



# Family Law Amendment (Powers Delegated to Registrars) Rules 2020

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

Dated 22 September 2020

W Alstergren CJ  
R McClelland DCJ  
G Watts J  
S Austin J  
P Tree J  
R Benjamin J  
V Bennett J  
M Cleary J  
C Forrest J  
K Macmillan J  
G Foster J  
S Gill J  
M Baumann J  
L Henderson J  
J Williams J  
J Wilson J  
R Harper J  
C Mead J  
N Hartnett J  
T McEvoy J

Judges of the Family Court  
of Australia

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## 1 Name

These Rules are the *Family Law Amendment (Powers Delegated to Registrars) Rules 2020*.

## 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.	26 September 2020

Note: This table relates only to the provisions of these Rules as originally made.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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

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## Schedule 1—Amendments

### *Family Law Rules 2004*

#### **1 Subrule 18.05(1) (table 18.2, before item 1)**

Insert:

- 1AA subparagraph 37A(1)(e)(iv) and paragraph 37A(1)(f)

#### **2 Subrule 18.05(1) (table 18.2, after item 15)**

Insert:

- 15A subject to item 15B of this table, Division 13A of Part VII (except paragraph 70NFB(2)(e) and only if:
- (a) the order made is an order until further order; or
  - (b) the power is exercised in an undefended case; or
  - (c) the power is exercised with the consent of all the parties to the case)
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- 15B sections 70NBA and 70NFD (but only if the order to be varied or discharged:
- (a) was made by a Registrar; or
  - (b) is an order until further order; or
  - (c) was made in an undefended case; or
  - (d) was made with the consent of all the parties to the case)

#### **3 Subrule 18.05(1) (table 18.2, after item 16)**

Insert:

- 16A sections 78, 79 and 79A (but only if:
- (a) the declaration or order made is a declaration or an order until further order; or
  - (b) the power is exercised in an undefended case)

#### **4 Subrule 18.05(1) (table 18.2, after item 18)**

Insert:

- 18AA subsections 87(8), 90J(3) and 90K(1) (but only if the order is:
- (a) an order until further order; or
  - (b) made in an undefended case)

#### **5 Subrule 18.05(1) (table 18.2, items 18C and 18D)**

Repeal the items, substitute:

- 18C sections 90SL, 90SM and 90SN (but only if:
- (a) the declaration or order made is a declaration or an order until further order; or
  - (b) the power is exercised in an undefended case)
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- 18D subsections 90UL(3) and 90UM(1) (but only if the order is:
- (a) an order until further order; or
  - (b) made in an undefended case)

#### **6 Subrule 18.05(1) (table 18.2, item 21A)**

Repeal the item, substitute:

- 21A subject to item 21B of this table, Part XIII A (except paragraph 112AD(2)(d) and only if:
- (a) the order is an order until further order; or
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- (b) the power is exercised in an undefended case; or
  - (c) the power is exercised with the consent of all the parties to the case)
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- 21B subsection 112AK(1) (but only if the order to be varied or discharged:
- (a) was made by a Registrar; or
  - (b) is an order until further order; or
  - (c) was made in an undefended case; or
  - (d) was made with the consent of all the parties to the case)
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- 21C subsection 114(3)
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### **7 Subrule 18.05(1) (table 18.2, before item 22)**

Insert:

- 22AA Divisions 4 and 5 of Part 7

### **8 Subrule 18.05(1) (at the end of table 18.2)**

Add:

- 23A subsection 111B(1)
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- 23B section 113

### **9 Subrule 18.05(2) (table 18.3, after item 3)**

Insert:

- 3A paragraphs 10.12(c) and (d)
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- 3B paragraphs 10.14(d) and (e)

### **10 Subrule 18.05(2) (table 18.3, after item 6)**

Insert:

- 7 paragraphs 17.02(1)(a) to (d) and (f)

### **11 Subrule 18.06(1) (table 18.4, item 9)**

Repeal the item, substitute:

- 9 subject to items 21, 21A, 21F and 21G of this table, subsection 37A(1) (except subparagraph (e)(iv) and the reference in subparagraph (f)(i) to an order under section 66Q or 67E)

### **12 Subrule 18.06(1) (table 18.4, after item 18)**

Insert:

- 18AAA section 65D (but only if:
- (a) both of the following apply:
    - (i) the order is made in an undefended case;
    - (ii) the order is to come into effect at least 21 days after the order is served on the non-appearing party; or
  - (b) the order is made with the consent of all the parties to the case)

### **13 Subrule 18.06(1) (table 18.4, item 21)**

Repeal the item, substitute:

- 21 section 74 (but only if:
- (a) all of the following apply:
    - (i) the order is an order until further order;
    - (ii) the order is made in an undefended case;
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## Schedule 1 Amendments

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	(iii) the order is to come into effect at least 21 days after the order is served on the other party; or
	(b) the order is made with the consent of all the parties to the case)
21A	section 77 (but only if: (a) both of the following apply: (i) the order is made in an undefended case; (ii) the order is to come into effect at least 21 days after the order is served on the other party; or (b) the order is made with the consent of all the parties to the case)
21B	sections 78, 79 and 79A (except paragraph 79(9)(c) and only if: (a) both of the following apply: (i) the power is exercised in an undefended case; (ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or (b) the power is exercised with the consent of all the parties to the case)
21C	paragraph 79(9)(c)
21D	subsection 83(1) (but only if: (a) all of the following apply: (i) the order to be discharged, suspended, revived or varied is an order until further order; (ii) the order to discharge, suspend, revive or vary is made in an undefended case; (iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non-appearing party; or (b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case)
21E	subsections 87(8), 90J(3) and 90K(1) (but only if: (a) both of the following apply: (i) the order is made in an undefended case; (ii) the order is to come into effect at least 21 days after the order is served on the non-appearing party; or (b) the order is made with the consent of all the parties to the case)
21F	section 90SE (but only if: (a) all of the following apply: (i) the order is an order until further order; (ii) the order is made in an undefended case; (iii) the order is to come into effect at least 21 days after the order is served on the other party; or (b) the order is made with the consent of all the parties to the case)
21G	section 90SG (but only if: (a) both of the following apply: (i) the order is made in an undefended case; (ii) the order is to come into effect at least 21 days after the order is served on the other party; or (b) the order is made with the consent of all the parties to the case)
21H	section 90SI (but only if: (a) all of the following apply: (i) the order to be discharged, suspended, revived or varied is an order until further order; (ii) the order to discharge, suspend, revive or vary is made in an undefended case; (iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non-appearing party; or

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	(b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case)
21J	sections 90SL, 90SM and 90SN (except paragraph 90SM(9)(c) and only if: (a) both of the following apply: (i) the power is exercised in an undefended case; (ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or (b) the power is exercised with the consent of all the parties to the case)
21K	paragraph 90SM(9)(c)
21L	subsections 90UL(3) and 90UM(1) (but only if: (a) both of the following apply: (i) the power is exercised in an undefended case; (ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or (b) the power is exercised with the consent of all the parties to the case)

**14 Subrule 18.06(1) (table 18.4, after item 23)**

Insert:

23A	paragraphs 94(2D)(a), (b), (c), (e), (g), (h), (i) and (j)
23B	paragraph 94(2D)(d) (but only if all parties consent to the orders sought)
23C	paragraphs 94AAA(10)(a), (b), (c), (e), (g), (h), (i) and (j)
23D	paragraph 94AAA(10)(d) (but only if all parties consent to the orders sought)

**15 Subrule 18.06(1) (table 18.4, item 30)**

Omit “(except an order as to security for costs)”.

**16 Subrule 18.06(1) (at the end of table 18.4)**

Add:

**Assessment Act**

43	section 139 (but only if the order is made: (a) in an undefended case; or (b) with the consent of all the parties to the case)
44	Divisions 4 and 5 of Part 7 (but only if the order is made: (a) in an undefended case; or (b) with the consent of all the parties to the case)

**Registration Act**

45	subsection 105(2)
46	subsection 111B(1)
47	section 113

**17 Subrule 18.06(2) (table 18.5, item 10)**

Omit “(except subrule (5))”.

**18 Subrule 18.06(2) (table 18.5, after item 25)**

Insert:

26	Part 15.4
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**19 Subrule 18.06(2) (table 18.5, item 31B)**

Repeal the item, substitute:

31B paragraphs 17.02(1)(e), (g) and (h)

**20 Subrule 18.06(2) (table 18.5, item 32)**

Omit “Parts 19.3 and 19.8”, substitute “Part 19.8”.

**21 Subrule 18.06(2) (table 18.5, item 32)**

Omit “Parts 6.2 and 6.8 and clauses 6.17 and 6.18”, substitute “Part 6.8”.

**22 Subrule 18.06(2) (table 18.5, item 33)**

Repeal the item, substitute:

33 Chapter 20

34 Part 21.4

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**23 At the end of rule 18.06 (after the note)**

Add:

- (3) A power of the court mentioned in item 34 of Table 18.5 may only be exercised by a Deputy Registrar when dealing with a case in relation to which a Deputy Registrar has, or has been delegated, the power to exercise the court’s jurisdiction.

**24 Subrule 18.08(1) (table 18.6, item 2, column headed “Time within which application must be made”)**

Omit “28 days”, substitute “21 days”.

**25 Subrule 18.08(1) (table 18.6, items 3 and 4, column headed “Time within which application must be made”)**

Omit “7 days”, substitute “21 days”.

**26 In the appropriate position in Chapter 27**

Insert:

**Part 27.5—Transitional provisions relating to the Family Law Amendment (Powers Delegated to Registrars) Rules 2020**

**27.13 Application—powers delegated to Registrars**

Rules 18.05, 18.06 and 18.08, as amended by Schedule 1 to the *Family Law Amendment (Powers Delegated to Registrars) Rules 2020* (the **amending Rules**), apply in relation to the exercise of a power on or after the commencement of the amending Rules (whether or not the exercise of the power relates to a proceeding instituted before, on or after that commencement).