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Department.

Statutory Rules 1996 No. 1

71/

Family Law Regulations² (Amendment²)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council and under
section 4 of the *Acts Interpretation Act 1901*, make the following
Regulations under the *Family Law Act 1975*.

Dated L 1996.

29 May/
L WILLIAM DEANE/
Governor-General

By His Excellency's Command,

L
Attorney-General

DARYL WILLIAMS/

1. Commencement

1.1 These Regulations commence on 11 June 1996.

2. Amendment

2.1 The Family Law Regulations are amended as set out in these
Regulations.

3. Regulation 7 (Authorised marriage counsellor)

3.1 Omit the regulation.

4. Regulation 7A (Approved mediators)

4.1 Omit the regulation.

5. Regulation 7B (Approved mediators—Family Court of Western Australia)

5.1 Omit the regulation.

6. Regulation 9 (Oath or affirmation of marriage counsellor)

6.1 Omit the regulation.

7. Regulation 9A (Oath or affirmation of approved mediator)

7.1 Omit the regulation.

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

8.1 Paragraph 12A (f):

After “*Student*”, insert “*and Youth*”.

9. Regulation 12B (Child welfare law—prescribed law of a State or Territory)

9.1 Subregulation 12B (1):

Omit “section 60”, substitute “subsection 60D (1)”.

9.2 Subregulation 12B (2):

Omit “section 60”, substitute “subsection 60D (1)”.

10. Regulation 12BA (Child welfare officer—prescribed office of a State or Territory)

10.1 Omit “section 60”, substitute “subsection 60D (1)”.

10.2 Paragraph 12BA (a):

Omit “appointed under”, substitute “referred to in”.

10.3 Paragraph 12BA (b):

Omit “section 6 of the *Mental Health Act 1983*”, substitute section 112 of the *Mental Health (Treatment and Care) Act 1994*”.

11. New regulation 12BB

11.1 After regulation 12BA, insert:

Family violence order—prescribed laws of State or Territory

“**12BB.** For the purposes of the definition of ‘**family violence order**’ in subsection 60D (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.”.

12. Regulation 12C (Artificial conception procedures: child of woman and man—prescribed laws)

12.1 Omit “subsection 60B (1)”, substitute “subsection 60H (1)”.

13. Regulation 12CA (Artificial conception procedures: child of woman—prescribed laws)

13.1 Omit “subsection 60B (2)”, substitute “subsection 60H (2)”.

14. New regulations 12CB and 12CC

14.1 After regulation 12CA, insert:

Commonwealth information orders—prescribed Departments and Commonwealth instrumentalities

“**12CB.** 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) Department of Social Security;
- (f) Department of Veterans’ Affairs;

- (g) Australian Institute of Family Studies;
- (h) Child Support Agency;
- (j) Health Insurance Commission.

Registration of court decision to make, vary, discharge or suspend Division 11 contact order

“12CC. (1) For the purposes of subsection 68T (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) makes, revives, varies, discharges or suspends a Division 11 contact order;

the registrar of the court must send a sealed copy of the decision referred to 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: Section 68P of the Act provides a definition of the term ‘**Division 11 contact order**’. Subsection 60D (1) of the Act provides a definition of the term ‘**family violence order**’.]”.

15. Regulation 12D (Registration of State child orders—prescribed States)

15.1 Omit all the words before paragraph (a), substitute:

“12D. For the purposes of section 70C of the Act, each of the following States and Territories is a prescribed State:”.

16. Regulation 14 (Prescribed overseas jurisdictions)

16.1 Omit the regulation, substitute:

Meaning of prescribed overseas jurisdiction

“14. 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) section 70F 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.”.

17. Regulation 15 (Institution etc. of proceedings by persons holding certain offices)

17.1 Subregulation 15 (1):

Omit “sections 70E”, substitute “sections 69D”.

17.2 Subregulation 15 (1):

Omit “a prescribed office:”, substitute “specified:”.

17.3 Subregulation 15 (3):

Omit “maintenance order under Part VII or VIII”, substitute “a child maintenance order under Part VII of the Act, or a maintenance order under Part VIII”.

18. Regulation 23 (Registration of overseas custody orders)

18.1 Paragraph 23 (1) (a):

Omit “overseas custody order, being an overseas custody order to which section 68 of the Act applies,”, substitute “overseas child order, within the meaning given by section 70F of the Act,”.

18.2 Subregulation 23 (1):

Omit “of custody of, or access to, that”, substitute “to have the child live with him or her, or the right of custody of, access to or contact with, the”.

18.3 Subregulation 23 (3):

Omit “custody”, substitute “child”.

18.4 Subregulation 23 (5):

After “overseas”, insert “child”.

18.5 Subregulation 23 (8):

Omit all the words after “jurisdiction)”, substitute “that gives a person the right to have a child live with him or her, or the right of custody of, access to or contact with, the child.”.

19. Regulation 24 (Transmission of Australian custody orders to overseas jurisdiction)

19.1 Paragraph 24 (1) (a):

Omit “or access to,”, substitute “access to or contact with,”.

19.2 Paragraph 24 (1) (b):

Omit “section 68”, substitute “Subdivision C of Division 13 of Part VII”.

19.3 Paragraph 24 (1) (c):

Omit “rights of custody or access in relation to that”, substitute “the right of custody of, access to or contact with, the”.

19.4 Subregulation 24 (2):

Omit the subregulation, substitute:

“(2) If a court in a prescribed overseas jurisdiction makes an order under a law corresponding to section 70J of the Act, a court having jurisdiction under the Act may treat the order as an overseas child order for the purposes of exercising jurisdiction under that section.”.

19.5 Subregulation 24 (4):

Omit “rights of custody or access in relation to”, substitute “the right of custody of, access to or contact with,”.

19.6 Add at the end:

“(5) In this regulation, ‘**custody**’, in relation to a child, includes:

- (a) guardianship of the child; and
- (b) responsibility for 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.”.

20. New Part 5

20.1 After regulation 56, insert the following new Part:

“PART 5—PRIMARY DISPUTE RESOLUTION

“Division 1—Family and child counsellors

Authorised family and child counsellor

“57. (1) For the purposes of paragraph (c) of the definition of ‘**family and child counsellor**’ in subsection 4 (1) of the Act, the Attorney-General may authorise a person, in writing, to offer family and child counselling.

“(2) The Attorney-General may authorise a person only if the Attorney-General considers that the person is suitable by reason of the person’s training and experience.

Oath or affirmation of family and child counsellor

“58. For the purposes of subsection 19 (1) of the Act, a family and child counsellor must make an oath or affirmation in the following form:

I [*name of family and child counsellor*] 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 a family and child counsellor, 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 a family and child counsellor; or
- (e) if a child is separately represented by a person under an order under section 68L of the *Family Law Act 1975*—to assist the person to represent the child properly.

“Division 2—Family and child mediators

Approved court mediator

“59. (1) For the purposes of paragraph (a) of the definition of ‘**family and child mediator**’ in subsection 4 (1) of the Act, a person may be approved, in writing, as a court mediator:

- (a) by the Chief Justice of the Family Court of Australia; or
- (b) for the purposes of the Family Court of Western Australia—by the Chief Judge of that Court.

“(2) The Chief Justice or Chief Judge may approve a person only if the Chief Justice or Chief Judge, as the case requires, considers that the person is suitable by reason of the person’s training and experience.

Community mediators and private mediators—qualifications, training and experience

“60. (1) Subject to regulation 61, and except as provided by subregulation (3), a person may provide family and child mediation as a community mediator or private mediator only if the person:

- (a) 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, 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 in the 12 months immediately following completion of that training.

“(2) An appropriate degree, diploma or other qualification is 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.

“(3) Subject to regulation 61, a person may provide family and child mediation if the person has provided mediation of that kind 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:

- (a) the person:
 - (i) enrolls in a course of study of a kind described in subregulation (2) before the end of 31 August 1998; and
 - (ii) is not excluded from completing the course by reason of the person failing to pass any of its requirements; and
 - (iii) completes the academic requirements of the course at, or before, the end of 7 academic years of the relevant institution; or
- (b) the person provides the mediation through a non-profit organisation:
 - (i) that is funded wholly or partly by the Commonwealth, or by a State or Territory; and

- (ii) a substantial part of the functions of which is the provision of family and child mediation services.

“(4) A person described in paragraph (3) (b) must not provide family and child mediation after 31 August 1998, unless the person is otherwise eligible to provide the mediation under this regulation.

“(5) In this regulation:

‘**supervised mediation**’ means mediation that is supervised by:

- (a) an experienced court mediator or community mediator; or
- (b) a person who is the regular provider of a training course of a kind described in paragraph (1) (b); or
- (c) a person who is:
 - (i) an experienced dispute mediator; and
 - (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.

Community mediators and private mediators—further training

“61. A person who is eligible under regulation 60 to provide family and child mediation:

- (a) must undertake at least 12 hours education or training in family and child mediation each calendar year; and
- (b) must not provide mediation services if a period longer than a year has elapsed since last undertaking training.

Community mediators and private mediators—assessment of mediation suitability

“62. (1) Before providing mediation under the Act, the community mediator or private mediator to whom a dispute is referred must conduct an assessment of the parties to the dispute to determine whether mediation is appropriate.

“(2) In determining whether mediation is appropriate, the mediator must consider whether the ability of any party to negotiate freely in the dispute is affected by any of the following matters:

- (a) a history of family violence (if any) within the meaning of subsection 60D (1) of the Act, among the parties;
- (b) the likely safety of the parties;
- (c) the equality of bargaining power among the parties (for example, whether a party is economically or linguistically disadvantaged in comparison with another party);
- (d) the risk that a child may suffer abuse;
- (e) the emotional, psychological and physical health of the parties;
- (f) any other matter that the mediator considers relevant to the proposed mediation.

“(3) If, after considering the matters set out in subregulation (2), the mediator decides that mediation is appropriate then, subject to regulations 63 and 65, the mediator may provide mediation.

“(4) If, after considering the matters set out in subregulation (2), the mediator decides that mediation is inappropriate, the mediator must not provide mediation.

Information to be given to parties before mediation

“63. (1) At least 1 day before a mediation exercise is commenced under subregulation 62 (3), each party to the mediation must be given a written statement that sets out the following information:

- (a) that the process of mediation is one by which the parties involved, together with the assistance of the mediator:
 - (i) isolate issues in the dispute; and
 - (ii) develop and consider options to resolve those issues; and
 - (iii) if appropriate—attempt to agree to one or more of those options; and
 - (iv) if a child is affected—attempt to agree to options that are in the best interests of the child;

- (b) if the dispute involves a child:
 - (i) that each parent has parental responsibility for the child, within the meaning of section 61B of the Act; and
 - (ii) that the best interests of the child are the paramount consideration in any decision that affects him or her; and
 - (iii) the requirements under Division 4 of Part VII of the Act to register a parenting plan in respect of the child;
- (c) that the mediator's role is to facilitate discussion between the parties in relation to the dispute, and is not:
 - (i) to advise them what to do in relation to each other; or
 - (ii) to provide them with legal advice;
- (d) that mediation may not be appropriate for all disputes, particularly if a dispute involves violence that renders one party unable to negotiate freely because of another's threats;
- (e) that mediation is not compulsory in order to commence proceedings in the Family Court;
- (f) that a party has the right to obtain legal advice at any stage in the mediation process;
- (g) that a party has the right to terminate the mediation at any time;
- (h) that, under section 19M of the Act, the mediator is immune from civil liability for anything said or done by the mediator in the performance of his or her functions as mediator;
- (j) that, under section 19N of the Act, evidence of anything said, or an admission made, at mediation is not admissible:
 - (i) in any court (whether exercising federal jurisdiction or not); or
 - (ii) in any proceedings before a person authorised by a law of the Commonwealth or a State or Territory, or by the consent of the parties, to hear evidence;

- (k) the mediator's confidentiality and disclosure obligations, being details of:
 - (i) in the case of a community mediator—the mediator's oath under section 19K of the Act; and
 - (ii) in the case of a private mediator—the mediator's obligations under regulation 67;
- (l) the qualifications of the mediator to be a family and child mediator;
- (m) the fees (including any hourly rate) charged by the mediator in respect of the mediation.

“(2) Before commencing mediation, each party to it must certify on a copy of the statement that he or she has received the statement.

“(3) A mediator must not commence mediation until subregulations (1) and (2) are complied with.

Obligations of community mediator or private mediator—general

“64. In providing family and child mediation services under the Act, a community mediator or private mediator:

- (a) must ensure that, as far as possible, the mediation process is suited to the needs of the parties involved (for example, by ensuring the suitability of the mediation venue, the layout of the mediation room and the times at which mediation is held); and
- (b) must ensure that:
 - (i) mediation is provided only in accordance with this Division; and
 - (ii) any record of the mediation is stored securely to prevent unauthorised access to it; and
- (c) must terminate the mediation if:
 - (i) requested to do so by a party; or
 - (ii) the mediator is no longer satisfied that mediation is appropriate; and
- (d) must not provide legal advice (except advice about procedural matters) to any of the parties.

**Obligations of community mediator or private mediator—
avoidance of conflicts of interests**

“65. (1) If, in relation to a person who is a party to a dispute that is the subject of mediation, or any other party to that dispute, a community mediator or private mediator:

- (a) has acted previously in a professional capacity (otherwise than as a family and child mediator, a family and child counsellor or an approved arbitrator); or
- (b) has had a previous commercial dealing; or
- (c) is a personal acquaintance;

the mediator may provide family and child mediation services to the person only if:

- (d) each party to the mediation agrees; and
- (e) the previous professional dealing (if any) does not relate to any issue in the dispute; and
- (f) the previous commercial dealing or acquaintance (if any) is not of a kind that could reasonably be expected to influence the mediator in the provision of his or her mediation services.

“(2) If a community mediator or private mediator has provided family and mediation services to a person, the mediator must not use any information acquired from the mediation:

- (a) for personal gain; or
- (b) to the detriment of any person.

Oath or affirmation of court mediator or community mediator

“66. For the purposes of section 19K of the Act, a court mediator or community mediator must make an oath or affirmation in the following form:

I [*name of court mediator or community mediator*] 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 a family and child mediator, 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 a family and child mediator; or
- (e) if a child is separately represented by a person under an order under section 68L of the *Family Law Act 1975*—to assist the person to represent the child properly.

Private mediator—duty of confidentiality and disclosure in respect of certain information

“67. In providing family and child mediation services, a private mediator must not disclose any communication or admission made to him or her in the mediator’s capacity as a family and child mediator unless the mediator reasonably considers that it is necessary for him or her 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 the mediator to discharge properly his or her functions as a family and child mediator; 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.

“Division 3—Advertising in Family Court registries***“Subdivision 1—Advertising generally*****Advertising of counselling, mediation and arbitration services**

“68. (1) For the purposes of section 19Q of the Act, a Registrar of the Family Court may determine, in writing, in respect of the particular Registry of that Court:

- (a) the form in which the following persons may advertise at the Registry:
 - (i) a family and child counsellor or an approved counselling organisation;
 - (ii) a family and child mediator or an approved mediation organisation;
 - (iii) an approved arbitrator; and
- (b) the location of the advertising (if any) at the Registry.

“(2) Without limiting the generality of subregulation (1), the Registrar may determine:

- (a) whether the advertising may be in documentary or electronic form; and
- (b) if the advertising is in documentary form:
 - (i) the size and shape of the advertisement; and
 - (ii) the size of the text in the advertisement; and
 - (iii) whether the advertisement may be attached to a wall of the Registry; and
- (c) if the advertising is in electronic form:
 - (i) the manner of its communication; and
 - (ii) the length of time, and frequency, of its communication.

“Subdivision 2—Advertising: family and child counsellors and approved counselling organisations

Content of advertising—family and child counsellor

“69. (1) A family and child counsellor may advertise at a Registry of the Family Court details of:

- (a) his or her professional qualifications as they relate to his or her functions as a counsellor; and
- (b) his or her experience in family and child counselling, including the number of relationships he or she has counselled; and
- (c) the fees (including any hourly rate) charged by the counsellor in respect of his or her counselling services.

“(2) An advertisement of a family and child counsellor must not contain:

- (a) details of his or her qualifications (except as permitted under paragraph (1) (a)); or
- (b) details of the number or percentage of relationships which he or she has counselled to a successful or unsuccessful resolution; or
- (c) any comparisons in the counselling services offered by the counsellor with the services offered by other counsellors; or
- (d) a testimonial or other endorsement by any person as to the quality of the counselling services offered by the counsellor.

Content of advertising—approved counselling organisation

“70. (1) An approved counselling organisation may advertise at a Registry of the Family Court details of:

- (a) the professional qualifications of the organisation’s family and child counsellors as they relate to their functions as counsellors; and
- (b) the organisation’s experience in family and child counselling, including the number of relationships the organisation has counselled; and
- (c) the fees (including any hourly rate) charged by the organisation in respect of its counselling services.

“(2) An advertisement of an approved counselling organisation must not contain:

- (a) details of the qualifications of its counsellors (except as permitted under paragraph (1) (a)); or
- (b) details of the number or percentage of relationships which the organisation has counselled to a successful or unsuccessful resolution; or
- (c) any comparisons in the counselling services offered by the organisation with the services offered by other organisations or counsellors; or
- (d) a testimonial or other endorsement by any person as to the quality of the counselling services offered by the organisation.

“Subdivision 3—Advertising: family and child mediators and approved mediation organisations

Content of advertising—family and child mediator

“71. (1) A family and child mediator may advertise at a Registry of the Family Court details of:

- (a) his or her professional qualifications as they relate to his or her functions as a mediator; and
- (b) his or her experience in family and child mediation, including the number of disputes he or she has mediated; and
- (c) the fees (including any hourly rate) charged by the mediator in respect of his or her mediation services.

“(2) An advertisement of a family and child mediator must not contain:

- (a) details of his or her qualifications (except as permitted under paragraph (1) (a)); or
- (b) details of the number or percentage of disputes which he or she has mediated to a successful or unsuccessful resolution; or
- (c) any comparisons in the mediation services offered by the mediator with the services offered by other mediators; or

- (d) a testimonial or other endorsement by any person as to the quality of the mediation services offered by the mediator .

Content of advertising—approved mediation organisation

“72. (1) An approved mediation organisation may advertise at a Registry of the Family Court details of:

- (a) the professional qualifications of the organisation’s family and child mediators as they relate to their functions as mediators; and
- (b) the organisation’s experience in family and child mediation, including the number of disputes the organisation has mediated; and
- (c) the fees (including any hourly rate) charged by the organisation in respect of its mediation services.

“(2) An advertisement of an approved mediation organisation must not contain:

- (a) details of the qualifications of its mediators (except as permitted under paragraph (1) (a)); or
- (b) details of the number or percentage of disputes which the organisation has mediated to a successful or unsuccessful resolution; or
- (c) any comparisons in the mediation services offered by the organisation with the services offered by other organisations or mediators; or
- (d) a testimonial or other endorsement by any person as to the quality of the mediation services offered by the organisation.

“Subdivision 4—Advertising: approved arbitrators

Content of advertising—approved arbitrator

“73. (1) An approved arbitrator may advertise at a Registry of the Family Court details of:

- (a) his or her professional qualifications as they relate to his or her functions as an arbitrator; and

- (b) his or her experience in arbitration, including the number of disputes he or she has arbitrated; and
- (c) the fees (including any hourly rate) charged by the arbitrator in respect of his or her arbitration services.

“(2) An advertisement of an approved arbitrator must not contain:

- (a) details of his or her qualifications (except as permitted under paragraph (1) (a)); or
- (b) details of the number or percentage of disputes which he or she has arbitrated to a successful or unsuccessful resolution; or
- (c) any comparisons in the arbitration services offered by the arbitrator with the services offered by other arbitrators; or
- (d) a testimonial or other endorsement by any person as to the quality of the arbitration services offered by the arbitrator.”.

21. Schedule 1A (Countries or parts of countries declared to be prescribed overseas jurisdictions for purposes of sections 60 and 69)

21.1 Omit the heading, substitute:

“SCHEDULE 1A

Regulation 14

**COUNTRIES, OR PARTS OF COUNTRIES, DECLARED TO BE
PRESCRIBED OVERSEAS JURISDICTIONS FOR CERTAIN
PURPOSES”.**

21.2 New item 31A:

After item 31, insert:

“31A New Zealand”.

22. Schedule 2 (Reciprocating jurisdictions)

22.1 After “Papua New Guinea”, insert “Republic of Ireland”.

22.2 After “Singapore”, insert “Slovak Republic”.

23. Schedule 4 (Convention countries)

23.1 Omit "Ireland".

23.2 After "Portugal", insert "Republic of Ireland".

23.3 Omit "Slovakia", substitute "Slovak Republic".

24. Schedule 5 (Prescribed laws for purposes of definition of "child welfare law" in section 60 of the Act)

24.1 Omit the Schedule, substitute:

"SCHEDULE 5 Subregulation 12B (2)**PRESCRIBED LAWS FOR PURPOSES OF DEFINITION OF
'CHILD WELFARE LAW' IN SUBSECTION 60D (1)
OF THE ACT".**

Column 1 Item No.	Column 2 Prescribed Law	Column 3 State or Territory
1	Adoption of Children Act 1965 (sections 18, 24, 25, 31C, 35, 41, 43, 46, 47 and subsections 34 (1), (2C), (3), (4) and (5))	New South Wales
2	Children (Care and Protection) Act 1987 (sections 14, 16, 20B, 21, 22, 23, 62, 62A, 86 and 96, subsections 77 (1A), 88 (4) and 95 (4), paragraphs 112 (1) (e) and (f) and subparagraphs 72 (1) (c) (ii) and (iii), 77 (1) (a) (v) and 77 (1) (b) (iii))	New South Wales
3	Disability Services and Guardianship Act 1987 (section 13 and Part 5)	New South Wales
4	Maintenance Act 1964 (except section 22 and Part IIIA)	New South Wales
5	Community Services (Complaints, Appeals and Monitoring) Act 1993 (sections 47 and 48)	New South Wales

SCHEDULE 5—continued

Column 1 Item No.	Column 2 Prescribed Law	Column 3 State or Territory
6	Guardianship Act 1987 (sections 13, 14, 31 and 32 to 48, subsections 25 (5) and (6) and paragraph 23 (b))	New South Wales
11	<i>Adoption Act 1984</i>	Victoria
12	<i>Children and Young Persons Act 1989</i> (sections 126 and 265, and any provision of that Act under which: (a) a child may be taken into safe custody; or (b) any of the following kinds of order are made: (i) custody to a third party order; (ii) a supervised custody order; (iii) a custody to the Director-General order; (iv) a guardianship to the Director-General order; (v) an interim protection order; (vi) an interim accommodation order; (vii) a permanent care order)	Victoria
13	<i>Community Services Act 1970</i>	Victoria
14	<i>Maintenance Act 1965</i> (except Subdivision 1 of Division 2 of Part II)	Victoria
15	<i>Mental Health Act 1986</i>	Victoria
21	<i>Adoption of Children Act 1964</i>	Queensland
22	<i>Children's Services Act 1965</i> (except Part IX)	Queensland
23	<i>Health Act 1937</i> (section 76L)	Queensland

SCHEDULE 5—continued

Column 1 Item No.	Column 2 Prescribed Law	Column 3 State or Territory
24	<i>Maintenance Act 1965</i>	Queensland
25	<i>Mental Health Act 1974</i>	Queensland
31	<i>Adoption Act 1994</i>	Western Australia
32	<i>Child Welfare Act 1947</i>	Western Australia
33	<i>Family Court Act 1975</i> (Divisions 4, 5, 6 and 7 of Part III)	Western Australia
34	<i>Mental Health Act 1962</i>	Western Australia
36	<i>Adoption of Children Act 1966</i>	South Australia
37	<i>Children's Protection Act 1993</i>	South Australia
38	<i>Family and Community Services Act 1972</i>	South Australia
39	<i>Mental Health Act 1993</i>	South Australia
41	<i>Adoption Act 1988</i> (sections 27, 40, 42 and 47 and paragraph 43 (1) (b))	Tasmania
42	<i>Child Protection Act 1974</i> (sections 3A, 9, 10 and 10A)	Tasmania
43	<i>Child Welfare Act 1960</i> (sections 33A, 35 and 39, subsection 34 (5) and paragraphs 23 (1) (c), 28 (1) (b) and 34 (1) (a))	Tasmania
44	<i>Maintenance Act 1967</i> (except section 14)	Tasmania
45	<i>Mental Health Act 1963</i>	Tasmania

SCHEDULE 5—continued

Column 1 Item No.	Column 2 Prescribed Law	Column 3 State or Territory
51	<i>Adoption Act</i> (sections 36, 37, 41, 42, 43, 49, 50 and 53)	Northern Territory
52	<i>Community Welfare Act</i> (sections 10, 11, 12, 17, 43, 47, 52, 57, 58, 59, 61, 62, 64, 69, 70, 71 and 100)	Northern Territory
53	<i>Maintenance Act</i> (except section 23)	Northern Territory
54	<i>Mental Health Act</i>	Northern Territory
55	<i>Guardianship of Children Act</i>	Northern Territory
56	<i>Adoption Act 1993</i> (sections 16, 25, 26, 36, 37, 38 and 50)	Australian Capital Territory
57	<i>Children's Services Act 1986</i> (subsections 73 (1), 74 (1), 75 (1) to (6), 76 (5), 78 (1), 80 (1) and (2), 84 (1), 87 (1) and (2), 88 (1), (4) and (5), 89 (1), (3) and (5), 92 (1) and 94 (1) and (3) and paragraphs 82 (1) (a) to (c) and 83 (1) (b) to (e))	Australian Capital Territory
58	<i>Guardianship and Management of Property Act 1991</i> (section 7)	Australian Capital Territory
59	<i>Maintenance Act 1968</i> (except section 23)	Australian Capital Territory
60	<i>Mental Health Act 1962</i> (section 4)	Australian Capital Territory
61	<i>Mental Health (Treatment and Care) Act 1994</i> (sections 28, 37, 38, 41 and 70)	Australian Capital Territory

SCHEDULE 5—continued

Column 1 Item No.	Column 2 Prescribed Law	Column 3 State or Territory
66	<i>Adoption of Children Ordinance 1932</i>	Norfolk Island
67	<i>Child Welfare Ordinance 1937</i>	Norfolk Island
68	<i>Infants' Maintenance and Protection Ordinance 1913</i>	Norfolk Island
69	<i>Lunacy Ordinance 1932</i>	Norfolk Island

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

25.1 Item 6:

Omit “*Artificial Conception Ordinance 1985*”, substitute “*Artificial Conception Act 1985*”.

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

26.1 Item 3:

Omit “*Artificial Conception Ordinance 1985*,”, substitute “*Artificial Conception Act 1985*,”.

27. New Schedule 8

27.1 After Schedule 7, insert:

“SCHEDULE 8

Regulation 12BB

FAMILY VIOLENCE ORDER—PRESCRIBED LAWS OF
STATE OR TERRITORY

Column 1 Item No.	Column 2 Prescribed law	Column 3 State or Territory
1	Crimes Act 1900 (sections 562A to 562V)	New South Wales
2	De facto Relationships Act 1984 (sections 53, 54 and 55)	New South Wales
3	<i>Domestic Violence (Family Protection) Act 1989</i> (sections 20 and 31)	Queensland
4	<i>Domestic Violence Act 1994</i> (sections 3 to 19)	South Australia
5	<i>Summary Procedure Act 1921</i> (Division 7 of Part 4)	South Australia
6	<i>Criminal Law (Sentencing) Act 1988</i> (section 19A)	South Australia
7	<i>Justices Act 1959</i> (sections 106B, 106D and 106DA)	Tasmania
8	<i>Crimes (Family Violence) Act 1987</i> (sections 4 and 8)	Victoria
9	<i>Justices Act 1902</i> (sections 172 to 178 and sections 179 to 182B)	Western Australia
10	<i>Domestic Violence Act 1986</i> (sections 4, 14 and subsection 18 (2))	Australian Capital Territory
11	<i>Domestic Violence Act</i> (sections 4 to 6 and sections 17 to 20)	Northern Territory
12	<i>Domestic Violence Act 1995</i> (sections 9 and 14)	Norfolk Island”.

28. Further amendments—miscellaneous references to provisions of the Act

28.1 The Family Law Regulations are further amended as set out in the Schedule.


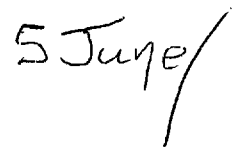
SCHEDULE

Regulation 28

FURTHER AMENDMENTS—MISCELLANEOUS REFERENCES TO PROVISIONS OF THE ACT

Provision amended	Omit	Substitute
subregulation 3 (1): paragraph (h) of the definition of “conference”	subsection 14 (2A)	subsection 14C (3)
subregulation 3 (1): definition of “intervener”	section 65	subsection 68L (2)
regulation 13	paragraphs 70A (1) (a), 70A (2) (a), 70B (1) (c) and 70B (2) (c)	paragraphs 65ZB (2) (a), 65ZC (2) (a), 65ZD (3) (a) and 65ZE (3) (a)

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on  1996. 
2. 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.