

Family Court Amendment (Family Violence and Other Measures) Bill 2013

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
3.	Act amended	2
Part 2 — Amendments relating to family violence		
4.	Section 5 amended	3
5.	Section 6 amended	4
6.	Section 9A inserted	4
	9A. Meaning of “family violence” etc. — FLA s. 4AB	4
7.	Section 37 amended	6
8.	Section 66 amended	7
9.	Part 5 Division 1 Subdivision 2 heading replaced	7
Subdivision 2 — Best interests of the child: court proceedings		
10.	Section 66C amended	7
11.	Sections 66HA and 66HB inserted	8
	66HA. Informing court of care arrangements under child welfare laws — FLA s. 60CH	8
	66HB. Informing court of notifications to, and investigations by, prescribed government agencies — FLA s. 60CI	9
12.	Part 5 Division 1 Subdivision 3A inserted	11
Subdivision 3A — Best interests of the child: adviser’s obligations		
	66HC. Adviser’s obligations in relation to best interests of child — FLA s. 60D	11
13.	Section 66J deleted	12

Contents

14.	Section 78A amended	12
15.	Section 133 amended	12
16.	Part 5 Division 8 Subdivision 4 heading replaced	12
	Subdivision 4 — Allegations of child abuse and family violence	
17.	Section 159 amended	13
18.	Sections 162A and 162B inserted	14
	162A. Where interested person makes allegation of family violence — FLA s. 67ZBA	14
	162B. Court to take prompt action in relation to allegations of child abuse or family violence — FLA s. 67ZBB	15
19.	Section 202B amended	17
20.	Section 202E amended	17
21.	Section 237 amended	17
22.	Section 237A deleted	18
	Part 3 — Other amendments	
23.	Section 65 amended	19
24.	Section 65A amended	19
25.	Section 73 amended	20
26.	Section 84 amended	20
27.	Section 113 amended	21
28.	Section 202I deleted	21
29.	Section 205F amended	21
30.	Section 205O amended	21
31.	Section 205QA inserted	22
	205QA. Procedure for enforcing bonds — FLA s. 70NECA	22
32.	Section 211B replaced	23
	211B. Appeal may be dismissed if no reasonable prospect of success	23
33.	Sections 214B and 214C inserted	24
	214B. Oaths and affirmations	24
	214C. Swearing of affidavits etc.	25
34.	Section 244 amended	26
	Part 4 — Transitional provisions	
35.	Section 247 replaced	27
	247. Transitional and savings	27

36.	Schedule 2 Division 1 heading inserted	27
	Division 1 — Provisions for repeal of <i>Family Court Act 1975</i>	
37.	Schedule 2 clause 1 amended	27
38.	Schedule 2 clause 2 amended	27
39.	Schedule 2 Division 2 inserted	28
	Division 2 — Provisions for <i>Family Court Amendment (Family Violence and Other Measures) Act 2013</i>	
11.	Application of amendments relating to family violence	28
12.	Application of other amendments	28

Western Australia

LEGISLATIVE COUNCIL

**Family Court Amendment (Family Violence and
Other Measures) Bill 2013**

A Bill for

An Act to amend the *Family Court Act 1997*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Family Court Amendment (Family Violence and Other Measures) Act 2013*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Family Court Act 1997*.

Part 2 — Amendments relating to family violence

4. Section 5 amended

(1) In section 5(1) delete the definitions of:

abuse

family violence

member of the family

(2) In section 5(1) insert in alphabetical order:

(FLA s. 4(1))

abuse, in relation to a child, means —

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the *first person*) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence; or
- (d) serious neglect of the child;

(FLA s. 4(1))

exposed to family violence, in relation to a child, has the meaning given in section 9A(3);

(FLA s. 4(1))

family violence has the meaning given in section 9A(1);

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1 (FLA s. 4(1))
2 *member of the family* has the meaning given in
3 section 6;
4

5 **5. Section 6 amended**

6 In section 6:

- 7 (a) delete paragraph (a) and insert:
8
9 (a) the definition of *step-parent* in section 5(1);
10 and
11 (ba) section 9A; and
12
13 (b) delete paragraph (c) and insert:
14
15 (c) sections 66F, 66HA and 66HB,
16

17 **6. Section 9A inserted**

18 At the end of Part 1 insert:
19

20 **9A. Meaning of “family violence” etc. — FLA s. 4AB**

- 21 (1) For the purposes of this Act, *family violence* means
22 violent, threatening or other behaviour by a person that
23 coerces or controls a member of the person’s family
24 (the *family member*), or causes the family member to
25 be fearful.
- 26 (2) Examples of behaviour that may constitute family
27 violence include (but are not limited to) —
28 (a) an assault; or
29 (b) a sexual assault or other sexually abusive
30 behaviour; or

- 1 (c) stalking; or
2 (d) repeated derogatory taunts; or
3 (e) intentionally damaging or destroying property;
4 or
5 (f) intentionally causing death or injury to an
6 animal; or
7 (g) unreasonably denying the family member the
8 financial autonomy that he or she would
9 otherwise have had; or
10 (h) unreasonably withholding financial support
11 needed to meet the reasonable living expenses
12 of the family member, or his or her child, at a
13 time when the family member is entirely or
14 predominantly dependent on the person for
15 financial support; or
16 (i) preventing the family member from making or
17 keeping connections with his or her family,
18 friends or culture; or
19 (j) unlawfully depriving the family member, or
20 any member of the family member's family, of
21 his or her liberty.
- 22 (3) For the purposes of this Act, a child is *exposed* to
23 family violence if the child sees or hears family
24 violence or otherwise experiences the effects of family
25 violence.
- 26 (4) Examples of situations that may constitute a child
27 being exposed to family violence include (but are not
28 limited to) the child —
- 29 (a) overhearing threats of death or personal injury
30 by a member of the child's family towards
31 another member of the child's family; or

s. 7

- 1 (b) seeing or hearing an assault of a member of the
2 child's family by another member of the child's
3 family; or
4 (c) comforting or providing assistance to a member
5 of the child's family who has been assaulted by
6 another member of the child's family; or
7 (d) cleaning up a site after a member of the child's
8 family has intentionally damaged property of
9 another member of the child's family; or
10 (e) being present when police or ambulance
11 officers attend an incident involving the assault
12 of a member of the child's family by another
13 member of the child's family.
14

15 **7. Section 37 amended**

16 (1) In section 37(1)(d) delete "safety" and insert:

17

18 protection

19

20 (2) In section 37:

21 (a) after each of subsection (1)(a) to (c) insert:

22

23 and

24

25 (b) after subsection (2)(a) insert:

26

27 or

28

1 **8. Section 66 amended**

2 After section 66(3) insert:

3

- 4 (4) An additional object of this Part is to give effect to the
5 Convention on the Rights of the Child done at New
6 York on 20 November 1989 as ratified by Australia at
7 17 December 1990.

8

9 **9. Part 5 Division 1 Subdivision 2 heading replaced**

10 Delete the heading to Part 5 Division 1 Subdivision 2 and insert:

11

12 **Subdivision 2 — Best interests of the child:**
13 **court proceedings**

14

15 **10. Section 66C amended**

16 (1) After section 66C(2) insert:

17

- 18 (3A) In applying the considerations set out in subsection (2),
19 the court is to give greater weight to the consideration
20 set out in subsection (2)(b).

21

22 (2) In section 66C(3):

23 (a) delete paragraph (c) and insert:

24

- 25 (c) the extent to which each of the child's parents
26 has taken, or failed to take, the opportunity —
27 (i) to participate in making decisions about
28 major long-term issues in relation to the
29 child; and
30 (ii) to spend time with the child; and

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- 1 (iii) to communicate with the child;
2 and
3 (da) the extent to which each of the child's parents
4 has fulfilled, or failed to fulfil, the parent's
5 obligations to maintain the child; and
6
7 (b) delete paragraph (k) and insert:
8
9 (k) if a family violence order applies, or has
10 applied, to the child or a member of the child's
11 family — any relevant inferences that can be
12 drawn from the order, taking into account the
13 following —
14 (i) the nature of the order;
15 (ii) the circumstances in which the order
16 was made;
17 (iii) any evidence admitted in proceedings
18 for the order;
19 (iv) any findings made by the court in, or in
20 proceedings for, the order;
21 (v) any other relevant matter;
22 and
23
24 (3) Delete section 66C(4) and (5).

25 **11. Sections 66HA and 66HB inserted**

26 At the end of Part 5 Division 1 Subdivision 2 insert:
27

28 **66HA. Informing court of care arrangements under child**
29 **welfare laws — FLA s. 60CH**

- 30 (1) If a party to the proceedings is aware that the child, or
31 another child who is a member of the child's family, is

- 1 under the care (however described) of a person under a
2 child welfare law, that party must inform the court of
3 the matter.
- 4 (2) If a person who is not a party to the proceedings is
5 aware that the child, or another child who is a member
6 of the child's family, is under the care (however
7 described) of a person under a child welfare law, that
8 person may inform the court of the matter.
- 9 (3) Failure to inform the court of the matter does not affect
10 the validity of any order made by the court.
- 11 (4) However, subsection (3) does not limit the operation of
12 section 202.

13 **66HB. Informing court of notifications to, and**
14 **investigations by, prescribed government**
15 **agencies — FLA s. 60CI**

- 16 (1) In this section —
17 *prescribed government agency* means an agency that is
18 a prescribed government agency for the purposes of
19 section 202K.
- 20 (2) If —
21 (a) a party to the proceedings is aware that the
22 child, or another child who is a member of the
23 child's family, is or has been the subject of —
24 (i) a notification or report (however
25 described) to a prescribed government
26 agency; or
27 (ii) an investigation, inquiry or assessment
28 (however described) by a prescribed
29 government agency;
30 and

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- 1 (b) the notification, report, investigation, inquiry or
2 assessment relates to abuse, or an allegation,
3 suspicion or risk of abuse,
4 that party must inform the court of the matter.
- 5 (3) If —
- 6 (a) a person who is not a party to the proceedings
7 is aware that the child, or another child who is a
8 member of the child’s family, is or has been the
9 subject of —
- 10 (i) a notification or report (however
11 described) to a prescribed government
12 agency; or
- 13 (ii) an investigation, inquiry or assessment
14 (however described) by a prescribed
15 government agency;
- 16 and
- 17 (b) the notification, report, investigation, inquiry or
18 assessment relates to abuse, or an allegation,
19 suspicion or risk of abuse,
20 that person may inform the court of the matter.
- 21 (4) Failure to inform the court of the matter does not affect
22 the validity of any order made by the court.
23

1 **12. Part 5 Division 1 Subdivision 3A inserted**

2 Before Part 5 Division 1 Subdivision 3 insert:

3

4 **Subdivision 3A — Best interests of the child:**
5 **adviser’s obligations**

6 **66HC. Adviser’s obligations in relation to best interests of**
7 **child — FLA s. 60D**

8 (1) In this section —

9 *adviser* means a person who is —

- 10 (a) a legal practitioner; or
11 (b) a family counsellor; or
12 (c) a family dispute resolution practitioner; or
13 (d) a family consultant.

14 (2) If an adviser gives advice or assistance to a person
15 about matters concerning a child and this Part, the
16 adviser must —

- 17 (a) inform the person that the person should regard
18 the best interests of the child as the paramount
19 consideration; and
20 (b) encourage the person to act on the basis that the
21 child’s best interests are best met —
22 (i) by the child having a meaningful
23 relationship with both of the child’s
24 parents; and
25 (ii) by the child being protected from
26 physical or psychological harm from
27 being subjected to, or exposed to, abuse,
28 neglect or family violence; and
29 (iii) in applying the considerations set out in
30 subparagraphs (i) and (ii) — by giving

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1 greater weight to the consideration set
2 out in subparagraph (ii).
3

4 **13. Section 66J deleted**

5 Delete section 66J.

6 **14. Section 78A amended**

7 (1) Before section 78A(1) insert:
8

9 (1A) The obligations of an adviser under this section are in
10 addition to the adviser's obligations under
11 section 66HC.
12

13 (2) Delete section 78A(2)(c).

14 **15. Section 133 amended**

15 (1) In section 133(c) after "child abuse" insert:
16

17 and family violence
18

19 (2) In section 133 after each of paragraphs (a) and (b) insert:
20

21 and
22

23 **16. Part 5 Division 8 Subdivision 4 heading replaced**

24 Delete the heading to Part 5 Division 8 Subdivision 4 and insert:
25

26 **Subdivision 4 — Allegations of child abuse and**
27 **family violence**
28

1 **17. Section 159 amended**

2 (1) Before section 159(1) insert:

3

4 (1A) In this section —

5 *interested person*, in proceedings under this Act,
6 means —

7 (a) a party to the proceedings; or

8 (b) an independent children’s lawyer who
9 represents the interests of a child in the
10 proceedings; or

11 (c) any other person prescribed by the regulations
12 for the purposes of this paragraph;

13 *prescribed form* means the form approved by the Chief
14 Judge of the Court for the purposes of this section.
15

16 (2) In section 159(1):

17 (a) delete “a party to” and insert:

18

19 an interested person in

20

21 (b) delete “the party” and insert:

22

23 the interested person
24

25 Note: The heading to amended section 159 is to read:

26 **Where interested person in proceedings makes allegation of child**
27 **abuse — FLA s. 67Z**

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1 **18. Sections 162A and 162B inserted**

2 At the end of Part 5 Division 8 Subdivision 4 insert:

3

4 **162A. Where interested person makes allegation of family**
5 **violence — FLA s. 67ZBA**

6 (1) In this section —

7 *interested person*, in proceedings for an order under
8 this Part in relation to a child, means —

- 9 (a) a party to the proceedings; or
10 (b) an independent children’s lawyer who
11 represents the interests of the child in the
12 proceedings; or
13 (c) any other person prescribed by the regulations
14 for the purposes of this paragraph;

15 *prescribed form* means the form approved by the Chief
16 Judge of the Court for the purposes of this section.

17 (2) This section applies if an interested person in
18 proceedings for an order under this Part in relation to a
19 child alleges, as a consideration that is relevant to
20 whether the court should make or refuse to make the
21 order, that —

- 22 (a) there has been family violence by one of the
23 parties to the proceedings; or
24 (b) there is a risk of family violence by one of the
25 parties to the proceedings.

26 (3) The interested person must file a notice in the
27 prescribed form in the court hearing the proceedings,
28 and serve a true copy of the notice upon the party
29 referred to in subsection (2)(a) or (b).

- 1 (4) If the alleged family violence (or risk of family
2 violence) is abuse of a child (or a risk of abuse of a
3 child) —
4 (a) the interested person making the allegation
5 must either file and serve a notice under
6 subsection (3) or under section 159(1) (but does
7 not have to file and serve a notice under both
8 those provisions); and
9 (b) if the notice is filed under subsection (3), the
10 registrar must deal with the notice as if it had
11 been filed under section 159(1).

12 **162B. Court to take prompt action in relation to**
13 **allegations of child abuse or family violence — FLA**
14 **s. 67ZBB**

- 15 (1) This section applies if —
16 (a) a notice is filed under section 159(1)
17 or 162A(3) in proceedings for an order under
18 this Part in relation to a child; and
19 (b) the notice alleges, as a consideration that is
20 relevant to whether the court should make or
21 refuse to make the order, that —
22 (i) there has been abuse of the child by one
23 of the parties to the proceedings; or
24 (ii) there would be a risk of abuse of the
25 child if there were to be a delay in the
26 proceedings; or
27 (iii) there has been family violence by one of
28 the parties to the proceedings; or
29 (iv) there is a risk of family violence by one
30 of the parties to the proceedings.

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- 1 (2) The court must —
- 2 (a) consider what interim or procedural orders (if
- 3 any) should be made —
- 4 (i) to enable appropriate evidence about the
- 5 allegation to be obtained as
- 6 expeditiously as possible; and
- 7 (ii) to protect the child or any of the parties
- 8 to the proceedings;
- 9 and
- 10 (b) make such orders of that kind as the court
- 11 considers appropriate; and
- 12 (c) deal with the issues raised by the allegation as
- 13 expeditiously as possible.
- 14 (3) The court must take the action required by
- 15 subsection (2)(a) and (b) —
- 16 (a) as soon as practicable after the notice is filed;
- 17 and
- 18 (b) if it is appropriate having regard to the
- 19 circumstances of the case — within 8 weeks
- 20 after the notice is filed.
- 21 (4) Without limiting subsection (2)(a)(i), the court must
- 22 consider whether orders should be made under
- 23 section 202K to obtain documents or information from
- 24 prescribed government agencies in relation to the
- 25 allegation.
- 26 (5) Without limiting subsection (2)(a)(ii), the court must
- 27 consider whether orders should be made, or an
- 28 injunction granted, under section 235.
- 29 (6) A failure to comply with a provision of this section
- 30 does not affect the validity of any order made in the
- 31 proceedings for the order.
- 32

1 **19. Section 202B amended**

2 Delete section 202B(6)(a) and insert:

3

- 4 (a) the child concerned from being subjected to, or
5 exposed to, abuse, neglect or family violence;
6 and

7

8 **20. Section 202E amended**

9 Before section 202E(1)(a) insert:

10

- 11 (aa) ask each party to the proceedings —
- 12 (i) whether the party considers that the
13 child concerned has been, or is at risk of
14 being, subjected to, or exposed to,
15 abuse, neglect or family violence; and
- 16 (ii) whether the party considers that he or
17 she, or another party to the proceedings,
18 has been, or is at risk of being, subjected
19 to family violence;

20

21

22 **21. Section 237 amended**

23 (1) In section 237(1) delete “205SB, 237A” and insert:

24

25 205SB

26

27 (2) In section 237(2) delete “(5) and (6)” and insert:

28

29 (5), (6A) and (6)

30

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1 (3) After section 237(5) insert:

2

3 (6A) If —

4 (a) under section 207, the CEO intervenes in
5 proceedings; and

6 (b) the CEO acts in good faith in relation to the
7 proceedings,

8 the court must not, because of the intervention, make
9 an order under subsection (2) of this section against the
10 CEO, the Department (as defined by the *Children and*
11 *Community Services Act 2004* section 3) or the State.
12

13 (4) In section 237(3) after each of paragraphs (a) to (e) insert:

14

15 and

16

17 **22. Section 237A deleted**

18 Delete section 237A.

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Part 3 — Other amendments

23. Section 65 amended

Delete section 65(1) and insert:

- (1) A court exercising jurisdiction in proceedings under this Act may make either or both of the following kinds of order —
 - (a) an order directing one or more parties to the proceedings to attend an appointment (or a series of appointments) with a family consultant;
 - (b) an order directing one or more parties to the proceedings to arrange for a child to attend an appointment (or a series of appointments) with a family consultant.

Note: The heading to amended section 65 is to read:

Court may order parties to attend, or arrange for child to attend, appointments with family consultant — FLA s. 11F

24. Section 65A amended

Delete section 65A(2) and insert:

- (2A) If —
 - (a) a person fails to comply with an order under section 65 that he or she arrange for a child to attend an appointment with a family consultant;
or
 - (b) a child fails to attend an appointment with a family consultant as arranged in compliance with an order under section 65,

the consultant must report the failure to the court.

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1 (2) On receiving a report under subsection (1) or (2A), the
2 court may make any further orders it considers
3 appropriate.
4

5 **25. Section 73 amended**

6 (1) In section 73(5) delete “a party to proceedings, or the child,
7 attend” and insert:

8

9 one or more parties to the proceedings attend, or arrange for the
10 child to attend,
11

12 (2) Delete section 73(6) and insert:

13

14 (6) If —

15 (a) a person fails to comply with an order or
16 direction under subsection (5); or

17 (b) a child fails to attend an appointment with a
18 family consultant as arranged in compliance
19 with an order or direction under subsection (5),

20 the family consultant must report the failure to the
21 court.
22

23 **26. Section 84 amended**

24 After section 84(1) insert:

25

26 (1A) However, a declaration or order under Division 11
27 Subdivision 4 is not a parenting order.
28

1 **27. Section 113 amended**

2 (1) In section 113:

3 (a) in paragraph (e) delete “(Subdivision 6).” and insert:

4

5 (Subdivision 6); and

6

7 (b) after paragraph (e) insert:

8

9 (f) deals with the recovery of amounts paid under
10 maintenance orders (Subdivision 7).

11

12 (2) In section 113 after each of paragraphs (a) to (d) insert:

13

14 and

15

16 **28. Section 202I deleted**

17 Delete section 202I.

18 **29. Section 205F amended**

19 Before section 205F(3)(a) insert:

20

21 (aa) section 205O(1)(ea); or

22 (ab) section 205QA(3)(a); or

23

24 **30. Section 205O amended**

25 After section 205O(1)(d) insert:

26

27 (ea) if the person who committed the current
28 contravention fails, without reasonable excuse,
29 to enter into a bond as required by an order

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1 under paragraph (d), impose a fine not
2 exceeding \$1 100 on the person;
3

4 **31. Section 205QA inserted**

5 After section 205P insert:
6

7 **205QA. Procedure for enforcing bonds — FLA s. 70NECA**

- 8 (1) If a court has made an order under section 205O(1)(d)
9 requiring a person to enter into a bond in accordance
10 with section 205P, the following provisions have
11 effect.
- 12 (2) If the court (whether or not constituted by the judge or
13 magistrate who required the bond to be entered into in
14 accordance with section 205P) is satisfied that the
15 person has, without reasonable excuse, failed to
16 comply with the bond, the court may take action under
17 subsection (3).
- 18 (3) The court may —
- 19 (a) without prejudice to the continuance of the
20 bond entered into in accordance with
21 section 205P, impose a fine not exceeding
22 \$1 100 on the person; or
- 23 (b) revoke the bond entered into in accordance with
24 section 205P and, subject to subsection (4), deal
25 with the person, for the contravention in respect
26 of which the bond was entered into, in any
27 manner in which the person could have been
28 dealt with for the contravention if —
- 29 (i) the bond had not been entered into; and
30 (ii) the person was before the court under
31 section 205O in respect of the
32 contravention.

- 1 (4) In dealing with the person as mentioned in
2 subsection (3)(b), the court must, in addition to any
3 other matters that it considers should be taken into
4 account, take into account —
5 (a) the fact that the bond was entered into; and
6 (b) anything done pursuant to the bond; and
7 (c) any fine imposed, and any other order made,
8 for or in respect of the contravention.
9

10 **32. Section 211B replaced**

11 Delete section 211B and insert:
12

13 **211B. Appeal may be dismissed if no reasonable prospect**
14 **of success**

- 15 (1) If —
16 (a) an appeal has been instituted in a court under
17 this Part; and
18 (b) having regard to the grounds of appeal as
19 disclosed in the notice of appeal, it appears to
20 the court that the appeal has no reasonable
21 prospect of success (whether generally or in
22 relation to a particular ground of appeal),
23 the court may, at any time, order that the proceedings
24 on the appeal be dismissed (either generally or in
25 relation to that ground).
26 (2) This section does not limit any powers that the court
27 has apart from this section.
28

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1 **33. Sections 214B and 214C inserted**

2 After section 214A insert:

3

4 **214B. Oaths and affirmations**

5 (1) The executive manager may, in writing, authorise —

6 (a) a registrar; or

7 (b) a member of the staff of the Court or the
8 Magistrates Court,

9 to administer oaths and affirmations for the purposes of
10 the Court and the Magistrates Court.

11 (2) The following persons are authorised to administer
12 oaths and affirmations for the purposes of the Court or
13 the Magistrates Court —

14 (a) a person who is authorised to administer oaths
15 and affirmations in that court under the *Oaths,*
16 *Affidavits and Statutory Declarations Act 2005*;

17 (b) a person authorised under subsection (1).

18 (3) This section does not limit the *Oaths, Affidavits and*
19 *Statutory Declarations Act 2005*.

20 (4) This section applies to the Magistrates Court
21 exercising —

22 (a) its federal jurisdiction under section 38; or

23 (b) its non-federal jurisdictions under section 39; or

24 (c) any other jurisdiction under a law of the
25 Commonwealth, where that law confers
26 jurisdiction on both the Court and the
27 Magistrates Court.

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214C. Swearing of affidavits etc.

- (1) An affidavit to be used in a proceeding in the Court or the Magistrates Court may be sworn or affirmed in Australia before —
 - (a) a person before whom that affidavit may be sworn or affirmed under the *Oaths, Affidavits and Statutory Declarations Act 2005*; or
 - (b) a person authorised under section 214B(1); or
 - (c) a person to whom the Family Law Act section 98AB(1) applies.
- (2) An affidavit to be used in a proceeding in the Court or the Magistrates Court may be sworn or affirmed outside Australia before —
 - (a) a person before whom that affidavit may be sworn or affirmed under the *Oaths, Affidavits and Statutory Declarations Act 2005*; or
 - (b) a person to whom the Family Law Act section 98AB(2) applies.
- (3) This section does not limit the *Oaths, Affidavits and Statutory Declarations Act 2005*.
- (4) This section applies to the Magistrates Court exercising —
 - (a) its federal jurisdiction under section 38; or
 - (b) its non-federal jurisdictions under section 39; or
 - (c) any other jurisdiction under a law of the Commonwealth, where that law confers jurisdiction on both the Court and the Magistrates Court.

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1 **34. Section 244 amended**

2 (1) After section 244(3)(d) insert:

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4 (ea) proceedings transferred to the Court under the
5 *Bankruptcy Act 1966* (Commonwealth)
6 sections 35A and 35B; and

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8 (2) After section 244(1)(a) insert:

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Part 4 — Transitional provisions

35. Section 247 replaced

Delete section 247 and insert:

247. Transitional and savings

- (1) Schedule 2 Division 1 has effect in relation to the repeal effected by section 246.
- (2) Schedule 2 Division 2 has effect in relation to the amendments made by the *Family Court Amendment (Family Violence and Other Measures) Act 2013*.

36. Schedule 2 Division 1 heading inserted

Before Schedule 2 clause 1 insert:

Division 1 — Provisions for repeal of *Family Court Act 1975*

37. Schedule 2 clause 1 amended

In Schedule 2 clause 1 delete “Schedule,” and insert:

Division,

38. Schedule 2 clause 2 amended

In Schedule 2 clause 2 delete “Schedule” and insert:

Division

s. 39

1 **39. Schedule 2 Division 2 inserted**

2 At the end of Schedule 2 insert:

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4 **Division 2 — Provisions for *Family Court Amendment***
5 ***(Family Violence and Other Measures) Act 2013***

6 **11. Application of amendments relating to family violence**

7 (1) In this clause —

8 *commencement* means the commencement of the *Family*
9 *Court Amendment (Family Violence and Other Measures)*
10 *Act 2013 Part 2*;

11 *old Act* means this Act as in force immediately before
12 commencement.

13 (2) The amendments made by the *Family Court Amendment*
14 *(Family Violence and Other Measures) Act 2013* sections 4
15 to 8, 10, 11 and 17 to 22 apply in relation to proceedings
16 instituted at or after commencement.

17 (3) The amendments made by the *Family Court Amendment*
18 *(Family Violence and Other Measures) Act 2013 Part 2* do
19 not affect an order made under the old Act or a certificate
20 given under section 66H(7) of the old Act.

21 (4) The amendments made by the *Family Court Amendment*
22 *(Family Violence and Other Measures) Act 2013 Part 2* are
23 taken not to constitute changed circumstances that would
24 justify the making of an order to discharge or vary, or to
25 suspend or revive the operation of, some or all of a
26 parenting order that was made before commencement.

27 **12. Application of other amendments**

28 (1) In this clause —

29 *commencement* means the commencement of the *Family*
30 *Court Amendment (Family Violence and Other Measures)*
31 *Act 2013 Part 3*;

- 1 *old Act* means this Act as in force immediately before
2 commencement.
- 3 (2) An order or direction under section 65(1) or 73(5) of the old
4 Act, or an application for such an order or direction, has
5 effect after commencement as if it were an order or
6 direction, or an application for an order or direction, under
7 that section as in force after commencement.
- 8 (3) The amendment made by the *Family Court Amendment*
9 (*Family Violence and Other Measures*) Act 2013 section 26
10 applies in relation to orders under Part 5 Division 11
11 Subdivision 4, whether made before, at or after
12 commencement.
- 13 (4) The amendment made by the *Family Court Amendment*
14 (*Family Violence and Other Measures*) Act 2013 section 28
15 applies in relation to a court, after commencement, taking an
16 opinion expressed by a family consultant into account,
17 whether that opinion was expressed before, at or after
18 commencement.
- 19 (5) The amendment made by the *Family Court Amendment*
20 (*Family Violence and Other Measures*) Act 2013 section 30
21 applies in relation to orders requiring persons to enter into
22 bonds, whether made before, at or after commencement.
- 23 (6) The amendment made by the *Family Court Amendment*
24 (*Family Violence and Other Measures*) Act 2013 section 31
25 applies in relation to bonds entered into whether before, at
26 or after commencement.
- 27 (7) Subject to subclause (8), the amendment made by the
28 *Family Court Amendment (Family Violence and Other*
29 *Measures)* Act 2013 section 32 applies in relation to appeals
30 whether instituted before, at or after commencement.
- 31 (8) The amendment made by the *Family Court Amendment*
32 (*Family Violence and Other Measures*) Act 2013 section 32
33 does not affect the dismissal or stay of proceedings on an
34 appeal before commencement.

s. 39

- 1 (9) The amendment made by the *Family Court Amendment*
2 *(Family Violence and Other Measures) Act 2013* section 34
3 applies in relation to proceedings transferred to the Court
4 whether before, at or after commencement.
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