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

Contents

 1 Name of regulation 2

 2 Commencement 2

 3 Repeal 2

 4 Amendment of *Family Law (Fees) Regulation 2012* 2

 5 Amendment of *Federal Court and Federal Magistrates Court Regulation 2012* 2

Schedule 1 Amendments of *Family Law (Fees) Regulation 2012* 3

Schedule 2 Amendments of *Federal Court and Federal Magistrates Court Regulation 2012* 5

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Proceedings Legislation Amendment Regulation 2012 (No. 1)* (Select Legislative Instrument 2012 No. 10) is repealed.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

[] Section 1.03, definition of *filing fee*

omit

10

insert

10A

[] 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.

[] Subsection 2.04 (1)

omit

1 or 2

insert

1, 2 or 10A

[] Paragraph 2.05 (1) (a)

omit

1 or 2

insert

1, 2 or 10A

[] Schedule 1, item 4

substitute

|  |  |  |
| --- | --- | --- |
| 4 | Filing an application for final orders in eligible financial or parenting proceedings, other than an application under the *Trans‑Tasman Proceedings Act 2010* | $305 |

[] Schedule 1, item 9

substitute

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

[] Schedule 1, after item 10

insert

|  |  |  |
| --- | --- | --- |
| 10A | Filing an application to register a New Zealand judgement under the *Trans‑Tasman Proceedings Act 2010* | $95 |

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

(section 5)

[] Section 1.03, definition of *filing fee*

omit

115B and 201 to 214

insert

115C and 201 to 214A

[] Subsection 2.05 (1)

after

in Schedule 1

insert

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

[] Paragraph 2.06 (1) (a)

after

in Schedule 1

insert

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

[] Subsection 2.11 (1)

after

filing fee

insert

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

[] Subsection 2.11 (2)

after

filing fee

insert

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

[] 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 |

[] 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 |

[] 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 |

[] 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 |

[] Schedule 1, item 204

substitute

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

[] Schedule 1, after item 214

insert

|  |  |  |
| --- | --- | --- |
| 214A | Filing of an application to register a New Zealand judgement under the *Trans-Tasman Proceedings Act 2010* | $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](http://www.comlaw.gov.au/).