



## THE CHIEF MAGISTRATE OF THE LOCAL COURT

14 February 2018

Mr Timothy Watling  
Secretary  
Legal and Constitutional Affairs Legislation Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600



By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Mr Watling,

**RE: Invitation for submissions - Inquiry into the Family Law Amendment (Family Violence and Other Measures) Bill 2017 and the Family Law Amendment (Parenting Management Hearings) Bill 2017**

I refer to your correspondence of 8 December 2017 on behalf of the Legal and Constitutional Affairs Legislation Committee, inviting submissions for the Inquiry into the Family Law Amendment (Family Violence and Other Measures) Bill 2017 and the Family Law Amendment (Parenting Management Hearings) Bill 2017.

Please find attached a document outlining my comments on specific matters relevant to the Local Court of New South Wales.

I appreciate the opportunity to provide comment and would be grateful to be informed of any future inquiries.

Yours sincerely,

Judge Graeme Henson  
**Chief Magistrate**  
**Local Court of New South Wales**

### Family Law Amendment (Family Violence and Other Measures) Bill 2017

Description	Comments
<i>Item 3 – amendment of section 46(1); Item 4 – insertion of section 46A</i>	My comments in relation to these amendments are limited to the observation that if there is an increase in the Local Court’s case load as a result of the increase in property value for the purposes of proceedings pursuant to section 46, it is essential that enough resources be made available to the Court to respond to the increase in matters before its magistrates. This would include an increase in the number of magistrates appointed to the Court.

### Family Law Amendment (Parenting Management Hearings) Bill 2017

Description	Comments
<i>Item 22 – insertion of new section 11PH (Interacting with existing family violence orders)</i>	I have no comment on this amendment, provided that the primacy of the State court is preserved or made clear in this provision.
<i>Item 22 - insertion new section 11PY (Subsequent family violence order invalid to extent of inconsistency with parenting determination); Item 50 – amendment of section 68R (Power of court making family violence order to revive, vary, discharge, or suspend an existing order, injunction or arrangement under this Act)</i>	It is essential that the proposed amendments to section 68R accompany the insertion of section 11PY to ensure a State court is not bound by the Panel’s determinations when making family violence orders which post-date such determinations. There must be enough flexibility in the proposed interaction of these two areas to ensure that a State court is able make orders for the adequate protection of those persons who are the subject of a determination.