

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – FAMILY JUSTICE

Section 18: Repeal of uncommenced provisions of Part 2 of the Family Law Act 1996

153. This section repeals uncommenced provisions of Part 2 of the Family Law Act 1996. The Family Law Act 1996 received Royal Assent on 4 July 1996. Part 2 of the 1996 Act introduced revised divorce procedures and encouraged people to consider using mediation to resolve disputes arising on divorce.
154. *Subsection (1)* repeals the uncommenced divorce provisions contained in Part 2 of the Family Law Act 1996. Section 22 (funding of marriage support services) is in force and is not being repealed.
155. *Subsection (2)* repeals various provisions of the Family Law Act 1996 which relate to the provisions of Part 2, including the general principle in section 1(c) relating to bringing marriage to an end with minimum distress to the parties and to encouraging family mediation. A range of non-statutory initiatives pre-court and at court have been introduced to promote and encourage consideration and use of mediation and these are aimed at all separating parents, whether or not the parents are married.
156. *Subsection (3)* makes consequential repeals of other legislation.
157. *Subsections (4) and (5)* make consequential amendments.
158. *Subsections (6) and (7)* turn modifications to statutory provisions, which were contained in commencement orders and were to have effect until such time as provisions of Part 2 of the Family Law Act 1996 came into force, into permanent amendments to the modified provisions. For example, certain modifications to section 22(2) of the Matrimonial and Family Law Proceedings Act 1984 made by a commencement order are to be made permanent.
159. *Subsection (8)* makes minor amendments to section 31(7D) of the Matrimonial Causes Act 1973 which is one of the provisions for which modifications are made permanent by *subsection (7)*.
160. *Subsection (9)* defines the commencement orders referred to in this section and revokes the provisions of these orders which contain the modifications to statutes which are being turned into permanent amendments by *subsections (6) and (7)* or which are no longer needed.