

# **Federal Magistrates Amendment Regulations 2000 (No. 1) 2000 No. 245**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2000 NO. 245**

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

*Federal Court of Australia Act 1976*

*Federal Magistrates Act 1999*

FEDERAL COURT OF AUSTRALIA AMENDMENT REGULATIONS 2000 (NO. 4)

FEDERAL MAGISTRATES AMENDMENT REGULATIONS 2000 (NO. 1)

Section 60 of the *Federal Court of Australia Act 1976* provides for the Governor-General to make regulations prescribing, amongst other matters, all matters necessary or convenient to be prescribed for carrying out or giving effect to the *Federal Court of Australia Act 1976*, including prescribing the fees to be paid in respect of proceedings in the Federal Court. Pursuant to this power, the Federal Court of Australia Regulations 1978 were made, prescribing the fees to be paid in respect of proceedings in the Federal Court.

Section 120 of the *Federal Magistrates Act 1999* provides for the Governor-General to make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the *Federal Magistrates Act 1999*, including fees to be paid in respect of proceedings in the Federal Magistrates Court. Pursuant to this power, the Federal Magistrates Regulations 2000 were made, to prescribe the fees to be paid in respect of proceedings in the Federal Magistrates Court.

The purpose of the Regulations is to make consequential amendments to the Federal Court of Australia Regulations 1978 and the Federal Magistrates Regulations 2000 to provide that only a filing fee of \$50.00 is payable in respect of applications made under section 46PP of the *Human Rights and Equal Opportunity Commission Act 1986*. Section 46PP provides that any time after a complaint alleging unlawful discrimination is lodged with the Human Rights and Equal Opportunity Commission an application for an interim injunction to maintain the status quo or the rights of any affected person may be made to the Federal Court or the Federal Magistrates Court.

Details of the Regulations are contained in separate attachments.

Both sets of Regulations commence on gazettal.

## Attachment

### Federal Court of Australia Amendment Regulations 2000 (No. 4)

Regulation 1 provides the name of the Regulations.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 to the Regulations amends the Federal Court of Australia Regulations 1978.

Item 1 of Schedule 1 omits the words "section 46PO" from subregulation 2(1BA) of the Federal Court of Australia Regulations 1978 and inserts "section 46PO or 46PP". This amendment provides that: only a filing fee is payable in respect of an application made under section 46PP of the *Human Rights and Equal Opportunity Act 1986*.

Item 2 of Schedule 1 omits the word "section 46PO" from item 1AA of the Schedule to the Federal Court of Australia Regulations 1978 and inserts "section 46PO or 46PP". This provides that the fee for filing an application under section 46PP of the *Human Rights and Equal Opportunity Act 1986* is \$50.00.

## Attachment

### Federal Magistrates Amendment Regulations 2000 (No. 1)

Regulation 1 provides the name of the Regulations.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 to the Regulations amends the Federal Magistrates Regulations 2000.

Item 1 of Schedule 1 of the Regulations amends Item 2 of the Schedule to the Federal Magistrates Regulations 2000 by omitting the words "section 46PO" and inserting the words "section 46PO or 46PP". This provides that the fee for filing an application under section 46PP of the *Human Rights and Equal Opportunity Act 1986* is \$50.00.