



## **Family Law Legislation Amendment (Miscellaneous Measures) Regulations 2019**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 March 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## 1 Name

This instrument is the *Family Law Legislation Amendment (Miscellaneous Measures) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	23 March 2019
2. Schedule 1, items 1 to 25	The day after this instrument is registered.	23 March 2019
3. Schedule 1, item 26	The later of: (a) the start of the day after this instrument is registered; and (b) the commencement of Part 2 of Schedule 6 to the <i>Civil Law and Justice Legislation Amendment Act 2018</i> .	25 April 2019 (paragraph (b) applies)
4. Schedule 1, items 27 to 65	The day after this instrument is registered.	23 March 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Family Law Act 1975*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Family Law (Child Abduction Convention) Regulations 1986*

#### **1 Subregulation 2(1) (definition of *convention country*)**

Repeal the definition, substitute:

*convention country* means any country in respect of which the Convention has entered into force with Australia.

Note: A list of countries in respect of which the Convention has entered into force with Australia could in 2019 be viewed on the Department’s website (<https://www.ag.gov.au>).

#### **2 Regulation 10**

Repeal the regulation.

#### **3 Paragraph 11(2)(a)**

Omit “Form 1”, substitute “a form approved, in writing, by the Minister under subregulation (2A)”.

#### **4 After subregulation 11(2)**

Insert:

(2A) The Minister may approve a form, in writing, for the purposes of paragraph (2)(a).

#### **5 Paragraph 23(2)(a)**

Omit “Form 3”, substitute “a form approved, in writing, by the Minister under subregulation (2A)”.

#### **6 After subregulation 23(2)**

Insert:

(2A) The Minister may approve a form, in writing, for the purposes of paragraph (2)(a).

#### **7 After Part 5**

Insert:

## **Part 6—Application, transitional and saving provisions**

### **Division 1—Saving provisions relating to the Family Law (Child Abduction Convention) Regulations 1986**

#### **32 Saving of forms**

- (1) Despite the amendments made by items 3, 4 and 9 of Schedule 1 to the *Family Law Legislation Amendment (Miscellaneous Measures) Regulations 2019*, Form 1 in Schedule 3, as in force immediately before the commencement of those

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items, continues in force after that commencement until the Minister approves a form under subregulation 11(2A).

- (2) Despite the amendments made by items 5, 6 and 9 of Schedule 1 to the *Family Law Legislation Amendment (Miscellaneous Measures) Regulations 2019*, Form 3 in Schedule 3, as in force immediately before the commencement of those items, continues in force after that commencement until the Minister approves a form under subregulation 23(2A).

## **8 Schedule 2**

Repeal the Schedule.

## **9 Schedule 3**

Repeal the following:

- (a) the entirety of the form titled “Form 1—Request for return of child abducted from Australia”;
- (b) the entirety of the form titled “Form 3—Request for access to a child in a convention country”.

## ***Family Law (Child Protection Convention) Regulations 2003***

### **10 Subregulation 3(3)**

Repeal the subregulation.

### **11 Subregulation 12(1)**

Omit “regulation 10”, substitute “regulation 11”.

### **12 Subregulation 23(2)**

Omit “regulation 25”, substitute “regulation 30”.

## **13 Schedule 1**

Repeal the Schedule.

## ***Family Law Regulations 1984***

### **14 Subparagraph 12BA(a)(i)**

Omit “Minister for Community Services”, substitute “Minister for Family and Community Services”.

### **15 Paragraph 12BA(b)**

Omit “to the Department of Health and Human Services”, substitute “of the Department of Communities Tasmania”.

### **16 Paragraph 12BA(c)**

Omit “to the Department of Human Services”, substitute “of the Department of Health and Human Services”.

### **17 Paragraph 12BA(d)**

Omit “Department of Communities”, substitute “Department of Child Safety, Youth and Women”.

**18 Subparagraph 12BA(e)(i)**

Omit “Chief Executive of the Department of Education Youth and Family Services”, substitute “Director-General of the Community Services Directorate”.

**19 Subparagraph 12BA(e)(ii)**

Omit “section 112 of the *Mental Health (Treatment and Care) Act 1994 (ACT)*”, substitute “subsection 196(1) of the *Mental Health Act 2015 (ACT)*”.

**20 Paragraph 12BA(f)**

Omit “Health and Community Services”, substitute “Territory Families”.

**21 Paragraph 12BC (table)**

Repeal the table, substitute:

<b>Registered relationships</b>		
<b>Item</b>	<b>Column 1 Law</b>	<b>Column 2 Kind of relationship</b>
1	<i>Relationships Register Act 2010 (NSW)</i>	A relationship that may be registered in accordance with Part 2 of that Act
2	<i>Relationships Act 2008 (Vic.)</i>	A registrable domestic relationship that may be registered in accordance with Part 2.2 of that Act
3	<i>Civil Partnerships Act 2011 (Qld)</i>	A relationship that may be entered into in accordance with sections 4 and 5 of that Act
4	<i>Relationships Register Act 2016 (SA)</i>	A relationship that may be registered in accordance with Part 2 of that Act
5	<i>Relationships Act 2003 (Tas.)</i>	A significant relationship in relation to which a deed of relationship may be registered in accordance with Part 2 of that Act
6	<i>Domestic Relationships Act 1994 (ACT)</i>	A civil partnership that may be entered into in accordance with sections 37C and 37D of that Act
7	<i>Births, Deaths and Marriages Registration Act 1997 (ACT)</i>	A civil union that must be registered under section 32A of that Act

**22 Paragraph 12CB(a)**

Omit “Employment, Education, Training and Youth Affairs”, substitute “Jobs and Small Business”.

**23 Paragraph 12CB(c)**

Omit “and Family Services”.

**24 Paragraph 12CB(d)**

Omit “Immigration and Multicultural Affairs”, substitute “Home Affairs”.

**25 At the end of regulation 12CB**

Add:

- ; (h) Department of Education and Training;
- (i) Department of Social Services.

**26 Regulation 13**

Omit “paragraphs 65Y(2)(a), 65Z(2)(a), 65ZA(3)(a) and 65ZB(3)(a)”, substitute “subparagraphs 65Y(1)(c)(i), 65YA(1)(b)(i), 65Z(1)(c)(i), 65ZAA(1)(b)(i), 65ZA(1)(g)(i) and 65ZB(1)(g)(i)”.

**27 Regulation 15AB (table)**

Repeal the table, substitute:

<b>Item</b>	<b>Law</b>
1	<i>Relationships Register Act 2010</i> (NSW)
2	<i>Relationships Act 2008</i> (Vic.)
3	<i>Civil Partnerships Act 2011</i> (Qld)
4	<i>Relationships Register Act 2016</i> (SA)
5	<i>Relationships Act 2003</i> (Tas.)
6	<i>Domestic Relationships Act 1994</i> (ACT)
7	<i>Births, Deaths and Marriages Registration Act 1997</i> (ACT)

**28 Paragraph 19(g)**

Omit “*Domestic Violence and Protection Orders Act 2008* (ACT)”, substitute “*Family Violence Act 2016* (ACT)”.

**29 Paragraph 19A(c)**

Omit “Communities, Child Safety and Disability Services”, substitute “Child Safety, Youth and Women”.

**30 Paragraph 19A(d)**

Omit “for Child Protection and Family Support”, substitute “of Communities”.

**31 Paragraph 19A(e)**

Omit “Education and Child Development”, substitute “Child Protection”.

**32 Paragraph 19A(f)**

Omit “Health and Human Services”, substitute “Communities Tasmania”.

**33 Paragraph 19A(g)**

Omit “Department of Community Services”, substitute “Community Services Directorate”.

**34 Paragraph 19A(h)**

Omit “the Department of Children and Families”, substitute “Territory Families”.

**35 Schedule 2**

Repeal the list, substitute the following list:

- Austria
- Belarus
- Belgium
- Brunei
- Canada, the following Provinces and Territories:
  - The Canadian Province of Alberta

The Canadian Province of British Columbia  
The Canadian Province of Manitoba  
The Canadian Province of New Brunswick  
The Canadian Province of Newfoundland  
The Canadian Province of Nova Scotia  
The Canadian Province of Ontario  
The Canadian Province of Prince Edward Island  
The Canadian Province of Saskatchewan  
The Canadian Territory of Northwest Territories  
The Canadian Territory of Nunavut  
The Canadian Territory of Yukon  
Colombia  
Cook Islands  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Fiji  
France  
Germany  
Gibraltar  
Hong Kong  
India  
Italy  
Kazakhstan  
Kenya  
Lithuania  
Luxembourg  
Malawi  
Malaysia  
Malta  
Nauru  
Niue  
Netherlands  
New Zealand  
Norway  
Papua New Guinea  
Poland  
Portugal  
Republic of Ireland  
Samoa  
Sierra Leone  
Singapore  
Slovak Republic  
South Africa  
Spain  
Sri Lanka  
Sweden  
Switzerland  
Tanzania (excluding Zanzibar)  
Territory of Christmas Island  
Territory of Cocos (Keeling) Islands

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Trinidad and Tobago  
 Turkey  
 United Kingdom, including Alderney, Guernsey, Isle of Man, Jersey and Sark  
 United States of America  
 Zambia  
 Zimbabwe

**36 Schedule 4**

Omit “Federal Republic of Yugoslavia (Serbia and Montenegro)”.

**37 Schedule 4**

Insert “Serbia and Montenegro”.

**38 Schedule 5 (cell at table item 5, column headed “Prescribed Law”)**

Omit “Adoption Act 1984”, substitute “*Adoption Act 1984*”.

**39 Schedule 5 (cell at table item 6, column headed “Prescribed Law”)**

Omit “Children, Youth and Families Act 2005”, substitute “*Children, Youth and Families Act 2005*”.

**40 Schedule 5 (cell at table item 7, column headed “Prescribed Law”)**

Omit “Education and Training Reform Act 2006”, substitute “*Education and Training Reform Act 2006*”.

**41 Schedule 5 (cell at table item 8, column headed “Prescribed Law”)**

Omit “Maintenance Act 1965”, substitute “*Maintenance Act 1965*”.

**42 Schedule 5 (cell at table item 9, column headed “Prescribed Law”)**

Omit “Mental Health Act 1986”, substitute “*Mental Health Act 2014*”.

**43 Schedule 5 (cell at table item 13, column headed “Prescribed Law”)**

Omit “Mental Health Act 2000”, substitute “*Mental Health Act 2016*”.

**44 Schedule 5 (cell at table item 18, column headed “Prescribed Law”)**

Omit “Mental Health Act 1996”, substitute “*Mental Health Act 2014*”.

**45 Schedule 5 (after table item 20)**

Insert:

20A	<i>Children and Young People (Safety) Act 2017</i>	South Australia
20B	<i>Children’s Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017</i>	South Australia

**46 Schedule 5 (cell at table item 22, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Mental Health Act 2009*

**47 Schedule 5 (cell at table item 26, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Mental Health Act 2013*

**48 Schedule 5 (cell at table item 28, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Care and Protection of Children Act 2007*

**49 Schedule 5 (cell at table item 32, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Children and Young People Act 2008*

**50 Schedule 5 (cell at table item 34, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Mental Health Act 2015*

**51 Schedule 5 (cell at table item 35, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Adoption of Children Act 1932*

**52 Schedule 5 (cell at table item 36, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Child Welfare Act 2009*

**53 Schedule 5 (cell at table item 37, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Mental Health Act 1996*

**54 Schedule 5 (cell at table item 38, column headed “Prescribed Law”)**

Repeal the cell, substitute:

*Lunacy Act 1932*

**55 Schedule 8 (cell at table item 11, column headed “Prescribed law”)**

Repeal the cell, substitute:

*Family Violence Act 2016*

**56 Schedule 9 (cell at table item 1, column headed “Prescribed agency”)**

Omit “Community Services”, substitute “Family and Community Services”.

**57 Schedule 9 (cell at table item 3, column headed “Prescribed agency”)**

Omit “Human Services (Office for Children)”, substitute “Health and Human Services”.

**58 Schedule 9 (cell at table item 4, column headed “Prescribed agency”)**

Repeal the cell, substitute:

Victoria Police (constituted under the *Victoria Police Act 2013* (Vic.))

**59 Schedule 9 (cell at table item 5, column headed “Prescribed agency”)**

Omit “Communities”, substitute “Child Safety, Youth and Women”.

**60 Schedule 9 (cell at table item 7, column headed “Prescribed agency”)**

Omit “Community Development”, substitute “Communities”.

**61 Schedule 9 (cell at table item 9, column headed “Prescribed agency”)**

Omit “Families and Communities”, substitute “Child Protection”.

**62 Schedule 9 (cell at table item 11, column headed “Prescribed agency”)**

Omit “Health and Human Services”, substitute “Communities Tasmania”.

**63 Schedule 9 (cell at table item 12, column headed “Prescribed agency”)**

Omit “Police and Emergency Management”, substitute “Police, Fire and Emergency Management”.

**64 Schedule 9 (cell at table item 13, column headed “Prescribed agency”)**

Repeal the cell, substitute:

Community Services Directorate

**65 Schedule 9 (cell at table item 15, column headed “Prescribed agency”)**

Repeal the cell, substitute:

Territory Families