

Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Federal Circuit Court Rules 2001

1 At the end of Part 1

Add:

1.07 Applications for orders about procedures

A person who wants to start a proceeding, or take a step in a proceeding, may apply to the Court for an order about the procedure to be followed if:

- (a) the procedure is not prescribed by the Act, these Rules or by or under any other Act; or
- (b) the person is in doubt about the procedure.

2 After subrule 4.09(2) (before the notes)

Insert:

- (3) The applicant’s genuine steps statement must be no more than 2 pages.

3 After subrule 4.10(2) (before the notes)

Insert:

- (3) The respondent’s genuine steps statement must be no more than 2 pages.

4 Subrule 10.05(1)

Repeal the subsection, substitute:

- (1) The Court may refer a proceeding, or a part of a proceeding or a matter arising out of a proceeding, for conciliation.

5 Rule 13.10 (note)

Omit “section 118”, substitute “sections 102QB and 118”.

6 Rule 15.01 (note)

Repeal the note.

7 Subrule 15A.06(2)

Omit “within a reasonable time before attendance or production under the subpoena is required”.

8 Subrule 23.01A(5)

Repeal the subrule, substitute:

- (5) If a family report is prepared in accordance with an order made under this rule, the Court may do any of the following:
- (a) by order or otherwise, give a copy of the report to any of the following:
 - (i) a party, a lawyer for a party, or an independent children’s lawyer, in the proceeding;
 - (ii) a children’s court (however described) of a State or Territory;
 - (iii) a prescribed child welfare authority (within the meaning of the Family Law Act);
 - (iv) an authority established by or under a law of a State or Territory for purposes including the provision of legal assistance;
 - (v) the convenor of any legal dispute resolution conference;
 - (b) receive the report in evidence;
 - (c) permit oral examination of the person making the report;
 - (d) order that the report not be released to a person or that access to the report be restricted.
- (6) If the Court, other than by order, gives a copy of a family report under subrule (5), the copy must be accompanied by a notice that states the following information:
- (a) the people to whom a copy of the report may be provided;
 - (b) the status of the report at the time of its preparation;
 - (c) information about the potential consequences for unauthorised publication of information contained in the report.

9 Subparagraphs 24.03(1)(d)(ii) and (iii)

Omit “de facto spouse”, substitute “de facto partner”.

10 Subrule 25B.20(2) (note)

Omit “rule 25B.10”, substitute “Division 25B.4”.

11 At the end of rule 44.15

Add:

- (3) A respondent who claims costs in accordance with subrule (2) must serve on the applicant who filed the notice of discontinuance a sealed copy of a bill of costs in accordance with the approved form that specifies the relevant amount set out in Division 2 of Part 3 of Schedule 1, or a lesser amount, that the respondent is claiming.
- (4) Unless, within 14 days after the respondent serves a bill of costs under subrule (3), a party applies to the Court for an order as to costs, a Judge or a Registrar may order the applicant to pay an amount of costs equal to:
 - (a) the relevant amount set out in Division 2 of Part 3 of Schedule 1; or
 - (b) if a lesser amount was claimed in the bill—the amount claimed.
- (5) This rule does not limit a party’s right to apply, under Part 21, for an order as to costs of the application.

12 Rule 45.01 (definition of *Building and Construction Industry Improvement Act*)

Repeal the definition.

13 Rule 45.02 (heading)

Repeal the heading, substitute:

45.02 Expressions used in the Workplace Relations Act and the Fair Work Act

14 Paragraph 45.02(b)

Omit “Act; and”, substitute “Act.”

15 Paragraph 45.02(c)

Repeal the paragraph.

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16 Rule 45.03

Omit “, the Fair Work Act or the Building and Construction Industry Improvement Act” (wherever occurring), substitute “or the Fair Work Act”.

17 Subparagraph 45.06(b)(ii)

Omit “section 369 of”.

18 Subparagraph 45.07(b)(ii)

Omit “section 777 of”.

19 Division 45.5

Repeal the Division.

20 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Costs

Note: See rules 21.10, 21.16 and 44.15.

Part 1A—Application of this Schedule

1 Application of this Schedule

This Schedule, as amended by the *Federal Circuit Court Amendment (2014 Measures No. 1) Rules 2014*, applies to work done or services performed after the commencement of this Schedule.

Part 1—Family law proceedings and general federal law proceedings

Costs for family law proceedings and general federal law proceedings

Item	Description	Amount for a family law proceeding (including GST)	Amount for a general federal law proceeding (including GST)
1	Initiating or opposing an	Both:	Both:

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Costs for family law proceedings and general federal law proceedings			
Item	Description	Amount for a family law proceeding (including GST)	Amount for a general federal law proceeding (including GST)
	application up to the completion of the first court date	(a) \$2,048; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	(a) \$2,735; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing
2	Initiating or opposing an application which includes interim orders (other than procedural orders) up to the completion of the first court date	Both: (a) \$2,561; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$3,422; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing
3	Interim or summary hearing—as a discrete event Note: This stage applies to an interim application or a summary proceeding of a type not otherwise addressed in this fee structure. It does not include the item 1 or 2 component.	Both: (a) \$1,706; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$1,706; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing
4	Up to and including the conciliation conference	\$1,706	Not applicable
5	Dispute resolution litigation intervention	\$1,706	\$2,868
6	Preparation for final hearing—one day matter	\$4,365	\$6,150
7	Preparation for final hearing—2 day matter	\$5,412	\$9,241
8	Preparation for final hearing—each additional hearing day after the second hearing day	\$1,158	\$1,944
9	Final hearing costs for attendance of solicitor at hearing to take judgment and explain orders	Both: (a) \$278; and (b) the daily hearing fee mentioned in	Both: (a) \$278; and (b) the daily hearing fee mentioned in

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Costs for family law proceedings and general federal law proceedings			
Item	Description	Amount for a family law proceeding (including GST)	Amount for a general federal law proceeding (including GST)
		item 13 that applies to the hearing	item 13 that applies to the hearing
10	Application for family law location, recovery or enforcement of an order (other than an application for enforcement by a Registrar under item 11)	Both: (a) \$867; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Not applicable
11	Application for enforcement by a Registrar of: (a) a warrant under rule 25B.22; or (b) a third party debt notice under rule 25B.40	\$573	Not applicable
12	Advocacy loading	50% of the daily hearing fee mentioned in item 13 that applies to the hearing	50% of the daily hearing fee mentioned in item 13 that applies to the hearing
13	Daily hearing fee	Either: (a) for a short mention—\$278; or (b) for a half day hearing—\$1,024; or (c) for a full day hearing—\$2,048	Either: (a) for a short mention—\$278; or (b) for a half day hearing—\$1,024; or (c) for a full day hearing—\$2,048
14	Disbursements—Court fees and other fees and payments to the extent that they have been reasonably incurred	The amount of the fees and payments	The amount of the fees and payments
15	Disbursements—photocopying for each page	\$0.71	\$0.71
16	Agents fees and travelling costs	\$576	\$576

Costs for family law proceedings and general federal law proceedings

Item	Description	Amount for a family law proceeding (including GST)	Amount for a general federal law proceeding (including GST)
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Note: For 2 or more hours travel.

Part 2—Child support proceedings

Division 1—Application for enforcement order in relation to child support proceedings

Costs for child support proceedings

Item	Description	Amount (including GST)
1	Initiating or opposing an application up to the completion of the first court date Note: This item includes final hearing of up to one day if it is held on the first court date.	Both: (a) \$2,157; and (b) the daily hearing fee mentioned in item 6 that applies to the hearing
2	Interim or summary hearing—as a discrete event Note: This item applies to an interim application, or a summary proceeding of a type not otherwise addressed in this fee structure such as an application for an order that a proceeding be stayed. It does not include the item 1 component.	Both: (a) \$1,644; and (b) the daily hearing fee mentioned in item 6 that applies to the hearing
3	Preparation of final hearing for a matter of 2 or more days—for every day after the first court date	\$1,117
4	Final hearing costs for attendance of solicitor at hearing to take judgment and explain orders	Both: (a) \$269; and (b) the daily hearing fee mentioned in item 6 that applies to the hearing
5	Advocacy loading	50% of the daily hearing fee mentioned in item 6 that applies to the hearing

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Costs for child support proceedings		
Item	Description	Amount (including GST)
6	Daily hearing fee	Either: (a) for a short mention—\$269; or (b) for a half day hearing—\$987; or (c) for a full day hearing—\$1,976
7	Disbursements—Court fees and other fees and payments to the extent that they have been reasonably incurred	The amount of the fees and payments
8	Disbursements—photocopying documents first 10 pages—for each page	\$0.71
9	Disbursements—photocopying documents after first 10 pages—for each page	\$0.22
10	Agents fees and travelling costs	\$556
	Note: For 2 or more hours travel.	

Division 2—Costs for appeal of an SSAT or Child Support Registrar decision

Costs for an appeal of an SSAT or Child Support Registrar decision		
Item	Description	Amount (including GST)
1	A proceeding concluded at or before the first court date for the proceeding	\$1,319
2	A proceeding concluded: (a) after the first court date for the proceeding; and (b) at least 4 weeks before the final hearing for the proceeding	\$3,294
3	A proceeding concluded at a final hearing	\$6,581

Part 3—Migration proceedings

Division 1—Costs for migration proceedings that have concluded

Costs for migration proceedings that have concluded		
Item	Description	Amount (including GST)
1	A proceeding concluded at or before the first court date for the proceeding	\$1,367
2	A proceeding concluded: (a) after the first court date for the proceeding; and (b) at or before the hearing under rule 44.12 or other interlocutory hearing	\$3,416
3	A proceeding concluded at a final hearing	\$6,825

Division 2—Costs for migration proceedings that have been discontinued

Costs for migration proceedings that have been discontinued		
Item	Description	Amount (including GST)
1	A proceeding in which the notice of discontinuance is filed and served at least 14 days before the first court date for the proceeding	\$680
2	A proceeding in which the notice of discontinuance is filed and served: (a) less than 14 days before the first court date for the proceeding; and (b) at least 15 days before the hearing under rule 44.12 or other interlocutory hearing	\$1,706
3	A proceeding in which the notice of discontinuance is filed and served: (a) less than 15 days before the hearing under rule 44.12 or other interlocutory hearing; and (b) at least 15 days before the final hearing	\$3,416
4	Any other case	\$4,778

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