

JU302\*

Family Court Act 1997

## Family Court Amendment Regulations 2002

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Family Court Amendment Regulations 2002*.

### 2. The regulations amended

The amendments in these regulations are to the *Family Court Regulations 1998\**.

[\* *Published in Gazette 25 September 1998, p. 5303-9.*]

### 3. Commencement

These regulations come into operation on the same day that the *Family Court Amendment Act 2002* comes into operation.

### 4. Regulation 3 amended

- (1) Regulation 3(1) is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“**Family Law Regulations**” means the *Family Law Regulations 1984* of the Commonwealth;

“**Family Law Rules**” means the *Family Law Rules 1984* of the Commonwealth;

”.

(2) Regulation 3(2) is amended as follows:

- (a) in paragraph (d) by inserting after “Regulations” —  
“ or the Family Law Rules ”;
- (b) by deleting “and” after paragraph (d);
- (c) by deleting paragraph (e) and inserting the following paragraphs instead —

“

- (e) to a Part, Division, section, Schedule or other provision of the Family Law Act is to be treated as a reference to the provision of the *Family Court Act 1997* with which the provision is comparable;
- (f) to the Act is to be treated as a reference to the *Family Court Act 1997*; and
- (g) to Part VIII is to be treated as a reference to Part 5A.

”.

**5. Regulation 8A inserted**

After regulation 8 the following regulation is inserted —

“

**8A. Court of summary jurisdiction prescribed for the purposes of section 43(1)(b)**

A court of summary jurisdiction that is constituted by the Principal Registrar or a Registrar who is also a magistrate is a court prescribed for the purposes of section 43(1)(b).

”.

**6. Regulations 14A to 14F inserted**

After regulation 14 the following regulations are inserted —

“

**14A. Prescribed requirements for an arbitrator**

Family Law Regulation 67B is adopted and applies for the purposes of the definition of “**arbitrator**” in section 5.

**14B. Arbitration generally**

Family Law Regulations 67A, 67D, 67E, 67F, 67G, 67H, 67I, 67K, 67L, 67M, 67N, 67O, 67P, 67R, 67S and 67T are adopted.

**14C. Registration of arbitration award**

Family Law Regulation 67Q is adopted and applies for the purposes of sections 60A(5) and 60B(2).

**14D. Oath or affirmation of arbitrators**

Family Law Regulation 67J is adopted and applies for the purposes of section 62A.

**14E. Advertising arbitration services in the Court's registry**

Family Law Regulations 68(1)(a)(iii), 68(1)(b), 68(2) and 73 are adopted and apply for the purposes of section 65(3).

**14F. Prescribed benefits**

Family Law Regulation 12A is adopted and applies for the purposes of the definition of "income tested pension, allowance or benefit" in section 205T.

**7. Regulation 17 amended**

Regulation 17(1) and (2) is repealed and the following subregulation is inserted instead —

- “(1) An order under the Act referred to in section 223 in paragraph (f) of the definition of “order under this Act” may be registered by filing a sealed copy of the order in the registry of the first-mentioned court referred to in section (g) of that definition.

**8. Regulation 18 amended**

Regulation 18(1) is amended as follows:

- (a) in paragraph (a) by deleting “for” and inserting instead —  
“ in relation to Part 5A proceedings or for ”;
- (b) in paragraph (a)(i) by deleting “\$152” and inserting instead —  
“ \$172 ”;
- (c) in paragraph (a)(ii) by deleting “\$303” and inserting instead —  
“ \$344 ”;
- (d) in paragraph (b) by deleting “\$303” and inserting instead —  
“ \$344 ”.

**9. Regulation 19 amended**

Regulation 19 is amended by deleting “1998” and inserting instead —

“ 2002 ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.