

Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018

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

Dated 1 August 2018

Chief Judge Alstergren

Judge Altobelli

Judge Baird

Judge Baker

Judge Barnes

Judge Bender

Judge Betts

Judge Boyle

Judge Brown

Judge Burchardt

Judge Cameron

Judge Cassidy

Judge Coates

Judge Cole

Judge Curtain

Judge Demack

Judge Driver

Judge Dunkley

Judge Egan

Judge Harland

Judge Harman

Judge Harper

Judge Hartnett

Judge Heffernan

Judge Henderson

Judge Howard

Judge Hughes

Judge A Kelly

Judge C Kelly

Judge Kemp

Judge Kirton

Judge Lapthorn

Judge Lucev

Judge Manousaridis

Judge McGuire

Judge McNab

Judge Mercuri

Judge Middleton

Judge Monahan

Judge Myers

Judge Neville

Judge Obradovic

Judge O’Sullivan

Judge Purdon-Sully

Judge Riethmuller

Judge Riley

Judge Small

Judge Spelleken

Judge Stewart

Judge Street

Judge Terry

Judge Tonkin

Judge Turner

Judge Vasta

Judge Williams

Judge Willis

Judge Wilson

Judge Young

Judges of the Federal Circuit  
Court of Australia

Dr Stewart Fenwick Chief Executive Officer

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1 Name

These Rules are the *Federal Circuit Court Amendment (Costs and Other Measures) 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 | The day after these Rules are registered. | 4 August 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Note: This table relates only to the provisions of these Rules as originally made.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 *Federal Circuit Court of Australia Act 1999.*

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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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

Part 1—Costs

Federal Circuit Court Rules 2001

1 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Costs

Note: See rules 21.10, 21.16 and 44.15.

Part 1A—Application of this Schedule

1 Application of this Schedule

This Schedule, as amended by the *Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018*, applies to work done and services performed after the commencement of this Schedule.

Part 1—Family law proceedings and general federal law proceedings

| Costs for family law proceedings and general federal law proceedings | | | |
| --- | --- | --- | --- |
| Item | Description | Amount for a family law proceeding (including GST) | Amount for a general federal law proceeding (including GST) |
| 1 | Initiating or opposing an application up to the completion of the first court date | Both:  (a) $2,241; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing | Both:  (a) $2,992; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing |
| 2 | Initiating or opposing an application which includes interim orders (other than procedural orders) up to the completion of the first court date | Both:  (a) $2,802; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing | Both:  (a) $3,744; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing |
| 3 | Interim or summary hearing—as a discrete event  Note: This stage applies to an interim application or a summary proceeding of a type not otherwise addressed in this fee structure. It does not include the item 1 or 2 component. | Both:  (a) $1,867; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing | Both:  (a) $1,867; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing |
| 4 | Up to and including the conciliation conference | $1,867 | Not applicable |
| 5 | Dispute resolution litigation intervention | $1,867 | $3,138 |
| 6 | Preparation for final hearing—one day matter | $4,775 | $6,728 |
| 7 | Preparation for final hearing—2 day matter | $5,921 | $10,111 |
| 8 | Preparation for final hearing—each additional hearing day after the second hearing day | $1,268 | $2,127 |
| 9 | Final hearing costs for attendance of solicitor at hearing to take judgment. and explain orders | Both:  (a) $305; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing | Both:  (a) $305; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing |
| 10 | Application for family law location, recovery or enforcement of an order (other than an application for enforcement by a Registrar under item 11) | Both:  (a) $948; and  (b) the daily hearing fee mentioned in item 13 that applies to the hearing | Not applicable |
| 11 | Application for enforcement by a Registrar of:  (a) a warrant under rule 25B.22; or  (b) a third party debt notice under rule 25B.40 | $627 | Not applicable |
| 12 | Advocacy loading | 50% of the daily hearing fee mentioned in item 13 that applies to the hearing | 50% of the daily hearing fee mentioned in item 13 that applies to the hearing |
| 13 | Daily hearing fee | Either:  (a) for a short mention—$305; or  (b) for a half day hearing—$1,120; or  (c) for a full day hearing—$2,241 | Either:  (a) for a short mention—$305; or  (b) for a half day hearing—$1,120; or  (c) for a full day hearing—$2,241 |
| 14 | Disbursements—Court fees and other fees and payments to the extent that they have been reasonably incurred | The amount of the fees and payments | The amount of the fees and payments |
| 15 | Disbursements—photocopying for each page | $0.77 | $0.77 |
| 16 | Agents fees and travelling costs  Note: For 2 or more hours travel. | $630 | $630 |

Part 2—Child support proceedings

Division 1—Application for enforcement order in relation to child support proceedings

| Costs for child support proceedings | | |
| --- | --- | --- |
| Item | Description | Amount (including GST) |
| 1 | Initiating or opposing an application up to the completion of the first court date  Note: This item includes final hearing of up to one day if it is held on the first court date. | Both:  (a) $2,360; and  (b) the daily hearing fee mentioned in item 6 that applies to the hearing |
| 2 | Interim or summary hearing—as a discrete event  Note: This item applies to an interim application, or a summary proceeding of a type not otherwise addressed in this fee structure such as an application for an order that a proceeding be stayed. It does not include the item 1 component. | Both:  (a) $1,799; and  (b) the daily hearing fee mentioned in item 6 that applies to the hearing |
| 3 | Preparation of final hearing for a matter of 2 or more days—for every day after the first court date | $1,222 |
| 4 | Final hearing costs for attendance of solicitor at hearing to take judgment and explain orders | Both:  (a) $294; and  (b) the daily hearing fee mentioned in item 6 that applies to the hearing |
| 5 | Advocacy loading | 50% of the daily hearing fee mentioned in item 6 that applies to the hearing |
| 6 | Daily hearing fee | Either:  (a) for a short mention—$294; or  (b) for a half day hearing—$1,080; or  (c) for a full day hearing—$2,161 |
| 7 | Disbursements—Court fees and other fees and payments to the extent that they have been reasonably incurred | The amount of the fees and payments |
| 8 | Disbursements—photocopying documents first 10 pages—for each page | $0.77 |
| 9 | Disbursements—photocopying documents after first 10 pages—for each page | $0.23 |
| 10 | Agents fees and travelling costs  Note: For 2 or more hours travel. | $608 |

Division 2—Costs for appeal of a Tribunal or Child Support Registrar decision

| Costs for an appeal of a Tribunal or Child Support Registrar decision | | |
| --- | --- | --- |
| Item | Description | Amount (including GST) |
| 1 | A proceeding concluded at or before the first court date for the proceeding | $1,444 |
| 2 | A proceeding concluded:  (a) after the first court date for the proceeding; and  (b) at least 4 weeks before the final hearing for the proceeding | $3,604 |
| 3 | A proceeding concluded at a final hearing | $7,200 |

Part 3—Migration proceedings

Division 1—Costs for migration proceedings that have concluded

| Costs for migration proceedings that have concluded | | |
| --- | --- | --- |
| Item | Description | Amount (including GST) |
| 1 | A proceeding concluded at or before the first court date for the proceeding | $1,495 |
| 2 | A proceeding concluded:  (a) after the first court date for the proceeding; and  (b) at or before the hearing under rule 44.12 or other interlocutory hearing | $3,737 |
| 3 | A proceeding concluded at a final hearing | $7,467 |

Division 2—Costs for migration proceedings that have been discontinued

| Costs for migration proceedings that have been discontinued | | |
| --- | --- | --- |
| Item | Description | Amount (including GST) |
| 1 | A proceeding in which the notice of discontinuance is filed and served at least 14 days before the first court date for the proceeding | $744 |
| 2 | A proceeding in which the notice of discontinuance is filed and served:  (a) less than 14 days before the first court date for the proceeding; and  (b) at least 15 days before the hearing under rule 44.12 or other interlocutory hearing | $1,864 |
| 3 | A proceeding in which the notice of discontinuance is filed and served:  (a) less than 15 days before the hearing under rule 44.12 or other interlocutory hearing; and  (b) at least 15 days before the final hearing | $3,737 |
| 4 | Any other case | $5,227 |

Part 2—Other amendments

Federal Circuit Court Rules 2001

2 Paragraph 10.01(3)(g)

Repeal the paragraph, substitute:

(g) dispute resolution;

(ga) family counselling;

3 Part 2 of Schedule 3 (after table item 3)

Insert:

|  |  |
| --- | --- |
| 3A | rule 6.11 |
| 3B | Division 7.3 |