C	
Part 4C	ad. 2007 No. 82
Division 1	
R. 61D	ad. 2007 No. 82
Division 2	
R. 61E	ad. 2007 No. 82
Part V	rep. 1989 No. 326
Part 5	
Heading to Part 5	rs. 2006 No. 128; 2008 No. 182
Part 5	ad. 1996 No. 71
Div. 1 of Part 5	rs. 2006 No. 128 rep. 2008 No. 182
R. 57	rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 58	rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 62	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rs. 2006 No. 128 rep. 2008 No. 182
R. 62A.....	ad. 2007 No. 82 am. 2007 No. 293 rep. 2008 No. 182
R. 63	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rs. 2006 No. 128 rep. 2008 No. 182
R. 64	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rs. 2006 No. 128 rep. 2008 No. 182
R. 65	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 am. 2001 No. 31 rs. 2006 No. 128 rep. 2008 No.182
Div. 2 of Part 5	rep. 2006 No. 128
R. 59	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 60	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 am. 1998 No. 270; 1999 No. 173 rep. 2006 No. 128
R. 61	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 66	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 67	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
Heading to Div. 2A of Part 5 Renumbered Div. 2.....	2006 No. 128 rep. 2008 No. 182
Heading to r. 67A.....	rs. 2006 No. 128; 2008 No. 182
R. 67A.....	ad. 2001 No. 31 am. 2006 No. 128; 2008 No. 182
Heading to r. 67B.....	rs. 2006 No. 128
R. 67B.....	ad. 2001 No. 31 am. 2006 No. 128
R. 67C.....	ad. 2001 No. 31
Heading to r. 69D.....	rs. 2006 No. 128
R. 67D.....	ad. 2001 No. 31 am. 2004 No. 370; 2006 No. 128
Heading to r. 67E.....	rs. 2006 No. 128
R. 67E.....	ad. 2001 No. 31 am. 2006 No. 128
R. 67F	ad. 2001 No. 31
R. 67G	ad. 2001 No. 31
R. 67H.....	ad. 2001 No. 31 am. 2006 No. 128
R. 67I	ad. 2001 No. 31
R. 67J	ad. 2001 No. 31 am. 2006 No. 128
R. 67K.....	ad. 2001 No. 31 am. 2006 No. 128
R. 67L	ad. 2001 No. 31 am. 2006 No. 128
R. 67M	ad. 2001 No. 31
R. 67N.....	ad. 2001 No. 31 am. 2004 No. 370
Note to r. 67N	am. 2006 No. 128
R. 67O	ad. 2001 No. 31
R. 67P.....	ad. 2001 No. 31 am. 2006 No. 128
Heading to r. 67Q.....	rs. 2006 No. 128
R. 67Q	ad. 2001 No. 31 am. 2006 No. 128
Note to r. 67Q (5).....	am. 2006 No. 128

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 67R.....	ad. 2001 No. 31
R. 67S.....	ad. 2001 No. 31
R. 67T.....	ad. 2001 No. 31 am. 2006 No. 128
Div. 3 of Part 5.....	rep. 2006 No. 128
R. 68.....	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 am. 2001 No. 31 rep. 2006 No. 128
R. 69.....	rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 70.....	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 71.....	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
R. 72.....	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 rep. 2006 No. 128
Heading to Subdiv. 4..... of Div. 3 of Part 5	rs. 2001 No. 31 rep. 2006 No. 128
Heading to r. 73.....	rs. 2001 No. 31 rep. 2006 No. 128
R. 73.....	am. 1986 No. 140 rep. 1989 No. 326 ad. 1996 No. 71 am. 2001 No. 31 rep. 2006 No. 128
R. 74.....	rep. 1989 No. 326
Rr. 75–77.....	am. 1986 No. 140 rep. 1989 No. 326
Part VI	
R. 79.....	am. 2000 No. 207
R. 80.....	am. 2000 No. 207
R. 81.....	ad. 2000 No. 81
R. 82.....	ad. 2006 No. 128 rs. 2007 No. 82

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to r. 83	rs. 2007 No. 82
R. 83	ad. 2006 No. 128 am. 2007 No. 82
Schedule 1	
Heading to Schedule 1.....	rs. 1989 No. 74
Schedule 1	am. 1988 No. 42; 1989 No. 74; 1996 No. 265; 1997 No. 376; 1999 No. 39; 2000 No. 207; 2001 Nos. 31 and 117
Heading to Form	rep. 1989 No. 74
Form.....	1984 No. 426
Heading to Form 1	ad. 1989 No. 74
Form 1.....	am. 1999 No. 39; 2000 No. 207; 2001 No. 117
Form 2.....	ad. 1988 No. 42 rs. 1996 No. 265; 2001 No. 117; 2004 No. 370
Form 3.....	ad. 1988 No. 42 rs. 1996 No. 265 rep. 2001 No. 117
Form 4.....	ad. 1988 No. 42 am. 1989 No. 74 rs. 1996 No. 265 am. 2001 No. 117
Form 5.....	ad. 1996 No. 265 am. 1997 No. 376; 2001 No. 117
Form 6.....	ad. 2001 No. 31
Heading to Form 7	rs. 2006 No. 128
Form 7.....	ad. 2001 No. 31 am. 2006 No. 128
Form 8.....	ad. 2001 No. 31
Form 9.....	ad. 2001 No. 31
Schedule 1A	
Heading to Schedule 1A	rs. 1996 No. 71
Schedule 1A	ad. 1988 No. 164 am. 1992 Nos. 33 and 160; 1996 No. 71
Schedule 2	
Schedule 2.....	am. 1985 No. 183; 1986 No. 393; 1987 No. 175; 1988 No. 164; 1989 No. 53; 1992 Nos. 33 and 160; 1995 No. 400; 1996 No. 71; 1997 No. 232; 1998 No. 121; 1999 No. 39 rs. 2000 No. 81
Schedule 4	
Heading to Schedule 4.....	rs. 2007 No. 293
Schedule 4.....	am. 1995 No. 400; 1996 No. 71; 1999 No. 39

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Schedule 4A	
Schedule 4A	ad. 2007 No. 293
Schedule 5	
Schedule 5	ad. 1988 No. 42 am. 1989 No. 74; 1992 No. 404; 1995 No. 297 rs. 1996 No. 71 am. 1996 No. 265; 1998 No. 329; 2001 No. 117; 2003 No. 339 rs. 2006 No. 128
Schedule 6	
Schedule 6	ad. 1988 No. 42 am. 1989 No. 74; 1996 No. 71; 2003 No. 339
Schedule 7	
Schedule 7	ad. 1989 No. 74 am. 1996 No. 71
Schedule 7A	ad. 2007 No. 82 rep. 2008 No. 182
Schedule 8	
Schedule 8	ad. 1996 No. 71 am. 1996 No. 265; 1997 No. 251; 2003 No. 339; 2004 No. 370 rs. 2006 No. 128 am. 2008 No. 259
Schedule 9	
Schedule 9	ad. 2006 No. 128
Schedule 9A	
Schedule 9A	ad. 2007 No. 212
Schedule 10	
Schedule 10	ad. 2006 No. 128
Schedule 11	
Schedule 11	ad. 2006 No. 128

Note 2

Note 2

Family Law Amendment Regulations 2008 (No. 2) (2008 No. 182)

The following amendment commences on 1 July 2009:

Schedule 2

[1] **Subregulation 3 (1), definitions of *accredited family dispute resolution practitioner, family dispute resolution applicant, Family Dispute Resolution Register and supervised family dispute resolution***

omit

[2] **Regulation 3AA**

omit

[3] **Parts 4A, 4B and 4C**

omit

[4] **Regulation 83**

omit

As at 1 January 2009 the amendments are not incorporated in this compilation.

Note 3

Family Law Amendment Regulations 2008 (No. 4) (2008 No. 259)

The following amendment commences on 30 March 2009:

Schedule 2

[1] Paragraph 19 (g)

substitute

(g) the *Domestic Violence and Protection Orders Act 2008* (ACT);

[2] Schedule 8, item 12, column 2

substitute

Domestic Violence and Protection Orders Act 2008

As at 1 January 2009 the amendments are not incorporated in this compilation.

Table A

Table A Application, saving or transitional provisions

Statutory Rules 1997 No. 376

4. Transitional

- 4.1 This regulation applies to a person who, on 31 December 1997, was taken, under regulation 7 of Statutory Rules 1996 No. 265, to be a nominated reporter for the laboratory of which the person is a principal or an employee.
- 4.2 For Part IIA of the Family Law Regulations, the person is taken to be a nominated reporter for the laboratory of which the person is a principal or an employee for the period beginning on 1 January 1998 and ending on 31 March 1998.