



Federal Court Amendment (Court Administration and Other Measures) Rules 2019

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

Dated 29 April 2019

J L B ALLSOP CJ
A P GREENWOOD J
S D RARES J
B J COLLIER J
A J BESANKO J
J E MIDDLETON J
J A LOGAN J
G A FLICK J
N W MCKERRACHER J
J E REEVES J
N PERRAM J
L G FOSTER J
J V NICHOLAS J
D M YATES J
A ROBERTSON 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
B S MARKOVIC J
R J BROMWICH J
N CHARLESWORTH J
S C G BURLEY J
M B J LEE J
R M DERRINGTON J
D G THOMAS J
S C DERRINGTON J
S H P STEWARD J
K F BANKS-SMITH J
C G COLVIN J
M F WHEELAHAN J
A M STEWART J
D J JACKSON J

**Judges of the Federal Court
of Australia**

Sia Lagos
Acting Chief Executive Officer and Principal Registrar

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1 Name

These Rules are the *Federal Court Amendment (Court Administration and Other Measures) Rules 2019*.

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.	2 May 2019

Note: This table relates only to the provisions of these Rules as originally made.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 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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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 relating to the Courts Administration Legislation Amendment Act 2016

Federal Court Rules 2011

1 Paragraph 2.01(3)(b)

Omit “the Registrar”, substitute “a Registrar”.

2 Paragraph 2.01(3)(d)

Repeal the paragraph.

3 Paragraph 2.01(3)(e)

Omit “the Registrar”, substitute “the Chief Executive Officer”.

4 Rule 2.01 (note 2)

Omit “the Registrar, a District Registrar, a Deputy District Registrar or an officer acting with the authority of the Registrar or District Registrar”, substitute “the Chief Executive Officer, a District Registrar or an officer acting with the authority of the Chief Executive Officer or a District Registrar”.

5 Rules 2.14, 2.22, 2.23 and 2.24

Omit “the Registrar” (wherever occurring), substitute “a Registrar”.

6 Subrule 2.31(3)

Omit “or Registrar” (wherever occurring), substitute “or a Registrar”.

7 Subrule 2.41(1)

Omit “Registrar”, substitute “Chief Executive Officer”.

8 Part 3 (note to Part heading)

Repeal the note, substitute:

Note 1: For the appointment of the Chief Executive Officer, see section 18C of the Act. For the appointment of Registrars, District Registrars and Deputy District Registrars, see section 18N of the Act.

Note 2: For the powers of the Chief Executive Officer, see section 18D of the Act. Registrars, District Registrars and Deputy District Registrars have the duties, powers and functions given to them by the Act or the Chief Justice: see this Part, and sections 18N(2) and 35A of the Act.

9 Paragraph 3.01(1)(c)

Omit “the Registrar”, substitute “a Registrar”.

10 Rule 3.05 (heading)

Omit “the Registrar”, substitute “a Registrar”.

11 Rule 3.11 (heading)

Omit “the Registrar’s”, substitute “a Registrar’s”.

12 Subrule 4.12(4)

Omit “The Registrar”, substitute “A Registrar”.

13 Paragraph 4.15(1)(b)

Omit “the Registrar’s”, substitute “a Registrar’s”.

14 Subrules 4.15(2) and 4.16(1)

Omit “the Registrar”, substitute “a Registrar”.

15 Subrule 4.16(5)

Omit “The Registrar”, substitute “A Registrar”.

16 Subrule 4.16(6)

Omit “the Registrar”, substitute “a Registrar”.

17 Rule 5.01 (note 2)

Omit “the Registrar”, substitute “a Registrar”.

18 Subrule 5.04(3) (note 1)

Repeal the note, substitute:

Note 1: If a proceeding is transferred under a direction mentioned in item 34 of the table, a Registrar at the place from which the proceeding is transferred will, on behalf of the District Registrar of that place, send all documents in the District Registrar’s custody relating to the proceeding to the District Registrar at the place to which the proceeding is transferred.

19 Subrule 6.02(1)

Omit “Registrar”, substitute “Chief Executive Officer”.

20 Paragraph 10.51(e)

Omit “Registrar”, substitute “Chief Executive Officer”.

21 Rule 10.52

Omit “Registrar” (wherever occurring), substitute “Chief Executive Officer”.

22 Rule 10.61 (paragraph (b) of the definition of *forwarding authority*)

Omit “the Registrar”, substitute “a Registrar”.

23 Subrule 10.64(1)

Omit “to the Registrar”, substitute “to a Registrar”.

24 Paragraph 10.64(3)(b)

Omit “the Registrar” (first occurring), substitute “the Chief Executive Officer”.

25 Paragraph 10.64(3)(b)

Omit “the Registrar” (second occurring), substitute “a Registrar”.

26 Paragraph 10.64(3)(c)

Omit “the Registrar”, substitute “a Registrar”.

27 Subrules 10.66(1) and (3)

Omit “the Registrar”, substitute “a Registrar”.

28 Paragraph 10.66(5)(b)

Omit “Registrar”, substitute “Chief Executive Officer”.

29 Rule 10.67

Omit “Registrar” (wherever occurring), substitute “Chief Executive Officer”.

30 Rule 10.74

Omit “the Registrar” (first occurring), substitute “a Registrar”.

31 Subrule 10.76(3)

Omit “the Registrar”, substitute “a Registrar”.

32 Subrule 14.25(2) (note)

Omit “The Registrar”, substitute “A Registrar”.

33 Rule 15.02 (note 3)

Omit “The Registrar”, substitute “A Registrar”.

34 Rule 17.01 (note 3)

Omit “the Registrar”, substitute “a Registrar”.

35 Subrule 23.02(1) (note)

Omit “The Registrar”, substitute “A Registrar”.

36 Subrule 24.01(2) (note 3)

Omit “The Registrar”, substitute “A Registrar”.

37 Paragraphs 24.17(4)(b) and (8)(b)

Omit “the Registrar” (wherever occurring), substitute “a Registrar”.

38 Subrule 24.18(2)

Omit “The Registrar”, substitute “A Registrar”.

39 Subrules 24.18(3) and (5) and 24.20(2)

Omit “the Registrar”, substitute “a Registrar”.

40 Subrule 24.20(4)

Omit “The Registrar”, substitute “A Registrar”.

41 Subrules 24.20(5), (6) and (7)

Omit “the Registrar”, substitute “a Registrar”.

42 Subrule 24.20(8)

Omit “The Registrar”, substitute “A Registrar”.

43 Subrule 24.20(9)

Omit “by the Registrar”.

44 Subrule 24.20(10)

Omit “The Registrar”, substitute “A Registrar”.

45 Paragraph 24.20(11)(b)

Omit “the Registrar”, substitute “a Registrar”.

46 Subrules 24.20(12) and 24.21(1) and (2)

Omit “The Registrar”, substitute “A Registrar”.

47 Subrules 24.21(2) and (5)

Omit “the Registrar”, substitute “a Registrar”.

48 Subrule 24.21(6)

Omit “The Registrar”, substitute “A Registrar”.

49 Subrules 24.24(1) and (2)

Omit “the Registrar”, substitute “a Registrar”.

50 Subrule 24.24(3)

Omit “the Registrar” (first occurring), substitute “a Registrar”.

51 Paragraph 24.24(3)(a)

Omit “the Registrar”, substitute “that Registrar”.

52 Rule 27.01 (note)

Omit “the Registrar”, substitute “a Registrar”.

53 Rule 27.12 (note)

Omit “the Registrar”, substitute “a Registrar”.

54 Subrule 27.13(2)

Omit “The Registrar”, substitute “A Registrar”.

55 Rule 27.21 (note 2)

Omit “the Registrar”, substitute “a Registrar”.

56 Subrule 27.23(2)

Omit “The Registrar”, substitute “A Registrar”.

57 Rule 28.21

Omit “the Registrar” (first occurring), substitute “a Registrar”.

58 Rule 28.31

Omit “the Registrar” (first occurring), substitute “a Registrar”.

59 Subrule 29.12(1)

Omit “the Registrar” (first occurring), substitute “a Registrar”.

60 Subparagraph 29.12(1)(d)(ii)

Omit “Registrar”, substitute “Chief Executive Officer”.

61 Subrules 29.20(5) and (6)

Omit “the Registrar”, substitute “a Registrar”.

62 Subrule 29.22(4)

Omit “Registrar” (wherever occurring), substitute “Chief Executive Officer”.

63 Subrule 30.41(1)

Omit “the Registrar”, substitute “a Registrar”.

64 Rule 30.44

Omit “the Registrar” (first occurring), substitute “a Registrar”.

65 Subrules 30.55(1) and (2)

Omit “the Registrar”, substitute “a Registrar”.

66 Rule 32.01 (note 1)

Omit “the Registrar”, substitute “a Registrar”.

67 Subrule 32.02(1)

Omit “the Registrar”, substitute “a Registrar”.

68 Rule 32.11 (note 1)

Omit “the Registrar”, substitute “a Registrar”.

69 Subrule 32.12(1)

Omit “the Registrar”, substitute “a Registrar”.

70 Subrule 33.02(5) (note)

Omit “The Registrar”, substitute “A Registrar”.

71 Rule 33.05 (note)

Omit “The Registrar”, substitute “A Registrar”.

72 Rule 33.12 (note 1)

Omit “The Registrar”, substitute “A Registrar”.

73 Rule 33.13 (note 1)

Omit “The Registrar”, substitute “A Registrar”.

74 Rule 33.17 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

75 Subrule 33.24(1)

Omit “the Registrar’s”, substitute “a Registrar’s”.

76 Subrules 33.24(1) and (2)

Omit “the Registrar”, substitute “a Registrar”.

77 Subrule 33.24(3)

Omit “The Registrar”, substitute “A Registrar”.

78 Subrule 33.24(3)

Omit “the Registrar”, substitute “a Registrar”.

79 Subrule 33.24(4)

Omit “the Registrar’s”, substitute “a Registrar’s”.

80 Rule 34.07 (note)

Omit “the Registrar”, substitute “a Registrar”.

81 Subrule 34.24(2) (note)

Omit “The Registrar”, substitute “A Registrar”.

82 Rule 34.69 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

83 Rule 34.84 (note)

Omit “The Registrar”, substitute “A Registrar”.

84 Subrule 34.92(1)

Omit “Registrar”, substitute “Chief Executive Officer”.

85 Subrule 34.92(2) (note 2)

Omit “The Registrar”, substitute “A Registrar”.

86 Subrule 34.94(1) (note)

Omit “The Registrar”, substitute “A Registrar”.

87 Rule 34.104 (note)

Omit “the Registrar”, substitute “a Registrar”.

88 Rule 34.112 (note 1)

Omit “the Registrar”, substitute “a Registrar”.

89 Rule 34.112 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

90 Paragraphs 34.113(b), 34.114(b) and 34.117(4)(a)

Omit “the Registrar”, substitute “a Registrar”.

91 Rule 34.117 (note 1)

Omit “the Registrar”, substitute “a Registrar”.

92 Rule 34.117 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

93 Subrule 34.118(2)

Omit “the Registrar”, substitute “a Registrar”.

94 Rule 34.121 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

95 Subrule 34.130(1)

Omit “the Registrar”, substitute “a Registrar”.

96 Rule 34.133 (note 2)

Omit “The Registrar”, substitute “A Registrar”.

97 Rule 34.163 (note)

Omit “The Registrar”, substitute “A Registrar”.

98 Rule 35.21 (note)

Omit “The Registrar”, substitute “A Registrar”.

99 Rule 36.02 (note)

Omit “the Registrar” (wherever occurring), substitute “a Registrar”.

100 Subrule 36.51(2)

Omit “the Registrar”, substitute “a Registrar”.

101 Subrule 36.52(1)

Omit “the Registrar’s”, substitute “a Registrar’s”.

102 Subrules 36.52(1) and (2)

Omit “the Registrar”, substitute “a Registrar”.

103 Subrule 36.52(3)

Omit “The Registrar”, substitute “A Registrar”.

104 Subrule 36.52(3)

Omit “the Registrar”, substitute “a Registrar”.

105 Subrule 36.52(4)

Omit “the Registrar’s”, substitute “a Registrar’s”.

106 Rule 38.02 (note)

Omit “the Registrar”, substitute “a Registrar”.

107 Subrule 39.33(1)

Omit “the Registrar”, substitute “a Registrar”.

108 Subrules 39.35(2) and (3)

Omit “The Registrar”, substitute “A Registrar”.

109 Rule 40.18 (note)

Omit “the Registrar”, substitute “a Registrar”.

110 Paragraph 40.19(a)

Omit “the Registrar”, substitute “a Registrar”.

111 Subrule 40.21(2)

Omit “the Registrar”, substitute “a Registrar”.

112 Rule 40.22

Omit “the Registrar”, substitute “a Registrar”.

113 Rule 40.24

Omit “The Registrar”, substitute “A Registrar”.

114 Paragraph 40.24(a)

Omit “the Registrar”, substitute “a Registrar”.

115 Subrule 40.25(1)

Omit “the Registrar”, substitute “a Registrar”.

116 Rule 41.04 (note)

Omit “the Registrar”, substitute “a Registrar”.

117 Rule 41.69

Omit “The Registrar”, substitute “A Registrar”.

118 Rule 42.16 (heading)

Repeal the heading, substitute:

42.16 Application or proceeding by a Registrar

119 Subrule 42.16(1)

Omit “the Registrar”, substitute “a Registrar”.

120 Schedule 1

Insert:

Chief Executive Officer—see section 4 of the Act.

121 Schedule 1 (definition of *hearing date*)

Omit “the Registrar”, substitute “a Registrar”.

122 Schedule 1 (paragraphs (a) and (b) of the definition of *Registrar*)

Repeal the paragraphs, substitute:

- (a) the Chief Executive Officer, or a Registrar, District Registrar or Deputy District Registrar of the Court; and
- (b) any officer from time to time authorised to perform the duties of the Chief Executive Officer, or a Registrar, District Registrar or Deputy District Registrar of the Court.

123 Schedule 1 (definition of *return date*)

Omit “the Registrar”, substitute “a Registrar”.

124 Part 3.7 of Schedule 2 (table item 99, column headed “Description (for information only)”)

Omit “the Registrar’s”, substitute “a Registrar’s”.

Schedule 2—Accompanying documents for originating applications

Federal Court Rules 2011

1 Paragraph 5.21(b)

After “statement of claim”, insert “, or alternative accompanying document referred to in rule 8.05,”.

2 Paragraph 5.21(c)

Omit “the respondent’s defence”, substitute “a pleading of the respondent”.

3 Paragraph 5.23(2)(c)

After “a statement of claim”, insert “or an alternative accompanying document referred to in rule 8.05”.

4 Paragraph 5.23(2)(c)

After “the statement of claim”, insert “or alternative accompanying document”.

5 Rule 8.05

Repeal the rule, substitute:

8.05 Accompanying document for originating application

- (1) An originating application seeking relief that includes damages must be accompanied by:
 - (a) unless paragraph (b) or (c) applies—a statement of claim; or
 - (b) if a practice note issued by the Chief Justice requires the originating application to be accompanied by an alternative accompanying document—the alternative accompanying document; or
 - (c) if a practice note issued by the Chief Justice permits the originating application to be accompanied by an alternative accompanying document—the alternative accompanying document or a statement of claim.
- (2) An originating application seeking relief that does not include damages must be accompanied by:
 - (a) unless paragraph (b) or (c) applies—a statement of claim or an affidavit; or
 - (b) if a practice note issued by the Chief Justice requires the originating application to be accompanied by an alternative accompanying document—the alternative accompanying document; or
 - (c) if a practice note issued by the Chief Justice permits the originating application to be accompanied by an alternative accompanying document—the alternative accompanying document, a statement of claim or an affidavit.

- Note 1: A practice note issued by the Chief Justice may require or permit an alternative accompanying document to accompany an originating application by:
- (a) expressly requiring or permitting the alternative accompanying document to accompany the originating application; or

- (b) referring to another document that requires or permits the alternative accompanying document to accompany the originating application.

Note 2: When an originating application and accompanying document are filed, a Registrar will fix a return date and place for hearing and endorse those details on the application.

Note 3: If the Court has made an order shortening the time for service of the application, a Registrar will endorse details of the order on the application.

- (3) A statement of claim mentioned in this rule must be in accordance with Form 17.
- (4) An affidavit mentioned in subrule (2) must state the material facts on which the applicant relies that are necessary to give the respondent fair notice of the case to be made against the respondent at trial.

Note 1: For the content of a statement of claim, see Division 16.1.

Note 2: For the content of an alternative accompanying document, see rule 16.13.

- (5) This rule has effect subject to any other rule of the Court.

Note 1: For some special classes of proceedings, requirements for the documents that must accompany an originating application are found in Chapter 3.

Note 2: This rule does not apply to initiating process in proceedings under the *Admiralty Act 1988*—see the *Admiralty Rules 1988*.

6 Rule 8.06

Repeal the rule, substitute:

8.06 Service of originating documents

The applicant must, as soon as practicable and at least 5 days before the return date fixed in an originating application, serve a copy of the following personally on each respondent named in the originating application:

- (a) the originating application;
- (b) each other document required to accompany the application by rule 8.05 or any other rule of the Court.

Note 1: The Court may extend or shorten the time for service—see rule 1.39.

Note 2: Division 10.1 deals with personal service.

Note 3: Service should generally be effected as soon as practicable after filing (which may be immediately). This will provide time for steps required under practice notes issued by the Chief Justice to be undertaken before the return date.

7 Paragraph 15.06(1)(a)

After “statement of claim”, insert “or an alternative accompanying document referred to in rule 8.05”.

8 Before rule 16.01

Insert:

16.01A Application of Division 16.1

Subject to rule 16.13, this Division does not apply in relation to a pleading that is an alternative accompanying document referred to in rule 8.05.

9 Paragraph 16.01(c)

Omit “if prepared by a lawyer”, substitute “for a pleading prepared by a lawyer, other than a pleading referred to in paragraph (d)”.

10 At the end of rule 16.01

Add:

; and (d) for an alternative accompanying document referred to in rule 8.05 that is prepared by a lawyer—include a certificate signed by the lawyer that any factual and legal material available to the lawyer provides a proper basis for the matters set out in the pleading.

11 At the end of Division 16.1 (before the note)

Add:

16.13 Alternative accompanying documents

- (1) The following provisions apply to an alternative accompanying document referred to in rule 8.05:
 - (a) paragraphs 16.01(a), (b) and (d);
 - (b) subrule 16.02(2).
- (2) The content of such an alternative accompanying document must also comply with any practice notes issued by the Chief Justice.

12 Division 16.1 (note at the end of the Division)

Omit “16.13”, substitute “16.14”.

13 Before rule 16.41

Insert:

16.41A Application of Division 16.4

This Division does not apply in relation to a pleading that is an alternative accompanying document referred to in rule 8.05.

14 Subrule 34.42(1)

Omit “any accompanying statement of claim or affidavit”, substitute “the accompanying document required by rule 8.05”.

15 Subrule 34.42(2)

Omit “statement of claim or affidavit”, substitute “accompanying document”.

16 Subrule 34.42(3)

Omit “accompanying statement of claim or affidavit”, substitute “accompanying document”.

17 Rule 34.43

Omit “any accompanying statement of claim or affidavit”, substitute “the accompanying document required by rule 8.05”.

18 Rule 34.44

Omit “any accompanying statement of claim or affidavit”, substitute “the accompanying document required by rule 8.05”.

19 Subrule 34.45(1)

Omit “any statement of claim or affidavit”, substitute “the accompanying document required by rule 8.05”.

20 Subrule 34.45(2)

Omit “a statement of claim or affidavit”, substitute “an accompanying document”.

21 Subrule 34.45(3)

Omit “statement of claim or affidavit”, substitute “accompanying document required by rule 8.05”.

22 Schedule 1 (after paragraph (a) of the definition of *pleading*)

Insert:

(aa) an alternative accompanying document referred to in rule 8.05; or

Schedule 3—Other amendments

Federal Court Rules 2011

1 Subrule 2.32(5) (note 1)

Omit “*Federal Court of Australia Regulations 2004*”, substitute “*Federal Court and Federal Circuit Court Regulation 2012*”.

2 Subrules 8.07(1) and (2)

Repeal the subrules, substitute:

- (1) If an originating application has not been served, a party may apply to a Registrar to change the return date fixed in the originating application.
- (1A) An application to change the return date may be made by sending, in accordance with rule 2.23, an amended originating application by electronic communication to a Registry for filing.

Note 1: If an application to change the return date is made in accordance with this subrule and a Registrar changes the return date, a Registrar will insert a notice of filing and hearing that shows the changed return date as the first page of the amended originating application (see rule 2.24).

Note 2: *File* is defined in the Dictionary as meaning file and serve.

- (2) If:
 - (a) an application to change the return date is made otherwise than by sending an amended originating application by electronic communication to a Registry for filing; and
 - (b) a Registrar changes the return date;the applicant must change the return date endorsed on the copy of the application that is to be served.

3 Subrule 15.17(1)

After “amend a”, insert “notice of”.

4 Subrule 15.17(2)

After “read,”, insert “or if the notice of cross-claim was lodged by electronic communication,”.

5 Rule 33.11 (definition of *Registrar of the Tribunal*)

Repeal the definition, substitute:

Registrar of the Tribunal includes:

- (a) a person:
 - (i) who has been appointed as an officer of the Tribunal under section 24PA of the AAT Act; and
 - (ii) to whom powers or functions have been delegated under section 10A(3) of the AAT Act; and
- (b) a person who is authorised, under section 59B of the AAT Act, to be an authorised officer for the purposes of any provision of that Act or any other enactment.

6 Paragraph 33.18(2)(b)

Omit “about which the Tribunal has made an order under section 35(2)”, substitute “in relation to which the Tribunal has made an order under section 35(3) or (4)”.

7 Rule 33.18 (note 2)

Repeal the note, substitute:

Note 2: Sections 35(3) and (4) of the AAT Act allow the Tribunal to make orders prohibiting or restricting publication or disclosure of information relating to proceedings before the Tribunal.

8 Division 33.3 (at the end of the heading)

Add “or Australian Financial Complaints Authority”.

9 Rule 33.34 (at the end of the heading)

Add “or section 1057 of the *Corporations Act 2001*”.

10 Rule 33.34

Before “Division”, insert “(1)”.

11 Rule 33.34

After “Tribunal”, insert “or an appeal under section 1057 of the *Corporations Act 2001* from a determination of AFCA”.

12 At the end of rule 33.34

Add:

- (2) For the purposes of the application of Division 33.2 to an appeal from a determination of the Superannuation Complaints Tribunal or AFCA, that Division applies as if a reference to the Tribunal included the Superannuation Complaints Tribunal or AFCA (as the case may be).

13 Subrule 34.03(3)

Omit “section 369 of”.

14 Subrule 34.04(3)

Omit “section 777 of”.

15 Subrule 34.05(3)

Omit “section 369 of”.

16 Paragraph 36.03(a)

Omit “21”, substitute “28”.

17 Rule 40.43

Repeal the rule, substitute:

40.43 Short form bills for migration appeals

- (1) This rule applies in relation to:

-
- (a) an appeal from an order made by the Federal Circuit Court in respect of a migration decision (within the meaning of the *Migration Act 1958*); and
 - (b) an application for leave to appeal from an order mentioned in paragraph (a); and
 - (c) an application for an extension of time to start an appeal mentioned in paragraph (a) or to make an application mentioned in paragraph (b).

(2) If:

- (a) an appeal or application is discontinued or dismissed before hearing; and
- (b) a party is entitled to costs or obtains an order for costs;

the party is entitled, subject to subrule (4), to the costs mentioned in item 15.1 of Schedule 3.

(3) If:

- (a) an appeal or application is discontinued or dismissed after hearing; and
- (b) a party is entitled to costs or obtains an order for costs;

the party is entitled, subject to subrule (4), to the costs mentioned in item 15.2 of Schedule 3.

(4) If:

- (a) a party is entitled to an amount under subrule (2) or (3) in relation to an appeal; and
- (b) the court had, at a separate hearing, granted leave to appeal or an extension of time to start the appeal;

the party is entitled, in addition to the costs to which the party is entitled under subrule (2) or (3) (as the case may be), to the costs mentioned in item 15.3 of Schedule 3.

18 Subrules 40.44(1) to (4)

Repeal the subrules, substitute:

- (1) A party (the *claimant*) who claims costs to which the claimant is entitled under rule 40.43 must file a bill for an amount not exceeding the amount to which the claimant is entitled under that rule. The bill need not include an itemised account of:
 - (a) the work or services performed; or
 - (b) the disbursements incurred.
- (2) A certificate of taxation will be issued for the amount claimed in the bill unless a party interested in the bill files a notice of objection in accordance with subrule 40.25(1) within 14 days after being served with the bill.
- (3) If the claimant receives a notice of objection, the claimant must, within 14 days after receiving the notice, file a copy of the following documents:
 - (a) the notice;
 - (b) the affidavit of service of the bill on the other party;
 - (c) an itemised account or evidence that the costs incurred by the claimant were equal to, or more than, the amount of the bill.

Note: For the taxation of the bill, see rule 40.27.

19 At the end of rule 40.44

Add:

Note: *File* is defined in the Dictionary as meaning file and serve.

20 Schedule 1

Insert:

AFCA has the meaning given by section 761A of the *Corporations Act 2001*.

21 Part 3.7 of Schedule 2 (table item 148, column headed “Description (for information only)”)

Omit “to a cross-claim”, substitute “of a notice of cross-claim”.

22 Schedule 3 (note to Schedule heading)

Repeal the note, substitute:

Note: See rules 40.29, 40.41, 40.42 and 40.43.

23 Item 1A of Schedule 3

Repeal the item, substitute:

1A Application of this Schedule

1A.1 This Schedule, as amended by the *Federal Court Amendment (Court Administration and Other Measures) Rules 2019*, applies to work done or services performed on or after the commencement of those Rules.

24 Item 15 of Schedule 3

Repeal the item, substitute:

15 Migration Act 1958—short form bills

- 15.1 Short form amount, including costs and disbursements, that may be claimed if an appeal or application is discontinued or dismissed before hearing: \$4,592.
- 15.2 Short form amount, including costs and disbursements, that may be claimed if an appeal or application is discontinued or dismissed after hearing: \$7,241.
- 15.3 Additional amount that may be claimed if a party is entitled to amount under subrule 40.43(2) or (3) in relation to an appeal and the court had, at a separate hearing, granted leave to appeal or an extension of time to start the appeal: \$2,180.

25 Amendments of listed provisions—Schedule 3

The provisions of Schedule 3 listed in the following table are amended as set out in the table.

Amendments relating to costs			
Item	Provision	Omit	Substitute
1	Item 1.1	\$58	\$65
2	Item 1.2	\$22	\$24
3	Item 2.1	\$52	\$59
4	Item 2.2	\$22	\$24
5	Item 2.3	\$42	\$48

Amendments relating to costs			
Item	Provision	Omit	Substitute
6	Item 3.2	\$16	\$18
7	Item 3.3	\$32	\$36
8	Item 10.1	\$106	\$119
9	Item 13.1	\$3,776	\$4,230
10	Item 14.1	\$2,426	\$2,718
11	Item 14.2	\$2,088	\$2,339
12	Item 17.1	\$527	\$590
