

Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015

Select Legislative Instrument No. 114, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 09 July 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Warren Truss
Minister for Infrastructure and Regional Development

for the Attorney‑General

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Part 1—Main amendments 2

Family Law (Fees) Regulation 2012 2

Part 2—Application of amendments 6

Family Law (Fees) Regulation 2012 6

1 Name

 This is the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015*.

2 Commencement

 (1) Each provision of this instrument 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 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 13 July 2015 |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

 This instrument is made under the following Acts:

 (a) the *Family Law Act 1975*;

 (b) the *Federal Circuit Court of Australia Act 1999*.

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Family Law (Fees) Regulation 2012

1 Section 1.03 (definition of *filing fee*)

Omit “10A”, substitute “10B”.

2 Section 1.03 (definition of *magistrate*)

Repeal the definition.

3 At the end of section 1.04

Add:

Note 3: See also Part 3 for other transitional provisions.

4 Subsection 2.13(1)

Omit “1 July 2014”, substitute “1 July 2016”.

5 Subsections 2.13(2), (5) and (6)

Repeal the subsections.

6 Subsection 2.13(7) (heading)

Repeal the heading.

7 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Fees

Note: See section 2.02.

1 Fees

 The following table sets out fees payable for:

 (a) the filing of a document; or

 (b) certain services provided in relation to a proceeding.

| Fees |
| --- |
| Item | Document or service | Fee |
| 1 | Filing an application in proceedings for a divorce order in relation to a marriage or a decree of nullity of marriage, other than proceedings to which item 2 applies | (a) general fee—$1 200(b) reduced fee—$395 |
| 2 | Filing an application in proceedings for a divorce order:(a) commenced in a court mentioned in paragraph 10A(a) or (c) of the *Family Law Regulations 1984*; or(b) commenced in another court for transfer to a court mentioned in paragraph 10A(a) or (c) of those Regulations; or(c) commenced in the Federal Circuit Court | (a) general fee—$1 200(b) reduced fee—$280 |
| 3 | Filing an application in proceedings for a declaration about the validity of a marriage, a divorce or the annulment of a marriage | $1 320 |
| 4 | Filing an application for final orders in eligible financial or parenting proceedings, other than an application under the *Trans‑Tasman Proceedings Act 2010* | $355 |
| 5 | Filing a response to an application for final orders in eligible financial or parenting proceedings | $355 |
| 6 | Filing an application for a consent order | $240 |
| 7 | Filing an appeal under section 94 or 94AAA of the Family Law Act, unless leave to appeal is required and the fee mentioned in item 8 has been paid | $1 405 |
| 8 | Filing an application for leave to appeal under section 94 or 94AAA of the Family Law Act | $1 405 |
| 9 | Filing:(a) an interim order application; or(b) an application under the *Trans‑Tasman Proceedings Act 2010*, other than an application mentioned in item 10A | $125 |
| 10 | Filing an application for both an order under Part VII of the Family Law Act and an order under any of the following:(a) Part VIII of that Act (other than a spousal maintenance order);(b) Part VIIIA of that Act;(c) Part VIIIAB of that Act (other than an order for the maintenance of a party to a de facto relationship) | $590 |
| 10A | Filing an application to register a New Zealand judgment under the *Trans‑Tasman Proceedings Act 2010* | $110 |
| 10B | Filing an amendment of:(a) an application mentioned in item 1, 2, 3, 4, 6, 8, 9 or 10; or(b) a response mentioned in item 5; or(c) a subpoena | $125 |
| 11 | Setting down for hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 12 | Setting down for hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 13 | Setting down for hearing of an application for final orders, if defended, in eligible financial or parenting proceedings | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 14 | Setting down for hearing in an appeal under section 96 of the Family Law Act from a decree of a court of summary jurisdiction | $890 |
| 15 | Hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage—for each hearing day or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 16 | Hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage—for each hearing day, or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 17 | Hearing of an application for final orders, if defended, in eligible financial or parenting proceedings—for each hearing day or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 18 | Hearing in an appeal under section 96 of the Family Law Act from a decree of a court of summary jurisdiction—for each hearing day or part of a hearing day, other than the first hearing day | $890 |
| 19 | For issuing a subpoena | $125 |
| 20 | For a conciliation conference in proceedings for an order under Part VIII or VIIIAB of the Family Law Act | $415 |

Note: The fees mentioned in this Schedule are subject to increase under section 2.13.

Part 2—Application of amendments

Family Law (Fees) Regulation 2012

8 After Part 2

Insert:

Part 3—Transitional provisions

3.01 Transitional provisions relating to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015*

 The amendments made by Part 1 of Schedule 1 to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015* (the ***amending regulation***) apply in relation to the liability of a person to pay any of the following fees:

 (a) a filing fee for filing a document after the commencement of the amending regulation;

 (b) a setting down fee for a hearing if the hearing day is fixed after the commencement of the amending regulation;

 (c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed after the commencement of the amending regulation;

 (d) a conciliation conference fee for a conference the date for which is fixed after the commencement of the amending regulation;

 (e) any other fee under this regulation for a service that is provided in relation to a proceeding after the commencement of the amending regulation.