

House of Assembly—No 112

As laid on the table and read a first time, 25 May 2005

South Australia

Relationships Bill 2005

A BILL FOR

An Act to make provision with respect to certain relationships; and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Relationships Act 2005*.

2—Commencement

- 5 This Act will come into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act, unless the contrary intention appears—

authorised person means—

- (a) a lawyer; or
- 10 (b) an authorised celebrant under the *Marriage Act 1961* of the Commonwealth;
or
- (c) a person registered under Part 5 Division 2;

caring relationship—see section 5;

certificated agreement—an agreement is a certificated agreement if—

- 15 (a) the agreement contains a provision (the **warranty of asset disclosure**) under
which each party warrants that he or she has disclosed all relevant assets to
the other; and
- (b) the signature of each party to the agreement is attested by a lawyer's
20 certificate given in accordance with regulations made for the purposes of this
definition;

child of the partners means—

- (a) a child of which the partners are the natural parents; or
- (b) a child of the female partner whose male partner is presumed to be the father of the child under an Australian law; or
- (c) a child adopted by the partners;

court means—

- (a) the Supreme Court; or
- (b) the District Court; or
- (c) if an application relates to property valued at \$80 000 or less, the Magistrates Court;

de facto relationship has the same meaning as in the *De Facto Relationships Act 1996*;

family relationship—see section 7;

lawyer means a person who is admitted as a barrister and solicitor of the Supreme Court and holds a current practising certificate;

marriage means a marriage under the *Marriage Act 1961* of the Commonwealth;

partner means a person who is or has been in a personal relationship;

personal relationship—see section 6;

property of a person includes—

- (a) a prospective entitlement or benefit under a superannuation or retirement benefit scheme;
- (b) property held under a discretionary trust that could, under the terms of the trust, be vested in the person or applied for the person's benefit;
- (c) property over which the person has a direct or indirect power of disposition and which may be used or applied for the person's benefit;
- (d) any other valuable benefit;

recognised partner means—

- (a) a person who is in a personal relationship; or
- (b) a person who is about to enter into a personal relationship; or
- (c) a person who has been in a personal relationship;

Registrar means the Registrar of Births, Deaths and Marriages;

significant relationship—see section 4.

4—Significant relationships

For the purposes of this Act, a significant relationship is a relationship between 2 adult persons—

- (a) who have a relationship as a couple; and
- (b) who are not married to one another or related by family; and

- (c) who have entered into a deed of relationship under this Act (being a deed under which they acknowledge that they are parties to a significant relationship).

5—Caring relationships

- 5 (1) For the purposes of this Act, a caring relationship is a relationship, other than a marriage or a significant relationship, between 2 adult persons, whether or not related by family, one or each of whom provides the other with domestic support and personal care.
- 10 (2) For the purposes of subsection (1), a caring relationship is taken not to exist between 2 persons if one of them provides the other with domestic support and personal care—
- (a) for fee or payment in the nature of wages; or
- (b) under an employment relationship between the persons; or
- (c) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation); or
- 15 (d) in any other prescribed circumstances.
- (3) For the purpose of subsection (2)(a), a fee does not include a carer allowance or carer payment under the *Social Security Act 1991* of the Commonwealth made to a party to a caring relationship in respect of care provided by that party to the other party to the relationship.
- 20 (4) If a caring relationship is registered under Part 2, proof of registration is proof of the relationship.
- (5) If a caring relationship is not registered under Part 2, in determining whether 2 persons are in a caring relationship, all the circumstances of the relationship are to be taken into account including such of the following matters as may be relevant in a particular case:
- 25 (a) the duration of the relationship;
- (b) the nature and extent of common residence;
- (c) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
- 30 (d) the ownership, use and acquisition of property;
- (e) the degree of mutual commitment to a shared life;
- (f) the performance of household duties;
- (g) the reputation and public aspects of the relationship;
- 35 (h) the level of personal care and domestic support provided by one or each of the partners to the other.
- (6) No finding in respect of any of the matters mentioned in subsection (5), or in respect of any combination of them, is to be regarded as necessary for the existence of a caring relationship, and a court determining whether such a relationship exists is entitled to have regard to such matters, and to attach such weight to any matter, as may seem appropriate to the court in the circumstances of the case.
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6—Personal relationships

For the purposes of this Act, a person relationship is—

- (a) a significant relationship; or
- (b) a caring relationship.

5 7—Family relationships

(1) For the purposes of sections 4 and 5, persons are related by family if—

- (a) 1 is the parent, or another ancestor, of the other; or
- (b) 1 is the child, or another descendant, of the other; or
- (c) they have a parent in common.

10 (2) A person will be taken to be an ancestor or descendant of another even if the relationship between them is traced through, or to, a person who is or was an adopted child.

(3) For the purposes of subsection (2)—

- 15 (a) the relationship of parent and child between an adoptive parent and an adopted child will be taken to continue even though the order by which the adoption was effected has been annulled, cancelled or discharged or the adoption has otherwise ceased to be effective; and
- (b) the relationship between an adopted child and the adoptive parent, or each of the adoptive parents, will be taken to be or to have been the natural
20 relationship of child and parent; and
- (c) a person who has been adopted more than once will be taken to be the child of each person by whom he or she has been adopted.

8—Application of Act

This Act does not apply to—

- 25 (a) a personal relationship that ended before the commencement of this Act; or
- (b) a person who was a partner in a personal relationship that ended before the commencement of this Act in relation to matters arising out of that relationship.

9—Interaction with other laws

30 (1) The parties to a de facto relationship may (but need not) enter into a deed of relationship under this Act.

(2) The fact that the parties to a de facto relationship have entered into a deed of relationship under this Act does not limit or effect the operation of the *De Facto Relationships Act 1996* (if relevant), or any other law relating to de facto partners.

35 (3) However—

- (a) a party to a de facto relationship cannot bring an action under the *De Facto Relationships Act 1996* and then a corresponding action under this Act with respect to the same person, or vice versa; and

- (b) if 1 party to a de facto relationship brings an action under this Act and the other party brings an action under the *De Facto Relationships Act 1996*, then a court may, if it thinks fit, hear both proceedings together (and then take such action as it thinks fit under this Act or the *De Facto Relationships Act 1996*).

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- (4) Subject to subsection (3), this Act does not exclude other forms of relief or remedy.

10—Declaration of interests in property

- (1) In proceeding between partners relating to existing title or rights in property, a court may declare any title or rights that a partner has in respect of the property.

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- (2) In making a declaration under subsection (1), the court may make any order to give effect to the declaration.

- (3) An order under this section is binding on—

- (a) the partners; and

- (b) any other person who was given—

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- (i) notice of the proceedings; and
(ii) the opportunity of being heard.

Part 2—Registration of deed of relationship

11—Application to register deed of relationship

- (1) 2 adult persons—

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- (a) who are domiciled or ordinarily resident in the State; and

- (b) who are not married to one another and, if relevant, are not related by family; and

- (c) who are not already (from either perspective) a party to a deed of relationships; and

25

- (d) who wish to be recognised as being in a significant or caring relationship,

may apply to the Registrar, in a form approved by the Registrar, for registration of a deed of relationship in relation to that significant or caring relationship.

- (2) An application under subsection (1) is to be accompanied by—

- (a) a statutory declaration from each of the applicants verifying that he or she—

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- (i) consents to the registration; and

- (ii) is not married; and

- (iii) is not a party to a deed of relationship or in another personal relationship; and

- (b) evidence of the identity and age of each applicant (as provided for in the form of application); and

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- (c) in the case of—

- (i) a significant relationship—a certificate referred to in subsection (3);

- (ii) a caring relationship—a certificate referred to in subsection (4); and
 - (d) the prescribed fee; and
 - (e) any other document or information that the Registrar requires.
- (3) The parties to a significant relationship must lodge a certificate, in a form approved by the Registrar, from an authorised person, which states—
 - (a) in the case of a certificate from a lawyer—that the lawyer has explained to the parties to the relationship the legal implications of registering the deed of relationship;
 - (b) in any other case—that the parties to the relationship have declared, before the authorised person (using such form of words as the authorised person may reasonably determine), that they have entered into the relationship freely and that they understand that the deed of relationship will acknowledge the relationship that they have with each other.
- (4) Each party to a caring relationship must lodge a certificate, in a form approved by the Registrar, from a lawyer, which states—
 - (a) that the lawyer has explained to the party to the relationship, independently of the other party to the relationship, the legal implications of registering the deed of relationship;
 - (b) that the party gave the lawyer apparently credible assurances that the party was not acting under coercion or undue influence; and
 - (c) that the party signed the deed of relationship in the lawyer's presence.

12—Withdrawal of application

- (1) Either party to an application for the registration of a deed of relationship or both parties to the deed jointly may, within the period referred to in subsection (2), by notice in writing to the Registrar, withdraw the application.
- (2) The notice referred to in subsection (1) is to be given to the Registrar within 28 days of the date of the lodgement of the application or the provision of additional information referred to in section 11(2)(e), whichever is the later.

13—Registration of deed of relationship

- (1) The Registrar must not make a decision regarding registration of a deed of relationship until after the expiry of 28 days from the receipt of the application.
- (2) Prior to making a decision, the Registrar may require the person or persons who signed the application to provide further particulars as the Registrar requires.
- (3) Unless the application is withdrawn, at the expiration of 28 days following lodgement or following the provision of additional information if requested by the Registrar under subsection (2), the Registrar must within a reasonable time—
 - (a) register the deed of relationship by making an entry in the Register; or
 - (b) refuse to register the deed of relationship.
- (4) The Registrar may refuse to register the deed of relationship if—
 - (a) either of the persons is married or a party to another deed of relationship; or

- (b) the Registrar considers that the deed should not be registered by virtue of the operation of another provision of this Act.

14—Effect of registration of deed of relationship

5 If a deed of relationship is registered under this Part, the persons are, for the purposes of, but subject to, any law in force in this State, taken to be in a personal relationship.

15—Revocation of deed of relationship

- (1) A deed of relationship is revoked by—
- (a) the death of either party to the deed; or
 - (b) the marriage of either party to the deed.
- 10 (2) A deed of relationship may be revoked by—
- (a) an order of a court; or
 - (b) on the application to the Registrar of either party to the deed, or both parties to the deed jointly, in accordance with section 16.

16—Notice of revocation

- 15 (1) Either party to a deed of relationship, or both parties jointly, may, on payment of the prescribed fee, apply to the Registrar, in a form approved by the Registrar, for the revocation of the deed.
- (2) If one party to the deed of relationship makes an application under subsection (1), the application is to be accompanied by proof of service on the other party to the deed.
- 20 (3) A person who lodged an application for the revocation of a deed of relationship may, by notice in writing to the Registrar within 90 days of the day on which it was lodged with the Registrar, and with the consent of the other party to the deed, withdraw the application.

17—Time when revocation takes place

- 25 At the expiry of 90 days from the date of lodgement of the application, the Registrar must revoke the deed of relationship unless—
- (a) the application is withdrawn under section 16(3); or
 - (b) a court directs otherwise.

18—Revocation of deed of relationship

30 The District Court may, on application by an interested person, order the revocation of a deed of relationship.

Part 3—Cohabitation agreements

19—Cohabitation agreements

- (1) Recognised partners may make an agreement (a *cohabitation agreement*) about—
- 35 (a) the division of property—
- (i) on the separation of the parties to the personal relationship; or

- (ii) on the termination of the personal relationship; or
- (iii) on the revocation of a deed of relationship;
- (b) the payment of periodic maintenance to a partner;
- (c) other financial matters related to the personal relationship.

5 (2) A cohabitation agreement must be—

- (a) in writing; and
- (b) signed by the parties.

20—Cohabitation agreement enforceable under law of contract

A cohabitation agreement is subject to, and enforceable under, the law of contract.

21—Consensual variation or revocation of cohabitation agreement

- (1) A cohabitation agreement may be varied or revoked by a written or oral agreement.
- (2) However, if a cohabitation agreement is a certificated agreement, it may only be varied by a certificated agreement.

22—Power to set aside or vary cohabitation agreement

- 15 (1) If a court is satisfied that the enforcement of a cohabitation agreement would result in serious injustice, the court may set aside or vary the agreement to avoid the injustice.
- (2) A court may exercise its powers under this section—
 - (a) on the court's own initiative; or
 - (b) on the application of either recognised partner.
- 20 (3) However, a court cannot set aside or vary a cohabitation agreement under this section if—
 - (a) the agreement provides for the exclusion of the court's power to set aside or vary the agreement; and
 - (b) the agreement is a certificated agreement.

Part 4—Adjustment of property interests

23—Property adjustment order

- (1) A partner may apply to a court for the division of property.
- (2) However, an application for the division of property may only be made if—
 - 30 (a) the applicant or respondent is resident in the State when the application is made; and
 - (b) the partners have been or were resident in the State for the whole or a substantial part of the period of the personal relationship; and
 - (c) the personal relationship existed for at least 3 years or there is a child of the partners.
- 35 (3) An application for the division of property may be made or continued by or against the legal personal representative of a deceased partner.

- (4) However, an application against the legal personal representative of a deceased partner may only relate to property that is undistributed at the date of the application.
- (5) If partners have ceased to be in a personal relationship, an application for the division of property is to be made before the expiration of the period of 1 year after the day on which they ceased or last ceased to be in the relationship unless the court, after considering the interests of both partners, is satisfied that the extension of this period of limitation is necessary to avoid serious injustice to the applicant.

24—Power to make orders for division of property

- (1) On an application for the division of property, the court may make orders it considers necessary to divide the property of either or both the partners between them in a way that is just and equitable.
- (2) For example, the court may make orders for—
- (a) the transfer of property from one partner to the other; or
 - (b) the sale of property and the division of the net proceeds between the partners in proportions decided by the court; or
 - (c) the payment by one partner of a lump sum to the other.

25—Matters for consideration by the court

- (1) In deciding whether to make an order for the division of property under this Part, and if so the terms of the order, the court—
- (a) must consider the financial and non-financial contributions made directly or indirectly by or on behalf of the partners to—
 - (i) the acquisition, conservation or improvement of property of either or both partners; or
 - (ii) the financial resources of either or both partners; and
 - (b) must consider the contributions (including homemaking or parenting contributions) made by either of the partners to the other partner or to children of the partners or either of them; and
 - (c) must have regard to the terms of any relevant cohabitation agreement; and
 - (d) may have regard to other relevant matters.
- (2) If a relevant cohabitation agreement—
- (a) is a certificated agreement; and
 - (b) provides for the exclusion of the court's power to set aside or vary the agreement,

an order for the division of property under this Part must be consistent with the terms of the agreement.

26—Duty of court to resolve all outstanding questions

In proceedings under this Part, the court must (as far as practicable) finally resolve questions about the division of property between the de facto partners and avoid further proceedings between them.

27—Small claims

- (1) If the aggregate amount claimed by the applicant on an application under this Part is \$6 000 or less, the application is a minor statutory proceeding¹.
- (2) To ascertain the amount claimed by an applicant on an application under this Part, all monetary amounts and the value of interests in property claimed must be aggregated.

Note—

- 1 A *minor statutory proceeding* includes a proceeding declared by statute to be a minor statutory proceeding. (See definition of *minor statutory proceeding* in section 3(1) of the *Magistrates Court Act 1991*.) The characterisation of a proceeding as a minor statutory proceeding means that (subject to certain rules stated in section 3 of the *Magistrates Court Act 1991*) the proceeding is to be dealt with under the special rules for minor civil actions prescribed in Division 2 of Part 5 of the *Magistrates Court Act 1991*.

28—Transactions to defeat claims

- (1) If a court is satisfied that a transaction has been entered into to defeat, or has the effect of defeating, an order, or an anticipated order, for the division of property, the court may set aside the transaction and give consequential orders and directions.
- (2) A court may grant an injunction to restrain a person from entering into a transaction that might defeat an order, or an anticipated order, for the division of property.
- (3) In exercising its powers under this section, the court must have regard to all interests in the property to which the proceedings relate.

Part 5—Administration

Division 1—The Relationships Register

29—The Relationships Register

- (1) The Registrar must maintain a register to be known as the *Relationships Register*.
- (2) The Register—
 - (a) must contain the particulars of deeds of relationships required to be registered under this Act; and
 - (b) may contain such other material or information as the Registrar thinks fit.
- (3) The Register may be wholly or partly in the form of a computer database, in documentary form, or in another form the Registrar considers appropriate.
- (4) The Registrar must maintain the indexes to the Register that are necessary to make the information contained in the Register reasonably accessible.

30—Power to correct Register

- (1) The Registrar may correct the Register at any time in order to bring the particulars contained in the Register into conformity with the most reliable information available to the Registrar.
- (2) The Registrar corrects the Register by adding or cancelling an entry in the Register or by adding, altering or deleting particulars contained in an entry.

31—Access to Register

- (1) The Registrar may, on conditions the Registrar considers appropriate—
- (a) allow a person or organisation that has an adequate reason for wanting access to the Register, access to the Register; or
 - 5 (b) provide a person or organisation that has an adequate reason for wanting information from the Register, with information extracted from the Register.
- (2) In deciding whether an applicant has an adequate reason for wanting access to the Register, or information extracted from the Register, the Registrar must have regard to—
- 10 (a) the nature of the applicant's interest; and
 - (b) the sensitivity of the information; and
 - (c) the use to be made of the information; and
 - (d) other relevant factors.
- (3) In deciding the conditions on which access to the Register, or information extracted from the Register, is to be given under this section, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.
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32—Search of Register

- (1) The Registrar may, on application, search the Register for an entry about a deed of relationship.
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- (2) The applicant must state the reason for the applicant's interest in the subject-matter of the search.
- (3) The Registrar may reject the application if the applicant does not show an adequate reason for wanting the information to which the application relates.
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- (4) In deciding whether an applicant has an adequate reason for wanting information, the Registrar must have regard to—
- (a) the relationship (if any) between the applicant and the person to whom the information relates; and
 - (b) the age of the entry; and
 - 30 (c) the contents of the entry; and
 - (d) other relevant factors.

33—Protection of privacy

In providing information extracted from the Register, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.

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34—Issue of certificate

- (1) On completing a search of the Register, the Registrar may issue a certificate—
- (a) certifying particulars contained in an entry; or

- (b) certifying that no relevant entry was located in the Register.
- (2) A certificate under subsection (1)(a) is admissible in legal proceedings as evidence of—
- (a) the entry to which the certificate relates; and
- 5 (b) the facts recorded in the entry.

35—Access policies

- (1) The Registrar must maintain a written statement of the policies on which access to information contained in the Register is to be given or denied under this Division.
- (2) The Registrar must give a copy of the statement, on request, to any person.

36—Fees

- (1) The regulations may prescribe fees, or a basis for calculating fees, for—
- (a) access to the Register; or
- (b) a search of the Register; or
- (c) the issue of a certificate following a search of the Register; or
- 15 (d) other services provided by the Registrar.
- (2) The regulations may allow for fees to be fixed by negotiation between the Registrar and the person who asks for the relevant services.
- (3) The Registrar may, in appropriate cases, remit the whole or part of a fee.

37—Unauthorised access to or interference with Register

20 A person must not, without the authority of the Registrar or other lawful authority—

- (a) obtain access to the Register or information contained in the Register; or
- (b) make, alter or delete an entry in the Register; or
- (c) interfere with the Register in any other way.

Maximum penalty: \$10 000 or imprisonment for 2 years.

38—Review

- (1) A person who is dissatisfied with a decision of the Registrar made in connection with the administration or operation of the Register may apply to the District Court for a review of the decision.
- (2) On a review, the Court may—
- 30 (a) confirm, vary or reverse the Registrar's decision; and
- (b) make consequential and ancillary orders and directions.

Division 2—Registration of authorised persons

39—Preliminary

- (1) The Registrar will be responsible for the registration of authorised persons under this Act.

- (2) Nothing in this Division requires (for the purposes of this Act) the registration of—
- (a) a lawyer; or
 - (b) an authorised celebrant under the *Marriage Act 1961* of the Commonwealth.

40—The Register of Authorised Persons

- 5 (1) The Registrar must maintain a register to be known as the *Register of Authorised Persons*.
- (2) The register may contain such material or information as the Registrar thinks fit.
- (3) The register may be wholly or partly in the form of a computer database, in documentary form, or in another form the Registrar considers appropriate.
- 10 (4) However, the Registrar must ensure that all information contained in the register is available on the Internet.
- (5) Any or all of the material information contained in the register may also be disseminated in any other way the Registrar thinks appropriate, including by electronic means.
- 15 (6) The Registrar may correct or alter the register at any time.
- (7) The regulations may prescribe fees in connection with the administration of the register (and the Registrar may, in appropriate cases, remit the whole or part of a fee).

41—Entitlement to be registered

- 20 (1) A person is only entitled to be registered as an authorised person under this Division if the person is an individual and the Registrar is satisfied that the person—
- (a) is 18 years or over; and
 - (b) has the qualifications or skills prescribed by the regulations (if any); and
 - (c) is a fit and proper person to be an authorised person under this Act.
- 25 (2) In determining whether a person is a fit and proper person for the purposes of subsection (1)(c), the Registrar must take into account—
- (a) whether the person is of good standing in the community; and
 - (b) whether the person has been convicted of an offence, punishable by imprisonment of 1 year or longer, against a law of this or any other State, or of a Territory, or of the Commonwealth;
 - 30 (c) whether the person has an actual or potential conflict of interest between his or her practice, or proposed practice, as an authorised person and his or her business interests or other interests;
 - (d) any other matter determined to be relevant by the Registrar.

42—Registration as an authorised person

- 35 (1) A person may apply to be registered as an authorised person by giving the Registrar—
- (a) a completed application form prescribed by the regulations; and
 - (b) any statutory declarations required by the form.

- (2) In dealing with an application, the Registrar—
- (a) must have regard to the information in the application; and
 - (b) may have regard to any other information in his or her possession; and
 - (c) is not required to seek any further information.
- 5 (3) The Registrar may register a person if—
- (a) the person has applied under subsection (1); and
 - (b) the Registrar is satisfied that the person is entitled to be registered,
- and the Registrar must not register a person in any other circumstances.
- 10 (4) The Registrar registers a person by entering into the Register of Authorised Persons all details relating to the person that are required by the regulations.

43—Disciplinary measures

- (1) The Registrar may take action under this section against a person who is registered under this Division if the Registrar is satisfied—
- 15 (a) that the person is no longer a fit and proper person to be an authorised person under this Act; or
 - (b) that the person has contravened or failed to comply with a requirement under this Act; or
 - (c) that the person's application for registration was known by the person to be false or misleading in a material particular.
- 20 (2) The action that the Registrar may take is to deregister the person by removing his or her name from the Register of Authorised Persons.
- (3) If the Registrar decides to take action against a person under this section, the Registrar must give the person written notice of—
- 25 (a) the decision; and
 - (b) the reasons for the decision.
- (4) A person who is aggrieved by a decision of the Registrar to take action against the person under this section may appeal to the Administrative and Disciplinary Division of the District Court (*the Court*).
- 30 (5) An appeal must be instituted within 1 month of the making of the decision appealed against.

Part 6—Miscellaneous

44—Transfer and stay of proceedings

- 35 (1) If proceedings instituted under this Act are pending in a court and it appears to the court that it is in the interests of justice that the proceedings be dealt with in another court, the court may transfer the proceedings to the other court.
- (2) However, the Magistrates Court may only transfer proceedings to the District Court.

45—Restriction on publication of proceedings

- (1) A person must not publish, by radio, television, newspaper or in any other way—
- (a) a report of a proceeding, or part of a proceeding, in a court under this Act that identifies or could tend to identify—
 - (i) a party to the proceeding; or
 - (ii) a witness in the proceeding; or
 - (iii) a person who is related to, or associated with, a party to the proceedings or a witness in the proceeding, or is, or is alleged to be, in any other way concerned in the matter to which the proceeding relates; or
 - (b) a list of proceedings under this Act identified by reference to the names of the parties to the proceedings.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (2) Subsection (1) does not apply in relation to—
- (a) the communication, to persons concerned in proceedings in a court or tribunal established under a law of the Commonwealth or a State or Territory, of any pleading, transcript of evidence or other document for use in connection with those proceedings; or
 - (b) the communication of any pleading, transcript of evidence or other document to—
 - (i) a body that is responsible for disciplining members of the legal profession; or
 - (ii) a person concerned in disciplinary proceedings against a member of the legal profession before such a body; or
 - (c) the communication, to a body that grants legal aid, of any pleading, transcript of evidence or other document for the purpose of facilitating the making of a decision as to whether legal aid should be granted, continued or provided in a particular case; or
 - (d) the publishing of a report or notice in accordance with the direction of a court or tribunal established under a law of the Commonwealth or a State or Territory; or
 - (e) the publishing, under the authority of a court hearing proceedings under this Act, of a list of those proceedings identified by reference to the names of the parties to the proceedings; or
 - (f) the publishing of a report in a publication that—
 - (i) is genuinely intended primarily for use by the members of a profession; and
 - (ii) is a separate volume or part of a series of law reports or other publication of a technical nature; or
 - (g) the publishing of a report—

- (i) to a person who is a member of a profession, in connection with the practice by that person of that profession or in the course of any form of professional training in which that person is involved; or
- (ii) to an individual who is a party to any proceedings under this Act, in connection with the conduct of those proceedings; or
- (iii) to a person who is a student, in connection with the studies of that person.

(3) An offence against this section is an indictable offence.

(4) Proceedings for an offence against this section must not be commenced except by, or with the written consent of, the Director of Public Prosecutions.

46—Protection of purchaser in good faith, for value and without notice of claim

An order or injunction under this Act cannot prejudice the interests of a person who acquires an interest in property of a partner in good faith, for value, and without notice that the property may be the subject of an application under this Act.

47—False statements or documents

(1) A person who makes a false or misleading statement or representation in a declaration, application or other document under this Act, knowing it to be false or misleading in a material particular, is guilty of an offence.

Maximum penalty: \$10 000.

(2) A person must not forge or falsify a certificate or other document under this Act.

Maximum penalty: \$10 000 or imprisonment for 2 years.

48—Immunity from liability

(1) No liability attaches to the Registrar for an honest act or omission in the performance or purported performance of functions under this Act.

(2) A liability that would, but for subsection (1), attach to the Registrar attaches instead to the Crown.

49—Power of delegation

(1) The Registrar may delegate to another person (including a person for the time being holding or acting in a specified office or position) a function or power of the Registrar under this Act.

(2) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the ability of the Registrar to act in any matter; and

(d) is revocable at will.

(3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

50—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
 - 5 (a) fix fees to be paid in respect to any matter under this Act and regulate the payment, recovery or refund of fees (including by providing that an application will be taken not to have been duly made unless or until the relevant application fee is paid);
 - (b) provide for the service of documents;
 - 10 (c) impose a penalty (not exceeding \$2 500) for contravention of, or non-compliance with, a regulation.
- (3) Regulations under this Act—
 - (a) may be of general application or limited application;
 - 15 (b) may make different provision according to the matters or circumstances to which they are expressed to apply;
 - (c) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the Registrar.