

Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 August 2021

David Hurley

Governor‑General

By His Excellency’s Command

Michaelia Cash

Attorney‑General

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 2

Schedule 1—Main amendments 3

Part 1—General amendments 3

Federal Court and Federal Circuit Court Regulation 2012 3

Family Law (Fees) Regulation 2012 9

Part 2—Amendments of listed provisions 17

Federal Court and Federal Circuit Court Regulation 2012 17

Family Law (Fees) Regulation 2012 18

Schedule 2—Other consequential amendments 20

Part 1—General amendments 20

Administrative Decisions (Judicial Review) Regulations 2017 20

Australian Crime Commission Regulations 2018 20

Automotive Transformation Scheme Regulations 2010 21

Designs Regulations 2004 21

Extradition Regulations 1988 21

Fair Work (Registered Organisations) Regulations 2009 22

Fair Work Regulations 2009 22

Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009 23

Family Law (Child Abduction Convention) Regulations 1986 23

Family Law (Child Protection Convention) Regulations 2003 24

Family Law (Family Dispute Resolution Practitioners) Regulations 2008 25

Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 26

Family Law Regulations 1984 28

Federal Proceedings (Costs) Regulations 2018 30

Financial Framework (Supplementary Powers) Regulations 1997 31

Legislation (Exemptions and Other Matters) Regulation 2015 31

Mutual Assistance in Criminal Matters Regulations 1988 31

National Consumer Credit Protection Regulations 2010 32

Superannuation (CSS) Eligible Employees Regulations 1976 32

Superannuation Industry (Supervision) Regulations 1994 32

Trans‑Tasman Proceedings Regulation 2012 32

Part 2—Amendments of listed provisions 33

Family Law (Child Protection Convention) Regulations 2003 33

Family Law Regulations 1984 33

1 Name

 This instrument is the *Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 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 | At the same time as the *Federal Circuit and Family Court of Australia Act 2021*. | 1 September 2021 |

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 following:

 (a) the *Administrative Decisions (Judicial Review) Act 1977*;

 (b) the *Australian Crime Commission Act 2002*;

 (c) the *Automotive Transformation Scheme Act 2009*;

 (d) the *Designs Act 2003*;

 (e) the *Extradition Act 1988*;

 (f) the *Fair Work Act 2009*;

 (g) the *Fair Work (Registered Organisations) Act 2009*;

 (h) the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*;

 (i) the *Family Law Act 1975*;

 (j) the *Federal Circuit and Family Court of Australia Act 2021*;

 (k) the *Federal Court of Australia Act 1976*;

 (l) the *Federal Proceedings (Costs) Act 1981*;

 (m) the *Financial Framework (Supplementary Powers) Act 1997*;

 (n) the *Legislation Act 2003*;

 (o) the *Mutual Assistance in Criminal Matters Act 1987*;

 (p) the *National Consumer Credit Protection Act 2009*;

 (q) the *Superannuation Act 1976*;

 (r) the *Superannuation Industry (Supervision) Act 1993*;

 (s) the *Trans‑Tasman Proceedings Act 2010*.

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—Main amendments

Part 1—General amendments

Federal Court and Federal Circuit Court Regulation 2012

1 Section 1.01

Repeal the section, substitute:

1.01 Name

 This instrument is the *Federal Court and Federal Circuit and Family Court Regulations 2012*.

1.02 Authority

 This instrument is made under the following:

 (a) the *Federal Circuit and Family Court of Australia Act 2021*;

 (b) the *Federal Court of Australia Act 1976*.

2 After the heading to section 1.03

Insert:

Note: A number of expressions used in this instrument are defined in the Federal Court Act or the Federal Circuit and Family Court Act.

3 Section 1.03

Omit “In this regulation:”, substitute “In this instrument:”.

4 Section 1.03 (paragraph (b) of the definition of *authorised officer*)

Repeal the paragraph, substitute:

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) an officer of that court authorised by the Chief Executive Officer (within the meaning of the Federal Circuit and Family Court Act) to exercise the power or carry out the function;

 (ii) an officer of another court performing the function under an arrangement under section 246 of that Act;

 (iii) an employee of an agency or organisation performing the function under an arrangement under section 247 of that Act.

5 Section 1.03

Insert:

***Federal Circuit and Family Court Act*** means the *Federal Circuit and Family Court of Australia Act 2021*.

6 Section 1.03

Repeal the following definitions:

 (a) definition of ***Federal Circuit Court***;

 (b) definition of ***Federal Circuit Court Act***;

 (c) definition of ***Federal Circuit Court Rules***;

 (d) definition of ***general federal law proceeding***;

 (e) definition of ***Registrar***.

7 Section 1.03 (paragraph (b) of the definition of *relevant court*)

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

8 Section 1.03

Insert:

***relevant Registrar*** of a court means:

 (a) in relation to the Federal Court—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the Federal Court Act);

 (ii) a District Registrar of the court;

 (iii) a Deputy District Registrar of the court;

 (iv) a Registrar of the court; and

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the Federal Circuit and Family Court Act);

 (ii) a Senior Registrar or Registrar of the court.

9 After section 1.03

Insert:

1.03A Expressions used in this instrument that are defined in the Federal Court Act and the Federal Circuit and Family Court Act

 (1) This section applies if an expression is defined in the Federal Court Act and the Federal Circuit and Family Court Act.

 (2) When used in a provision of this instrument, the expression has the meaning given by whichever of those Acts is appropriate in the context of the application and operation of that provision.

10 Subsections 1.04(1) and (3)

Omit “regulation”, substitute “instrument”.

11 Section 1.05

Repeal the section, substitute:

1.05 Application of Parts 1 and 2

 Parts 1 and 2 apply to a fee for a service that is requested, or for the filing of a document that is lodged, in relation to the following:

 (a) a proceeding in the Federal Court;

 (b) a proceeding in the Federal Circuit and Family Court of Australia (Division 2) (other than a proceeding under the *Family Law Act 1975*).

Note: See the *Family Law (Fees) Regulation 2012* for information about fees in relation to proceedings under the *Family Law Act 1975*.

12 Section 2.01

Repeal the section, substitute:

2.01 Purpose of this Part

 This Part prescribes matters relating to fees for the purposes of:

 (a) subsection 60(1) of the Federal Court Act; and

 (b) paragraphs 285(2)(b), (c) and (d) of the Federal Circuit and Family Court Act.

13 At the end of paragraph 2.02(1)(a)

Add “in relation to a proceeding”.

14 Subsection 2.06A(1)

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

15 Paragraph 2.06A(2)(b)

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

16 Section 2.09 (heading)

Repeal the heading, substitute:

2.09 Fee not payable in Federal Circuit and Family Court of Australia (Division 2) proceeding

17 Subsections 2.09(1) and 2.10(4)

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

18 At the end of subsection 2.11(1)

Add:

 ; (g) a proceeding transferred from the Federal Circuit and Family Court of Australia (Division 2) by the Federal Court under section 32AC of the Federal Court Act;

 (h) a proceeding:

 (i) transferred by the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court under section 153 of the Federal Circuit and Family Court Act; and

 (ii) whose transfer is confirmed by the Federal Court under section 32AD of the Federal Court Act.

19 Subsection 2.11(2) (heading)

Repeal the heading, substitute:

Federal Circuit and Family Court of Australia (Division 2)

20 Subsection 2.11(2)

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

21 At the end of subsection 2.12(1)

Add:

 ; or (j) both:

 (i) the proceeding is one that is transferred from the Federal Circuit and Family Court of Australia (Division 2) by the Federal Court under section 32AC of the Federal Court Act; and

 (ii) a setting down fee has already been paid in relation to the proceeding; or

 (k) all of the following apply:

 (i) the proceeding is one that is transferred by the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court under section 153 of the Federal Circuit and Family Court Act;

 (ii) the transfer of the proceeding is confirmed by the Federal Court under section 32AD of the Federal Court Act;

 (iii) a setting down fee has already been paid in relation to the proceeding.

22 Subsection 2.12(2) (heading)

Repeal the heading, substitute:

Federal Circuit and Family Court of Australia (Division 2)

23 Subsection 2.12(2)

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

24 At the end of subsection 2.13(1)

Add:

 ; or (k) both:

 (i) the proceeding is one that is transferred from the Federal Circuit and Family Court of Australia (Division 2) by the Federal Court under section 32AC of the Federal Court Act; and

 (ii) a hearing fee has already been paid in relation to the proceeding; or

 (l) all of the following apply:

 (i) the proceeding is one that is transferred by the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court under section 153 of the Federal Circuit and Family Court Act;

 (ii) the transfer of the proceeding is confirmed by the Federal Court under section 32AD of the Federal Court Act;

 (iii) a hearing fee has already been paid in relation to the proceeding.

25 Subsection 2.13(2) (heading)

Repeal the heading, substitute:

Federal Circuit and Family Court of Australia (Division 2)

26 Subsection 2.13(2)

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

27 Subsection 2.17(1)

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

28 Subsections 2.19(1) and (3)

Omit “this regulation”, substitute “this instrument”.

29 Section 2.22

Omit “this regulation”, substitute “this instrument”.

30 Section 4.01

Omit “For subsection”, substitute “For the purposes of subsection”.

31 Section 4.02

Repeal the section, substitute:

4.02 Leave to appeal—prescribed judgments of the Federal Circuit and Family Court of Australia (Division 2)

 (1) For the purposes of paragraphs 28(1)(b) and (3)(e) of the Federal Circuit and Family Court Act, the following judgments are prescribed:

 (a) an interlocutory decree (other than a decree in relation to a child welfare matter);

 (b) an order under section 102PE, 102QF or 102QG of the *Family Law Act 1975*.

 (2) In this section:

***child welfare matter*** means a matter relating to the following:

 (a) the person or persons with whom a child is to live;

 (b) the person or persons with whom a child is to spend time or communicate;

 (c) any other aspect of parental responsibility (within the meaning of Part VII of the *Family Law Act 1975*) for a child.

32 Sections 5.01 and 5.02

Repeal the sections.

33 Paragraphs 5.03(e) and 5.04(e)

Omit “this regulation”, substitute “this instrument”.

34 In the appropriate position in Part 5

Insert:

5.07 Application provision relating to the *Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 2021*

 The amendments of this instrument made by Schedule 1 to the *Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 2021* apply in relation to the liability of a person to pay any of the following fees:

 (a) a filing fee for filing a document on or after 1 September 2021;

 (b) a setting down fee for a hearing if the hearing day is fixed on or after 1 September 2021;

 (c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed on or after 1 September 2021;

 (d) any other fee under this instrument for a service that is provided in relation to a proceeding on or after 1 September 2021.

35 Part 2 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 2—Fees for proceedings in the Federal Circuit and Family Court of Australia (Division 2)

36 Part 2 of Schedule 1

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

37 Part 2 of Schedule 1 (table heading)

Repeal the heading, substitute:

Fees for proceedings in the Federal Circuit and Family Court of Australia (Division 2)

38 Part 2 of Schedule 1 (table item 201, column headed “Document or service”)

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

39 Part 2 of Schedule 1 (table item 201A, column headed “Document or service”)

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

40 Part 2 of Schedule 1 (table item 205, column headed “Document or service”)

Omit “by the Registrar of the Federal Circuit Court under subsection 104(2) of the Federal Circuit Court Act”, substitute “by a delegate of the Federal Circuit and Family Court of Australia (Division 2) under subsection 256(1) of the Federal Circuit and Family Court Act”.

41 Part 2 of Schedule 1 (table items 206 and 217, column headed “Document or service”)

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

42 Part 2 of Schedule 1 (table item 218, column headed “Document or service”)

Omit “subsection 104(3) of the Federal Circuit Court Act”, substitute “subsection 256(2) of the Federal Circuit and Family Court Act”.

43 Part 2 of Schedule 1 (table items 219, 220, 221 and 224, column headed “Document or service”)

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

Family Law (Fees) Regulation 2012

44 After section 1.01

Insert:

1.02 Authority

 This instrument is made under the following:

 (a) the *Family Law Act 1975*;

 (b) the *Federal Circuit and Family Court of Australia Act 2021*.

45 Section 1.03 (after the heading)

Insert:

Note: A number of expressions used in this regulation are defined in the Family Law Act, including the following:

(a) family dispute resolution practitioner;

(b) Federal Circuit and Family Court of Australia;

(c) financial or Part VII proceedings;

(d) party to a de facto relationship;

(e) recovery order.

46 Section 1.03 (paragraph (a) of the definition of *authorised officer*)

Repeal the paragraph, substitute:

 (a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the following:

 (i) an officer of that court authorised by the Chief Executive Officer and Principal Registrar to exercise the power or carry out the function;

 (ii) an officer of another court performing the function under an arrangement under section 79 of the *Federal Circuit and Family Court of Australia Act 2021*;

 (iii) an employee of an agency or organisation performing the function under an arrangement under section 80 of that Act; or

 (aa) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) an officer of that court authorised by the Chief Executive Officer and Principal Registrar to exercise the power or carry out the function;

 (ii) an officer of another court performing the function under an arrangement under section 246 of the *Federal Circuit and Family Court of Australia Act 2021*;

 (iii) an employee of an agency or organisation performing the function under an arrangement under section 247 of that Act; or

47 Section 1.03 (paragraph (b) of the definition of *authorised officer*)

After “Family Court” (first occurring), insert “of a State”.

48 Section 1.03 (definition of *Family Court*)

Repeal the definition.

49 Section 1.03

Insert:

***Federal Circuit and Family Court Act*** means the *Federal Circuit and Family Court of Australia Act 2021*.

50 Section 1.03

Repeal the following definitions:

 (a) definition of ***Federal Circuit Court***;

 (b) definition of ***Federal Circuit Court Act***;

 (c) definition of ***magistrate***;

 (d) definition of ***Registrar***.

51 Section 1.03 (paragraphs (a) and (b) of the definition of *relevant court*)

Repeal the paragraphs, substitute:

 (a) if the proceeding is in the Federal Circuit and Family Court of Australia (Division 1)—that Division; or

 (b) if the proceeding is in the Federal Circuit and Family Court of Australia (Division 2)—that Division; or

 (ba) if the proceeding is in a Family Court of a State—that court; or

52 Section 1.03

Insert:

***relevant Registrar*** of a court means:

 (a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the Federal Circuit and Family Court Act);

 (ii) a Senior Registrar or Registrar of that court; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the Federal Circuit and Family Court Act);

 (ii) a Senior Registrar or Registrar of that court; or

 (c) in relation to any other court—the principal officer of the court or any other appropriate officer or staff member of the court.

53 Section 1.03 (note)

Repeal the note.

54 After section 1.03

Insert:

1.03A Expressions used in this instrument that are defined in the Family Law Act and the Federal Circuit and Family Court Act

 (1) This section applies if an expression is defined in the Family Law Act and the Federal Circuit and Family Court Act.

 (2) When used in a provision of this instrument, the expression has the meaning given by whichever of those Acts is appropriate in the context of the application and operation of that provision.

55 Subsection 1.04(1)

Omit “(1)”.

56 Subsection 1.04(2)

Repeal the subsection (including the notes).

57 Section 2.01

After “For”, insert “the purposes of”.

58 Section 2.01

Omit “and section 120 of the Federal Circuit Court Act”, substitute “and section 285 of the *Federal Circuit and Family Court of Australia Act 2021*”.

59 After paragraph 2.08(1)(c)

Insert:

 (ca) a proceeding under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*;

 (cb) an appeal under section 47A of the Family Law Act from a decree of a court exercising jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*;

 (cc) an appeal under section 26 of the *Federal Circuit and Family Court of Australia Act 2021*:

 (i) from a judgment of a single Judge of the Federal Circuit and Family Court of Australia (Division 1) exercising appellate jurisdiction in relation to a judgment mentioned in subparagraph (v); or

 (ii) from a judgment of the Federal Circuit and Family Court of Australia (Division 1) exercising original jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*; or

 (iii) from a judgment of the Federal Circuit and Family Court of Australia (Division 2) exercising original jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*; or

 (iv) from a judgment of a Family Court of a State, or a Supreme Court of a State or Territory constituted by a single Judge, exercising original or appellate jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*; or

 (v) from a judgment of a court of summary jurisdiction of a State or Territory (other than the Magistrates Court of Western Australia) exercising original jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*; or

 (vi) from a judgment of the Magistrates Court of Western Australia exercising original jurisdiction under the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*;

 (cd) an application for leave to appeal under section 47B of the Family Law Act;

 (ce) an application for leave to appeal under section 28 of the *Federal Circuit and Family Court of Australia Act 2021* from a judgment of a court exercising jurisdiction under or in relation to the *Child Support (Assessment) Act 1989* or *Child Support (Registration and Collection) Act 1988*;

60 Subsection 2.13(1)

Omit “1 July 2019”, substitute “1 July 2022”.

61 Subsection 2.13(9) (definition of *relevant period*)

Omit “1 July 2018”, substitute “1 July 2021”.

62 Section 3.01

Repeal the section, substitute:

3.01 Application provision in relation to the *Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 2021*

 (1) The amendments of this regulation made by the *Federal Circuit and Family Court of Australia Legislation (Consequential Amendments and Other Measures) Regulations 2021* apply in relation to the liability of a person to pay any of the following fees:

 (a) a filing fee for filing a document on or after 1 September 2021;

 (b) a setting down fee for a hearing if the hearing day is fixed on or after 1 September 2021;

 (c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed on or after 1 September 2021;

 (d) a conciliation conference fee for a conference fixed on or after 1 September 2021;

 (e) any other fee under this regulation for a service provided on or after 1 September 2021.

 (2) To avoid doubt, the repeal of the definition of ***magistrate*** applies in relation to a proceeding that began before, or begins on or after, 1 September 2021.

Note: This means that the rate of a fee payable on or after 1 September 2021 in respect of a hearing before a Judge of the Federal Circuit and Family Court of Australia is that stated in the relevant table item in Schedule 1, even if a fee was paid before that day in respect of a service provided by a magistrate.

63 Schedule 1 (table items 1 and 2)

Repeal the items, substitute:

|  |  |  |
| --- | --- | --- |
| 1 | Filing an application in proceedings for a divorce order in relation to a marriage or a decree of nullity of marriage, other than proceedings to which item 2 applies | (a) general fee—$1,335(b) reduced fee—$445 |
| 2 | Filing an application in proceedings for a divorce order:1. commenced in a court mentioned in paragraph 10A(a) or (c) of the *Family Law Regulations 1984*; or
2. commenced in another court for transfer to a court mentioned in paragraph 10A(a) or (c) of those Regulations; or
3. commenced in the Federal Circuit and Family Court of Australia (Division 1) or the Federal Circuit and Family Court of Australia (Division 2)
 | (a) general fee—$940(b) reduced fee—$310 |

64 Schedule 1 (cell at table item 3, column headed “Fee”)

Omit “$1,275”, substitute “$1,335”.

65 Schedule 1 (cell at table item 4, column headed “Fee”)

Omit “$345”, substitute “$365”.

66 Schedule 1 (cell at table item 5, column headed “Fee”)

Omit “$345”, substitute “$365”.

67 Schedule 1 (cell at table item 6, column headed “Fee”)

Omit “$165”, substitute “$170”.

68 Schedule 1 (table items 7 and 8)

Repeal the items, substitute:

|  |  |  |
| --- | --- | --- |
| 7 | Filing an appeal under section 26 of the *Federal Circuit and Family Court of Australia Act 2021*, unless the fee mentioned in item 8 has been paid | $1,425 |
| 8 | Filing an application for leave to appeal under section 28 of the *Federal Circuit and Family Court of Australia Act 2021* | $1,425 |

69 Schedule 1 (cell at table item 9, column headed “Fee”)

Omit “$120”, substitute “$125”.

70 Schedule 1 (cell at table item 10, column headed “Fee”)

Omit “$565”, substitute “$595”.

71 Schedule 1 (cell at table item 11, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

72 Schedule 1 (cell at table item 12, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

73 Schedule 1 (cell at table item 13, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

74 Schedule 1 (table item 14)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 14 | Setting down for hearing in an appeal under section 47A of the Family Law Act from a decree of a court of summary jurisdiction | $900 |

75 Schedule 1 (cell at table item 15, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

76 Schedule 1 (cell at table item 16, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

77 Schedule 1 (cell at table item 17, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for hearing before a judge of the Federal Circuit and Family Court (Division 1)—$900(b) for hearing before a judge of the Federal Circuit and Family Court (Division 2)—$660(c) for hearing before any other judge—$900(d) for hearing before a magistrate—$660 |

78 Schedule 1 (table item 18)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 18 | Hearing in an appeal under section 47A of the Family Law Act from a decree of a court of summary jurisdiction—for each hearing day or part of a hearing day, other than the first hearing day | $900 |

79 Schedule 1 (cell at table item 20, column headed “Fee”)

Omit “$395”, substitute “$415”.

80 Schedule 1 (note 1)

Omit “Note 1”, substitute “Note”.

81 Schedule 1 (note 2)

Repeal the note.

Part 2—Amendments of listed provisions

Federal Court and Federal Circuit Court Regulation 2012

82 Amendments of listed provisions—*Federal Court and Federal Circuit Court Regulation 2012*

| Further amendments |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Section 1.03 (paragraph (a) of the definition of ***authorised officer***) | Registrar | relevant Registrar |
| 2 | Subsections 2.03(1) and (7) | Registrar | relevant Registrar |
| 3 | Paragraph 2.06(1)(b) | Registrar | relevant Registrar |
| 4 | Subsections 2.06(1) and (2) | Registrar | relevant Registrar |
| 5 | Subsection 2.06(2) (note) | Registrar | relevant Registrar |
| 6 | Paragraph 2.06A(2)(b) | Registrar | relevant Registrar |
| 7 | Subsection 2.06A(2) | Registrar | relevant Registrar |
| 8 | Paragraph 2.06A(2)(d) | Registrar | relevant Registrar |
| 9 | Subsection 2.06A(3) | Registrar | relevant Registrar |
| 10 | Subsection 2.06A(3) (note) | Registrar | relevant Registrar |
| 11 | Subsection 2.08(4) | Registrar | relevant Registrar |
| 12 | Subsection 2.08(4) (note) | Registrar | relevant Registrar |
| 13 | Paragraph 2.14(2)(a) | Registrar | relevant Registrar |
| 14 | Subsection 2.14(4) | Registrar | relevant Registrar |
| 15 | Subsections 2.15(1) and (2) | Registrar | relevant Registrar |
| 16 | Paragraphs 2.15(2)(a) and (3)(b) | Registrar | relevant Registrar |
| 17 | Subsection 2.15(5) | Registrar | relevant Registrar |
| 18 | Subsection 2.15(5) (note) | Registrar | relevant Registrar |
| 19 | Subsections 2.16(4) and (5) | Registrar | relevant Registrar |
| 20 | Paragraph 2.16(5)(e) | Registrar | relevant Registrar |
| 21 | Subsection 2.16(6) | Registrar | relevant Registrar |
| 22 | Paragraph 2.17(1)(c) | Registrar | relevant Registrar |
| 23 | Subsection 2.17(3) | Registrar | relevant Registrar |
| 24 | Subsection 2.18(3) | Registrar | relevant Registrar |
| 25 | Paragraphs 2.18(4)(a), (b) and (c) | Registrar | relevant Registrar |
| 26 | Paragraph 2.19(5)(a) | Registrar | relevant Registrar |
| 27 | Subsections 2.19(6) and (7) | Registrar | relevant Registrar |
| 28 | Paragraph 2.19(7)(a) | Registrar | relevant Registrar |
| 29 | Paragraph 2.19(7)(b) | Registrar (wherever occurring) | relevant Registrar |
| 30 | Paragraph 2.19(10)(b) | Registrar | relevant Registrar |
| 31 | Subsection 2.19(10) (note) | Registrar | relevant Registrar |
| 32 | Subsection 2.21(1) | Registrar (wherever occurring) | relevant Registrar |
| 33 | Subsection 2.21(2) | Registrar | relevant Registrar |
| 34 | Part 1 of Schedule 1 (table items 110, 121A and 122) | Registrar | relevant registrar |
| 35 | Part 2 of Schedule 1 (table items 201A, 205 and 217) | Registrar | relevant Registrar |

Family Law (Fees) Regulation 2012

83 Amendments of listed provisions—*Family Law (Fees) Regulation 2012*

| Further amendments |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Section 1.03 (paragraph (d) of the definition of ***authorised officer***) | Registrar | relevant Registrar |
| 2 | Section 1.03 (subparagraph (a)(i) of the definition of ***conciliation conference***) | Registrar | relevant Registrar |
| 3 | Paragraph 2.03(2)(b) | Registrar | relevant Registrar |
| 4 | Paragraph 2.05(1)(b) | Registrar | relevant Registrar |
| 5 | Subsection 2.05(1) | Registrar | relevant Registrar |
| 6 | Subsection 2.05(2) | Registrar | relevant Registrar |
| 7 | Subsection 2.05(2) (note) | Registrar | relevant Registrar |
| 8 | Paragraph 2.06(2)(b) | Registrar | relevant Registrar |
| 9 | Subsection 2.06(2) | Registrar | relevant Registrar |
| 10 | Subsection 2.06(3) | Registrar | relevant Registrar |
| 11 | Subsection 2.06(3) (note) | Registrar | relevant Registrar |
| 12 | Paragraph 2.09(2)(a) | Registrar | relevant Registrar |
| 13 | Subsection 2.10(1) | Registrar | relevant Registrar |
| 14 | Subsection 2.10(2) | Registrar (wherever occurring) | relevant Registrar |
| 15 | Paragraph 2.10(3)(b) | Registrar | relevant Registrar |
| 16 | Subsection 2.10(5) | Registrar | relevant Registrar |
| 17 | Subsection 2.10(5) (note) | Registrar | relevant Registrar |
| 18 | Subsection 2.11(3) | Registrar | relevant Registrar |
| 19 | Paragraphs 2.11(5)(a), (b) and (c) | Registrar | relevant Registrar |
| 20 | Paragraph 2.12(5)(a) | Registrar | relevant Registrar |
| 21 | Subsection 2.12(6) | Registrar | relevant Registrar |
| 22 | Subsection 2.12(7) | Registrar | relevant Registrar |
| 23 | Paragraph 2.12(7)(a) | Registrar | relevant Registrar |
| 24 | Paragraph 2.12(7)(b) | Registrar (wherever occurring) | relevant Registrar |
| 25 | Subsection 2.12(10) (note) | Registrar | relevant Registrar |
| 26 | Subsection 2.14(1) | Registrar (wherever occurring) | relevant Registrar |
| 27 | Subsection 2.14(2) | Registrar | relevant Registrar |

Schedule 2—Other consequential amendments

Part 1—General amendments

Administrative Decisions (Judicial Review) Regulations 2017

1 Subsection 6(1)

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

Australian Crime Commission Regulations 2018

2 Paragraph 12(6)(b)

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

3 Subsection 14(3)

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

4 Schedule 6 (heading)

Repeal the heading (including the note), substitute:

Schedule 6—Duties, functions and powers conferred on Federal Court Judges or Federal Circuit and Family Court of Australia (Division 2) Judges by State laws

Note: See subsection 14(3).

5 Clause 1 of Schedule 6

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

6 Clause 1 of Schedule 6 (table, heading to column headed “Federal Court Judge or Federal Circuit Court Judge”)

Repeal the heading, substitute:

|  |
| --- |
| Judge of the Federal Court or Federal Circuit and Family Court of Australia (Division 2) |

7 Clause 1 of Schedule 6 (table item 3, column headed “Federal Court Judge or Federal Circuit Court Judge”)

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

8 Clause 2 of Schedule 6

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

9 Clause 2 of Schedule 6 (table, heading to column headed “Federal Court Judge or Federal Circuit Court Judge”)

Repeal the heading, substitute:

|  |
| --- |
| Judge of the Federal Court or Federal Circuit and Family Court of Australia (Division 2) |

10 Clause 2 of Schedule 6 (table item 3, column headed “Federal Court Judge or Federal Circuit Court Judge”)

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

Automotive Transformation Scheme Regulations 2010

11 Subparagraph 5.4(1)(a)(i)

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

Designs Regulations 2004

12 Subparagraph 5.04(c)(iii)

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

Extradition Regulations 1988

13 Regulation 4 (heading)

Repeal the heading, substitute:

4 Power of magistrate or eligible Judge to send for witnesses and documents

14 Subregulation 4(1)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

15 Regulation 5

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

16 Subregulations 6(1), (2) and (4), 7(1), 8(1) and 9(1)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

17 Regulation 10 (heading)

Repeal the heading, substitute:

10 Offences in relation to magistrates or eligible Judges

18 Regulation 10

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

19 Subregulations 11(2), (3) and (4)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

20 Subregulation 12(1)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

21 Subregulation 13(1)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

22 Regulations 14 and 15

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

23 Schedule (Forms 1, 2, 4, 5, 6, 7, 8, 8A, 8B, 9, 9A, 10, 11, 12, 12A, 13A, 16, 17, 18, 19, 20, 20A, 20B, 21 and 22)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

24 Schedule (Form 22A)

Omit “Federal Circuit Court Judge” (wherever occurring), substitute “eligible judge”.

25 Schedule (Forms 26, 27, 28 and 29)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

Fair Work (Registered Organisations) Regulations 2009

26 Subregulation 176F(2)

Omit “*Federal Circuit Court Rules 2001*”, substitute “*Federal Circuit Court Rules 2001*, as in force on 2 May 2017”.

Fair Work Regulations 2009

27 Subregulation 4.01A(2) (table)

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

28 Subparagraph 4.01(1)(a)(ii)

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

29 Subregulation 4.01(2)

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

30 Subregulation 4.01(3)

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

Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009

31 Subregulation 5.06(1)

Omit “subregulation (3)”, substitute “subregulation (2)”.

32 Subregulation 5.06(2) (table)

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

33 Regulation 5.13

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

Family Law (Child Abduction Convention) Regulations 1986

34 After regulation 1

Insert:

1AA Authority

 These Regulations are made under the *Family Law Act 1975*.

35 Regulation 2 (heading)

Repeal the heading, substitute:

2 Definitions

Note: A number of expressions used in these Regulations are defined in the Act, including the following:

(a) applicable Rules of Court;

(b) court.

36 Subregulation 2(1)

Omit “unless the contrary intention appears”.

37 Subregulation 2(1)

Insert:

***Act*** means the *Family Law Act 1975*.

38 Subregulation 2(1)

Repeal the following definitions:

 (a) definition of ***court***;

 (b) definition of ***Registrar***.

39 Subregulation 2(1)

Insert:

***relevant Registrar*** of a court means:

 (a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (c) in relation to any other court—the principal officer of the court or any other appropriate officer or staff member of the court.

40 Subregulation 2(1) (definition of *the Act*)

Repeal the definition (including the note).

41 Paragraphs 15(4)(a) and (b)

Omit “Registrar”, substitute “relevant Registrar”.

42 Paragraph 28(2)(b)

Omit “Registrar”, substitute “relevant Registrar”.

43 Subregulation 28(2A)

Omit “Registrar” (wherever occurring), substitute “relevant Registrar”.

44 Schedule 3 (Forms 2, 2C and 4)

Omit “Registrar”, substitute “relevant Registrar”.

Family Law (Child Protection Convention) Regulations 2003

45 After regulation 1

Insert:

1A Authority

 These Regulations are made under the *Family Law Act 1975*.

46 Subregulation 3(1)

Insert:

***relevant Registrar*** of a court means:

 (a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (c) in relation to any other court—the principal officer of the court or any other appropriate officer or staff member of the court.

47 Subregulation 3(2) (note 2)

Omit “Registrar (in relation to a court)”.

48 Paragraph 11(b)

Omit “Registrar of the Family Court of Australia”, substitute “relevant Registrar of the Federal Circuit and Family Court of Australia”.

49 Subregulation 13(2)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia”.

Family Law (Family Dispute Resolution Practitioners) Regulations 2008

50 Regulation 2

Repeal the regulation, substitute:

2 Authority

 These Regulations are made under the *Family Law Act 1975*.

51 Subparagraph 26(4)(b)(ii)

Repeal the subparagraph, substitute:

 (ii) the certificate may be taken into account by a court as specified in subregulation (4A).

52 After subregulation 26(4)

Insert:

 (4A) For the purposes of subparagraph (4)(b)(ii), the certificate may be taken into account by a court:

 (a) when determining whether to make an order under section 13C of the Act referring the parties to attend family dispute resolution; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 1)—in taking into account the powers of the Court under Division 4 of Part 6 of Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* (dealing with case management) to award costs against a party under section 117 of the Act; or

 (c) in relation to the Federal Circuit and Family Court of Australia (Division 2)—in taking into account the powers of the Court under Division 4 of Part 6 of Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021* (dealing with case management) to award costs against a party under section 117 of the Act; or

 (d) in relation to any other court—when determining whether to award costs against a party under section 117 of the Act.

53 Paragraph 28(1)(h)

Repeal the paragraph, substitute:

 (h) if a certificate under subsection 60I(8) of the Act is filed, a court may take the certificate into account as specified in subregulation (1A);

54 After subregulation 28(1)

Insert:

 (1A) For the purposes of paragraph (1)(h), a court may take the certificate into account:

 (a) when determining whether to make an order under section 13C of the Act referring the parties to family dispute resolution; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 1)—in taking into account the powers of the Court under Division 4 of Part 6 of Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* (dealing with case management) to award costs against a party under section 117 of the Act; or

 (c) in relation to the Federal Circuit and Family Court of Australia (Division 2)—in taking into account the powers of the Court under Division 4 of Part 6 of Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021* (dealing with case management) to award costs against a party under section 117 of the Act; or

 (d) in relation to any other court—when determining whether to award costs against a party under section 117 of the Act.

Family Law (Hague Convention on Intercountry Adoption) Regulations 1998

55 Regulation 2

Repeal the regulation, substitute:

2 Authority

 These Regulations are made under the *Family Law Act 1975*.

56 Regulation 3 (heading)

Repeal the heading, substitute:

3 Definitions

Note: A number of expressions used in these Regulations are defined in the Act, including the following:

(a) court;

(b) Territory.

57 Subregulation 3(1)

Omit “unless the contrary intention appears”.

58 Subregulation 3(1) (note)

Repeal the note.

59 Regulation 24A (heading)

Repeal the heading, substitute:

24A Jurisdiction of Federal Circuit and Family Court of Australia (Division 2)

60 Subregulation 24A(1)

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

61 Subregulation 24A(2)

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

62 Paragraph 24A(3)(a)

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

63 Regulations 24B to 24F

Repeal the regulations, substitute:

**24B Appeals to the Federal Circuit and Family Court of Australia (Division 1)**

 (1) An appeal may be made to the Federal Circuit and Family Court of Australia (Division 1) from:

 (a) a decision of a single judgeof the Federal Circuit and Family Court of Australia (Division 1) exercising original jurisdiction; or

 (b) a decision of a single judgeof the Federal Circuit and Family Court of Australia (Division 1) exercising appellate jurisdiction; or

 (c) a decision of the Federal Circuit and Family Court of Australia (Division 2) exercising jurisdiction under subregulation 24A(1).

 (2) The appellate jurisdiction of the Federal Circuit and Family Court of Australia (Division 1) is to be exercised:

 (a) if the appeal is from a decision of a single judge of the Federal Circuit and Family Court of Australia (Division 1)—by a Full Court of the Federal Circuit and Family Court of Australia (Division 1); or

 (b) if the appeal is from a decision of the Federal Circuit and Family Court of Australia (Division 2)—by a single Judge of the Federal Circuit and Family Court of Australia (Division 1) unless the Chief Justice directs that the application be heard and determined by a Full Court.

Family Law Regulations 1984

64 After regulation 1

Insert:

2 Authority

 These Regulations are made under the *Family Law Act 1975*.

65 Regulation 3 (heading)

Repeal the heading (including the note), substitute:

3 Definitions

Note: A number of expressions used in these Regulations are defined in the Act, including the following:

(a) applicable Rules of Court;

(b) Chief Executive Officer;

(c) Federal Circuit and Family Court of Australia;

(d) standard Rules of Court.

66 Subregulation 3(1)

Omit “(1) In these Regulations, unless the contrary intention appears:”, substitute “In these Regulations:”.

67 Subregulation 3(1) (definition of *registrar*)

Repeal the definition.

68 Subregulation 3(1)

Insert:

***relevant Registrar*** of a court means:

 (a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the following:

 (i) the Chief Executive Officer and Principal Registrar (within the meaning of the *Federal Circuit and Family Court of Australia Act 2021*);

 (ii) a Senior Registrar or Registrar of that court; or

 (c) in relation to any other court—the principal officer of the court or any other appropriate officer or staff member of the court.

69 Subregulation 3(1) (definition of *State Family Court*)

Repeal the definition.

70 Subregulation 3(2)

Repeal the subregulation.

71 Regulation 3A

Repeal the regulation.

72 Subregulation 4(2)

Repeal the subregulation.

73 Regulation 7

Repeal the regulation, substitute:

7 Appointment of family consultants

 For the purposes of paragraph 11B(c) of the Act, a family consultant may be appointed in writing by the Chief Executive Officer.

74 Regulations 10 and 12AB

Repeal the regulations.

75 Regulation 15A

Repeal the regulation.

76 Paragraphs 21N(2)(b) to (d)

Repeal the paragraphs, substitute:

 (b) the Chief Executive Officer; and

 (c) the relevant Registrar of the Family Court of Western Australia.

77 Subregulation 23(1A)

Repeal the subregulation, substitute:

 (1A) The Secretary must send the documents mentioned in paragraph (1)(a) to a relevant Registrar.

78 Subregulation 28(2) (note)

Omit “subregulation 3(1)”, substitute “regulation 3”.

79 Subregulation 28C(2) (note)

Omit “subregulation 3(1)”, substitute “regulation 3”.

80 Subregulation 38A(3) (note)

Omit “subregulation 3(1)”, substitute “regulation 3”.

81 Regulation 39BB (heading)

Repeal the heading, substitute:

39BB Certain jurisdiction of Federal Circuit and Family Court of Australia (Division 2) must not be exercised in States and Territories

82 Subregulation 39BB(1)

Omit “from 21 April 2012 the jurisdiction of the Family Court must not be exercised in relation to proceedings under paragraph 31(1)(c) of the Act”, substitute “from 1 September 2021 the jurisdiction of the Federal Circuit and Family Court of Australia (Division 2) must not be exercised in relation to proceedings referred to in paragraph 132(1)(c) of the *Federal Circuit and Family Court of Australia Act 2021*”.

83 Subregulations 39BB(2) and (3)

Repeal the subregulations, substitute:

 (2) For the purposes of subsection 40(1) of the Act, from 1 September 2021, the jurisdiction of the Federal Circuit and Family Court of Australia (Division 2) must not be exercised in Western Australia, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands in relation to the following:

 (a) matters arising under the Act or under the repealed Act in respect of which matrimonial causes are instituted or continued under the Act;

 (b) matters arising under the Act in respect of which de facto financial causes are instituted under the Act;

 (c) matters arising under the *Marriage Act 1961* in respect of which proceedings (other than proceedings under Part VII of that Act) are instituted or continued under that Act;

 (d) matters (other than matters referred to in any of the preceding paragraphs) with respect to which proceedings may be instituted in the Federal Circuit and Family Court of Australia (Division 2) under the Act or any other Act;

 (e) proceedings under the following provisions of the Act:

 (i) subsection 39(5);

 (ii) paragraph 39B(1)(a).

84 Regulation 45 (note)

Omit “subregulation 3(1)”, substitute “regulation 3”.

85 Regulations 79 and 82

Repeal the regulations.

Federal Proceedings (Costs) Regulations 2018

86 Section 6 (table item 3)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 3 | Federal Circuit and Family Court of Australia | $4,000 |

Financial Framework (Supplementary Powers) Regulations 1997

87 Part 2 of Schedule 1AB (table item 11, column headed “Purpose”)

Omit “Family Court of Australia and the Federal Circuit Court of Australia”, substitute “Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2)”.

Legislation (Exemptions and Other Matters) Regulation 2015

88 Section 12 (table item 28, column headed “Legislative instrument”, after paragraph (d))

Insert:

 (da) subsection 47A(5);

89 Section 12 (table item 28, column headed “Legislative instrument”, paragraph (h))

Omit “69ZF(1);”, substitute “69ZF(1)”.

90 Section 12 (table item 28, column headed “Legislative instrument”, paragraph (i))

Repeal the paragraph.

Mutual Assistance in Criminal Matters Regulations 1988

91 Regulation 3 (heading)

Repeal the heading, substitute:

3 Power of Magistrate or eligible Judge to send for witnesses and documents

92 Subregulations 3(1), (3) and (4)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

93 Regulation 4

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

94 Subregulations 5(1), (2) and (4)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

95 Subregulations 6(1), 7(1) and 8(1)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

96 Regulation 9 (heading)

Repeal the heading, substitute:

9 Offences in relation to Magistrates or eligible Judges

97 Regulation 9

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

98 Subregulations 10(2), (3) and (4)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

99 Subregulation 11(1)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

100 Schedule 1 (Form 1)

Omit “eligible Federal Circuit Court Judge”, substitute “eligible Judge”.

101 Schedule 1 (Form 2)

Omit “eligible Federal Circuit Court Judge” (wherever occurring), substitute “eligible Judge”.

National Consumer Credit Protection Regulations 2010

102 Paragraph 36(5)(c)

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

Superannuation (CSS) Eligible Employees Regulations 1976

103 Paragraph 4(1)(zr)

Repeal the paragraph, substitute:

 (zr) a person who is a Judge of the Federal Circuit and Family Court of Australia (Division 2);

Superannuation Industry (Supervision) Regulations 1994

104 Part 3 of Schedule 1AA

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

Trans‑Tasman Proceedings Regulation 2012

105 Paragraph 8(a)

Repeal the paragraph, substitute:

 (a) Federal Circuit and Family Court of Australia (Division 2);

Part 2—Amendments of listed provisions

Family Law (Child Protection Convention) Regulations 2003

106 Amendments of listed provisions—*Family Law (Child Protection Convention) Regulations 2003*

| Further amendments |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Subregulation 10(1) | Registrar | relevant Registrar |
| 2 | Subregulation 12(1) | Registrar | relevant Registrar |
| 3 | Paragraph 12(2)(b) | Registrar | relevant Registrar |
| 4 | Subregulation 13(2) | Registrar | relevant Registrar |
| 5 | Paragraph 13(3)(b) | Registrar | relevant Registrar |
| 6 | Subregulation 14(2) | Registrar | relevant Registrar |
| 7 | Regulation 17 | Registrar | relevant Registrar |
| 8 | Regulation 19 (heading) | Registrar | relevant Registrar |
| 9 | Subregulations 19(1) and (3) | Registrar | relevant Registrar |
| 10 | Paragraph 24(b) | Registrar | relevant Registrar |
| 11 | Subregulation 25(1) | Registrar | relevant Registrar |
| 12 | Paragraph 25(2)(b) | Registrar | relevant Registrar |
| 13 | Regulation 28 | Registrar | relevant Registrar |

Family Law Regulations 1984

107 Amendments of listed provisions—*Family Law Regulations 1984*

| Further amendments |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Subregulation 3(1) (definition of ***application*)** | registrar | relevant Registrar |
| 2 | Regulation 6 (heading) | registrar | relevant Registrar |
| 3 | Paragraph 6(1)(a) | registrar (wherever occurring) | relevant Registrar |
| 4 | Subregulation 12CC(1) | registrar (wherever occurring) | relevant Registrar |
| 5 | Subregulation 12CC(2) | registrar | relevant Registrar |
| 6 | Subregulation 18(4) | registrar | relevant Registrar |
| 7 | Paragraph 18(4)(c) | registrar | relevant Registrar |
| 8 | Subregulation 18(5) | registrar (wherever occurring) | relevant Registrar |
| 9 | Subregulation 18(7) | registrar | relevant Registrar |
| 10 | Paragraph 18(7)(a) | registrar | relevant Registrar |
| 11 | Subregulation 18(9) | registrar (wherever occurring) | relevant Registrar |
| 12 | Paragraph 18(10)(b) | registrar | relevant Registrar |
| 13 | Subregulation 18(10) | registrar | relevant Registrar |
| 14 | Regulation 21AC (definition of ***forwarding authority***) | Registrar | relevant Registrar |
| 15 | Subregulation 21AF(1) | Registrar | relevant Registrar |
| 16 | Subregulation 21AF(1) | Registrar’s | relevant Registrar’s |
| 17 | Paragraph 21AF(3)(b) | Registrar (wherever occurring) | relevant Registrar |
| 18 | Paragraph 21AF(3)(c) | Registrar | relevant Registrar |
| 19 | Subregulations 21AG(1) and (3) | Registrar | relevant Registrar |
| 20 | Subregulations 21AH(1) and (3) | Registrar | relevant Registrar |
| 21 | Paragraph 21AH(5)(b) | Registrar | relevant Registrar |
| 22 | Subregulation 21AI(1) | Registrar | relevant Registrar |
| 23 | Paragraphs 21AI(2)(a) and (b) | Registrar | relevant Registrar |
| 24 | Paragraph 21AR(1)(b) | Registrar | relevant Registrar |
| 25 | Subregulation 21AR(2) | Registrar | relevant Registrar |
| 26 | Paragraph 21AS(1)(b) | Registrar | relevant Registrar |
| 27 | Paragraph 23(1A)(c) | Registrar | relevant Registrar |
| 28 | Subregulation 23(2) | registrar (wherever occurring) | relevant Registrar |
| 29 | Subregulation 23(3) | registrar | relevant Registrar |
| 30 | Subregulation 23(7) | registrar | relevant Registrar |
| 31 | Subregulation 24(2) | registrar (wherever occurring) | relevant Registrar |
| 32 | Paragraphs 24(4)(b) and (c) | registrar | relevant Registrar |
| 33 | Subregulation 24(6) | registrar | relevant Registrar |
| 34 | Subregulation 29A(2) | registrar | relevant Registrar |
| 35 | Paragraph 29A(2)(d) | registrar | relevant Registrar |
| 36 | Subregulation 31(2) | registrar | relevant Registrar |
| 37 | Subregulation 32(1) | registrar | relevant Registrar |
| 38 | Subregulation 32(3) | registrar (wherever occurring) | relevant Registrar |
| 39 | Subregulation 34(1) | registrar | relevant Registrar |
| 40 | Subregulation 34(3) | registrar (wherever occurring) | relevant Registrar |
| 41 | Subregulation 38A(4) | registrar | relevant Registrar |
| 42 | Subregulation 38B(2) | registrar | relevant Registrar |