



Family Law Amendment Rules 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 177

We, Judges within the meaning of the *Family Law Act 1975*,
make the following Rules of Court under that Act.

Dated 26 June 2006

J FAULKES – ACTING CHIEF JUSTICE

M FINN

N J BUCKLEY

I COLEMAN

MICHELLE MAY

JENNIFER BOLAND

K A MURRAY

JAMES BARRY

G R MULLANE

B JORDAN J

N MUSHIN

C E DAWE

ROD BURR

LLOYD WADDY

M WATT

D COLLIER

S STRICKLAND

A R MONTEITH

1 Name of Rules

These Rules are the *Family Law Amendment Rules 2006 (No. 1)*.

2 Commencement

These Rules commence as follows:

- (a) on 1 July 2006 — rules 1 to 3 and Schedule 1;
- (b) on the commencement of Schedules 1 and 2 to the *Family Law Amendment (Shared Parental Responsibility) Act 2006* — Schedule 2;
- (c) on the commencement of Part 1 of Schedule 1 to the *Jurisdiction of Courts (Family Law) Act 2006* — Schedule 3.

3 Amendment of *Family Law Rules 2004*

- (1) Schedule 1 amends the *Family Law Rules 2004*.
- (2) Schedule 2 amends the *Family Law Rules 2004* as amended by Schedule 1.
- (3) Schedule 3 amends the *Family Law Rules 2004* as amended by Schedules 1 and 2.

[33] Before rule 18.01

insert in Division 18.1.1

18.01A Definitions

In this Chapter:

Deputy Registrar means a Deputy Registrar of the Family Court of Australia.

Registrar means a Registrar of the Family Court of Australia.

[34] Subrule 19.18 (3)

omit

However, if there is a valid costs agreement

insert

However, for lawyer and client costs only, if there is a valid costs agreement

[35] Paragraph 20.23 (1) (a)

omit

mortgagor

insert

mortgagee

[36] Rule 21.01, note 2

substitute

Note 2 If a maintenance order is complied with before an Application for Contempt (Form 19) is heard by the court, the failure to comply with the order that led to the Form 19 being filed does not constitute a contempt of court (see subsection 112AP (1A) of the Act).

[39] Schedule 3*substitute***Schedule 3 Itemised scale of costs**

(rule 19.18)

Note The amounts in this Schedule include GST.**Part 1 Fees for lawyer's work done**

Item	Matter for which charge is made	Charge
101	Drafting documents (other than letters)	\$16.50 per 100 words
102	Producing documents in printed form (other than letters)	\$5.65 per 100 words
103	Drafting and producing letters (including fax or e-mail transmissions)	\$18.90 per 100 words
104	Reading documents	\$7.70 per 100 words
105	Scanning of documents (where reading is not necessary)	\$3.05 per 100 words
106	For a document or letter mentioned in item 101, 102, 103, 104 or 105 containing more than 3 000 words	The amount allowed by the Registrar
107	Photocopy or other reproduction of a document	50 cents per page
108	Time reasonably spent by a lawyer on work requiring the skill of a lawyer (except work to which any other item in this Part applies)	\$192.90 per hour
109	Time reasonably spent by a lawyer, or by a clerk of a lawyer, on work (except work to which any other item in this Part applies)	\$125.10 per hour

Part 2 Fees for counsel's work done

Item	Matter for which charge is made	Charge	
		Senior counsel	Junior counsel
201	Chamber work (including preparing or settling any necessary document, opinion, advice or evidence, and any reading fee (if allowed))	\$371– \$636 per hour	\$221.55– \$315.90 per hour
202	Conferences (including court appointed conferences), if necessary	\$371– \$636 per hour	\$221.55– \$315.90 per hour
203	Short attendances (for example, procedural hearings, summary hearings taking less than 3 hours)	\$371– \$2 650	\$198.20– \$928.55
204	A hearing or trial taking at least 3 hours but not more than 1 day	\$689– \$5 300	\$677.35– \$1 565.60
205	Other hearings or trials	\$1 749– \$5 300 per day	\$1 565.60– \$2 301.25 per day
206	Reserved judgment	\$371– \$636 per hour	\$221.55– \$315.90 per hour

Part 3 Basic composite amount for undefended divorce

Item	Matter for which charge is made	Charge
301	If the lawyer employed another lawyer to attend at court for the applicant and there is a child of the marriage under 18 years old	\$840.60
302	If the lawyer employed another lawyer to attend at court for the applicant and there is no child of the marriage under 18 years old	\$625.40

Item	Matter for which charge is made	Charge
303	If the lawyer did not employ another lawyer to attend at court for the applicant and there is a child of the marriage under 18 years old	\$788.65
304	If the lawyer did not employ another lawyer to attend at court for the applicant and there is no child of the marriage under 18 years old	\$590.40
305	If the lawyer did not attend at court for the hearing under section 98A of the Act	\$507.75

**Part 4 Basic composite amount for application
for Enforcement Warrant or Third Party
Debt Notice**

Item	Matter for which charge is made	Charge
401	An Enforcement Warrant under rule 20.16	\$507.75
402	A Third Party Debt Notice under rule 20.32	\$507.75