

South Australia

Family Relationships Regulations 2010

under the *Family Relationships Act 1975*

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Legislative history

1—Short title

These regulations may be cited as the *Family Relationships Regulations 2010*.

3—Interpretation

In these regulations—

Act means the *Family Relationships Act 1975*.

3A—Requirements for Section 10C declarations

- (1) A woman and her partner may make a declaration that they have elected to have the parentage of a child birthed by the woman as a result of a fertilisation procedure determined in accordance with section 10C(3a) of the Act (a ***Section 10C declaration***).
- (2) For the purposes of section 10C(3a)(c) of the Act, the following requirements are prescribed in relation to a Section 10C declaration:
 - (a) the declaration must be made in writing;
 - (b) the woman and her partner must each declare that, for the purposes of the law of the State, they have elected that—
 - (i) the partner will be conclusively presumed to have caused the pregnancy; and
 - (ii) the partner will be taken to be the father or co-parent (as the case may be) of the child;
 - (c) the declaration must be signed by each party to the declaration;
 - (d) the signatures must be made in the presence of a justice of the peace or another person authorised under the *Oaths Act 1936* to take declarations or attest the execution of instruments.

4—Accredited counselling services and provision of counselling services

- (1) A counselling service is accredited for the purposes of section 10HA(2)(b)(vi)(A) of the Act if—
 - (a) 1 or more of the officers or employees of the service meet the eligibility criteria for full membership of the Australian and New Zealand Infertility Counsellors Association, as in force from time to time; or
 - (b) the service is accredited in writing by the Minister for the purposes of that subsubparagraph (whether conditionally or unconditionally).
- (2) For the purposes of section 10HA(2)(b)(vi)(C) of the Act, the assessment and approval required under that subparagraph must be undertaken—
 - (a) if the service is accredited under subregulation (1)(a)—by an officer or employee of the counselling service of a kind referred to in that paragraph;
 - (b) if the service is accredited under subregulation (1)(b)—in accordance with any condition of the written accreditation.
- (3) A counselling service is accredited for the purposes of section 10HA(3) of the Act if—
 - (a) 1 or more of the officers or employees of the service meet the eligibility criteria for full membership of the Australian and New Zealand Infertility Counsellors Association, as in force from time to time; or
 - (b) the service is accredited in writing by the Minister for the purposes of that subsection (whether conditionally or unconditionally).
- (4) For the purposes of section 10HA(3) of the Act, the counselling referred to in that subsection must be provided—
 - (a) if the service is accredited under subregulation (1)(a)—by an officer or employee of the counselling service of a kind referred to in that paragraph;
 - (b) if the service is accredited under subregulation (1)(b)—in accordance with any condition of the written accreditation.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|-----------------------|
| 2010 | 249 | <i>Gazette 2.12.2010 p5496</i> | 2.12.2010: r 2 |
| 2016 | 226 | <i>Gazette 15.9.2016 p3744</i> | 23.9.2016: r 2 |
| 2016 | 252 | <i>Gazette 27.10.2016 p4271</i> | 27.2.2017: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|------------|--|------------------|
| <i>r 2</i> | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>23.9.2016</i> |
| r 3A | inserted by 226/2016 r 4 | 23.9.2016 |