



# Family Law Amendment Regulation 2012 (No. 3)<sup>1</sup>

**Select Legislative Instrument 2012 No. 211**

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I, PROFESSOR MARIE BASHIR, AC, CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Family Law Act 1975*.

Dated 30 August 2012

MARIE BASHIR  
Administrator

By Her Excellency's Command

NICOLA ROXON  
Attorney-General

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**1 Name of regulation**

This regulation is the *Family Law Amendment Regulation 2012 (No. 3)*.

**2 Commencement**

This regulation commences as follows:

- (a) on the day after it is registered—sections 1 to 3 and Schedule 1;
- (b) on 17 September 2012—Schedule 2;
- (c) on the later of the commencement of Schedule 2 to the *Access to Justice (Federal Jurisdiction) Amendment Act 2012* and the day after it is registered—Schedule 3;
- (d) on the commencement of Schedule 3 to the *Access to Justice (Federal Jurisdiction) Amendment Act 2012*—Schedule 4.

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

Schedules 1 to 4 amend the *Family Law Regulations 1984*.

## Schedule 1 Amendments commencing on day after registration

(section 3)

### [1] Regulation 12BC, table, item 2A

*substitute*

- |    |                                     |   |
|----|-------------------------------------|---|
| 2A | <i>Relationships Act 2011 (Qld)</i> | A relationship as a couple between 2 adults who meet the eligibility criteria mentioned in section 5 of that Act for entry into a registered relationship |
|----|-------------------------------------|---|

### [2] Regulation 15AB, item 2A

*omit*

*Civil Partnerships*

*insert*

*Relationships*

### [3] After regulation 17

*insert*

### 17A Declaration—definition of *forfeiture order*

Each kind of order declared by regulation 5 of the *Proceeds of Crime Regulations 2002* to be within the definition of *interstate forfeiture order* in section 338 of the *Proceeds of Crime Act 2002* is declared to be a forfeiture order for the purposes of paragraph (b) of the definition of *forfeiture order* in subsection 4 (1) of the Act.

**17B Declaration—definition of *restraining order***

Each kind of order declared by regulation 7 of the *Proceeds of Crime Regulations 2002* to be within the definition of *interstate restraining order* in section 338 of the *Proceeds of Crime Act 2002* is declared to be a restraining order for the purposes of paragraph (b) of the definition of *restraining order* in subsection 4 (1) of the Act.

**17C Definition of *State or Territory proceeds of crime law***

Each law declared by regulation 4 of the *Proceeds of Crime Regulations 2002* to be a law that corresponds to the *Proceeds of Crime Act 2002* is, for the definition of *State or Territory proceeds of crime law* in subsection 4 (1) of the Act, declared to be a law that corresponds to the *Proceeds of Crime Act 2002*.

**17D Definition of *proceeds of crime authority****Forfeiture orders*

- (1) For subsection 4C (4) of the Act, each person or body mentioned in an item of the following table is prescribed to be a *proceeds of crime authority*, in relation to a forfeiture order, for sections 79B, 79C, 79D, 79E, 90M, 90N, 90P, 90Q, 90VA, 90VB, 90VC and 90VD of the Act.

Item	Person or body
1	The Commission, within the meaning of the <i>Criminal Assets Recovery Act 1990</i> of New South Wales
2	An appropriate officer, within the meaning of the <i>Confiscation of Proceeds of Crime Act 1989</i> of New South Wales
3	The DPP, within the meaning of the <i>Confiscation Act 1997</i> of Victoria
4	An appropriate officer, within the meaning of the <i>Confiscation Act 1997</i> of Victoria
5	A prescribed person, or a person belonging to a prescribed class of persons, for the purposes of subsection 37 (1) of the <i>Confiscation Act 1997</i> of Victoria

Item	Person or body
6	The commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
7	A police officer approved by the commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland, for the purposes of subparagraph 12 (1) (a) (ii) of that Act
8	An appropriate officer, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
9	The DPP, within the meaning of the <i>Criminal Property Confiscation Act 2000</i> of Western Australia
10	The DPP, within the meaning of the <i>Criminal Assets Confiscation Act 2005</i> of South Australia
11	An authorized officer, within the meaning of the <i>Crime (Confiscation of Profits) Act 1993</i> of Tasmania
12	The DPP, within the meaning of the <i>Confiscation of Criminal Assets Act 2003</i> of the Australian Capital Territory
13	The DPP, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory
14	A police officer, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory

### *Restraining Orders*

- (2) For subsection 4C (4) of the Act, each person or body mentioned in an item of the following table is prescribed to be a ***proceeds of crime authority***, in relation to a restraining order, for sections 79B, 79C, 79D, 79E, 90M, 90N, 90P, 90Q, 90VA, 90VB, 90VC and 90VD of the Act.

Item	Person or body
1	The Commission, within the meaning of the <i>Criminal Assets Recovery Act 1990</i> of New South Wales
2	An appropriate officer, within the meaning of the <i>Confiscation of Proceeds of Crime Act 1989</i> of New South Wales
3	An authorised officer, within the meaning of the <i>Confiscation of Proceeds of Crime Act 1989</i> of New South Wales
4	The DPP, within the meaning of the <i>Confiscation Act 1997</i> of Victoria

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<b>Item</b>	<b>Person or body</b>
5	An appropriate officer, within the meaning of the <i>Confiscation Act 1997</i> of Victoria
6	A prescribed person, or a person belonging to a prescribed class of persons, for the purposes of subsection 16 (2) of the <i>Confiscation Act 1997</i> of Victoria
7	A prescribed person, or a person belonging to a prescribed class of persons, for the purposes of subsection 36K (1) of the <i>Confiscation Act 1997</i> of Victoria
8	The commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
9	A police officer approved by the commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland, for the purposes of subparagraph 12 (1) (a) (ii) of that Act
10	An appropriate officer, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
11	The DPP, within the meaning of the <i>Criminal Property Confiscation Act 2000</i> of Western Australia
12	A police officer, within the meaning of the <i>Criminal Property Confiscation Act 2000</i> of Western Australia
13	The DPP, within the meaning of the <i>Criminal Assets Confiscation Act 2005</i> of South Australia
14	An authorised officer, within the meaning of the <i>Criminal Assets Confiscation Act 2005</i> of South Australia
15	An authorized officer, within the meaning of the <i>Crime (Confiscation of Profits) Act 1993</i> of Tasmania
16	The DPP, within the meaning of the <i>Confiscation of Criminal Assets Act 2003</i> of the Australian Capital Territory
17	The DPP, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory
18	A police officer, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory

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*Forfeiture applications*

- (3) For subsection 4C (4) of the Act, each person or body mentioned in an item of the following table is prescribed to be a *proceeds of crime authority*, in relation to a forfeiture application, for sections 79B, 79C, 79D, 79E, 90M, 90N, 90P, 90Q, 90VA, 90VB, 90VC and 90VD of the Act.

Item	Person or body
1	The Commission, within the meaning of the <i>Criminal Assets Recovery Act 1990</i> of New South Wales
2	An appropriate officer, within the meaning of the <i>Confiscation of Proceeds of Crime Act 1989</i> of New South Wales
3	The DPP, within the meaning of the <i>Confiscation Act 1997</i> of Victoria
4	An appropriate officer, within the meaning of the <i>Confiscation Act 1997</i> of Victoria
5	A prescribed person, or a person belonging to a prescribed class of persons, for the purposes of subsection 37 (1) of the <i>Confiscation Act 1997</i> of Victoria
6	The commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
7	A police officer approved by the commission, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland, for the purposes of subparagraph 12 (1) (a) (ii) of that Act
8	An appropriate officer, within the meaning of the <i>Criminal Proceeds Confiscation Act 2002</i> of Queensland
9	The DPP, within the meaning of the <i>Criminal Property Confiscation Act 2000</i> of Western Australia
10	The DPP, within the meaning of the <i>Criminal Assets Confiscation Act 2005</i> of South Australia
11	An authorized officer, within the meaning of the <i>Crime (Confiscation of Profits) Act 1993</i> of Tasmania
12	The DPP, within the meaning of the <i>Confiscation of Criminal Assets Act 2003</i> of the Australian Capital Territory
13	The DPP, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory

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<b>Item</b>	<b>Person or body</b>
14	A police officer, within the meaning of the <i>Criminal Property Forfeiture Act</i> of the Northern Territory

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**[4] Subregulation 39BB (2)**  
*omit*  
(Cocos) Keeling  
*insert*  
Cocos (Keeling)

**[5] Paragraph 39BB (2) (g)**  
*omit*

**[6] Paragraphs 39BB (2) (h) and (i)**  
*reletter as paragraphs 39BB (2) (g) and (h) respectively*

**[7] Subregulation 39BB (3)**  
*substitute*

(3) However, paragraph (2) (g) applies only so far as proceedings under paragraph 93A (1) (aa) of the Act relate to appeals under subsection 94AAA (1) of the Act.

## **Schedule 2 Amendments commencing on 17 September 2012**

(section 3)

**[1] Paragraph 19 (c)**

*omit*

*1989*

*insert*

*2012*

**[2] Schedule 8, item 4**

*omit*

*1989*

*insert*

*2012*

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**Schedule 3**      **Amendments commencing on  
later of commencement of  
Schedule 2 to Access to  
Justice (Federal Jurisdiction)  
Amendment Act 2012 and day  
after registration**

(section 3)

**[1]      Regulation 12AC**

*omit*

**[2]      Subregulation 15A (1)**

*substitute*

- (1) For items 1 to 5 of the table in subsection 94AA (1) of the Act, a prescribed decree is:
- (a) an interlocutory decree (other than a decree in relation to a child welfare matter); or
  - (b) an order under section 102PE of the Act.

**Schedule 4      Amendment commencing on  
commencement of Schedule 3  
to *Access to Justice (Federal  
Jurisdiction) Amendment Act  
2012***

(section 3)

**[1]      Paragraph 15A (1) (b)**

*omit*

102PE

*insert*

102PE, 102QF or 102QG

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).