



Family Law Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 17

I, QUENTIN BRYCE, 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 5 February 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ROBERT McCLELLAND
Attorney-General

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1 Name of Regulations

These Regulations are the *Family Law Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence as follows:

- (a) on the day after they are registered — regulations 1 to 3 and Schedule 1;
- (b) on 1 March 2009 — Schedule 2;
- (c) on the commencement of section 21 of the *Surrogacy Act 2008 (WA)* — Schedule 3.

3 Amendment of *Family Law Regulations 1984*

Schedules 1 to 3 amend the *Family Law Regulations 1984*.

Schedule 1 Amendments commencing on day after registration

(regulation 3)

[1] Regulations 12C and 12CA

substitute

12C Artificial conception procedures: child of woman and other intended parent — prescribed laws

For subparagraph 60H (1) (b) (ii) of the Act, the laws mentioned in the following table are prescribed.

Item	Law
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- | | |
|---|--|
| 1 | <i>Status of Children Act 1996</i> (NSW) |
| 2 | Status of Children Act 1974 (Vic), sections 10A, 10B, 10C, 10D and 10E |
| 3 | <i>Status of Children Act 1978</i> (Qld), sections 14A, 15, 16 and 17 |
| 4 | <i>Artificial Conception Act 1985</i> (WA) |
| 5 | <i>Family Relationships Act 1975</i> (SA), sections 10A, 10B, 10C, 10D and 10E |
| 6 | <i>Status of Children Act 1974</i> (Tas), Part III |
| 7 | <i>Parentage Act 2004</i> (ACT), section 11 |
| 8 | <i>Status of Children Act</i> (NT), sections 5A, 5B, 5C, 5D, 5DA, 5E and 5F |

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

For paragraph 60H (2) (b) of the Act, the laws mentioned in the following table are prescribed.

Item	Law
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- | | |
|---|--|
| 1 | <i>Status of Children Act 1996</i> (NSW), section 14 |
|---|--|

Item Law

- 2 *Status of Children Act 1978* (Qld), section 18AB
 - 3 *Artificial Conception Act 1985* (WA)
 - 4 *Family Relationships Act 1975* (SA), sections 10B and 10C
 - 5 *Status of Children Act 1974* (Tas), Part III
 - 6 *Parentage Act 2004* (ACT), subsections 11 (2) and (3)
 - 7 *Status of Children Act 1978* (NT), sections 5B, 5C and 5E
-

12CAA Children born under surrogacy arrangements — prescribed law

For subsection 60HB (1) of the Act, section 26 of the *Parentage Act 2004* (ACT) is prescribed.

12CAB Other circumstances in which court may hear application for Part VII order (Act s 60I (9) (f))

For paragraph 60I (9) (f) of the Act, the circumstance that an application has been made to the court for any other order in proceedings in which a certificate under subsection 60I (8) of the Act has been filed is specified.

[2] Schedules 6 and 7

omit

Schedule 2 Amendments commencing on 1 March 2009

(regulation 3)

[1] After regulation 12BB*insert***12BC De facto relationships — prescribed laws and relationships**

For paragraph 4AA (2) (g) of the Act, the following are prescribed:

- (a) a law mentioned in an item of the following table;
- (b) a kind of relationship, mentioned in the item, that is or was registered under the law.

Item	Law	Kind of relationship
1	Relationships Act 2008 (Vic)	A registered relationship that is registered under paragraph 10 (3) (a) of that Act
2	<i>Relationships Act 2003</i> (Tas)	A significant relationship as defined in section 4 of that Act
3	<i>Civil Partnerships Act 2008</i> (ACT)	A relationship as a couple between 2 adult persons who meet the eligibility criteria in section 6 of that Act for entry into a civil partnership

[2] After regulation 15AA

insert

15AB De facto relationships — prescribed laws

For paragraph 90SB (d) of the Act, the laws mentioned in the following table are prescribed.

Item Law

- | | |
|---|--|
| 1 | Relationships Act 2008 (Vic) |
| 2 | <i>Relationships Act 2003</i> (Tas) |
| 3 | <i>Civil Partnerships Act 2008</i> (ACT) |
-

**Schedule 3 Amendment commencing on
 commencement of section 21
 of *Surrogacy Act 2008 (WA)***
(regulation 3)

[1] Regulation 12CAA

substitute

**12CAA Children born under surrogacy arrangements —
prescribed law**

For subsection 60HB (1) of the Act, the following laws are prescribed:

- (a) section 21 of the *Surrogacy Act 2008 (WA)*;
- (b) section 26 of the *Parentage Act 2004 (ACT)*.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.