

EXPLANATORY STATEMENT

Issued by the Authority the Attorney-General

Family Law Act 1975

Jurisdiction of Courts of Summary Jurisdiction (Matrimonial Causes) Proclamation 2006

The *Jurisdiction of Courts (Family Law) Act 2006* (the Act) amends the *Family Law Act 1975* (the Principal Act), the *Child Support (Registration and Collection) Act 1988* and the *Child Support (Assessment) Act 1989* to provide the Magistrates Court of Western Australia constituted by a Family Law Magistrate of Western Australia with substantially the same jurisdiction and appeal structure in relation to family law and child support matters as the Federal Magistrates Court. This will allow the Magistrates Court of Western Australia constituted by a Family Law Magistrate to resolve expeditiously a high volume of less complex and shorter matters.

Subsection 39(7) of the Principal Act provides that the Governor-General may fix a date by Proclamation on and after which proceedings in relation to matrimonial causes and other proceedings referred to in subsection 39(6) may not be instituted in, or transferred to, a court of summary jurisdiction in a specified State or Territory, other than a court specified in the Proclamation. The Act amends the Principal Act to provide, that a Proclamation under subsection 39(7) may also be expressed to apply to a court of summary jurisdiction constituted in a particular way.

Subsection 39(7A) provides that a Proclamation under subsection 39(7) may be revoked.

The proposed Proclamation revokes and replaces the previous Proclamation under subsections 39(7) and 39(7A) of the Principal Act. The proposed Proclamation states that, on and after 1 July 2006, proceedings in relation to matters arising under subsection 39(6) of the Principal Act cannot be instituted in, or transferred to, a court of summary jurisdiction in the Perth Metropolitan area except the Magistrates Court of Western Australia constituted by a Family Law Magistrate.

The Principal Act defines Family Law Magistrate as a person who holds office concurrently as a Magistrate under the *Magistrates Court Act 2004* (WA) and as the Principal Registrar or a Registrar of the Family Court of Western Australia.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and commences on 1 July 2006.

The Office of Regulation Review was consulted about this legislative instrument and advised that a Regulation Impact Statement was not mandatory as it did not have a direct or significant indirect impact on business. The Family Court of Western Australia was consulted and did not oppose this legislative instrument. Further consultation was unnecessary for this legislative instrument as this instrument is of a machinery nature only.