

JU303\*

Family Court Act 1997

## **Family Court Amendment Rules 2006**

Made by the Judges of the Family Court of Western Australia under section 244 of the Act.

**1. Citation**

These rules are the *Family Court Amendment Rules 2006*.

**2. Commencement**

These rules come into operation on the day on which the *Family Legislation Amendment Act 2006* Part 3 comes into operation.

**3. The rules amended**

The amendments in these rules are to the *Family Court Rules 1998*\*.

[\* *Published in Gazette 6 October 1998, p. 5571-85.*  
*For amendments to 6 July 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 124.*]

**4. Rule 2 amended**

Rule 2 is amended by inserting in the appropriate alphabetical position —

“

“**child-related proceedings**” includes proceedings that are child-related proceedings within the meaning of the Family Law Act;

”.

**5. Rule 4 replaced**

Rule 4 is repealed and the following rule is inserted instead —

“

**4. Rules to be read with Family Law Rules**

(1) These rules are to be read as one with the Family Law Rules.

(2) Without limiting subrule (1), unless the contrary intention appears —

(a) a word or an expression defined in the Family Law Rules and used in these rules has the same meaning as it has in the Family Law Rules; and

(b) a form followed by a designation, referred to in these rules means the form with that designation in force under the Family Law Rules.

”.

**6. Rule 10 amended**

Rule 10 is amended by deleting “recognizance” in both places where it occurs and inserting instead —

“ bond ”.

**7. Rule 12 amended**

Rule 12(1) is amended in the Table by inserting after “15.03(1)” —

“ Chapter 16A.2 ”.

**8. Rule 13A amended**

Rule 13A is amended as follows:

(a) by repealing subrule (4);

(b) by inserting after subrule (6) —

“

(6a) In Family Law Rule 12.03, a “mediator” is to be treated as including a family consultant and a magistrate.

”.

**9. Rule 24 amended**

Rule 24 is amended by deleting paragraph (a) and the Table to paragraph (a) and inserting instead —

“

- (a) the powers conferred under a provision —
- (i) of the Family Law Act referred to in column 1 of the Table to this paragraph; and
  - (ii) of the Family Law Rules referred to in Column 2 of the Table to this paragraph; and
  - (iii) of the Family Court Act referred to in Column 3 of the Table to this paragraph;

<b>Family Law Act</b>	<b>Family Law Rules</b>	<b>Family Court Act</b>
section 44(1C)	rules 1.09 to 1.14	section 44
section 45		section 215
section 48	rule 11.01	Part 8 Division 2
section 55(2)	Part 15.3	section 237
section 55A	rule 20.07	
section 57		
section 98A		
section 101		
section 117		
Part XI Division 2		

”.

**10. Rule 29 amended**

Rule 29(1) is amended by deleting “adopted applied under” and inserting instead —

“ adopted and applied under Part 2 ”.

**11. Rule 31 repealed**

Rule 31 is repealed.

**12. Rule 32 repealed**

Rule 32 is repealed.

**13. Rule 35 replaced**

Rule 35 is repealed and the following rule inserted instead —

“

**35. Notification to spouse — s. 205ZB(3)**

For the purposes of section 205ZB(3), a de facto partner who —

- (a) has a spouse; and

- (b) is a party to an application under Part 5A  
Division 2 of the Act,

is, as soon as is practicable after filing the application,  
and if applicable, a response to the application, to give  
to his or her spouse, written notification —

- (c) of the application; and  
(d) any response filed to the application.

”.

Dated: 12 July 2006.

Signed:

N. TOLCON.

C. MARTIN.

J. PENNY.

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