

Family Law (Fees) Regulation 2012

Select Legislative Instrument No. 279, 2012

made under the

Family Law Act 1975 and the Federal Circuit Court of Australia Act 1999

**Compilation No. 4**

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**About this compilation**

**This compilation**

This is a compilation of the *Family Law (Fees) Regulation 2012* that shows the text of the law as amended and in force on 13 July 2015 (the ***compilation date***).

This compilation was prepared on 16 July 2015.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1.01 Name of regulation 1

1.03 Definitions 1

1.04 Application 4

Part 2—Fees 5

Division 2.1—Fees—general 5

2.01 Purpose of Part 5

2.02 Fees 5

Division 2.2—Liability to pay fee 6

2.03 Persons liable to pay fee 6

Division 2.3—Exemptions from liability to pay fee 7

2.04 Persons exempt from paying fee—general 7

2.05 Persons exempt from paying fee—financial hardship 7

2.05A Persons exempt from paying fee—independent children’s lawyer 8

2.06 Reduced fee for filing application for divorce or nullity of marriage order 8

Division 2.4—When fee is not payable 10

2.07 Fee not payable by liable person if already paid 10

2.08 Proceedings in which fee is not payable 10

Division 2.5—Payment of fees 12

2.09 When fee must be paid 12

2.10 Deferral of payment of fees 13

2.11 What happens if fee is not paid 14

Division 2.6—Miscellaneous 15

2.12 Refund of fee 15

2.13 Biennial increase in fees 17

2.14 Notice of decision and AAT review 18

2.15 Debt due to Commonwealth or State 19

Part 3—Transitional provisions 20

3.01 Transitional provisions relating to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015* 20

Schedule 1—Fees 21

1 Fees 21

Endnotes 25

Endnote 1—About the endnotes 25

Endnote 2—Abbreviation key 27

Endnote 3—Legislation history 28

Endnote 4—Amendment history 28

Part 1—Preliminary

1.01 Name of regulation

 This regulation is the *Family Law (Fees) Regulation 2012*.

1.03 Definitions

 In this regulation:

***authorised officer***, in relation to a power or function, means:

 (a) in relation to the Federal Circuit Court—the following:

 (i) an officer of that court authorised by the Chief Executive Officer of that court to exercise the power or carry out the function;

 (ii) an officer of another court performing the function under an arrangement under section 90 of the Federal Circuit Court;

 (iii) an employee of an agency or organisation performing the function under an arrangement under section 91 of that Act; or

 (b) in relation to a Family Court other than the Family Court of Western Australia—an officer of that court who is authorised by the Chief Executive Officer of that court to exercise the power or carry out the function; or

 (c) in relation to the Family Court of Western Australia—an officer of that court who is authorised, by the executive manager appointed under paragraph 25(1)(c) of the *Family Court Act 1997* (WA), to exercise the power or carry out the function; or

 (d) in relation to the Supreme Court of the Northern Territory or a court of summary jurisdiction of a State or Territory—an officer of that court authorised by the Registrar of that court to exercise the power or carry out the function.

***conciliation conference*** means a conference:

 (a) that is:

 (i) attended by the parties to a proceeding and a Registrar of the relevant court; or

 (ii) attended by the parties to a proceeding and a family dispute resolution practitioner, and the parties are not required to pay any fees of the practitioner in relation to the conference; and

 (b) in which the parties try to reach agreement on the matters in issue in the proceeding.

***conciliation conference fee*** means the fee mentioned in item 20 of Schedule 1.

***eligible financial or parenting proceedings*** means:

 (a) financial or Part VII proceedings; or

 (b) any of the proceedings mentioned in paragraphs (a) to (f) of the definition of ***de facto financial cause*** in subsection 4(1) of the Family Law Act.

***Family Court*** means:

 (a) the Family Court of Australia; or

 (b) a Family Court of a State.

***Family Court of a State*** means a court to which section 41 of the Family Law Act applies.

***Family Law Act*** means the *Family Law Act 1975*.

***Federal Circuit Court*** means the Federal Circuit Court of Australia.

***Federal Circuit Court Act*** means the *Federal Circuit Court of Australia Act 1999*.

***filing fee*** means a fee mentioned in any of items 1 to 10B of Schedule 1.

***hearing fee*** means a fee mentioned in any of items 15 to 18 of Schedule 1.

***interim order application*** includes:

 (a) an application for an interlocutory or interim order; and

 (b) an application for an order that will apply only for a specified period during a proceeding; and

 (c) an application for an interim or partial property order under Part VIII or VIIIAB of the Family Law Act; and

 (d) an application for an interim order that is included in an application that also covers other matters;

but does not include an application for a procedural order.

Example for paragraph (b): An application for an interim parenting order that applies during a proceeding until a final parenting order is made.

Example for paragraph (d): An application for both interim orders and final orders.

***liable person***, in relation to a fee, means the person who is required to pay the fee under section 2.03.

***Registrar***:

 (a) of the Federal Circuit Court—has the same meaning as in the Federal Circuit Court Act; or

 (b) of another court—has the same meaning as in the Family Law Act.

***relevant court***, in relation to a proceeding, means:

 (a) if the proceeding is in the Federal Circuit Court—that court; or

 (b) if the proceeding is in a Family Court—that court; or

 (c) if the proceeding is in the Supreme Court of the Northern Territory—that court; or

 (d) if the proceeding is in a court of summary jurisdiction of a State or Territory—that court.

***setting down fee*** means a fee mentioned in any of items 11 to 14 of Schedule 1.

Note: Some terms used in this regulation are defined in the Family Law Act, including:

• appeal

• family dispute resolution practitioner

• financial or Part VII proceedings

• party to a de facto relationship

• proceedings

• recovery order.

1.04 Application

 (1) This regulation applies to a fee for:

 (a) a service requested, or the filing of a document lodged, under the Family Law Act on or after 1 January 2013; and

 (b) the filing of an application lodged under the *Trans‑Tasman Proceedings Act 2010* on or after the commencement of sections 3 to 110 of that Act.

 (2) However, if a service was requested before 1 January 2013:

 (a) payment of the fee for the service may be deferred under section 2.10 (regardless of whether the fee was also deferred before 1 January 2013); and

 (b) subsection 2.12(9) applies to any hearing days that were fixed for 1 January 2013 or after.

Note 1: See regulation 83 of the *Family Law Regulations 1984* in relation to fees for services that were requested under those Regulations before 1 January 2013.

Note 2: See Part 5 of the *Federal Court and Federal Circuit Court Regulation 2012* in relation to fees for services provided by the Federal Circuit Court that were requested before 1 January 2013.

Note 3: See also Part 3 for other transitional provisions.

Part 2—Fees

Division 2.1—Fees—general

2.01 Purpose of Part

 For section 125 of the Family Law Act, and section 120 of the Federal Circuit Court Act, this Part sets out matters relating to fees.

2.02 Fees

 (1) Schedule 1 sets out the fees payable for:

 (a) the filing of a document; or

 (b) a service in relation to a proceeding provided by:

 (i) the relevant court; or

 (ii) an officer of the relevant court; or

 (iii) another person acting on behalf of the relevant court.

Note 1: Fees are subject to increase under section 2.13.

Note 2: Fees are not payable in some circumstances: see Division 2.4.

 (2) If a document filed in a proceeding includes an application for an interim order and also covers another matter, the fee payable is the sum of:

 (a) the fee mentioned in item 9 of Schedule 1; and

 (b) the fee mentioned in Schedule 1 for the filing of the document.

 (3) If, under section 2.03, a particular fee mentioned in Schedule 1 is payable by more than one person, the only fee that is payable in relation to that particular fee is the highest fee that applies to any of those persons.

Division 2.2—Liability to pay fee

2.03 Persons liable to pay fee

 (1) A fee mentioned in Schedule 1 is payable in relation to a proceeding (including an appeal) by:

 (a) for the fee mentioned in item 5 of Schedule 1 (filing a response to an application) or item 9 of Schedule 1 (filing an interim order application)—the person for whom the document is filed; and

 (b) for the fee mentioned in item 19 of Schedule 1 (issuing a subpoena)—the person who requests that the subpoena be issued; and

 (c) in any other case—the person who commences the proceeding.

 (2) However:

 (a) any party to the proceeding may pay the fee; and

 (b) the relevant court for the proceeding, or a Judge or Registrar of that court, may order that another party to the proceeding is liable to pay the fee or part of the fee instead of the person mentioned in subsection (1).

Division 2.3—Exemptions from liability to pay fee

2.04 Persons exempt from paying fee—general

 (1) A person is exempt from paying a fee mentioned in Schedule 1 (other than the fee mentioned in item 1, 2 or 10A of Schedule 1) if, at the time the fee is payable, one or more of the following apply:

 (a) the person has been granted legal aid under a legal aid scheme or service:

 (i) established under a law of the Commonwealth or of a State or Territory; or

 (ii) approved by the Attorney‑General;

 for the proceeding for which the fee would otherwise be payable;

 (b) the person is the holder of any of the following cards issued by the Commonwealth:

 (i) a health care card;

 (ii) a pensioner concession card;

 (iii) a Commonwealth seniors health card;

 (iv) any other card that certifies the holder’s entitlement to Commonwealth health concessions;

 (c) the person is serving a sentence of imprisonment or is otherwise detained in a public institution;

 (d) the person is younger than 18;

 (e) the person is receiving youth allowance or Austudy payments under the *Social Security Act 1991* or benefits under the ABSTUDY Scheme.

 (2) For paragraph (1)(b), the ***holder*** of a card does not include a dependant of the person who is issued the card.

2.05 Persons exempt from paying fee—financial hardship

 (1) If:

 (a) a fee mentioned in Schedule 1 (other than the fee mentioned in item 1, 2 or 10A of Schedule 1) is payable by an individual in relation to a proceeding; and

 (b) in the opinion of a Registrar or an authorised officer of the relevant court at the time the fee is payable, the payment of the fee would cause financial hardship to the individual;

the Registrar or authorised officer may exempt the individual from paying the fee.

 (2) In considering whether payment of a fee would cause financial hardship to an individual, the Registrar or authorised officer must consider the individual’s income, day‑to‑day living expenses, liabilities and assets.

Note: A decision of a Registrar or an authorised officer under this section is reviewable by the AAT: see section 2.14.

2.05A Persons exempt from paying fee—independent children’s lawyer

 An independent children’s lawyer appointed to represent a child’s interests in proceedings under the Family Law Act is exempt from paying the following fees in relation to the proceedings:

 (a) the fee mentioned in item 9 of Schedule 1;

 (b) the fee mentioned in item 19 of Schedule 1.

Note: For the meaning of independent children’s lawyer, see subsection 4(1) of the Family Law Act.

2.06 Reduced fee for filing application for divorce or nullity of marriage order

 (1) If:

 (a) a fee mentioned in item 1 or 2 of Schedule 1 is payable by a person in relation to a proceeding; and

 (b) the person is exempt under section 2.04 from paying any other fees mentioned in Schedule 1;

the person may pay the reduced fee mentioned in the item instead of the fee that would otherwise be payable.

 (2) If:

 (a) a fee mentioned in item 1 or 2 of Schedule 1 is payable by an individual in relation to a proceeding; and

 (b) in the opinion of a Registrar or an authorised officer of the relevant court at the time the fee is payable, the payment of the fee would cause financial hardship to the individual;

the Registrar or authorised officer may determine that the individual may pay the reduced fee mentioned in the item instead of the fee that would otherwise be payable.

 (3) In considering whether payment of a fee would cause financial hardship to an individual, the Registrar or authorised officer must consider the individual’s income, day‑to‑day living expenses, liabilities and assets.

Note: A decision of a Registrar or an authorised officer under subsection (2) is reviewable by the AAT: see section 2.14.

Division 2.4—When fee is not payable

2.07 Fee not payable by liable person if already paid

 A fee mentioned in Schedule 1 is not payable by the liable person if another person has paid the fee.

2.08 Proceedings in which fee is not payable

 (1) A fee mentioned in Schedule 1 is not payable in relation to the following proceedings:

 (a) an application for a divorce order in relation to a marriage that was previously dissolved or annulled under the Family Law Actor the *Matrimonial Causes Act 1959*;

 (b) a proceeding for which an international convention to which Australia is a party provides that no fee is to be payable;

 (c) a proceeding under the *Family Law (Child Abduction Convention) Regulations 1986*;

 (d) an application by a person to set aside a subpoena.

 (2) A fee mentioned in Schedule 1 is not payable in relation to an objection to a subpoenaed document being inspected or copied.

 (3) A fee mentioned in Schedule 1 is not payable in relation to a proceeding under the Family Law Act about any of the following:

 (a) rescission of a divorce order;

 (b) a parenting plan;

 (c) child maintenance;

 (d) a recovery order;

 (e) a custody order, residence order, or an order that a child lives with a person, made by an overseas court;

 (f) a custody order, residence order, or an order that a child lives with a person, made by a court in Australia and enforceable overseas;

 (g) a maintenance order made by an overseas court;

 (h) a maintenance order made by a court in Australia that is enforceable overseas;

 (i) spousal maintenance;

 (j) leave, under section 102A of that Act, for a child to be examined;

 (k) an application for enforcement of an order;

 (l) contravention of an order;

 (m) contempt of court;

 (n) an application for an injunction under section 114 of that Act;

 (o) costs;

 (p) a procedural matter.

Division 2.5—Payment of fees

2.09 When fee must be paid

Filing fee

 (1) A filing fee for a document must be paid beforethe document is filed.

Setting down fee

 (2) A setting down fee for a hearing in relation to a proceeding must be paid as follows:

 (a) if the hearing day is within 28 days after the day when the hearing day is fixed—within the period, or at the time, approved by the Registrar or authorised officer of the relevant court for the payment of that fee;

 (b) in any other case—no later than 28 days before the hearing day.

Hearing fee

 (3) A hearing fee for a hearing in relation to a proceeding must be paid as follows:

 (a) if the hearing day is more than 2 business days after the day when the hearing day is fixed—no later than close of business for the relevant court on the day that is 2 business days before the hearing day;

 (b) in any other case—no later than 9.30 am on the hearing day.

Conciliation conference fee

 (4) A conciliation conference fee must be paid as follows:

 (a) if the conciliation conference is within 28 days after the day when the conference is fixed—before the conference commences;

 (b) in any other case—by 28 days before the day the conference will occur.

Fee for other service

 (5) A fee for a service:

 (a) mentioned in an item in Schedule 1; and

 (b) not otherwise mentioned in this section;

must be paid before the service is provided.

2.10 Deferral of payment of fees

 (1) Section 2.09 does not apply if a Registrar or an authorised officer of the relevant court for a proceeding defers the payment of a fee mentioned in Schedule 1 in relation to the proceeding.

 (2) The Registrar or authorised officer may defer the payment of a fee under subsection (1) if, in the opinion of the Registrar or authorised officer:

 (a) for a filing fee for a document (other than the fee mentioned in item 5 of Schedule 1)—the need to file the document is so urgent that it overrides the requirement to pay the filing fee before the document is filed; or

 (b) considering the financial circumstances of the person liable to pay the fee, it would be oppressive or otherwise unreasonable to require payment of the fee in accordance with section 2.09.

 (3) If the payment of a fee is deferred, the fee must be paid:

 (a) within 28 days after the day the payment is deferred; or

 (b) within another period approved, in writing, by the Registrar or authorised officer for the payment of that fee.

Note: If a setting down fee in relation to a hearing is deferred and the hearing does not occur, the setting down fee is still payable in accordance with this subsection.

 (4) A fee may be deferred more than once.

 (5) The Registrar or authorised officer may impose conditions on the deferral of the payment of a fee.

Note: A decision of a Registrar or an authorised officer under this section is reviewable by the AAT: see section 2.14.

2.11 What happens if fee is not paid

 (1) This section applies if the payment of a fee is not deferred under section 2.10.

 (2) If a person is required to pay a fee mentioned in Schedule 1 in relation to a proceeding before the filing of a document or the provision of a service for which the fee is payable, the document must not be filed or the service must not be provided until the whole fee is paid.

 (3) However, the relevant court for the proceeding, or a Judge or Registrar of that court, may allow the document to be filed or the service to be provided despite the fee, or part of the fee, not being paid.

 (4) Subsection (5) applies to a conciliation conference fee, a hearing fee and a setting down fee.

 (5) If the fee, or part of the fee, is not paid in relation to a proceeding:

 (a) the relevant court, or a Judge or Registrar of that court, may order that no proceeding, or no proceeding other than a specified proceeding, is to take place except by leave; and

 (b) a person other than the person liable to pay the fee may pay the fee without affecting any power of the relevant court, or of a Judge or Registrar of that court, to make an order for costs for the fee; and

 (c) the relevant court, or a Judge or Registrar of that court, may vacate the day scheduled for the hearing or conciliation conference.

Division 2.6—Miscellaneous

2.12 Refund of fee

General

 (1) A person is entitled to a refund of an amount in relation to the payment of a fee mentioned in Schedule 1 if the person pays more than the person is required to pay for the fee under this regulation.

 (2) The amount to be refunded is the difference between the amount paid by the person and the amount that the person is required to pay for the fee.

 (3) A person is entitled to the refund of the amount paid by the person as a fee mentioned in Schedule 1 if:

 (a) the fee had already been paid by another person; or

 (b) the fee was not payable under this regulation.

Setting down fee

 (4) A person is not entitled to the refund of the amount paid by the person as a setting down fee for a hearing in relation to a proceeding if the first hearing day fixed by the setting down, or a hearing day fixed in place of the first hearing day, does not occur.

Hearing fees—hearings not commenced

 (5) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing that has not commenced in relation to a proceeding if:

 (a) the person notifies the Registrar or an authorised officer of the relevant court, in accordance with subsection (6), that the hearing will not occur or will occur only for the purpose of making formal orders; and

 (b) the hearing does not occur or occurs only for the purpose of making formal orders.

 (6) The person must notify the Registrar or authorised officer in writing:

 (a) if the hearing day was fixed less than 10 business days before the hearing day—at least 2 business days before the hearing day; and

 (b) in any other case—at least 10 business days before the hearing day.

 (7) Despite subsection (5), a Registrar or authorised officer may refund a hearing fee for a hearing that has not commenced if:

 (a) the person who paid the hearing fee has not notified the Registrar or authorised officer in accordance with paragraph (5)(a) and subsection (6); and

 (b) the Registrar or authorised officer is satisfied that the reason the person has not notified the Registrar or authorised officer is not the fault of the person; and

 (c) the hearing does not occur or occurs only for the purpose of making formal orders.

 (8) For subsections (5) and (7), ***formal orders*** means orders finalising the proceedings that were to be the subject of the hearing.

Hearing fees—hearings commenced

 (9) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing day for a hearing that has commenced if:

 (a) the proceeding is settled or discontinued before the hearing day; or

 (b) the hearing day does not proceed for some other reason.

Example: If a person pays hearing fees in advance for 20 hearing days, but the proceeding finishes after 10 hearing days, a person is entitled to a refund of the hearing fees paid for the unused hearing days.

Conciliation conference fee

 (10) A person is entitled to the refund of the amount paid by the person as a conciliation conference fee in relation to a proceeding if the proceeding is settled or discontinued before the conference is held.

Note: A decision of a Registrar or authorised officer under subsection (7) is reviewable by the AAT: see section 2.14.

2.13 Biennial increase in fees

 (1) The amount of each fee mentioned in Schedule 1 is increased on 1 July 2016, and on each second 1 July following that day.

 (3) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, the fee is increased, on 1 July immediately following the end of the period, in accordance with the formula:



where:

***earlier CPI number*** is the CPI number for the last March quarter before the start of the relevant period.

***fee*** is the fee in force at the end of the relevant period.

***latest CPI number*** is the CPI number for the last March quarter before the end of the relevant period.

 (4) The amount of the fee worked out under subsection (3) is to be rounded to an amount of dollars and cents and then further rounded as follows:

 (a) if the amount is $50 or more—the amount is to be rounded to the nearest amount that is a multiple of $5;

 (b) if the amount is less than $50—the amount is to be rounded to the nearest whole dollar;

 (c) if the amount to be rounded is 50 cents, the amount is to be rounded down.

 (7) If the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number is disregarded for this section.

 (8) However, if the Australian Statistician changes the reference base for the Consumer Price Index, then for the application of this section after the change is made, regard must be had only to CPI numbers published in terms of the new reference base.

 (9) In this section:

***CPI number*** means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

***March quarter*** means a period of 3 months ending at the end of March.

***relevant period***means a 2 year period beginning on 1 July 2012 or on each second 1 July following that day.

2.14 Notice of decision and AAT review

 (1) A Registrar or an authorised officer must give a person liable to pay a fee mentioned in Schedule 1 a notice in accordance with this section if the Registrar or authorised officer makes a decision about the payment of the fee under section 2.05 or 2.10 or subsection 2.06(2) or 2.12(7).

 (2) The Registrar or authorised officer must give the notice to the liable person within 28 days after making the decision.

 (3) The notice must set out:

 (a) the decision; and

 (b) a statement that the liable person may apply to the Administrative Appeals Tribunal for review of the decision; and

 (c) reasons for the decision.

 (4) Paragraphs (3)(b) and (c) only apply if the decision is:

 (a) to not exempt a person from paying a fee; or

 (b) to not defer the payment of a fee; or

 (c) to not refund a fee that has been paid; or

 (d) to not determine that a person may pay a reduced fee.

 (5) The liable person may apply to the Administrative Appeals Tribunal for review of the decision.

 (6) Failure to comply with paragraph (3)(b) does not affect the validity of the decision.

2.15 Debt due to Commonwealth or State

 (1) Any fee mentioned in Schedule 1 that is not paid in accordance with this regulation is recoverable by the Commonwealth as a debt due to the Commonwealth.

 (2) However:

 (a) if the fee is payable in relation to a proceeding in a Family Court of a State, the fee is recoverable by the State as a debt due to that State; and

 (b) if the fee is payable in relation to a proceeding in a court of summary jurisdiction of a State or Territory, the fee is recoverable by the State or Territory as a debt due to that State or Territory.

Part 3—Transitional provisions

3.01 Transitional provisions relating to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015*

 The amendments made by Part 1 of Schedule 1 to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015* (the ***amending regulation***) apply in relation to the liability of a person to pay any of the following fees:

 (a) a filing fee for filing a document after the commencement of the amending regulation;

 (b) a setting down fee for a hearing if the hearing day is fixed after the commencement of the amending regulation;

 (c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed after the commencement of the amending regulation;

 (d) a conciliation conference fee for a conference the date for which is fixed after the commencement of the amending regulation;

 (e) any other fee under this regulation for a service that is provided in relation to a proceeding after the commencement of the amending regulation.

Schedule 1—Fees

Note: See section 2.02.

1 Fees

 The following table sets out fees payable for:

 (a) the filing of a document; or

 (b) certain services provided in relation to a proceeding.

| Fees |
| --- |
| Item | Document or service | Fee |
| 1 | Filing an application in proceedings for a divorce order in relation to a marriage or a decree of nullity of marriage, other than proceedings to which item 2 applies | (a) general fee—$1 200(b) reduced fee—$395 |
| 2 | Filing an application in proceedings for a divorce order:(a) commenced in a court mentioned in paragraph 10A(a) or (c) of the *Family Law Regulations 1984*; or(b) commenced in another court for transfer to a court mentioned in paragraph 10A(a) or (c) of those Regulations; or(c) commenced in the Federal Circuit Court | (a) general fee—$1 200(b) reduced fee—$280 |
| 3 | Filing an application in proceedings for a declaration about the validity of a marriage, a divorce or the annulment of a marriage | $1 320 |
| 4 | Filing an application for final orders in eligible financial or parenting proceedings, other than an application under the *Trans‑Tasman Proceedings Act 2010* | $355 |
| 5 | Filing a response to an application for final orders in eligible financial or parenting proceedings | $355 |
| 6 | Filing an application for a consent order | $240 |
| 7 | Filing an appeal under section 94 or 94AAA of the Family Law Act, unless leave to appeal is required and the fee mentioned in item 8 has been paid | $1 405 |
| 8 | Filing an application for leave to appeal under section 94 or 94AAA of the Family Law Act | $1 405 |
| 9 | Filing:(a) an interim order application; or(b) an application under the *Trans‑Tasman Proceedings Act 2010*, other than an application mentioned in item 10A | $125 |
| 10 | Filing an application for both an order under Part VII of the Family Law Act and an order under any of the following:(a) Part VIII of that Act (other than a spousal maintenance order);(b) Part VIIIA of that Act;(c) Part VIIIAB of that Act (other than an order for the maintenance of a party to a de facto relationship) | $590 |
| 10A | Filing an application to register a New Zealand judgment under the *Trans‑Tasman Proceedings Act 2010* | $110 |
| 10B | Filing an amendment of:(a) an application mentioned in item 1, 2, 3, 4, 6, 8, 9 or 10; or(b) a response mentioned in item 5; or(c) a subpoena | $125 |
| 11 | Setting down for hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 12 | Setting down for hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 13 | Setting down for hearing of an application for final orders, if defended, in eligible financial or parenting proceedings | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 14 | Setting down for hearing in an appeal under section 96 of the Family Law Act from a decree of a court of summary jurisdiction | $890 |
| 15 | Hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage—for each hearing day or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 16 | Hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage—for each hearing day, or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 17 | Hearing of an application for final orders, if defended, in eligible financial or parenting proceedings—for each hearing day or part of a hearing day, other than the first hearing day | (a) for hearing before a Judge of a Family Court—$890(b) for hearing before a Judge of the Federal Circuit Court—$655(c) for hearing before a magistrate—$655 |
| 18 | Hearing in an appeal under section 96 of the Family Law Act from a decree of a court of summary jurisdiction—for each hearing day or part of a hearing day, other than the first hearing day | $890 |
| 19 | For issuing a subpoena | $125 |
| 20 | For a conciliation conference in proceedings for an order under Part VIII or VIIIAB of the Family Law Act | $415 |

Note: The fees mentioned in this Schedule are subject to increase under section 2.13.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | o = order(s) |
| ad = added or inserted | Ord = Ordinance |
| am = amended | orig = original |
| amdt = amendment | par = paragraph(s)/subparagraph(s) |
| c = clause(s) |  /sub‑subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous |
| def = definition(s) | (prev…) = previously |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) | Reg = Regulation/Regulations |
| exp = expires/expired or ceases/ceased to have | reloc = relocated |
|  effect | renum = renumbered |
| F = Federal Register of Legislative Instruments | rep = repealed |
| gaz = gazette | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s)/subsection(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| (md) = misdescribed amendment can be given | Sdiv = Subdivision(s) |
|  effect | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment | SR = Statutory Rules |
|  cannot be given effect | Sub‑Ch = Sub‑Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | underlining = whole or part not |
|  |  commenced or to be commenced |

Endnote 3—Legislation history

| Number and year | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 279, 2012 | 11 Dec 2012 (F2012L02395) | 1 Jan 2013 |  |
| 284, 2012 | 11 Dec 2012 (F2012L02412) | 11 Oct 2013 (s 2) | — |
| 51, 2013 | 11 Apr 2013 (F2013L00649) | Sch 1 (items 52–57): 12 Apr 2013 (s 2, item 2) | — |
| 136, 2013 | 28 June 2013 (F2013L01243) | 1 July 2013 | — |
| 70, 2015 | 2 June 2015 (F2015L00780) | Sch 2: 1 July 2015 (s 2(1) item 1)Note: Sch 2 was partially disallowed by the Senate on 25 June 2015 at 13:42 | — |
| 114, 2015 | 12 July 2015 (F2015L01138) | 13 July 2015 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 1.02  | rep LIA s 48D |
| s 1.03  | am No 284, 2012; No 51, 2013; No 114, 2015 |
| s 1.04  | am No 284, 2012; No 51, 2013; No 114, 2015 |
| **Part 2** |  |
| **Division 2.1** |  |
| s 2.01  | am No 51, 2013 |
| **Division 2.2** |  |
| s 2.03  | am No 51, 2013 |
| **Division 2.3** |  |
| s 2.04  | am No 284, 2012 |
| s 2.05  | am No 284, 2012 |
| s 2.05A  | ad No 136, 2013 |
| **Division 2.5** |  |
| s 2.11  | am No 51, 2013 |
| **Division 2.6** |  |
| s 2.13  | am No 114, 2015 |
| **Part 3** |  |
| Part 3  | ad No 114, 2015 |
| s 3.01  | ad No 114, 2015 |
| **Schedule 1** |  |
| Schedule 1  | am No 284, 2012; No 51, 2013 |
|  | rs No 114, 2015 |