



Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Rules 2021

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

Dated 3 August 2021

Michaelia Cash
Attorney-General

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
Part 2—Saving of regulations in relation to services requested before 1 September 2021	2
5 Saving of the <i>Federal Court and Federal Circuit Court Regulation 2012</i>	2
6 Saving of the <i>Family Law (Fees) Regulation 2012</i>	2
Part 3—Transitional provisions for proceedings that are ongoing as at 1 September 2021	3
7 Proceedings before the Family Court of Australia before 1 September 2021	3
8 Proceedings before the Federal Circuit Court of Australia before 1 September 2021	3

Part 1—Preliminary

1 Name

This instrument is the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Rules 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 <i>Federal Circuit and Family Court of Australia Act 2021</i> .	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Note: This table relates only to the provisions of this instrument as originally made.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 item 38 of Schedule 5 to the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021*.

4 Definitions

In this instrument:

FCFCA Act means the *Federal Circuit and Family Court of Australia Act 2021*, and includes any instruments made under that Act.

FCFCA CA and TP Act means the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021*.

Section 5

Part 2—Saving of regulations in relation to services requested before 1 September 2021

5 Saving of the *Federal Court and Federal Circuit Court Regulation 2012*

Despite the repeal of the *Federal Circuit Court of Australia Act 1999* by the FCFCA CA and TP Act, the *Federal Court and Federal Circuit Court Regulation 2012*, as in force immediately before 1 September 2021, continues to apply in relation to a fee for a service requested under that regulation before that day.

Note: The *Federal Court and Federal Circuit Court Regulation 2012*, as in force immediately before 1 September 2021, was made under the *Federal Court of Australia Act 1976* and the *Federal Circuit Court of Australia Act 1999*. The *Federal Circuit Court of Australia Act 1999* is repealed by the FCFCA CA and TP Act on 1 September 2021.

6 Saving of the *Family Law (Fees) Regulation 2012*

Despite the repeal of the *Federal Circuit Court of Australia Act 1999* by the FCFCA CA and TP Act, the *Family Law (Fees) Regulation 2012*, as in force immediately before 1 September 2021, continues to apply in relation to a fee for a service requested under that regulation before that day.

Note: The *Family Law (Fees) Regulation 2012*, as in force immediately before 1 September 2021, was made under the *Family Law Act 1975* and the *Federal Circuit Court of Australia Act 1999*. The *Federal Circuit Court of Australia Act 1999* is repealed by the FCFCA CA and TP Act on 1 September 2021.

Part 3—Transitional provisions for proceedings that are ongoing as at 1 September 2021

7 Proceedings before the Family Court of Australia before 1 September 2021

- (1) This section applies in relation to a proceeding if:
 - (a) immediately before 1 September 2021, the proceeding, or part of the proceeding, was in the Family Court of Australia; and
 - (b) the proceeding had not been determined before that day.
- (2) For the purposes of the FCFCA Act, on and after 1 September 2021, that proceeding is taken to be a proceeding in the Federal Circuit and Family Court of Australia (Division 1).

8 Proceedings before the Federal Circuit Court of Australia before 1 September 2021

- (1) This section applies in relation to a proceeding if:
 - (a) immediately before 1 September 2021, the proceeding, or part of the proceeding, was in the Federal Circuit Court of Australia; and
 - (b) the proceeding had not been determined before that day.
- (2) For the purposes of the FCFCA Act, on and after 1 September 2021, that proceeding is taken to be a proceeding in the Federal Circuit and Family Court of Australia (Division 2).