



Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016

We, Judges of the Federal Court of Australia, make the following Rules of Court.

Dated 7 November 2016

J.L.B. ALLSOP CJ
J.A. DOWSETT J
S.C. KENNY J
A.N. SIOPIS J
S.D. RARES J
B.J. COLLIER J
A.J. BESANKO J
C.N. JESSUP J
R.R.S. TRACEY J
J.E. MIDDLETON J
J.A. LOGAN J
G.A. FLICK J
N.W. McKERRACHER J
N. PERRAM J
J.M. JAGOT J
L.G. FOSTER J
M.L. BARKER J
J.V. NICHOLAS J
D.M. YATES J
M. BROMBERG J
A.J. KATZMANN J
A. ROBERTSON J
B.M. MURPHY J
J.E. GRIFFITHS J
D.J.C. KERR J
L.K. FARRELL J
D.S. MORTIMER J
D.C. RANGIAH J
R.C. WHITE J
M.A. WIGNEY J
M.A. PERRY J
J.S. GLEESON J
J.B.R. BEACH J
J.J. EDELMAN J
B.S. MARKOVIC J
M.K. MOSHINSKY J

R.J. BROMWICH J
N. CHARLESWORTH J
S.C.G. BURLEY J

**Judges of the
Federal Court of Australia**

WG SODEN
Chief Executive Officer and Principal Registrar

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1 Name

These Rules are the *Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016*.

2 Commencement

- (1) Each provision of these Rules 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 these Rules	At the same time as the <i>Federal Court (Criminal Proceedings) Rules 2016</i> commence.	10 November 2016

Note: This table relates only to the provisions of these Rules as originally made.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

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

3 Authority

These Rules are made under the *Federal Court of Australia Act 1976*.

4 Repeal of these Rules

These Rules are repealed at the start of the day after the end of the period of 6 months beginning on the day these Rules commence.

5 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Repeals

Part 1—Repeals

Federal Court (Criminal Proceedings) (Interim) Rules 2016

1 The whole of the Rules

Repeal the Rules.

Part 2—Transitional provisions

2 Transitional—Federal Court (Criminal Proceedings) (Interim) Rules 2016

Despite the repeal of the *Federal Court (Criminal Proceedings) (Interim) Rules 2016* by Part 1 of this Schedule, the *Federal Court (Criminal Proceedings) (Interim) Rules 2016*, as in force immediately before their repeal, continue to apply to indictable primary proceedings and criminal appeal proceedings started, but not completed, before the commencement of that Part.

Schedule 2—Other amendments

Federal Court Rules 2011

1 At the end of rule 1.04

Add:

Note 4: For the rules governing criminal proceedings in the Court, see the *Federal Court (Criminal Proceedings) Rules 2016*.

2 Rule 3.01 (at the end of note 3)

Add:

; (d) rule 1.10 of the *Federal Court (Criminal Proceedings) Rules 2016*.

3 Division 34.2

Repeal the Division.

4 Rule 35.32

Omit “or 34.14”.

5 Part 37

Repeal the Part.

6 Part 43 (after the heading)

Insert:

Division 43.1—Transitional provisions relating to the Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016

43.01 Transitional

Despite the repeal of Division 34.2 and Part 37 by the *Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016*, that Division and that Part, as in force immediately before their repeal, continue to apply to proceedings started, but not completed, before the commencement of the *Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016*.

43.02 Repeal of this Division

This Division is repealed at the start of the day after the end of the period of 6 months beginning on the day the *Federal Court Legislation Amendment (Criminal Proceedings) Rules 2016* commence.