

## Family Court Amendment Regulations 2022

SL 2022/45

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Family Court Amendment Regulations 2022*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Family Court Regulations 1998*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *Family Law Rules*.
- (2) In regulation 3(2)(d) delete “or the Family Law Rules”.

**5. Regulation 7A inserted**

After regulation 7 insert:

**7A. Child welfare officer (Act s. 5(1))**

For the purposes of paragraph (a) of the definition of *child welfare officer* in section 5(1) each of the following is a prescribed office —

- (a) for New South Wales — the offices of —
  - (i) Minister for Families and Communities, in relation to the *Adoption Act 2000* (New South Wales) and the *Children and Young Persons (Care and Protection) Act 1998* (New South Wales); and
  - (ii) Attorney General, in relation to the *Guardianship Act 1987* (New South Wales);

- (b) for Tasmania — the office of Secretary of the Department of Communities Tasmania;
- (c) for Victoria — the office of Secretary of the Department of Families, Fairness and Housing;
- (d) for Queensland — the office of Director-General of the Department of Children, Youth Justice and Multicultural Affairs;
- (e) for the Australian Capital Territory — the offices of —
  - (i) Director-General of the Community Services Directorate; and
  - (ii) Chief Psychiatrist appointed under the *Mental Health Act 2015* (Australian Capital Territory) section 196(1);
- (f) for the Northern Territory — the office of Chief Executive Officer of the Department of Territory Families, Housing and Communities;
- (g) for South Australia — the office of Chief Executive of the Department for Child Protection;
- (h) for Western Australia — the office of CEO.

**6. Regulation 17A inserted**

At the end of Part 2 insert:

**17A. Authorities prescribed (Act s. 243(8)(aa))**

For the purposes of section 243(8)(aa) each of the following authorities is prescribed —

- (a) for New South Wales — the Department of Communities and Justice;
- (b) for Tasmania — the Department of Communities Tasmania;
- (c) for Victoria — the Department of Families, Fairness and Housing;
- (d) for Queensland — the Department of Children, Youth Justice and Multicultural Affairs;
- (e) for the Australian Capital Territory — the Community Services Directorate;
- (f) for the Northern Territory — the Department of Territory Families, Housing and Communities;
- (g) for South Australia — the Department for Child Protection;

- (h) for Western Australia — the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*.

**7. Regulation 21 replaced**

Delete regulation 21 and insert:

**21. Review of decisions under these regulations**

A decision made by a registrar or authorised officer under these regulations is reviewable under the *Family Court Rules 2021* rule 322 as if it were an order or direction made by the Principal Registrar, a registrar or a deputy registrar.

N. HAGLEY, Clerk of the Executive Council.