

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

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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 *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Note: This table relates only to the provisions of this instrument as originally made.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 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*.

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).