



## **Family Law Amendment (Powers Delegated to Registrars) Rules 2020**

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We, Judges of the Family Court of Australia, make the following Rules of Court.

Dated

2020

Judges of the Family Court  
of Australia

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## 1 Name

These Rules are the *Family Law Amendment (Powers Delegated to Registrars) Rules 2020*.

## 2 Commencement

- (1) Each provision of these Rules 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 these Rules | The day after these Rules are registered. |              |

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

- (2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

## 3 Authority

These Rules are made under the *Family Law Act 1975*.

## 4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

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## Schedule 1—Amendments

### *Family Law Rules 2004*

#### **1 Subrule 18.05(1) (table 18.2, before item 1)**

Insert:

- 1AA subparagraph 37A(1)(e)(iv) and paragraph 37A(1)(f)

#### **2 Subrule 18.05(1) (table 18.2, after item 15)**

Insert:

- 15A subject to item 15B of this table, Division 13A of Part VII (except paragraph 70NFB(2)(e) and only if:
- (a) the order made is an order until further order; or
  - (b) the power is exercised in an undefended case; or
  - (c) the power is exercised with the consent of all the parties to the case)
- 
- 15B sections 70NBA and 70NFD (but only if the order to be varied or discharged:
- (a) was made by a Registrar; or
  - (b) is an order until further order; or
  - (c) was made in an undefended case; or
  - (d) was made with the consent of all the parties to the case)

#### **3 Subrule 18.05(1) (table 18.2, after item 16)**

Insert:

- 16A sections 78, 79 and 79A (but only if:
- (a) the declaration or order made is a declaration or an order until further order; or
  - (b) the power is exercised in an undefended case)

#### **4 Subrule 18.05(1) (table 18.2, after item 18)**

Insert:

- 18AA subsections 87(8), 90J(3) and 90K(1) (but only if the order is:
- (a) an order until further order; or
  - (b) made in an undefended case)

#### **5 Subrule 18.05(1) (table 18.2, items 18C and 18D)**

Repeal the items, substitute:

- 18C sections 90SL, 90SM and 90SN (but only if:
- (a) the declaration or order made is a declaration or an order until further order; or
  - (b) the power is exercised in an undefended case)
- 
- 18D subsections 90UL(3) and 90UM(1) (but only if the order is:
- (a) an order until further order; or
  - (b) made in an undefended case)

#### **6 Subrule 18.05(1) (table 18.2, item 21A)**

Repeal the item, substitute:

- 21A subject to item 21B of this table, Part XIII A (except paragraph 112AD(2)(d) and only if:
- (a) the order is an order until further order; or
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- 
- (b) the power is exercised in an undefended case; or
  - (c) the power is exercised with the consent of all the parties to the case)
- 

- 21B subsection 112AK(1) (but only if the order to be varied or discharged:
- (a) was made by a Registrar; or
  - (b) is an order until further order; or
  - (c) was made in an undefended case; or
  - (d) was made with the consent of all the parties to the case)
- 

- 21C subsection 114(3)
- 

### **7 Subrule 18.05(1) (table 18.2, before item 22)**

Insert:

- 22AA Divisions 4 and 5 of Part 7

### **8 Subrule 18.05(1) (at the end of table 18.2)**

Add:

- 23A subsection 111B(1)
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- 23B section 113

### **9 Subrule 18.05(2) (table 18.3, after item 3)**

Insert:

- 3A paragraphs 10.12(c) and (d)
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- 3B paragraphs 10.14(d) and (e)

### **10 Subrule 18.05(2) (table 18.3, after item 6)**

Insert:

- 7 paragraphs 17.02(1)(a) to (d) and (f)

### **11 Subrule 18.06(1) (table 18.4, item 9)**

Repeal the item, substitute:

- 9 subject to items 21, 21A, 21F and 21G of this table, subsection 37A(1) (except subparagraph (e)(iv) and the reference in subparagraph (f)(i) to an order under section 66Q or 67E)

### **12 Subrule 18.06(1) (table 18.4, after item 18)**

Insert:

- 18AAA section 65D (but only if:
- (a) both of the following apply:
    - (i) the order is made in an undefended case;
    - (ii) the order is to come into effect at least 21 days after the order is served on the non-appearing party; or
  - (b) the order is made with the consent of all the parties to the case)

### **13 Subrule 18.06(1) (table 18.4, item 21)**

Repeal the item, substitute:

- 21 section 74 (but only if:
- (a) all of the following apply:
    - (i) the order is an order until further order;
    - (ii) the order is made in an undefended case;
-

**Schedule 1 Amendments**

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|     |   |
|-----|---|
|     | (iii) the order is to come into effect at least 21 days after the order is served on the other party; or  |
|     | (b) the order is made with the consent of all the parties to the case)  |
| 21A | section 77 (but only if:<br>(a) both of the following apply:<br>(i) the order is made in an undefended case;<br>(ii) the order is to come into effect at least 21 days after the order is served on the other party; or<br>(b) the order is made with the consent of all the parties to the case)   |
| 21B | sections 78, 79 and 79A (except paragraph 79(9)(c) and only if:<br>(a) both of the following apply:<br>(i) the power is exercised in an undefended case;<br>(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or<br>(b) the power is exercised with the consent of all the parties to the case)  |
| 21C | paragraph 79(9)(c)  |
| 21D | subsection 83(1) (but only if:<br>(a) all of the following apply:<br>(i) the order to be discharged, suspended, revived or varied is an order until further order;<br>(ii) the order to discharge, suspend, revive or vary is made in an undefended case;<br>(iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non-appearing party; or<br>(b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case) |
| 21E | subsections 87(8), 90J(3) and 90K(1) (but only if:<br>(a) both of the following apply:<br>(i) the order is made in an undefended case;<br>(ii) the order is to come into effect at least 21 days after the order is served on the non-appearing party; or<br>(b) the order is made with the consent of all the parties to the case)   |
| 21F | section 90SE (but only if:<br>(a) all of the following apply:<br>(i) the order is an order until further order;<br>(ii) the order is made in an undefended case;<br>(iii) the order is to come into effect at least 21 days after the order is served on the other party; or<br>(b) the order is made with the consent of all the parties to the case)  |
| 21G | section 90SG (but only if:<br>(a) both of the following apply:<br>(i) the order is made in an undefended case;<br>(ii) the order is to come into effect at least 21 days after the order is served on the other party; or<br>(b) the order is made with the consent of all the parties to the case)   |
| 21H | section 90SI (but only if:<br>(a) all of the following apply:<br>(i) the order to be discharged, suspended, revived or varied is an order until further order;<br>(ii) the order to discharge, suspend, revive or vary is made in an undefended case;<br>(iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non-appearing party; or   |

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|     |   |
|-----|---|
|     | (b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case)  |
| 21J | sections 90SL, 90SM and 90SN (except paragraph 90SM(9)(c) and only if:<br>(a) both of the following apply:<br>(i) the power is exercised in an undefended case;<br>(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or<br>(b) the power is exercised with the consent of all the parties to the case) |
| 21K | paragraph 90SM(9)(c)  |
| 21L | subsections 90UL(3) and 90UM(1) (but only if:<br>(a) both of the following apply:<br>(i) the power is exercised in an undefended case;<br>(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non-appearing party; or<br>(b) the power is exercised with the consent of all the parties to the case)                          |

**14 Subrule 18.06(1) (table 18.4, after item 23)**

Insert:

|     |   |
|-----|---|
| 23A | paragraphs 94(2D)(a), (b), (c), (e), (g), (h), (i) and (j)                    |
| 23B | paragraph 94(2D)(d) (but only if all parties consent to the orders sought)    |
| 23C | paragraphs 94AAA(10)(a), (b), (c), (e), (g), (h), (i) and (j)                 |
| 23D | paragraph 94AAA(10)(d) (but only if all parties consent to the orders sought) |

**15 Subrule 18.06(1) (table 18.4, item 30)**

Omit “(except an order as to security for costs)”.

**16 Subrule 18.06(1) (at the end of table 18.4)**

Add:

**Assessment Act**

|    |  |
|----|--|
| 43 | section 139 (but only if the order is made:<br>(a) in an undefended case; or<br>(b) with the consent of all the parties to the case)                 |
| 44 | Divisions 4 and 5 of Part 7 (but only if the order is made:<br>(a) in an undefended case; or<br>(b) with the consent of all the parties to the case) |

**Registration Act**

|    |                    |
|----|--------------------|
| 45 | subsection 105(2)  |
| 46 | subsection 111B(1) |
| 47 | section 113        |

**17 Subrule 18.06(2) (table 18.5, item 10)**

Omit “(except subrule (5))”.

**18 Subrule 18.06(2) (table 18.5, after item 25)**

Insert:

|    |           |
|----|-----------|
| 26 | Part 15.4 |
|----|-----------|

**19 Subrule 18.06(2) (table 18.5, item 31B)**

Repeal the item, substitute:

31B paragraphs 17.02(1)(e), (g) and (h)

**20 Subrule 18.06(2) (table 18.5, item 32)**

Omit “Parts 19.3 and 19.8”, substitute “Part 19.8”.

**21 Subrule 18.06(2) (table 18.5, item 32)**

Omit “Parts 6.2 and 6.8 and clauses 6.17 and 6.18”, substitute “Part 6.8”.

**22 Subrule 18.06(2) (table 18.5, item 33)**

Repeal the item, substitute:

33 Chapter 20

34 Part 21.4

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**23 At the end of rule 18.06 (after the note)**

Add:

- (3) A power of the court mentioned in item 34 of Table 18.5 may only be exercised by a Deputy Registrar when dealing with a case in relation to which a Deputy Registrar has, or has been delegated, the power to exercise the court’s jurisdiction.

**24 Subrule 18.08(1) (table 18.6, item 2, column headed “Time within which application must be made”)**

Omit “28 days”, substitute “21 days”.

**25 Subrule 18.08(1) (table 18.6, items 3 and 4, column headed “Time within which application must be made”)**

Omit “7 days”, substitute “21 days”.

**26 In the appropriate position in Chapter 27**

Insert:

**Part 27.5—Transitional provisions relating to the Family Law Amendment (Powers Delegated to Registrars) Rules 2020**

**27.13 Application—powers delegated to Registrars**

Rules 18.05, 18.06 and 18.08, as amended by Schedule 1 to the *Family Law Amendment (Powers Delegated to Registrars) Rules 2020* (the **amending Rules**), apply in relation to the exercise of a power on or after the commencement of the amending Rules (whether or not the exercise of the power relates to a proceeding instituted before, on or after that commencement).