

## Key statutory provisions in Family Law Act (Cth) and Family Court Act (WA)

### Commonwealth *Family Law Act 1975*

#### Definitions

- > Interpretation : “*abuse*” – [Section 4](#)
- > Definition of family violence etc – [Section 4AB](#)

#### Best interests of the child

- > Objects of Part – [Section 60B](#)
- > Child's best interests paramount consideration in making a parenting order – [Section 60CA](#)
- > How a court determines what is in a child's best interests – [Section 60CC](#) (note: s60CC(2A) risk of harm prioritised over meaningful relationship)
- > Informing court of relevant family violence orders – [Section 60CF](#)
- > Court to consider risk of family violence – [Section 60CG](#)
- > Informing court of care arrangements under child welfare laws – [Section 60CH](#)
- > Informing court of notifications to, and investigations by, prescribed State or Territory agencies – [Section 60CI](#)
- > Adviser's obligations in relation to best interests of the child – [Section 60D](#)

#### Family dispute resolution

- > Attending family dispute resolution before applying for Part VII order – [Section 60I](#) (note: exception in s60I(9))
- > Family dispute resolution not attended because of child abuse or family violence – [Section 60J](#)

#### Parental responsibility

- > Meaning of parental responsibility – [Section 61B](#)
- > Presumption of equal shared parental responsibility when making parenting orders – [Section 61DA](#)

#### Parenting orders

- > Court to consider child spending equal time or substantial or significant time with each parent in certain circumstances – [Section 65DAA](#)

- > Effect of parenting order that provides for shared parental responsibility – [Section 65DAC](#)

#### Allegations of child abuse and family violence

- > Where member of the Court personnel, family counsellor et al suspects child abuse etc – [Section 67ZA](#)
- > Where interested person makes allegation of family violence – [Section 67ZBA](#)
- > Court to take prompt action in relation to allegations of child abuse or family violence – [Section 67ZBB](#)
- > Cross examination of parties where allegations of family violence – Sections [102NA](#) and [102NB](#)

#### Injunctions

- > Injunctions – [Section 68B](#)
- > Powers of arrest – [Section 68C](#)
- > Injunctions – [Section 114](#)

#### Family violence

- > Obligations of court making an order or granting an injunction under this Act that is inconsistent with an existing family violence order – [Section 68P](#)
- > Power of court making a family violence order to revive, vary, discharge or suspend an existing order, injunction or arrangement under this Act – [Section 68R](#)
- > Special provisions relating to proceedings to make an interim (or interim variation of) family violence order – [Section 68T](#)

#### Conducting child-related proceedings

- > Principles for conducting child-related proceedings – [Section 69ZN](#)
- > General duties – [Section 69ZQ](#)
- > Evidence relating to child abuse or family violence – [Section 69ZW](#)

#### Vexatious proceedings

- > Summary decrees – [Section 45A](#)
- > Definitions: “*vexatious proceedings*” – [Section 102Q](#)
- > Making vexatious proceedings orders – [Section 102QB](#)

### **Western Australia [Family Court Act 1997](#)**

#### Definitions

- > Interpretation : “abuse” – [Section 5](#)

- > Definition of family violence etc – [Section 9A](#)

## Best interests of the child

- > Objects of Part – [Section 66](#)
- > Child's best interests paramount consideration in making a parenting order – [Section 66A](#)
- > How a court determines what is in a child's best interests – [Section 66C](#) (note: s66C(3A) risk of harm prioritised over meaningful relationship)
- > Informing court of relevant family violence orders – [Section 66F](#)
- > Court to consider risk of family violence – [Section 66G](#)
- > Informing court of care arrangements under child welfare laws – [Section 66HA](#)
- > Informing court of notifications to, and investigations by, prescribed State or Territory agencies – [Section 66HB](#)
- > Adviser's obligations in relation to best interests of the child – [Section 66HC](#)

## Family dispute resolution

- > Attending family dispute resolution before applying for Part VII order – [Section 66H](#) (note: exception in s66H(8))
- > Family dispute resolution not attended because of child abuse or family violence – [Section 66I](#)

## Parental responsibility

- > Term used: parental responsibility – [Section 68](#)
- > Presumption of equal shared parental responsibility when making parenting orders – [Section 70A](#)

## Parenting orders

- > Court to consider child spending equal time or substantial or significant time with each parent in certain circumstances – [Section 89AA](#)
- > Effect of parenting order that provides for shared parental responsibility – [Section 89AC](#)

## Allegations of child abuse and family violence

- > Where member of the Court personnel, family counsellor et al suspects child abuse etc – [Section 160](#)
- > Where interested person makes allegations of family violence – [Section 162A](#)
- > Court to take prompt action in relation to allegations of child abuse or family violence – [Section 162B](#)

## Injunctions

- > Injunctions – [Section 235](#)

- > Injunctions – [Section 235A](#)
- > Powers of arrest where injunction breached – [Section 236](#)

#### Family violence

- > Obligations of court making an order or granting an injunction under this Act that is inconsistent with an existing family violence order – [Section 174](#)
- > Power of court making a family violence order to revive, vary, discharge or suspend an existing order, injunction or arrangement under this Act – [Section 176](#)
- > Special provisions relating to proceedings to make an interim (or interim variation of) family violence order – [Section 178](#)

#### Conducting child-related proceedings

- > Principles for conducting child-related proceedings – [Section 202B](#)
- > Evidence relating to child abuse or family violence – [Section 202K](#)

#### Vexatious proceedings

- > Frivolous or vexatious proceedings – [Section 242](#)