

## **Schedule 1—Amendments commencing day after registration**

### ***Federal Magistrates Court Rules 2001***

#### **1 Subrule 1.05(2)**

Omit “2004 or the Family Law Rules 1984”.

#### **2 Rule 6.12**

After “A document”, insert “served by post, fax or electronic communication”.

#### **3 Rule 8.02 (notes 1 and 2)**

Repeal the notes, substitute:

Note: See subsections 39(3) and (4) of the Act for matters the Court must have regard to in deciding whether to transfer a proceeding to the Federal Court or the Family Court.

#### **4 Subrule 20.00A(1) (table item 30)**

Omit “Regulations, Rules or procedures”, substitute “Family Law Regulations, these Rules or procedures related to these Rules”.

#### **5 Rule 25A.03**

Repeal the rule, substitute:

#### **25A.03 Documents to be filed with applications**

- (1) A person must file with an application under this Part, the following documents:
  - (a) an affidavit setting out the facts and circumstances relied on and the grounds of the application, attaching:
    - (i) a copy of any assessment relevant to the application made by the Child Support Registrar; and
    - (ii) a copy of any decision relevant to the application made by the Child Support Registrar or SSAT, and any statement of reasons for that decision; and
    - (iii) a copy of any orders relevant to the application;

(b) a completed financial statement in accordance with the approved form.

(2) However, paragraph (1)(b) does not apply to:

- (a) an appeal from a decision of the SSAT or the Child Support Registrar; or
- (b) an application under subsection 106A(2) or 107(1) of the Assessment Act.

**6 Rule 25B.05 (note)**

Omit “2004”.

**7 Subrule 44.15(1)**

Omit “item 1”, substitute “Division 1”.

**8 Subrule 44.15(2)**

Omit “item 2”, substitute “Division 2”.

**9 Subparagraphs 45.06(b)(ii) and 45.07(b)(ii)**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

**10 Paragraph 45.13B(2)(d)**

Repeal the paragraph, substitute:

- (d) an FWC member nominated by the President of the Fair Work Commission.

**11 Subrule 45.13B(8) (definition of *FWA Member*)**

Repeal the definition.

**12 Subrule 45.13B(8)**

Insert:

*FWC member* has the meaning given by section 12 of the Fair Work Act.

**13 Schedule 1**

Repeal the Schedule, substitute:

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## Schedule 1—Costs

Note: See rules 21.10, 21.16 and 44.15.

### Part 1—Family law proceedings and general federal law proceedings

<b>Costs for family law proceedings and general federal law proceedings</b>			
<b>Item</b>	<b>Description</b>	<b>Amount for a family law proceeding (including GST)</b>	<b>Amount for a general federal law proceeding (including GST)</b>
1	Initiating or opposing an application up to the completion of the first court date	Both: (a) \$1,994.00; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$2,663.00; 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) \$2,494.00; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$3,332.00; 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) \$1,661.00; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$1,661.00; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing
4	Up to and including the conciliation conference	\$1,661.00	Not applicable

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<b>Costs for family law proceedings and general federal law proceedings</b>			
<b>Item</b>	<b>Description</b>	<b>Amount for a family law proceeding (including GST)</b>	<b>Amount for a general federal law proceeding (including GST)</b>
5	Dispute resolution litigation intervention	\$1,661.00	\$2,793.00
6	Preparation for final hearing—one day matter	\$4,250.00	\$5,988.00
7	Preparation for final hearing—2 day matter	\$5,270.00	\$8,998.00
8	Preparation for final hearing—each additional hearing day after the second hearing day	\$1,128.00	\$1,893.00
9	Final hearing costs for attendance of solicitor at hearing to take judgement and explain orders	Both: (a) \$271.00; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$271.00; and (b) the daily hearing fee mentioned in 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) \$844.00; 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	\$558.00	Not applicable
12	Advocacy loading	50% of the daily hearing fee mentioned in	50% of the daily hearing fee mentioned in

<b>Costs for family law proceedings and general federal law proceedings</b>			
<b>Item</b>	<b>Description</b>	<b>Amount for a family law proceeding (including GST)</b>	<b>Amount for a general federal law proceeding (including GST)</b>
		item 13 that applies to the hearing	item 13 that applies to the hearing
13	Daily hearing fee	Either: (a) for a short mention— \$271.00; or (b) for a half day hearing— \$997.00; or (c) for a full day hearing— \$1,994.00	Either: (a) for a short mention— \$271.00; or (b) for a half day hearing— \$997.00; or (c) for a full day hearing— \$1,994.00
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	\$0.69	\$0.69
16	Agents fees and travelling costs	\$561.00	\$561.00
	Note: For 2 or more hours travel		

## **Part 2—Child support proceedings**

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

<b>Costs for child support proceedings</b>		
<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
1	Initiating or opposing an application up to the	Both:

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<b>Costs for child support proceedings</b>		
<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
	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.	(a) \$2,100; 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) \$1,601.00; 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	\$1,088.00
4	Final hearing costs for attendance of solicitor at hearing to take judgement and explain orders	Both: (a) \$262.00; 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
6	Daily hearing fee	Either: (a) for a short mention—\$262.00; or (b) for a half day hearing—\$961.00; or (c) for a full day hearing—\$1,924.00
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	\$0.69

**Costs for child support proceedings**

<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
	pages—for each page	
9	Disbursements—photocopying documents after first 10 pages—for each page	\$0.21
10	Agents fees and travelling costs	\$541.00
	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**

<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
1	A proceeding concluded at or before the first court date for the proceeding	\$1,284.00
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	\$3,207.00
3	A proceeding concluded at a final hearing	\$6,408.00

**Part 3—Migration proceedings****Division 1—Costs for migration proceedings that have concluded****Costs for migration proceedings that have concluded**

<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
1	A proceeding concluded at or before the first court date for the proceeding	\$1,331.00

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<b>Costs for migration proceedings that have concluded</b>		
<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
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	\$3,326.00
3	A proceeding concluded at a final hearing	\$6,646.00

**Division 2—Costs for migration proceedings that have been discontinued**

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<b>Costs for migration proceedings that have been discontinued</b>		
<b>Item</b>	<b>Description</b>	<b>Amount (including GST)</b>
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	\$662.00
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	\$1,661.00
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	\$3,326.00
4	Any other case	\$4,652.00