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## Family Law Amendment Regulations 1999 (No. 1)

Statutory Rules 1999 No. 1

39

I, WILLIAM PATRICK DEANE, Governor-General of the  
Commonwealth of Australia, acting with the advice of the  
Federal Executive Council, make the following regulations under  
the *Family Law Act 1975*.

Dated **17 MAR 1999** 1999.

**WILLIAM DEANE**

Governor-General

By His Excellency's Command,

DARYL WILLIAMS

Attorney-General



# Family Law Amendment Regulations 1999 (No. 1)<sup>1</sup>

Statutory Rules 1999 No. 1<sup>2</sup>

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made under the

*Family Law Act 1975*

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1999, 1

*Family Law Amendment Regulations 1999 (No. 1)*

1

39 1

**Regulation 1**

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**1 Name of regulations**

These regulations are the *Family Law Amendment Regulations 1999 (No. 1)*.

1

**2 Commencement**

These regulations commence on gazettal.

**3 Amendment of *Family Law Regulations 1984***

Schedule 1 amends the *Family Law Regulations 1984*.

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2

*Family Law Amendment Regulations 1999 (No. 1)*

1999, 1

39

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## Schedule 1      Amendments

(regulation 3)

### [1]      Regulation 3, definition of *filed*

*substitute*

*filed* has the same meaning as in the Family Law Rules.

### [2]      Paragraph 10A (2) (b)

*omit*

*Ordinance*

*insert*

*Act*

### [3]      Subregulation 12 (7)

*omit*

in the manner referred to in paragraph 5 (1) (a) of Order 18 of the Rules of Court,

*insert*

by delivering the document to that person personally,

**[4] Subregulation 18 (8)**

*substitute*

- (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 Family Law Rules.
- (8A) Documents served under paragraph 8 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[5] Regulation 22**

*substitute*

**22 Interpretation of Part III**

In this Part:

*maintenance order* has the same meaning as in section 110 of the Act and includes an order made under section 67D or 67E of the Act.

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

**[6] Subregulation 23 (7)**

*omit*

subsection 68 (3) or (4)

*insert*

section 70J

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**[7] Subregulation 26 (2)**

*omit*

of a kind referred to in section 109 of the Act

*insert*

made in proceedings under Subdivision B of Division 8 of Part VII of the Act

**[8] Paragraph 26 (3) (b)**

*omit*

service of a kind referred to in paragraph 5 (1) (a), (b) or (c) of Order 18 of the Rules of Court.

*insert*

service:

- (i) by delivering the documents to the person personally; or
- (ii) by sending the documents by prepaid post to the person at the person's last known address; or
- (iii) by posting, faxing or delivering the documents to the person at the person's address for service within the meaning of the Family Law Rules.

**[9] After subregulation 26 (3)**

*insert*

- (3A) Documents served under subparagraph 3 (b) (ii) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[10] Subregulation 26 (7)**

*substitute*

- (7) Service under subregulation (6) 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 Family Law Rules.
- (7A) Documents served under paragraph 7 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[11] Subregulation 27 (2)**

*omit*

referred to in section 109 of the Act

*insert*

made in proceedings under Subdivision B of Division 8 of Part VII of the Act

**[12] Subregulation 28 (3)**

*substitute*

- (3) The registrar must serve a copy of the application on the person:
- (a) by delivering it to the person personally; or
  - (b) by sending it by prepaid post to the person at the person's last known address; or
  - (c) by posting, faxing or delivering it to the person at the person's address for service within the meaning of the Family Law Rules.

- 
- (3A) Documents served under paragraph 3 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[13] Subregulation 28A (3)**

*substitute*

- (3) The registrar must serve a copy of the application on the person:
- (a) by delivering it to the person personally; or
  - (b) by sending it by prepaid post to the person at the person's last known address; or
  - (c) by posting, faxing or delivering it to the person at the person's address for service within the meaning of the Family Law Rules.
- (3A) Documents served under paragraph 3 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[14] Subregulation 29 (1)**

*omit*

make

*insert*

make, provisionally,



**[15] Subregulation 29 (2)**

*substitute*

- (2) The provisional order is of no effect:
  - (a) unless it is expressed to be provisional; and
  - (b) 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 that confirmation.

**[16] Subregulation 30 (1)**

*omit*

Part VIII

*insert*

Part VII or VIII

**[17] Subregulation 33 (6)**

*substitute*

- (6) Service under subregulation (5) may be effected by:
  - (a) delivering the documents to a 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 Family Law Rules.
- (6A) Documents served under paragraph 6 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

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**[18] Regulation 36**

*Note* After subregulation 36 (3), insert the following note:

*Note* An order made under this regulation is affected by regulation 38.

**[19] Regulation 37**

*omit*

Part VIII

*insert*

Part VII or VIII

**[20] Subregulation 38 (1)**

*substitute*

- (1) If an overseas maintenance order or agreement mentioned in regulation 36 made by a court in a reciprocating jurisdiction (except a jurisdiction mentioned in subregulation (1A)) is affected by an order made under that regulation, the order made under regulation 36 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.
- (1A) If an overseas maintenance order or agreement mentioned in regulation 36 made by a court in the reciprocating jurisdiction of Austria, the Czech Republic, the Republic of Ireland, the Slovak Republic, Sweden, Switzerland or the USA, is affected by an order made under that regulation, the order made under regulation 36 is final.

**[21] Subregulation 39 (2)**

*substitute*

- (2) The registrar must serve a copy of the application on the respondent:
  - (a) by delivering the documents to the respondent personally; or
  - (b) by sending the documents by prepaid post to the person at the respondent's last known address; or
  - (c) by posting, faxing or delivering the documents to the respondent at the respondent's address for service within the meaning of the Family Law Rules.
- (2A) Documents served under paragraph 2 (b) must be accompanied by a form of acknowledgment of service for completion by the person served.

**[22] After subregulation 49 (4)**

*insert*

- (5) In an application under subregulation (4), the law to be applied is the law in force in Australia under the Act.

**[23] After subregulation 50 (1)**

*insert*

- (1A) Action that may be taken by the Controller does not include registration or enforcement of an order mentioned in, or sought by, the application.
- (1B) 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.
- (1C) This regulation does not affect the operation of Part III of these regulations.

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**[24] Regulation 51**

*omit everything after*

protracted

*insert*

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.

**[25] Subregulation 54 (4)**

*substitute*

- (4) Nothing in this regulation affects the power of a court to order or request the taking of evidence within or outside Australia.

**[26] Schedule 1, Form 1**

*omit*

*Title in accordance with Order 7, rule 3 and Form 1 of*

*insert*

*Heading in accordance with related forms under*

**[27] Schedule 2**

*insert in appropriate alphabetical position*

Nunavut (Canada)

Poland

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**[28] Schedule 4**

*insert in appropriate alphabetical position*

Belarus

Estonia

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**Notes**

1. These regulations amend Statutory Rules 1984 No. 426, as amended by 1985 No. 183; 1986 Nos. 140 and 393; 1987 Nos. 85 and 175; 1988 Nos. 42, 44, 164 and 165; 1989 Nos. 8, 53, 74, 155, 205, 235 and 326; 1990 Nos. 294 and 373; 1991 Nos. 401 and 447 (disallowed by the Senate on 3 March 1992); 1992 Nos. 33, 160, 287, 376 and 404; 1994 Nos. 86 and 343; 1995 Nos. 297, 400 and 419; 1996 Nos. 71, 188 (as amended by 1996 No. 201), 253 and 265; 1997 Nos. 157 (disallowed by the Senate on 24 November 1997), 232, 251 and 376; 1998 Nos. 39, 121, 222, 270 and 329.

2. Made by the Governor-General on  1999, and notified in the *Commonwealth of Australia Gazette* on  1999.

17 March  
24 March