

House of Representatives

Supplementary Order Paper

Tuesday, 15 April 2008

Family Courts Matters Bill

Proposed amendments

Hon Rick Barker, in Committee, to move the following amendments:

New Clause 42A

To insert the following clause after clause 42 (after line 4 on page 43):

42A New sections 7A and 7B inserted

The following sections are inserted after section 7:

“7A Appointment of Senior Family Court Registrars

- “(1) Senior Family Court Registrars may be appointed under the State Sector Act 1988.
- “(2) No person may be appointed a Senior Family Court Registrar unless he or she is by reason of training, experience, and personality a suitable person to hold office as a Senior Family Court Registrar.
- “(3) Where any regulations are in force prescribing the qualifications required to be held by persons appointed as Senior Family Court Registrars, no person may be appointed as a Senior Family Court Registrar who does not hold those qualifications.
- “(4) If the chief executive of the department of State responsible for the administration of this Act is satisfied that it is compatible with the office of Senior Family Court Registrar, a Senior Family Court Registrar may also—
- “(a) practise as a barrister or solicitor; or
- “(b) undertake paid employment; or
- “(c) hold another office (whether paid or not).
- “(5) A Senior Family Court Registrar may exercise the jurisdiction and powers of a Senior Family Court Registrar in relation to more than 1 Family Court.
- “(6) A Senior Family Court Registrar may be appointed on a part-time or full-time basis.

- “7B Jurisdiction and powers of Senior Family Court Registrars**
- “(1) The Governor-General may by Order in Council make regulations specifying the kinds of orders that a Senior Family Court Registrar may make in a Family Court proceeding, and the kinds of directions that a Senior Family Court Registrar may give in a Family Court proceeding, in relation to any of the following matters:
- “(a) interlocutory matters:
 - “(b) applications made without notice:
 - “(c) pre-hearing conferences:
 - “(d) uncontested applications:
 - “(e) applications for leave:
 - “(f) matters that are consented to by all the parties:
 - “(g) confirmation of orders made overseas:
 - “(h) the holding of inquiries:
 - “(i) the enforcement of orders and directions.
- “(2) A Senior Family Court Registrar has and may exercise the powers of a Registrar under the Family Courts Rules 2002 and any other powers conferred on a Registrar under any other enactment.
- “(3) An order made or direction given by a Senior Family Court Registrar has the same effect and is enforceable in the same manner as if made or given by a Family Court Judge, or a Registrar, as the case may be.
- “(4) Any party to any proceedings who is affected by any order made or direction given by a Senior Family Court Registrar may apply to a Family Court Judge to review that order or direction, and where a party so applies the Family Court Judge may confirm, vary, or rescind the Senior Family Court Registrar’s order or direction.”

Clause 47

New section 16B(1): to add the following paragraph (after line 33 on page 49):

- “(g) prescribing the qualifications required to be held by persons appointed as Senior Family Court Registrars.”
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Explanatory note

This Supplementary Order Paper amends the Family Courts Matters Bill to provide for the appointment of Senior Family Court Registrars.

In Family Court proceedings, Senior Family Court Registrars will be able to make orders and give directions in relation to such matters as are specified in regulations made by the Governor-General by Order in Council.
