



Federal Circuit Court of Australia Legislation Amendment Act 2012

No. 165, 2012

**An Act to continue in existence the Federal
Magistrates Court as the Federal Circuit Court of
Australia, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Federal Circuit Court of Australia Legislation Amendment Act 2012

No. 165, 2012

An Act to continue in existence the Federal Magistrates Court as the Federal Circuit Court of Australia, and for related purposes

[Assented to 28 November 2012]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Federal Circuit Court of Australia
Legislation Amendment Act 2012*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 November 2012
2. Schedules 1 and 2	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	12 April 2013 (see F2013L00643)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Federal Magistrates Act 1999

1 Title

Omit “**Federal Magistrates**”, substitute “**the Federal Circuit Court of Australia**”.

2 Section 1

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 Subsection 2(1)

Omit “(1)”.

4 Subsection 2(2)

Repeal the subsection.

5 Subsection 3(1)

Omit “create the Federal Magistrates Court under Chapter III of the Constitution”, substitute “continue in existence the Federal Magistrates Court created under Chapter III of the Constitution as the Federal Circuit Court of Australia”.

6 Paragraphs 3(2)(a) and (b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

7 Section 4

Repeal the section, substitute:

4 Simplified outline

The following is a simplified outline of this Act:

- The federal court known immediately before the commencement day as the Federal Magistrates Court is continued in existence as the Federal Circuit Court of Australia.
- The Federal Circuit Court of Australia consists of a Chief Judge and other Judges.
- Jurisdiction is conferred on the Federal Circuit Court of Australia by other laws of the Commonwealth.
- Jurisdiction is to be exercised in the General Division or the Fair Work Division of the Federal Circuit Court of Australia.
- The Federal Circuit Court of Australia is to promote the use of dispute resolution processes that are likely to assist people to resolve disputes away from the courts.
- Proceedings in the Federal Circuit Court of Australia may be transferred to the Federal Court or the Family Court.
- Provision is made for the practice and procedure of the Federal Circuit Court of Australia. The Court will be able to use streamlined procedures and operate without undue formality.
- The Chief Judge is to manage the administrative affairs of the Federal Circuit Court of Australia.
- There is to be a Chief Executive Officer, who is to assist the Chief Judge in managing the administrative affairs of the Federal Circuit Court of Australia.
- In addition to the Chief Executive Officer, there are to be Registrars and other officers of the Federal Circuit Court of Australia.

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- | |
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| <ul style="list-style-type: none">• Officers of the Federal Circuit Court of Australia may hold dual appointments as officers of the Federal Court or the Family Court.• Arrangements may be made for the Federal Circuit Court of Australia to share facilities with other courts. |
|--|

8 Section 5 (definition of *Chief Executive Officer*)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

9 Section 5

Insert:

commencement day means the day on which Schedules 1 and 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012* commenced.

10 Section 5 (definition of *Commonwealth superannuation contribution*)

Omit “Federal Magistrate or retired disabled Federal Magistrate”, substitute “Judge or retired disabled Judge”.

11 Section 5 (definition of *Commonwealth superannuation contribution*)

Omit “Magistrate’s”, substitute “Judge’s”.

12 Section 5 (definition of *Division*)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

13 Section 5 (definition of *Federal Magistrate*)

Repeal the definition.

14 Section 5

Insert:

Judge:

- (a) means a Judge (including the Chief Judge) who holds office under this Act; and
- (b) when used in the expression *the Federal Circuit Court of Australia or a Judge*, means a Judge sitting in Chambers.

15 Section 5 (definition of *prior judicial service*)

Omit “Federal Magistrate, means service, prior to the Magistrate’s appointment as a Federal Magistrate”, substitute “Judge, means service, prior to the Judge’s appointment as a Judge”.

16 Section 5 (paragraph (c) of the definition of *prior judicial service*)

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court of Australia”.

17 Section 5 (note at the end of the definition of *prior judicial service*)

Omit “Magistrate was appointed as a Federal Magistrate”, substitute “Judge was appointed as a Judge”.

18 Section 5 (definition of *Registrar*)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

19 Section 5 (definition of *retired disabled Federal Magistrate*)

Repeal the definition.

20 Section 5

Insert:

retired disabled Judge means a person certified by the Minister to be a retired disabled Judge under paragraph 9A(2)(a) of Schedule 1.

21 Section 5 (definition of *retires*)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

22 Section 5A

Repeal the section, substitute:

5A Prior judicial service

For the purposes of the definition of *prior judicial service*, if a retired disabled Judge was appointed as a Judge more than once, the reference to the Judge's appointment as a Judge is taken to be a reference to the Judge's most recent appointment as a Judge.

23 Part 2 (heading)

Repeal the heading, substitute:

Part 2—Federal Circuit Court of Australia**24 Section 8 (heading)**

Repeal the heading, substitute:

8 Federal Circuit Court of Australia**25 Subsection 8(1)**

Repeal the subsection, substitute:

- (1) The federal court known immediately before the commencement day as the Federal Magistrates Court is continued in existence as the Federal Circuit Court of Australia.

26 Subsection 8(2)

Repeal the subsection.

27 Subsection 8(3)

Omit "Federal Magistrates Court", substitute "Federal Circuit Court of Australia".

28 Subsection 8(4)

Omit "Federal Magistrates Court", substitute "Federal Circuit Court of Australia".

29 Subsection 8(4)

Omit "justices".

30 Paragraph 8(4)(a)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

31 Paragraph 8(4)(b)

Omit “Federal Magistrates”, substitute “Judges”.

32 At the end of section 8 (before the note)

Add:

- (5) The person holding office as the Chief Federal Magistrate under this Act immediately before the commencement day continues to hold that office under the title of Chief Judge of the Federal Circuit Court of Australia.
- (6) A person holding office as a Federal Magistrate (other than Chief Federal Magistrate) under this Act immediately before the commencement day continues to hold that office under the title of Judge of the Federal Circuit Court of Australia.

33 Section 9 (heading)

Repeal the heading, substitute:

9 Personnel provisions relating to Judges

34 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Jurisdiction of the Federal Circuit Court of Australia

35 Section 10

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

36 Section 10A (heading)

Repeal the heading, substitute:

10A General and Fair Work Divisions of the Federal Circuit Court of Australia

37 Subsections 10A(1), (2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

38 Subsection 10A(3) (note)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

39 Subsection 10A(4)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

40 Subsection 10A(5)

Omit “Federal Magistrate”, substitute “Judge”.

41 Section 11 (heading)

Repeal the heading, substitute:

11 Exercise of jurisdiction by single Judge

42 Subsection 11(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

43 Subsection 11(1)

Omit “Federal Magistrate”, substitute “Judge”.

44 Subsection 11(2)

Repeal the subsection, substitute:

- (2) The Federal Circuit Court of Australia constituted by a Judge may sit and exercise the jurisdiction of the Federal Circuit Court of Australia even if the Federal Circuit Court of Australia constituted by another Judge is at the same time sitting and exercising the jurisdiction of the Federal Circuit Court of Australia.

45 Section 12 (heading)

Repeal the heading, substitute:

12 Arrangement of business of the Federal Circuit Court of Australia

46 Subsection 12(1) (heading)

Repeal the heading, substitute:

Responsibility of Chief Judge

47 Subsection 12(1)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

48 Subsection 12(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

49 Subsection 12(2)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

50 Subsection 12(3)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

51 Paragraph 12(3)(a)

Omit “with Federal Magistrates”, substitute “with Judges”.

52 Subparagraph 12(3)(a)(i)

Omit “Federal Magistrate”, substitute “Judge”.

53 Subparagraph 12(3)(a)(i)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

54 Subparagraph 12(3)(a)(ii)

Omit “Federal Magistrates”, substitute “Judges”.

55 Subparagraph 12(3)(a)(iii)

Omit “Federal Magistrate”, substitute “Judge”.

56 Paragraph 12(3)(b)

Omit “Federal Magistrates”, substitute “Judges”.

57 Subsection 12(3A) (heading)

Repeal the heading, substitute:

*Exercise of powers of General and Fair Work Divisions of the
Federal Circuit Court of Australia*

58 Subsection 12(3A)

Omit “Federal Magistrate”, substitute “Judge”.

59 Subsection 12(3A)

Omit “Federal Magistrates Court” (wherever occurring), substitute
“Federal Circuit Court of Australia”.

60 Subsection 12(3B)

Omit “Chief Federal Magistrate” (first occurring), substitute “Chief
Judge”.

61 Subsection 12(3B)

Omit “a Federal Magistrate”, substitute “a Judge”.

62 Subsection 12(3B)

Omit “Federal Magistrates Court” (wherever occurring), substitute
“Federal Circuit Court of Australia”.

63 Subsection 12(3B)

Omit “Chief Federal Magistrate” (last occurring), substitute “Chief
Judge”.

64 Subsection 12(3C)

Omit “Federal Magistrate”, substitute “Judge”.

65 Subsection 12(3C)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

66 Subsection 12(3D)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

67 Subsection 12(4) (heading)

Repeal the heading, substitute:

Assignment of Judges to locations or registries

68 Subsection 12(4)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

69 Subsection 12(4)

Omit “particular Federal Magistrate”, substitute “particular Judge”.

70 Subsection 12(6)

Omit “Federal Magistrate”, substitute “Judge”.

71 Subsection 12(6A) (heading)

Repeal the heading, substitute:

Protection of the Chief Judge in the exercise of functions or powers

72 Subsection 12(6A)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

73 Subsection 12(6A)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

74 Subsection 12(6B)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

75 Subsection 12(7) (heading)

Repeal the heading, substitute:

Functions and powers of the Chief Judge

76 Subsection 12(7)

Omit “Chief Federal Magistrate” (wherever occurring), substitute “Chief Judge”.

77 Subsection 12(7)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

78 Subsection 13(2)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

79 Subsection 13(2)

Omit “Federal Magistrate”, substitute “Judge”.

80 Subsection 13(3) (heading)

Repeal the heading, substitute:

Judge sitting in Chambers

81 Subsection 13(3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

82 Subsection 13(3)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

83 Subsection 13(4)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

84 Subsection 13(4)

Omit “Federal Magistrate”, substitute “Judge”.

85 Paragraphs 13(4)(a) and (b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

86 Subsection 13(5)

Omit “Federal Magistrate”, substitute “Judge”.

87 Subsection 13(6)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

88 Subsection 13(6)

Omit “Federal Magistrate”, substitute “Judge”.

89 Subsection 13(7)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

90 Sections 14, 15, 16, 17, 17A and 18

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

91 Section 19 (heading)

Repeal the heading, substitute:

19 Proceedings not to be instituted in Federal Circuit Court if associated matter before Federal Court or Family Court

92 Subsection 19(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

93 Paragraph 19(2)(b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

94 Paragraph 19(3)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

95 Subsection 20(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

96 Subsection 20(2) (note)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

97 Section 20A

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

98 Section 20A (note 1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

99 Section 22 (heading)

Repeal the heading, substitute:

22 Federal Circuit Court of Australia to consider whether to advise people to use dispute resolution processes

100 Section 22

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

101 Section 23 (heading)

Repeal the heading, substitute:

23 Federal Circuit Court of Australia to advise people to use dispute resolution processes

102 Subsections 23(1) and (2)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

103 Section 24

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

104 Section 25 (heading)

Repeal the heading, substitute:

25 Duty of officers of the Federal Circuit Court of Australia to advise people about dispute resolution processes

105 Sections 25, 26, 27, 28, 29 and 30

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

106 Subsection 32(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

107 Subsection 32(1)

Omit “Federal Magistrate”, substitute “Judge”.

108 Section 33

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

109 Subsection 34(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

110 Subsection 34(5)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

111 Subsection 35(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

112 Subsection 35(5)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

113 Section 36 (heading)

Repeal the heading, substitute:

36 Power of arbitrator to refer question of law to the Federal Circuit Court of Australia

114 Paragraphs 36(1)(a) and (c)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

115 Subsection 36(1)

Omit “apply to the Federal Magistrates Court or a Federal Magistrate for leave to refer the question to the Federal Magistrates Court”, substitute “apply to the Federal Circuit Court of Australia or a Judge for leave to refer the question to the Federal Circuit Court of Australia”.

116 Subsection 36(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

117 Subsection 36(2)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

118 Paragraph 36(3)(a)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

119 Paragraph 36(3)(b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

120 Subsection 36(3)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

121 Subsections 37(1), (2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

122 Subsection 37(4)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

123 Subsections 38(1), (2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

124 Section 39

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

125 Subsections 40(2) and (4)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

126 Subsection 40(5)

Omit “Federal Magistrates” (first occurring), substitute “Judges”.

127 Paragraph 40(5)(b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

128 Paragraph 40(5)(d)

Omit “Federal Magistrates”, substitute “Judges”.

129 Subsections 40(6) and (7)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

130 Subsections 41(1) to (6)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

131 Paragraph 41(10)(b)

Omit “*Legislative Instruments Act 1999*”, substitute “*Legislative Instruments Act 2003*”.

132 Section 42 (heading)

Repeal the heading, substitute:

42 Federal Circuit Court of Australia to operate informally**133 Section 42**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

134 Subsection 43(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

135 Paragraphs 43(2)(a) and (b)

Omit “Federal Magistrates Court or a Federal Magistrate, to the practice and procedure of the Federal Magistrates Court in relation to the jurisdiction of the Federal Magistrates Court”, substitute “Federal Circuit Court of Australia or a Judge, to the practice and procedure of the Federal Circuit Court of Australia in relation to the jurisdiction of the Federal Circuit Court of Australia”.

136 Section 44

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

137 Subsection 45(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

138 Subsection 45(1)

Omit “Federal Magistrate”, substitute “Judge”.

139 Subsection 45(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

140 Paragraph 45(2)(b)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

141 Division 2 of Part 6 (heading)

Repeal the heading, substitute:

Division 2—Documents filed with the Federal Circuit Court of Australia

142 Section 46 (heading)

Repeal the heading, substitute:

46 Filing of documents in the Federal Circuit Court of Australia

143 Section 46

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

144 Section 47 (heading)

Repeal the heading, substitute:

47 Seal of the Federal Circuit Court of Australia

145 Subsections 47(1) and (2)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

146 Subsection 47(2)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

147 Subsection 47(3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

148 Section 48 (heading)

Repeal the heading, substitute:

48 Federal Circuit Court of Australia stamps

149 Subsection 48(1)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

150 Subsection 48(1)

Omit “*Federal Magistrates Court stamp*”, substitute “*Federal Circuit Court of Australia stamp*”.

151 Subsection 48(1)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

152 Subsections 48(2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

153 Subsection 49(1)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

154 Paragraph 49(1)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

155 Paragraph 49(1)(b)

Omit “Federal Magistrate”, substitute “Judge”.

156 Subsection 49(3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

157 Subsection 50(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

158 Subsection 51(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

159 Subsection 51(1)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

160 Subsection 52(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

161 Subsection 52(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

162 Subsection 52(2)

Omit “Federal Magistrates Court” (second occurring), substitute “Federal Circuit Court of Australia”.

163 Subsection 52(2)

Omit “Federal Magistrates Court or Federal Magistrate”, substitute “Federal Circuit Court of Australia or Judge”.

164 Section 53

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

165 Section 54

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

166 Subsection 55(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

167 Subsection 55(1)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

168 Subsection 56(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

169 Subsection 56(1)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

170 Subsection 56(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

171 Subsection 56(2)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

172 Subsection 57(1)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

173 Subsection 57(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

174 Subsection 57(2)

Omit “Federal Magistrates Court or Federal Magistrate”, substitute “Federal Circuit Court of Australia or Judge”.

175 Subsection 58(1)

Omit “Federal Magistrate”, substitute “Judge”.

176 Subsection 58(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

177 Subsection 58(2)

Omit “Federal Magistrate”, substitute “Judge”.

178 Subsections 58(2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

179 Subsection 59(1)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

180 Paragraph 59(1)(a)

Omit “Federal Magistrate”, substitute “Judge”.

181 Subparagraph 59(1)(f)(i)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

182 Subsections 59(2) and (3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

183 Section 60

Omit “Federal Magistrates Court or a Federal Magistrate” (first occurring), substitute “Federal Circuit Court of Australia or a Judge”.

184 Paragraph 60(a)

Omit “Federal Magistrates Court, a Federal Magistrate, an officer of the Federal Magistrates Court”, substitute “Federal Circuit Court of Australia, a Judge, an officer of the Federal Circuit Court of Australia”.

185 Section 60

Omit “Federal Magistrates Court or a Federal Magistrate” (second occurring), substitute “Federal Circuit Court of Australia or a Judge”.

186 Paragraph 60(d)

Omit “Federal Magistrates Court or Federal Magistrate”, substitute “Federal Circuit Court of Australia or Judge”.

187 Section 61

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

188 Subsection 62(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

189 Subsection 62(1)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

190 Section 63 (heading)

Repeal the heading, substitute:

63 Federal Circuit Court of Australia may question witnesses**191 Section 63**

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

192 Subsection 64(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

193 Subsection 64(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

194 Subsections 64(4) and (6)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

195 Section 65

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

196 Subsection 66(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

197 Paragraph 66(2)(c)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

198 Subsection 66(3)

Omit “Federal Magistrates Court or the Federal Magistrate” (wherever occurring), substitute “Federal Circuit Court of Australia or the Judge”.

199 Subsection 66(4)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

200 Paragraph 66(4)(b)

Omit “Federal Magistrates Court’s own initiative or on the Federal Magistrate’s own initiative”, substitute “Federal Circuit Court of Australia’s own initiative or on the Judge’s own initiative”.

201 Subsection 67(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

202 Subsection 67(1)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

203 Subsection 67(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

204 Paragraph 67(2)(b)

Omit “Federal Magistrates Court’s own initiative or on the Federal Magistrate’s own initiative”, substitute “Federal Circuit Court of Australia’s own initiative or on the Judge’s own initiative”.

205 Subsection 68(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

206 Subsection 68(1)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

207 Subsection 68(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

208 Paragraph 68(2)(b)

Omit “Federal Magistrates Court’s own initiative or on the Federal Magistrate’s own initiative”, substitute “Federal Circuit Court of Australia’s own initiative or on the Judge’s own initiative”.

209 Subsection 69(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

210 Subsection 69(1)

Omit “Federal Magistrates Court or the Federal Magistrate” (wherever occurring), substitute “Federal Circuit Court of Australia or the Judge”.

211 Subsection 69(3)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

212 Subsection 69(3)

Omit “Federal Magistrates Court or the Federal Magistrate” (wherever occurring), substitute “Federal Circuit Court of Australia or the Judge”.

213 Subsection 69(5)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

214 Section 70

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

215 Section 70

Omit “Federal Magistrates Court or the Federal Magistrate” (wherever occurring), substitute “Federal Circuit Court of Australia or the Judge”.

216 Paragraphs 71(a) and (b)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

217 Subsection 72(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

218 Subsection 72(1)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

219 Subsections 74(1) and (2)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

220 Paragraph 75(1)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

221 Paragraph 75(1)(b)

Omit “Federal Magistrate”, substitute “Judge”.

222 Subsection 75(1)

Omit “Federal Magistrate on behalf of the Federal Magistrate”, substitute “Judge on behalf of the Judge”.

223 Paragraph 75(2)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

224 Paragraph 75(2)(b)

Omit “Federal Magistrate”, substitute “Judge”.

225 Subsection 75(2)

Omit “Federal Magistrate on behalf of the Federal Magistrate”, substitute “Judge on behalf of the Judge”.

226 Paragraph 76(2)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

227 Subsection 76(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

228 Subsection 76(3)

Omit “Federal Magistrates Court or the Federal Magistrate” (wherever occurring), substitute “Federal Circuit Court of Australia or the Judge”.

229 Paragraph 76(5)(b)

Omit “Federal Magistrates Court in its absolute discretion, or a Federal Magistrate in that Federal Magistrate’s”, substitute “Federal Circuit Court of Australia in its absolute discretion, or a Judge in that Judge’s”.

230 Paragraph 76(5)(g)

Omit “Federal Magistrates Court or the Federal Magistrate”, substitute “Federal Circuit Court of Australia or the Judge”.

231 Subsection 77(2)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

232 Paragraph 77(3)(b)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

233 Subsections 78(2) and (4)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

234 Subsection 79(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

235 Subsection 79(2)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

236 Subsection 79(3)

Omit “Federal Magistrates Court or Federal Magistrate”, substitute “Federal Circuit Court of Australia or Judge”.

237 Subsection 80(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

238 Subsection 80(2)

Omit “Federal Magistrates Court” (last occurring), substitute “Federal Circuit Court of Australia”.

239 Subsection 80(3)

Omit “Federal Magistrates Court or Federal Magistrate”, substitute “Federal Circuit Court of Australia or Judge”.

240 Subsections 80(4) and (5)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

241 Subsection 81(1)

Omit “Federal Magistrates” (first occurring), substitute “Judges”.

242 Paragraphs 81(1)(a) and (b)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

243 Paragraph 81(3)(b)

Omit “Chief Federal Magistrate acting on behalf of the Federal Magistrates”, substitute “Chief Judge acting on behalf of the Judges”.

244 Subsection 81(4)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

245 Paragraph 82(1)(f)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

246 Section 83

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

247 Paragraphs 85(a), (b) and (d)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

248 Paragraph 85(e)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

249 Paragraphs 86(b) and (c)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

250 Section 87

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

251 Part 7 (heading)

Repeal the heading, substitute:

**Part 7—Management of the Federal Circuit Court
of Australia**

252 Division 1 of Part 7 (heading)

Repeal the heading, substitute:

**Division 1—Administration of the Federal Circuit Court of
Australia**

253 Section 89 (heading)

Repeal the heading, substitute:

89 Management of administrative affairs of the Federal Circuit Court of Australia

254 Subsection 89(1)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

255 Subsection 89(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

256 Subsection 89(3)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

257 Subsection 89(3A)

Omit “Chief Federal Magistrate’s”, substitute “Chief Judge’s”.

258 Subsections 89(3A) and (4)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

259 Subsection 90(1)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

260 Subsections 90(1), (2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

261 Subsection 91(1)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

262 Subsections 91(1), (2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

263 Section 92

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

264 Paragraphs 92(a) and (b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

265 Subsection 93(1)

Omit “Federal Magistrates Court may appoint committees consisting of Federal Magistrates, or of Federal Magistrates and other persons, for the purpose of advising the Federal Magistrates Court”, substitute “Federal Circuit Court of Australia may appoint committees consisting of Judges, or of Judges and other persons, for the purpose of advising the Federal Circuit Court of Australia”.

266 Paragraph 93(1)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

267 Subsection 93(2)

Repeal the subsection, substitute:

- (2) The Chief Judge may appoint committees consisting of Judges, or of Judges and other persons, for the purpose of advising the Chief Judge in relation to the management of the administrative affairs of the Federal Circuit Court of Australia.

268 Division 1A of Part 7 (heading)

Repeal the heading, substitute:

Division 1A—Administration of Federal Circuit Court of Australia’s family services**269 Subsections 93D(1) and (2)**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

270 Section 94

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

271 Subsection 96(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

272 Subsections 96(1), (2) and (3)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

273 Subsection 96(3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

274 Subsection 96(4)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

275 Subsection 97(2)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

276 Section 98

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

277 Section 99 (heading)

Repeal the heading, substitute:

99 Officers of the Federal Circuit Court of Australia

278 Subsections 99(1), (2), (4) and (6)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

279 Paragraph 99(6)(d)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

280 Subsection 99(7)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

281 Section 100

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

282 Sections 100 and 101

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

283 Subsection 102(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

284 Subsection 102(2)

Omit “Federal Magistrates Court may, if the Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia may, if the Federal Circuit Court of Australia or a Judge”.

285 Paragraphs 102(2)(a), (c), (e), (h) and (i)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

286 Subsection 102(6)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

287 Subsection 103(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

288 Subsections 103(2) and (3)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

289 Subsection 103(7)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

290 Subsections 104(2) and (3)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

291 Subsection 104(4)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

292 Subsection 105(1)

Omit “Federal Magistrate”, substitute “Judge”.

293 Subsections 105(2) and (3)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

294 Section 106 (heading)

Repeal the heading, substitute:

106 The Sheriff of the Federal Circuit Court of Australia

295 Section 106

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

296 Subsection 107(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

297 Section 109 (heading)

Repeal the heading, substitute:

109 The Marshal of the Federal Circuit Court of Australia

298 Subsection 109(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

299 Paragraph 109(2)(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

300 Paragraph 109(2)(b)

Omit “Federal Magistrates and officers and staff of the Federal Magistrates Court”, substitute “Judges and officers and staff of the Federal Circuit Court of Australia”.

301 Paragraphs 109(3)(a) and (b)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

302 Subsection 110(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

303 Section 111A

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

304 Section 111A (note)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

305 Section 112 (heading)

Repeal the heading, substitute:

112 Staff of the Federal Circuit Court of Australia**306 Subsections 112(1) and (2)**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

307 Subsection 113(1)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

308 Paragraph 113(1)(a)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

309 Subsection 113(2)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

310 Paragraph 113(2)(a)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

311 Section 114

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

312 Subsection 115(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

313 Section 116

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

314 Subsection 117(1)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

315 Subsection 117(1)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

316 Section 117A (heading)

Repeal the heading, substitute:

117A Delegation of the administrative powers of the Chief Judge

317 Section 117A

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

318 Section 117A

Omit “Federal Magistrates”, substitute “Judges”.

319 Section 118 (heading)

Repeal the heading, substitute:

118 Proceedings arising out of administration of the Federal Circuit Court of Australia

320 Section 118

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

321 Section 119

Repeal the section, substitute:

119 References in other laws to a Judge of the Federal Circuit Court of Australia

A reference in a law of the Commonwealth other than this Act to a Judge of the Federal Circuit Court of Australia includes a reference to the Chief Judge of that Court.

Note: For the interpretation of this Act, see section 5.

322 Subsections 120(3) and (4)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

323 Schedule 1 (heading)

Repeal the heading, substitute:

Schedule 1—Personnel provisions relating to Judges

324 Part 1 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 1—Appointment of Judges

325 Clause 1 of Schedule 1 (heading)

Repeal the heading, substitute:

1 Appointment of Judges

326 Subclauses 1(1), (2), (3), (4) and (5) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

327 Subclause 1(6) of Schedule 1

Omit “Federal Magistrate” (first and second occurring), substitute “Judge”.

328 Subclause 1(6) of Schedule 1

Omit “Federal Magistrate’s”, substitute “Judge’s”.

329 Subclause 1(6) of Schedule 1

Omit “Federal Magistrate” (last occurring), substitute “Judge”.

330 Subclause 1(7) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

331 Clause 1 of Schedule 1 (note)

Omit “Federal Magistrates”, substitute “Judges”.

332 Clause 1A of Schedule 1 (heading)

Repeal the heading, substitute:

1A Assignment of Judges to Divisions

333 Clause 1A of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

334 Clause 1A of Schedule 1 (note)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

335 Clause 1A of Schedule 1 (note)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

336 Clause 2 of Schedule 1

Repeal the clause, substitute:

2 Style

Chief Judge

- (1) The Chief Judge is to be styled “Chief Judge (*name*)”.

Other Judges

- (2) A Judge (other than the Chief Judge) is to be styled “Judge (*name*)”.

337 Subclause 3(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

338 Paragraph 3(2)(e) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court of Australia”.

339 Subclauses 3(3) and (4) of Schedule 1

Omit “*Chief Federal Magistrate or Federal Magistrate*”, substitute “*Chief Judge or Judge of the Federal Circuit Court of Australia*”.

340 Part 2 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 2—Terms and conditions of Judges

341 Division 1 of Part 2 of Schedule 1 (heading)

Repeal the heading, substitute:

Division 1—Terms and conditions of serving Judges

342 Subclause 4(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

343 Subclause 4(1) of Schedule 1

Omit “Federal Magistrate’s”, substitute “Judge’s”.

344 Subclauses 4(2) and (3) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

345 Subclause 5(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

346 Subclause 5(3) of Schedule 1

Repeal the subclause.

347 Subclause 5(4) of Schedule 1 (note 2)

Omit “Federal Magistrates”, substitute “Judges”.

348 Clause 6 of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

349 Subclauses 7(1) and 8(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

350 Clause 9 of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

351 Clause 9A of Schedule 1 (heading)

Repeal the heading, substitute:

9A Certification of retired disabled Judges

352 Paragraph 9A(1)(a) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

353 Paragraph 9A(1)(b) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

354 Subclause 9A(1) of Schedule 1

Omit “Magistrate is a retired disabled Federal Magistrate”, substitute “Judge is a retired disabled Judge”.

355 Paragraph 9A(2)(a) of Schedule 1

Omit “Magistrate is a retired disabled Federal Magistrate”, substitute “Judge is a retired disabled Judge”.

356 Clause 9B of Schedule 1 (heading)

Repeal the heading, substitute:

9B Pensions for retired disabled Judges

357 Subclause 9B(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

358 Subclause 9B(2) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

359 Paragraphs 9B(3)(a) and (b) of Schedule 1

Omit “Magistrate” (wherever occurring), substitute “Judge”.

360 Subclause 9B(5) of Schedule 1

Omit “Federal Magistrates”, substitute “Judges”.

361 Paragraphs 9B(6)(a) and (b) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

362 Clause 9C of Schedule 1 (heading)

Repeal the heading, substitute:

9C Superannuation for retired disabled Judges

363 Subclause 9C(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

364 Subclause 9C(2) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

365 Subclause 9C(3) of Schedule 1

Omit “Federal Magistrates”, substitute “Judges”.

366 Paragraph 9D(1)(a) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

367 Paragraph 9D(1)(b) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

368 Subclauses 9D(2), (3) and (4) of Schedule 1

Omit “Magistrate” (wherever occurring), substitute “Judge”.

369 Subclause 9E(1) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

370 Subclause 9E(2) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

371 Subclause 9E(2) of Schedule 1

Omit “Magistrate” (second and third occurring), substitute “Judge”.

372 Subclause 9E(3) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

373 Paragraph 9E(3)(a) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

374 Paragraph 9E(3)(a) of Schedule 1

Omit “Magistrate’s”, substitute “Judge’s”.

375 Subparagraphs 9E(3)(b)(i) and (ii) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

376 Subclause 9E(4) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

377 Paragraph 9E(4)(a) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

378 Paragraph 9E(4)(b) of Schedule 1

Omit “Magistrate’s”, substitute “Judge’s”.

379 Paragraph 9E(4)(b) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

380 Paragraph 9E(4)(c) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

381 Paragraph 9E(4)(c) of Schedule 1

Omit “Magistrate’s”, substitute “Judge’s”.

382 Paragraph 9E(4)(d) of Schedule 1

Omit “Magistrate” (wherever occurring), substitute “Judge”.

383 Subclause 9F(1) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

384 Subparagraphs 9F(1)(b)(i), (ia) and (ii) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

385 Subparagraph 9F(1)(b)(ii) of Schedule 1

Omit “Magistrate’s”, substitute “Judge’s”.

386 Subparagraph 9F(1)(b)(iii) of Schedule 1

Omit “Magistrate”, substitute “Judge”.

387 Subparagraph 9F(1)(b)(iii) of Schedule 1

Omit “Magistrate’s”, substitute “Judge’s”.

388 Division 3 of Part 2 of Schedule 1 (heading)

Repeal the heading, substitute:

Division 3—Remuneration of a Judge not to be diminished**389 Clause 9H of Schedule 1 (heading)**

Repeal the heading, substitute:

9H Remuneration of a Judge not to be diminished

390 Subclause 9H(1) of Schedule 1

Omit “Federal Magistrate”, substitute “Judge”.

391 Part 3 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 3—Acting Chief Judge

392 Clause 10 of Schedule 1 (heading)

Repeal the heading, substitute:

10 Acting Chief Judge

393 Subclauses 10(1) and (3) of Schedule 1

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

394 Subclause 10(3) of Schedule 1

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

395 Subclause 10(3) of Schedule 1 (note)

Omit “Federal Magistrate”, substitute “Judge”.

396 Subclause 10(3) of Schedule 1 (note)

Omit “Federal Magistrates Court” (wherever occurring), substitute “Federal Circuit Court of Australia”.

397 Schedule 2 (heading)

Repeal the heading, substitute:

**Schedule 2—Personnel provisions relating to
Chief Executive Officer**

398 Clause 2 of Schedule 2

Omit “Federal Magistrate”, substitute “Judge”.

399 Clause 3 of Schedule 2

Omit “Federal Magistrate’s”, substitute “Judge’s”.

400 Subclause 5(2) of Schedule 2

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

401 Paragraph 7(2)(c) of Schedule 2

Omit “Federal Magistrate’s”, substitute “Judge’s”.

402 Clauses 8 and 9 of Schedule 2

Omit “Federal Magistrate”, substitute “Judge”.

Judges (Long Leave Payments) Act 1979**403 Title**

Omit “Federal Magistrates”, substitute “Judges of the Federal Circuit Court of Australia”.

404 Section 3 (paragraph (a) of the definition of *Judge*)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Judges’ Pensions Act 1968**405 Subsection 4(1) (paragraph (a) of the definition of *Judge*)**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Maternity Leave (Commonwealth Employees) Act 1973**406 Paragraph 5(3)(ba)**

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court of Australia”.

Parliamentary Contributory Superannuation Act 1948**407 Subsection 21B(1) (paragraph (b) of the definition of *holder of an office of profit under the Commonwealth*)**

Omit “(other than the Federal Magistrates Court)”.

**408 Subsection 21B(1) (paragraph (ba) of the definition of
holder of an office of profit under the Commonwealth)**

Repeal the paragraph.

Schedule 2—Transitional and saving provisions

Part 1—Definitions

1 Definitions

In this Schedule:

commencement time means the time when this Schedule commences.

new Act means the *Federal Circuit Court of Australia Act 1999* as in force after the commencement time.

old Act means the *Federal Magistrates Act 1999* as in force immediately before the commencement time.

Part 2—Continuity of the Federal Magistrates Court, Federal Magistrates and personnel

2 Transitional—change of title of offices of Chief Federal Magistrate and Federal Magistrate

- (1) The office of Chief Federal Magistrate of the Federal Magistrates Court under the old Act is the same office as the office of Chief Judge of the Federal Circuit Court of Australia under the new Act.
- (2) The office of a Federal Magistrate (other than Chief Federal Magistrate) of the Federal Magistrates Court under the old Act is the same office as the office of Judge (other than Chief Judge) of the Federal Circuit Court of Australia under the new Act.

3 Transitional—subsection 25B(1) of the *Acts Interpretation Act 1901*

Subsection 25B(1) of the *Acts Interpretation Act 1901* applies as if:

- (a) the Federal Magistrates Court were a body; and
- (b) the office of Chief Federal Magistrate and the office of Federal Magistrate were offices.

4 Transitional—officers and staff of the Federal Magistrates Court

Chief Executive Officer

- (1) The person who, immediately before the commencement time, was the Chief Executive Officer of the Federal Magistrates Court continues, after that time, as the Chief Executive Officer of the Federal Circuit Court of Australia.

Other officers

- (2) A person who, immediately before the commencement time, was an officer of the Federal Magistrates Court as mentioned in paragraph 99(1)(a), (b), (c), (d), (e) or (f) of the old Act continues, after that time, as an officer of the Federal Circuit Court of Australia.

Staff

- (3) A person who, immediately before the commencement time, was a member of the staff of the Federal Magistrates Court as mentioned in section 112 of the old Act continues, after that time, as a member of the staff of the Federal Circuit Court of Australia.

5 Saving—things done by Federal Magistrates Court or Federal Magistrate before commencement time

To avoid doubt, the amendments made by Schedule 1 do not affect the validity of anything done by the Federal Magistrates Court or a Federal Magistrate before the commencement time.

6 Transitional—Rules of Court

- (1) To avoid doubt, Rules of Court that were in force under the old Act immediately before the commencement time are taken, after that time, to be Rules of Court covered by section 81 of the new Act.
- (2) Subitem (1) does not prevent the amendment or repeal of Rules of Court covered by that subitem.

Part 3—Retired disabled Federal Magistrates

7 Certification of retired disabled Federal Magistrates

- (1) This item applies if, before the commencement time, the Minister certified, under paragraph 9A(2)(a) of Schedule 1 to the *Federal Magistrates Act 1999*, that a person is a retired disabled Federal Magistrate.
- (2) The certification has effect, after that time, as if it were a certification, under paragraph 9A(2)(a) of Schedule 1 to the new Act, that the person is a retired disabled Judge.

8 Prior judicial service

- (1) If, before the commencement time, a person was appointed as a Federal Magistrate under the *Federal Magistrates Act 1999*, then, after that time, section 5A of the new Act has effect as if that appointment were an appointment of the person as a Judge.
- (2) After the commencement time, paragraph 9B(3)(b) of Schedule 1 to the new Act has effect as if paragraph (c) of the definition of *prior judicial service* in section 5 of the new Act included a reference to a Federal Magistrate.

Part 4—Other matters

9 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedule 1.

10 Schedule does not limit operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*

This Schedule does not limit the operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*.

*[Minister's second reading speech made in—
House of Representatives on 20 September 2012
Senate on 11 October 2012]*