



Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 284

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Family Law Act 1975*, *Federal Court of Australia Act 1976* and *Federal Magistrates Act 1999*.

Dated 6 December 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICOLA ROXON
Attorney-General

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1 Name of regulation

This regulation is the *Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences on the commencement of sections 3 to 110 of the *Trans-Tasman Proceedings Act 2010*.

3 Repeal

The *Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 1)* (Select Legislative Instrument 2012 No. 10) is repealed.

4 Amendment of *Family Law (Fees) Regulation 2012*

Schedule 1 amends the *Family Law (Fees) Regulation 2012*.

5 Amendment of *Federal Court and Federal Magistrates Court Regulation 2012*

Schedule 2 amends the *Federal Court and Federal Magistrates Court Regulation 2012*.

Schedule 1 **Amendments of *Family Law (Fees) Regulation 2012***

(section 4)

[1] Section 1.03, definition of *filing fee*

omit

10

insert

10A

[2] Subsection 1.04 (1)

substitute

(1) This regulation applies to a fee for:

- (a) a service requested, or the filing of a document lodged, under the Family Law Act on or after 1 January 2013; and
- (b) the filing of an application lodged under the *Trans-Tasman Proceedings Act 2010* on or after the commencement of sections 3 to 110 of that Act.

[3] Subsection 2.04 (1)

omit

1 or 2

insert

1, 2 or 10A

[4] Paragraph 2.05 (1) (a)

omit

1 or 2

insert

1, 2 or 10A

[5] Schedule 1, item 4*substitute*

- | | | |
|---|---|-------|
| 4 | Filing an application for final orders in eligible financial or parenting proceedings, other than an application under the <i>Trans-Tasman Proceedings Act 2010</i> | \$305 |
|---|---|-------|

[6] Schedule 1, item 9*substitute*

- | | | |
|---|---|-------|
| 9 | Filing of: (a) an interim order application; or (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i> , other than an application mentioned in item 10A | \$105 |
|---|---|-------|

[7] Schedule 1, after item 10*insert*

- | | | |
|-----|--|------|
| 10A | Filing an application to register a New Zealand judgement under the <i>Trans-Tasman Proceedings Act 2010</i> | \$95 |
|-----|--|------|

Schedule 2 **Amendments of *Federal Court
and Federal Magistrates Court
Regulation 2012***

(section 5)

[1] Section 1.03, definition of *filing fee*

omit

115B and 201 to 214

insert

115C and 201 to 214A

[2] Subsection 2.05 (1)

after

in Schedule 1

insert

(other than the fee mentioned in item 115C or 214A of
Schedule 1)

[3] Paragraph 2.06 (1) (a)

after

in Schedule 1

insert

(other than the fee mentioned in item 115C or 214A of
Schedule 1)

[4] Subsection 2.11 (1)

after

filing fee

insert

(other than the fee mentioned in item 115C of Schedule 1)

[5] Subsection 2.11 (2)

after

filing fee

insert

(other than the fee mentioned in item 214A of Schedule 1)

[6] Schedule 1, item 101

substitute

- 101 Filing of a document by which a proceeding in the Federal Court is commenced, other than:
- (a) a proceeding or application mentioned in item 102 to 104, 112, 113 or 115 to 115B; or
 - (b) an appeal from a judgement of a court; or
 - (c) an application for leave or special leave to appeal; or
 - (d) an incidental proceeding in the course of, or in connection with, a proceeding; or
 - (e) an application under the *Trans-Tasman Proceedings Act 2010*
- (a) for a publicly listed company—\$4,720
 - (b) for a corporation—\$3,145
 - (c) in any other case—\$1,080

[7] Schedule 1, item 111

substitute

- 111 Filing of:
- (a) an interlocutory application, other than an interlocutory application mentioned in another item; or
 - (b) an application under the *Trans-Tasman Proceedings Act 2010*, other than an application mentioned in item 115C
- (a) for a publicly listed company—\$1,450
 - (b) for a corporation—\$965
 - (c) in any other case—\$395

[8] Schedule 1, after item 115B

insert

- 115C Filing of an application to register a New Zealand judgement under the *Trans-Tasman Proceedings Act 2010* \$95

[9] Schedule 1, item 201

substitute

- 201 Filing of a document by which a proceeding in the Federal Magistrates Court seeking final orders is commenced, other than:
- (a) a proceeding mentioned in any of items 202, 204 to 206 and 208 to 214; or
 - (b) an application under the *Trans-Tasman Proceedings Act 2010*
- (a) for a publicly listed company—\$1,870
 - (b) for a corporation—\$1,245
 - (c) in any other case—\$515

[10] Schedule 1, item 204

substitute

- | | | |
|-----|--|--|
| 204 | Filing of: | (a) for a publicly listed company—\$1,125 |
| | (a) a document seeking interlocutory, interim or procedural orders (other than a proceeding mentioned in item 202); or | (b) for a corporation—\$750 |
| | (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i> , other than an application mentioned in item 214A | (c) in any other case—\$305 |

[11] Schedule 1, after item 214

insert

- | | | |
|------|---|------|
| 214A | Filing of an application to register a New Zealand judgement under the <i>Trans-Tasman Proceedings Act 2010</i> | \$95 |
|------|---|------|

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.