



Family Law Amendment (2018 Measures No. 1) Rules 2018

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

Dated 9 February 2018

W Alstergren A/g CJ
A Ainslie-Wallace J
J Ryan J
P Murphy J
M Aldridge J
M Kent J
J Stevenson J
M Le Poer Trench J
G Watts J
R Benjamin J
V Bennett J
P Cronin J
S Austin J
S Moncrieff J
M Cleary J
W Johnston J
I Loughnan J
C Forrest J
K Macmillan J
J Rees J
S Duncanson J
J Walters J
P Tree J

J Hogan J
D Berman J
S Johns J
G Foster J
C Thornton J
H Hannam J
R McClelland
C Carew J
R O'Brien J
S Gill J
M Baumann J

Judges of the Family Court
of Australia

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1 Name

These Rules are the *Family Law Amendment (2018 Measures No. 1) Rules 2018*.

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	1 March 2018.	1 March 2018

Note: This table relates only to the provisions of these Rules as originally made.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 *Family Law Act 1975*.

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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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

Family Law Rules 2004

1 Subrule 2.02(1) (table 2.2, item 9, column headed “Documents to be filed with application”, paragraphs (b) and (c))

Repeal the paragraphs, substitute:

- (b) if the orders sought relate to a superannuation interest—proof of the value of the interest (see subsection 90MT(2) of the Act)

2 Subrule 2.04D(1)

Repeal the subrule, substitute:

- (1) The prescribed form for a notice mentioned in subsection 67Z(2) or 67ZBA(2) of the Act is:
 - (a) if the notice relates to an application in a current case—the Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case); or
 - (b) if the notice relates to an Application for Consent Orders—the Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders).

Note: The Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case) and the Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders) are set out in Schedule 2.

3 Subrule 2.04D(2)

Omit “subrule (1)”, substitute “paragraph (1)(a)”.

4 Rule 2.04E

Repeal the rule.

5 After subrule 2.05(2)

Insert:

- (2A) Subrule (2) does not apply to a party starting a case by filing an Application for Consent Orders.

6 Paragraph 10.15(2)(d)

Before “be accompanied by additional copies of the order”, insert “unless the order relates to an Application for Consent Orders filed by electronic communication,”.

7 Subrule 10.15A(1)

Omit “in a current case”.

8 Before subrule 10.15A(2)

Insert:

Application made orally in a current case

9 Subrule 10.15A(2)

Omit “If an application”, substitute “If the application”.

10 At the end of subrule 10.15A(2)

Add:

Note: If the party alleges that the child concerned has been abused or is at risk of being abused, or there has been, or there is a risk of, family violence by one of the parties to the proceedings, the party making the allegation, or if represented by a lawyer, that party's lawyer, must also file and serve a Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case) in the form set out in Schedule 2 (see subsections 67Z(2) and 67ZBA(2) of the Act and subrule 2.04D(1)).

11 Before subrule 10.15A(3)

Insert:

Other applications made in a current case

12 Subrule 10.15A(3)

Omit "For any other application", substitute "If the application is made in a current case by lodging or tendering a draft consent order,".

13 At the end of subrule 10.15A(3)

Add:

Note: If the party alleges that the child concerned has been abused or is at risk of being abused, or there has been, or there is a risk of, family violence by one of the parties to the proceedings, the party making the allegation, or if represented by a lawyer, that party's lawyer, must also file and serve a Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case) in the form set out in Schedule 2 (see subsections 67Z(2) and 67ZBA(2) of the Act and subrule 2.04D(1)).

14 At the end of rule 10.15A

Add:

Application when there is no current case

- (4) If the application is made when there is no current case, each party, or if represented by a lawyer, the party's lawyer:
- (a) must certify, in the Application for Consent Orders, whether the party considers that the child concerned has been, or is at risk of being, subjected to or exposed to abuse, neglect or family violence;
 - (b) must certify, in the Application for Consent Orders, whether the party considers that he or she, or another party to the proceedings, has been or is at risk of being subjected to family violence; and
 - (c) if allegations of abuse or family violence have been made—must explain, in the Application for Consent Orders, how the order attempts to deal with the allegations.

Note: If the party alleges that the child concerned has been abused or is at risk of being abused, or there has been, or there is a risk of, family violence by one of the parties to the proceedings, the party making the allegation, or if represented by a lawyer, that party's lawyer, must also file and serve a Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders) in the form set out in Schedule 2 (see subsections 67Z(2) and 67ZBA(2) of the Act and subrule 2.04D(1)).

15 Paragraph 19.41(2)(b)

Repeal the paragraph, substitute:

- (b) a form in Schedule 2; or

16 Paragraph 24.01(1)(g)

Omit “that is not included in Schedule 2”, substitute “other than a form in Schedule 2”.

17 Subrule 24.04(2)

Repeal the subrule, substitute:

(2) A reference in these Rules to:

(a) a Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case); or

(b) a Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders);

is a reference to the form of that name in Schedule 2.

18 Subrule 24.04(3)

Omit “the form in Schedule 2”, substitute “a form in Schedule 2”.

19 Subclause 3(3) of Part 2 of Schedule 1

Omit “(Form 11)”.

20 Schedule 2

Repeal the Schedule, substitute:

Schedule 2—Forms

Note: See subrule 24.04(2) and Division 2.3.1.

Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case)

Family Law Rules ~ RULE 2.04D(1)(a)

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

Family Court of Australia

Filed on behalf of:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

Father

Mother

Other (specify) _____

This form is to be used in the Family Court of Australia in all current proceedings (other than an Application for Consent Orders) for an order under Part VII.

- a) when allegations of child abuse or risk of child abuse are made and a prescribed child welfare authority must be notified of the allegations (Section 67Z of the *Family Law Act 1975* and Rule 2.04D(1)(a) of the Family Law Rules 2004), or
- b) if, in a case where an application is made to the court for a Part VII order, in relation to a child, a person alleges that there has been abuse of a child or family violence or there is a risk of abuse of a child or family violence and the allegation of abuse, family violence or risk of abuse or family violence is relevant to whether the court should grant or refuse the application (Section 67ZBA of the *Family Law Act 1975*, and Rule 2.04D(1)(a) of the Family Law Rules 2004).

Parties must summarise in Parts E, F and G the evidence on which the allegations are based in the affidavit to be filed with this Form.

Part A About the notice

This notice alleges:

Child abuse or risk of child abuse

Family violence or risk of family violence

Child abuse or risk of child abuse and family violence or risk of family violence

MARK [X] IN THE BOX THAT APPLIES

Part B About the person filing this notice and parties

1 Who is giving this notice?

Family name as used now

Given names

Family name as used now

Given names

1

2 At what address can you be contacted? (THIS NEED NOT BE WHERE YOU LIVE) If you give a lawyer's address, include the name of the law firm.

		State	Postcode
Phone	Fax *		
DX			
Email*		Lawyer's code	

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

3 What are the names of the other interested persons and parties?

Family name as used now	Given names
<input type="text"/>	<input type="text"/>
Family name as used now	Given names
<input type="text"/>	<input type="text"/>

Part C About the independent children's lawyer

4 Independent children's lawyer family name

<input type="text"/>	Given names
<input type="text"/>	<input type="text"/>
Firm name	
<input type="text"/>	

Part D About the children to whom the notice relates

5 Child 1

Child's family name
Given names
<input type="checkbox"/> Male <input type="checkbox"/> Female
Child's date of birth / /
Child's address
State Postcode
Name of the person with whom the child lives
<input type="text"/>
<input type="text"/>

Child 2

Child's family name
Given names
<input type="checkbox"/> Male <input type="checkbox"/> Female
Child's date of birth / /
Child's address
State Postcode
Name of the person with whom the child lives
<input type="text"/>
<input type="text"/>

IF THERE ARE MORE CHILDREN ATTACH EXTRA PAGES ANSWERING PART D

Part E About the alleged abuse

Before you complete Items 6-13 you should carefully read the definition of ‘abuse’ in section 4(1) of the Family Law Act:

Abuse, in relation to a child, means:

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the **first person**) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to (see subsection 4AB(3)), family violence (see subsection 4AB(1) of the Family Law Act); or
- (d) serious neglect of the child.

6 Describe any acts or omissions that you allege constitute abuse.
Please include the identity of the alleged abuser(s), if known.

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

7 Identify the application/response where you seek orders to which the allegation(s) described in Item 6 are relevant.

Application/response	Date filed

8 Identify the affidavit(s) containing evidence of the allegations described in Item 6.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

9 What is the last known address of the alleged abuser(s) if known?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 6 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the Family Law Act 1975).

Part F About the alleged risk of abuse

Before you complete Part F you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act (set out in Part E of this form for your information)

- 10 Describe the facts alleged to constitute any risk of abuse.
Include the name of any person(s) from whom a child is alleged to be at risk of abuse, if known.

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 11 Identify the application/response where you seek orders to which the allegation(s) described in Item 10 are relevant.

Application/response	Date filed

- 12 Identify the affidavit(s) containing evidence of the allegations described in Item 10.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

- 13 What is the last known address of the person(s) from whom the child is alleged to be at risk of abuse?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 10 as the person from who a child is alleged to be at risk of abuse (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

Part G About the alleged family violence

Before you complete Items 14-21 you should carefully read the definition of ‘abuse’ in section 4(1) and ‘family violence’ in section 4AB (1) and (3) of the Family Law Act as follows:

Family violence means:

*Violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family (the **family member**), or causes the family member to be fearful.*

*A child is **exposed** to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.*

Abuse, in relation to a child, means:

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the **first person**) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is an unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to (see subsection 4AB(3)), family violence (see subsection 4AB(1)); or
- (d) serious neglect of the child.

14 Describe any acts or omissions that you allege constitute family violence. Please include the identity of the alleged perpetrator(s).

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.	

15 Identify the application/response where you seek orders to which the allegation(s) described in Item 14 are relevant.

Application/response	Date filed

16 Identify the affidavit(s) containing evidence of the allegations described in Item 14.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

17 What is the last known address of the alleged perpetrator(s), if known?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 14 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the Family Law Act 1975).

Part H About the alleged risk of family violence

Before you complete Part H you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB(1) of the Family Law Act. (set out in Part G of this form for your information)

- 18 Describe the facts alleged to constitute any risk of family violence. Include the name of any person(s) from whom a child is alleged to be at risk of family violence.

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 19 Identify the application/response where you seek orders to which the allegation(s) described in Item 18 are relevant.

Application/response	Date filed

- 20 Identify the affidavit(s) containing evidence of the allegations described in Item 18.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

- 21 What is the last known address of the person(s) from whom it is alleged there is a risk of family violence?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 18 as the person from who a child is alleged to be at risk of family violence (section 67Z(2) and section 67ZBA(2) of the Family Law Act 1975).

Part I Signature of person filing notice

Signed	Date
<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>

- This notice was signed by person(s) filing this notice
 lawyer for person(s) filing this notice

- This notice was prepared by person(s) filing this notice
 lawyer

PRINT NAME AND LAWYER'S CODE

Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders)

Family Law Rules ~ RULE 2.04D(1)(b)

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

Family Court of Australia

Filed on behalf of:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

- Father
- Mother
- Other (specify) _____

This form is to be used in the Family Court of Australia in conjunction with an Application for Consent Orders which includes proposed parenting orders:

- a) when allegations of child abuse or risk of child abuse are made and a prescribed child welfare authority must be notified of the allegations (Section 67Z of the *Family Law Act 1975* and Rule 2.04D(1)(b) of the Family Law Rules 2004), or
- b) if, in a case where an application made to the court for a Part VII order in relation to a child, a person alleges that there has been abuse of a child or family violence or there is a risk of abuse of a child or family violence and the allegation of abuse, family violence or risk of abuse or family violence is relevant to whether the court should grant or refuse the application (Section 67ZBA of the *Family Law Act 1975*, and Rule 2.04D(1)(b) of the Family Law Rules 2004).

Applicant's Client ID _____

Respondent's Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Next Court date (if known) _____

Part A About the notice

This notice alleges:

- Child abuse or risk of child abuse
- Family violence or risk of family violence
- Child abuse or risk of child abuse and family violence or risk of family violence

MARK [X] IN THE BOX THAT APPLIES

Part B About the person filing this notice and parties

1 Who is giving this notice?

Family name as used now

Given names

Family name as used now

Given names

1

2 At what address can you be contacted? (THIS NEED NOT BE WHERE YOU LIVE) If you give a lawyer's address, include the name of the law firm.

		State	Postcode
Phone	Fax *		
DX			
Email*	Lawyer's code		

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

3 What are the names of the other interested persons and parties?

Family name as used now	Given names
<input type="text"/>	<input type="text"/>
Family name as used now	Given names
<input type="text"/>	<input type="text"/>

Part C About the children to whom the notice relates

4 **Child 1**

Child's family name	
Given names	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Child's date of birth / /	
Child's address	
State	Postcode
Name of the person with whom the child lives	
<input type="text"/>	

Child 2

Child's family name	
Given names	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Child's date of birth / /	
Child's address	
State	Postcode
Name of the person with whom the child lives	
<input type="text"/>	

Child 3

Child's family name	
Given names	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Child's date of birth / /	
Child's address	
State	Postcode
Name of the person with whom the child lives	
<input type="text"/>	

Child 4

Child's family name	
Given names	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Child's date of birth / /	
Child's address	
State	Postcode
Name of the person with whom the child lives	
<input type="text"/>	

IF THERE ARE MORE CHILDREN ATTACH EXTRA PAGES ANSWERING PART C

Part E About the alleged risk of abuse

Before you complete Part E you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act.

- 8 Describe the facts alleged to constitute any risk of abuse.
Include the name of any person(s) from whom a child is alleged to be at risk of abuse, if known.
NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 9 State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:
NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 10 What is the last known address of the person(s) from whom the child is alleged to be at risk of abuse?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 8 as the person from who a child is alleged to be at risk of abuse (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

Part F About the alleged family violence

Before you complete Part F you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB (1) and (3) of the Family Law Act.

- 11 Describe any acts or omissions that you allege constitute family violence. Please include the identity of the alleged perpetrator(s).

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 12 State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 13 What is the last known address of the alleged perpetrator(s), if known?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 11 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the Family Law Act 1975).

Part G About the alleged risk of family violence

Before you complete Part G you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB(1) of the Family Law Act.

- 14 Describe the facts alleged to constitute any risk of family violence. Include the name of any person(s) from whom a child is alleged to be at risk of family violence.

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 15 State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE.

1.

- 16 What is the last known address of the person(s) from whom it is alleged there is a risk of family violence?

State Postcode Phone

NOTE: A copy of this notice must be served on the person identified in Item 14 as the person from who a child is alleged to be at risk of family violence (section 67Z(2) and section 67ZBA(2) of the Family Law Act 1975).

Part H Signature of person filing notice

Signed	Date
	/ /

- This notice was signed by person(s) filing this notice lawyer for person(s) filing this notice

- This notice was prepared by person(s) filing this notice lawyer

--

PRINT NAME AND LAWYER'S CODE

Schedule 2—Submitting notices and notices of contention

Family Law Rules 2004

1 Chapter 8 (heading)

Repeal the heading, substitute:

Chapter 8—Right to be heard, address for service and submitting notices

2 Chapter 8 (summary)

Omit:

- the people who may be heard by the court and the requirements for their address for service;

substitute:

- the people who may be heard by the court and the requirements for their address for service; and
- submitting notices; and

3 At the end of Chapter 8

Add:

Part 8.3—Submitting notices

8.07 Submitting notices

- (1) A party who has been served with an application referred to in subrule (2), and who does not want to contest the relief sought in the application, may file a submitting notice in the approved form.

Note: A document that is filed must be served on each person to be served (see rule 7.04).

- (2) The applications are the following:
 - (a) an Initiating Application (Family Law) seeking final orders;
 - (b) a Response to an Initiating Application (Family Law);
 - (c) a Reply to a Response to an Initiating Application (Family Law);
 - (d) a Notice of Appeal.
- (3) The submitting notice must:
 - (a) state that the party submits to any order that the court may make; and
 - (b) state whether the party wants to be heard on the question of costs; and
 - (c) include an address for service.
- (4) A submitting notice for a party served with an application referred to in paragraph (2)(a), (b) or (c) must be filed:
 - (a) before the first court date fixed under rule 4.03; or

- (b) if the party was added to the case after that date—before the date for the procedural hearing set under subrule 11.10(3).
- (5) A submitting notice for a party served with a Notice of Appeal must be filed within 14 days after the party was served with the Notice of Appeal.
- (6) A party who has filed a submitting notice may apply to the court for leave to withdraw the notice.
- (7) An application under subrule (6) must be accompanied by an affidavit stating:
 - (a) why the party wants to withdraw the submitting notice; and
 - (b) the party's intentions in relation to the further conduct of the proceeding.

4 At the end of rule 22.07

Add:

Note: A party who does not want to contest the relief sought in the Notice of Appeal may file a submitting notice under rule 8.07.

5 After rule 22.08

Insert:

22.08A Notice of contention

If a respondent to an appeal does not want to cross-appeal from any part of an order, but contends that the order should be affirmed on grounds other than those relied on by the court appealed from, the respondent must, within 14 days after the Notice of Appeal was served on the respondent, file a notice of contention in the approved form.

Note: A document that is filed must be served on each person to be served (see rule 7.04).

6 After paragraph 22.20(3)(f)

Insert:

- (fa) any notice of contention;
- (fb) any submitting notice;

7 Dictionary

Insert:

notice of contention means a notice of contention referred to in rule 22.08A.

submitting notice means a submitting notice referred to in rule 8.07.

Schedule 3—Other amendments

Family Law Rules 2004

1 Division 4.2.5 (overview)

Omit “subsection 95(6), section 98 or 136”, substitute “subsection 95(6) or section 136”.

2 Division 4.2.5 (overview)

Omit:

Section 110B of the *Child Support (Registration and Collection) Act 1988* allows appeals from the Social Security Appeals Tribunal on questions of law.

3 Paragraph 4.16(b)

Repeal the paragraph.

4 Subrule 4.17(1)

Omit “(1)”.

5 Subrule 4.17(2)

Repeal the subrule.

6 Subrule 4.18(1) (table 4.1, item 2, column headed “Application”)

Omit “98,”.

7 Rules 4.21 and 4.22

Repeal the rules.

8 Rule 4.23 (heading)

Repeal the heading, substitute:

4.23 Service of application

9 Subrule 4.23(1)

Omit “or notice of appeal”.

10 Paragraph 4.23(1)(b)

Omit “or appeal”.

11 Paragraph 4.23(1)(c)

Omit “Registrar; and”, substitute “Registrar.”.

12 Paragraph 4.23(1)(d)

Repeal the paragraph.

13 Subrule 4.23(2)

Omit “or notice of appeal”.

14 Subrule 4.23(3)

Repeal the subrule.

15 Subrule 4.23(4)

Omit “or appellant”.

16 Rule 4.24

Omit “or Registration Act”.

17 Subrules 4.25(1) and (2)

Omit “or appeal”.

18 Subrule 4.26(1)

Omit “98,”.

19 Subrule 11.05(2) (note 1)

Omit “Note 1”, substitute “Note”.

20 Subrule 11.05(2) (note 2)

Repeal the note.

21 At the end of paragraph 11.18(1)(g)

Add “, and any safety concerns”.

22 Rule 15.08 (heading)

Repeal the heading, substitute:

15.08 Requirements for affidavits

23 Rule 15.08

Before “An affidavit”, insert “(1)”.

24 At the end of rule 15.08

Add:

- (2) A document that is to be used in conjunction with an affidavit and tendered in evidence in a proceeding:
 - (a) must be identified in the affidavit; and
 - (b) must not be attached or annexed to the affidavit, or filed as an exhibit to the affidavit.
- (3) If a document that is to be used in conjunction with an affidavit and tendered in evidence in a proceeding is in the possession of the party on whose behalf the affidavit is filed, a hard copy of the document must be served on each person to be served at the same time as the affidavit is served on that person.

25 Rule 15.12

Repeal the rule.

26 Subrule 15.29(4) (paragraphs (b) and (c) of the definition of copy)

Repeal the paragraphs, substitute:

- (b) a copy in an electronic format that is approved by the Registry Manager, and is capable of being printed in the form in which it was created without any loss of content.

27 Chapter 17 (heading)

Repeal the heading, substitute:

Chapter 17—Orders and undertakings**28 Chapter 17 (summary)**

After “certain monetary orders.”, insert “Chapter 17 also deals with undertakings.”.

29 Before rule 17.01

Insert:

Part 17.1—Orders**30 At the end of Chapter 17**

Add:

Part 17.2—Undertakings**17.06 Undertakings**

- (1) An undertaking that is required or permitted to be given by a person under these Rules may be given orally or in writing.
- (2) An undertaking given by a person in writing must be:
 - (a) signed by the person or the person’s legal representative; and
 - (b) filed in the filing registry.

Note: A document that is filed must be served (see rule 7.04).

- (3) If an undertaking is given by a person orally:
 - (a) a written record of the undertaking must be made; and
 - (b) the record must be:
 - (i) signed by the person or the person’s legal representative; and
 - (ii) filed in the filing registry within 14 days of the undertaking being given; and
 - (iii) served within 14 days of the undertaking being given.
- (4) An undertaking as to damages is an undertaking:
 - (a) to submit to such order (if any) as the court may consider to be just for the payment of compensation (to be assessed by the court or as the court may direct) to any person (whether or not that person is a party) affected by the

operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and

(b) to pay compensation referred to in paragraph (a) to the person affected by the order or undertaking.

(5) This rule is subject to any requirements specified in these Rules for the giving of particular undertakings.

31 Subrule 18.06(1) (table 18.4, after item 10)

Insert:

10A paragraph 44(3A)(d) (but only if all parties consent to leave being granted)

10B paragraph 44(3B)(d) (but only if all parties consent to leave being granted)

10C subsection 44(6) (but only if all parties consent to leave being granted)

32 Subrule 18.06(1) (table 18.4, after item 18A)

Insert:

18AA subsection 67M(2)

18AB subsection 67N(2)

33 Subrule 18.06(1) (table 18.4, after item 27)

Insert:

28 section 106A

34 Subrule 18.06(1) (table 18.4, after item 33)

Insert:

33AA subregulation 23(6)

35 Subrule 18.06(2) (table 18.5, after item 4)

Insert:

4A subrule 5.11(2)

36 Subrule 18.06(2) (table 18.5, after item 6A)

Insert:

6B Part 6.3

37 Subrule 18.06(2) (table 18.5, item 13)

Before “paragraph 11.02(2)(d)”, insert “paragraph 11.02(2)(a),”.

38 Subrule 18.06(2) (table 18.5, after item 14)

Insert:

14A subrules 11.06(1) and (2)

39 Rule 19.31

Before “If”, insert “(1)”.

40 At the end of rule 19.31

Add:

- (2) A cost assessment order under this rule has the force and effect of an order of the court.

41 At the end of rule 19.32

Add:

- (5) A cost assessment order under this rule has the force and effect of an order of the court.

42 At the end of rule 19.37

Add:

- (4) A cost assessment order under this rule has the force and effect of an order of the court.

43 Subrule 19.38(1)

Omit “rule 19.31 or subrule”, substitute “subrule 19.31(1) or”.

44 Subrule 22.01(2)

Repeal the subrule, substitute:

- (2) This Chapter does not apply to an application to a Judge of a Family Court for a review of an order of a Judicial Registrar or Registrar (see Chapter 18).

45 Subrule 26B.23(1)

After “required documents”, insert “, or copies of the required documents,”.

46 Subrule 26B.23(3) (paragraphs (b) and (c) of the definition of copy)

Repeal the paragraphs, substitute:

- (b) a copy in an electronic format that is approved by the Registry Manager, and is capable of being printed in the form in which it was created without any loss of content.

47 Schedule 7

Repeal the Schedule.

48 Dictionary (definition of *costs assessment order*)

Omit “and 19.32”, substitute “, 19.32 and 19.37”.

49 Dictionary (paragraph (d) of the definition of *financial case*)

Omit “98,”.

50 Dictionary (paragraph (b) of the definition of *financial orders*)

Omit “98,”.

51 Dictionary

Insert:

undertaking as to damages—see subrule 17.06(4).

52 Explanatory Guide (definition of *undertaking as to damages*)

Repeal the definition.

Schedule 4—Application and transitional provisions

Family Law Rules 2004

1 In the appropriate position in Chapter 27

Insert:

Part 27.3—Transitional provisions relating to the Family Law Amendment (2018 Measures No. 1) Rules 2018

27.04 Application—submitting notices

Rule 8.07, as inserted by Schedule 2 to the *Family Law Amendment (2018 Measures No. 1) Rules 2018*, applies in relation to an application that is served on or after 1 March 2018.

27.05 Application—notices of contention

Rule 22.08A, as inserted by Schedule 2 to the *Family Law Amendment (2018 Measures No. 1) Rules 2018*, applies in relation to a Notice of Appeal that is served on or after 1 March 2018.

27.06 Application—documents to be used in conjunction with an affidavit

Rule 15.08, as amended by Schedule 3 to the *Family Law Amendment (2018 Measures No. 1) Rules 2018*, applies in relation to an affidavit that is to be filed on or after 1 March 2018.

27.07 Application—compliance with subpoena

Rules 15.29 and 26B.23, as amended by Schedule 3 to the *Family Law Amendment (2018 Measures No. 1) Rules 2018*, apply in relation to a subpoena for production that is issued on or after 1 March 2018.

27.08 Application—undertakings

Rule 17.06, as inserted by Schedule 3 to the *Family Law Amendment (2018 Measures No. 1) Rules 2018*, applies in relation to an undertaking that is given on or after 1 March 2018.