

JU301*

Family Court Act 1997

Family Court Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Family Court Amendment Regulations 2006*.

2. Commencement

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

3. The regulations amended

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

[* *Published in Gazette 25 September 1998, p. 5303-09.*
For amendments to 26 June 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 124.]

4. Regulation 3 amended

(1) Regulation 3(1) is amended as follows:

(a) by inserting in the appropriate alphabetical position —
“

“**Centrelink**” means the Commonwealth Services Delivery Agency established under the *Commonwealth Services Delivery Agency Act 1997*;

”;

(b) in the definition of “Family Law Rules” by deleting “1984” and inserting instead —
“ 2004 ”;

(c) by deleting the definition of “Registrar”.

(2) Regulation 3(2)(b) is amended by deleting “as defined in subregulation (1);” and inserting instead —

“ of the Family Court of Western Australia; ”.

5. Regulations 8 to 14E replaced by regulations 8 to 13

Regulations 8 to 14E are repealed and the following regulations are inserted instead —

“

8. Family Dispute Resolution

Part 5 of the Family Law Regulations is adopted.

9. Prescribed information about reconciliation

Family Law Regulation 7 is adopted for the purposes of section 65D.

10. Matters that a family law dispute resolution practitioner is to have regard to before giving a certificate under section 66H(7)(b)

Before giving a certificate under section 66H(7)(b) a family law dispute resolution practitioner is to have regard to the following matters —

- (a) a history of family violence 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 family dispute resolution practitioner considers relevant.

11. Registration of court decision

Family Law Regulation 12CC is adopted for the purposes of section 176(6).

12. Prescribed government agencies

For the purposes of section 202K the following are prescribed government agencies —

- (a) the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;
- (b) the Police Force of Western Australia provided for by the *Police Act 1892*.

13. Third party expenses

Family Law Regulation 15AA is adopted for the purposes of section 205ZLK.

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6. Regulation 17 amended

Regulation 17(3) is amended by deleting “211” and inserting instead —

“ 209A ”.

7. Regulation 18 amended

(1) Regulation 18(1) is amended as follows:

- (a) in paragraph (a) by deleting “residence order, a contact order or a specific issues” and inserting instead —
“ parenting ”;

- (b) in paragraph (b) by deleting “court of summary jurisdiction” and inserting instead —
“ Magistrates Court ”.
- (2) Regulation 18(7)(b) is amended by deleting “the Commonwealth Department of Social Security — ” in both places where it occurs and inserting instead —
“ Centrelink — ”.
- (3) After regulation 18(7) the following subregulation is inserted —
“
(7a) In subregulation (7)(b)(i) and (ii) —
“**holder**” of a card does not include a dependent of the holder of the card.
”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.
