



FEDERAL CIRCUIT COURT OF AUSTRALIA

Federal Circuit Court of Australia

Commonwealth Law Courts
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TO	Law Societies, Bar Associations, Legal Aid Commissions
FROM	Adele Byrne
DATE	2 August 2018
SUBJECT	Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018

The *Federal Circuit Court Rules 2001* ("the Rules") are reviewed regularly. The Judges of the Federal Circuit Court have agreed to the following miscellaneous amendments which are comprised in the attached Amendment Rules.

The Rules and the Explanatory Statement are in the process of being registered and information on the Court's website will be updated.

The amendments in **Schedule 1 Part 1** increase the itemised amounts of costs comprised in Schedule 1 of the Rules. These increases follow recommendations made by the Joint Costs Advisory Committee in their 10th Report. **These increases apply to work done or services performed after the commencement of the Schedule.**

The amendments in **Schedule 1 Part 2** comprise miscellaneous amendments to the Rules being:

- Removing a reference to *primary dispute resolution* in subrule 10.01(3)(g) as this terminology is no longer used in the *Federal Circuit Court of Australia Act 1999* or the *Family Law Act 1975*. Instead it has been replaced with reference to *dispute resolution* and *family counselling*;
- Including in Schedule 3 Part 2 the application of the following Federal Court Rules:
 - **Rule 6.11** – Use of communication device or recording device in place where hearing taking place;
 - **Division 7.3** – Preliminary discovery

Yours sincerely,

Adele Byrne
Principal Registrar



Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018

We, Judges of the Federal Circuit Court of Australia, make the following Rules of Court.

Dated 2018

Judges of the Federal Circuit
Court of Australia

Chief Executive Officer

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1 Name

These Rules are the *Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018*.

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 *Federal Circuit Court of Australia Act 1999*.

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.

Schedule 1—Amendments

Part 1—Costs

Federal Circuit Court Rules 2001

1 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 (Costs and Other Measures) Rules 2018*, applies to work done and 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 application up to the completion of the first court date	Both: (a) \$2,241; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$2,992; 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) \$2,802; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$3,744; 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) \$1,867; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$1,867; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing
4	Up to and including the conciliation conference	\$1,867	Not applicable

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)
5	Dispute resolution litigation intervention	\$1,867	\$3,138
6	Preparation for final hearing—one day matter	\$4,775	\$6,728
7	Preparation for final hearing—2 day matter	\$5,921	\$10,111
8	Preparation for final hearing—each additional hearing day after the second hearing day	\$1,268	\$2,127
9	Final hearing costs for attendance of solicitor at hearing to take judgment. and explain orders	Both: (a) \$305; and (b) the daily hearing fee mentioned in item 13 that applies to the hearing	Both: (a) \$305; 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) \$948; 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	\$627	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—\$305; or (b) for a half day hearing—\$1,120; or (c) for a full day hearing—\$2,241	Either: (a) for a short mention—\$305; or (b) for a half day hearing—\$1,120; or (c) for a full day hearing—\$2,241
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	\$0.77	\$0.77
16	Agents fees and travelling costs	\$630	\$630
	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) \$2,360; 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) \$1,799; 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	\$1,222
4	Final hearing costs for attendance of solicitor at hearing to take judgment and explain orders	Both: (a) \$294; 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—\$294; or (b) for a half day hearing—\$1,080; or (c) for a full day hearing—\$2,161
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	\$0.77
9	Disbursements—photocopying documents after first 10 pages—for each page	\$0.23
10	Agents fees and travelling costs Note: For 2 or more hours travel.	\$608

Division 2—Costs for appeal of a Tribunal or Child Support Registrar decision

Costs for an appeal of a Tribunal or Child Support Registrar decision		
Item	Description	Amount (including GST)
1	A proceeding concluded at or before the first court date for the proceeding	\$1,444

Costs for an appeal of a Tribunal or Child Support Registrar decision		
Item	Description	Amount (including GST)
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	\$3,604
3	A proceeding concluded at a final hearing	\$7,200

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	\$1,495
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	\$3,737
3	A proceeding concluded at a final hearing	\$7,467

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	\$744
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	\$1,864
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	\$3,737
4	Any other case	\$5,227

Part 2—Other amendments

Federal Circuit Court Rules 2001

2 Paragraph 10.01(3)(g)

Repeal the paragraph, substitute:

- (g) dispute resolution;
- (ga) family counselling;

3 Part 2 of Schedule 3 (after table item 3)

Insert:

3A rule 6.11

3B Division 7.3