



Federal Circuit Court (Commonwealth Tenancy Disputes) Amendment Instrument 2021

I, Michaelia Cash, Attorney-General, make the following instrument.

Dated 24 August 2021

Michaelia Cash
Attorney-General

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1 Name

This instrument is the *Federal Circuit Court (Commonwealth Tenancy Disputes) Amendment Instrument 2021*.

2 Commencement

- (1) Each provision of this instrument 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 this instrument | The later of: (a) the day after this instrument is registered; and (b) the day the <i>Federal Circuit and Family Court of Australia Act 2021</i> commences. | 1 September 2021 (paragraph (b) applies) |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Federal Circuit and Family Court of Australia Act 2021*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Federal Circuit Court (Commonwealth Tenancy Disputes) Instrument 2015

1 Section 1

Omit “*Federal Circuit Court (Commonwealth Tenancy Disputes) Instrument 2015*”, substitute “*Federal Circuit and Family Court of Australia (Commonwealth Tenancy Disputes) Instrument 2015*”.

2 Section 3

Omit “section 10AA of the *Federal Circuit Court of Australia Act 1999*”, substitute “section 133 of the *Federal Circuit and Family Court of Australia Act 2021*”.

3 Section 4 (definition of Act)

Omit “*Federal Circuit Court of Australia Act 1999*”, substitute “*Federal Circuit and Family Court of Australia Act 2021*”.

4 Section 4

Insert:

relevant Registrar, in relation to the Federal Circuit and Family Court of Australia (Division 2), means the following:

- (a) the Chief Executive Officer and Principal Registrar (within the meaning of the Act);
- (b) a Senior Registrar or Registrar of that court.

5 Section 4A

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

6 Paragraph 5(1)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

7 Subsection 5(3)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

8 Paragraph 6(1)(b)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

9 Paragraph 8(1)(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

10 Paragraph 8(1)(b)

Repeal the paragraph, substitute:

- (b) a reference to the principal registrar of the Tribunal were a reference to a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2); and

11 Paragraph 8(1)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

12 Subsection 8(2)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

13 Section 9

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

14 Subsection 10(1)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

15 Paragraph 10(1)(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

16 Paragraph 10(1)(b)

Repeal the paragraph, substitute:

- (b) a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2) may exercise any powers of the principal registrar of the Civil and Administrative Tribunal under the applicable NSW law; and

17 Paragraph 10(1)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

18 Subsection 10(2)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

19 Paragraph 10(3)(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

20 Paragraph 10(3)(b)

Repeal the paragraph, substitute:

- (b) a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2); or

21 Paragraph 10(3)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

22 Paragraph 11(1)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

23 Subsection 11(3)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

24 Paragraph 12(1)(b)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

25 Paragraph 14(1)(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

26 Paragraph 14(1)(b)

Repeal the paragraph, substitute:

- (b) a reference to the registrar were a reference to a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2).

27 Section 15

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

28 Section 15A

Repeal the section, substitute:

15A Powers when executing orders made by the Court

If the Federal Circuit and Family Court of Australia (Division 2) makes an order when exercising jurisdiction over a Commonwealth tenancy dispute involving land in the Jervis Bay Territory:

- (a) the Federal Circuit and Family Court of Australia (Division 2) may exercise any powers of the ACT Civil and Administrative Tribunal under the applicable Jervis Bay Territory law; and
- (b) a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2) may exercise any powers of a registrar of the ACT Civil and Administrative Tribunal;

to the extent that those powers are relevant to the execution or enforcement of the order.

29 Paragraph 16(1)(c)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

30 Subsection 16(3)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

31 Paragraph 17(1)(b)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

32 Paragraph 19(1)(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

33 Paragraph 19(1)(b)

Repeal the paragraph, substitute:

- (b) a reference to the registrar were a reference to a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2); and

34 Section 20

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

35 Section 21

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

36 Paragraph 21(a)

Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

37 Paragraph 21(b)

Repeal the paragraph, substitute:

- (b) a relevant Registrar of the Federal Circuit and Family Court of Australia (Division 2) may exercise any powers of a registrar of the ACT Civil and Administrative Tribunal;

38 At the end of Part 4

Add:

**Division 2—Application of the Federal Circuit Court
(Commonwealth Tenancy Disputes) Amendment
Instrument 2021**

51 Application of amendments

The amendments made by the *Federal Circuit Court (Commonwealth Tenancy Disputes) Amendment Instrument 2021* apply in relation to Commonwealth tenancy disputes arising before or after the commencement of that instrument.