



Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)

Select Legislative Instrument No. 51, 2013

I, Professor Marie Bashir AC CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the Acts mentioned in section 3.

Dated 11 April 2013

Marie Bashir
Administrator

By Her Excellency's Command

Mark Dreyfus QC
Attorney-General
for the Minister for Finance and Deregulation, the Minister for
Climate Change, Industry and Innovation, the Minister for
Employment and Workplace Relations, the Minister for Financial
Services and Superannuation, the Minister for Home Affairs and the
Minister for Justice

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1 Name of regulation

This regulation is the *Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)*.

2 Commencement

Each provision of this regulation 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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	Immediately after the commencement of Schedules 1 and 2 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	
2. Schedule 1	Immediately after the commencement of Schedules 1 and 2 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	
3. Schedule 2	Immediately after the commencement of the <i>Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 2)</i> .	

3 Authority

This regulation is made under the following Acts:

- (a) the *Administrative Decisions (Judicial Review) Act 1977*;
- (b) the *Australian Crime Commission Act 2002*;
- (c) the *Automotive Transformation Scheme Act 2009*;
- (d) the *Bankruptcy Act 1966*;
- (e) the *Extradition Act 1988*;
- (f) the *Fair Work Act 2009*;

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- (g) the *Fair Work (Building Industry) Act 2012*;
 - (h) the *Fair Work (Registered Organisations) Act 2009*;
 - (i) the *Family Law Act 1975*;
 - (j) the *Federal Circuit Court of Australia Act 1999*;
 - (k) the *Federal Court of Australia Act 1976*;
 - (l) the *Jury Exemption Act 1965*;
 - (m) the *Legislative Instruments Act 2003*;
 - (n) the *Mutual Assistance in Criminal Matters Act 1987*;
 - (o) the *National Consumer Credit Protection Act 2009*;
 - (p) the *Privacy Act 1988*;
 - (q) the *Public Order (Protection of Persons and Property) Act 1971*;
 - (r) the *Road Safety Remuneration Act 2012*;
 - (s) the *Superannuation Act 1976*;
 - (t) the *Trans-Tasman Proceedings Act 2010*;
 - (u) the *Workplace Relations Amendment (Work Choices) Act 2005*.

4 Schedule(s)

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

Schedule 1—Main consequential amendments

Administrative Decisions (Judicial Review) Regulations 1985

1 Subregulation 2(1) (definition of Court)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

Australian Crime Commission Regulations 2002

2 Subregulation 8A(3)

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court”.

3 Schedule 5 (heading)

Omit “Federal Magistrate”, substitute “Federal Circuit Court Judge”.

4 Part 2 of Schedule 5 (heading to table column 5)

Omit “Federal Magistrate”, substitute “Federal Circuit Court Judge”.

5 Part 2 of Schedule 5 (table item 203)

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court”.

6 Part 4 of Schedule 5 (heading to table column 5)

Omit “Federal Magistrate”, substitute “Federal Circuit Court Judge”.

Automotive Transformation Scheme Regulations 2010

7 Subparagraph 5.4(1)(a)(i)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Bankruptcy Regulations 1996

8 Subregulation 1.03(1)

Insert:

FCC (Bankruptcy) Rules means the *Federal Circuit Court (Bankruptcy) Rules 2006*.

9 Subregulation 1.03(1) (definition of *FMC (Bankruptcy) Rules*)

Repeal the definition.

10 Schedule 8 (table)

Omit “FMC” (wherever occurring), substitute “FCC”.

Extradition Regulations 1988

11 Regulation 4 (heading)

After “magistrate”, insert “or eligible Federal Circuit Court Judge”.

12 Subregulation 4(1)

After “A magistrate”, insert “or an eligible Federal Circuit Court Judge”.

13 Subregulation 4(1)

After “the magistrate” (wherever occurring), insert “or Judge”.

14 Regulation 5

After “a magistrate” (first occurring), insert “or an eligible Federal Circuit Court Judge”.

15 Regulation 5

After “a magistrate” (last occurring), insert “or Judge”.

16 Subregulation 6(1)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

17 Subregulation 6(1)

After “the magistrate”, insert “or Judge”.

18 Subregulation 6(2)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

19 Subregulation 6(2)

After “the magistrate”, insert “or Judge”.

20 Subregulation 6(4)

After “the magistrate”, insert “or eligible Federal Circuit Court Judge”.

21 Subregulation 7(1)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

22 Subregulation 7(1)

After “the magistrate”, insert “or Judge”.

23 Subregulation 8(1)

After “A magistrate”, insert “or an eligible Federal Circuit Court Judge”.

24 Subregulation 8(1)

After “the magistrate”, insert “or Judge”.

25 Subregulation 9(1)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

26 Paragraph 9(1)(b)

After “the magistrate”, insert “or Judge”.

27 Regulation 10 (heading)

After “magistrates”, insert “or eligible Federal Circuit Court Judges”.

28 Regulation 10

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

29 Paragraphs 10(a), (b) and (c)

After “the magistrate”, insert “or Judge”.

30 Subparagraphs 10(d)(i) and (ii)

After “the magistrate” (wherever occurring), insert “or Judge”.

31 Subregulation 11(2)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

32 Subregulation 11(2)

After “the magistrate”, insert “or Judge”.

33 Subregulation 11(3)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

34 Subregulation 11(3)

After “the magistrate”, insert “or Judge”.

35 Subregulation 11(4)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

36 Subregulations 12(1) and (2)

Repeal the subregulations, substitute:

- (1) If any of the following is satisfied that a person admitted to bail in a State or Territory in relation to a proceeding under the Act has failed to comply with the conditions of the recognisance upon which the person was admitted to bail:
 - (a) a Magistrate in the State or Territory;
 - (b) an eligible Federal Circuit Court Judge;
 - (c) a Judge of the Supreme Court in the State or Territory;the Magistrate, the eligible Federal Circuit Court Judge or the Judge of the Supreme Court may, by order, declare the recognisance to be forfeited.
- (2) If the recognisance has been declared to be forfeited, a court having jurisdiction in the State or Territory in which the recognisance was declared to be forfeited may enforce payment of

any amount due under the recognisance by a person residing in that State or Territory.

37 Subregulation 13(1)

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

38 Regulation 14

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

39 Regulation 15

After “a magistrate”, insert “or an eligible Federal Circuit Court Judge”.

40 Schedule (Form 1, paragraph (b) of note)

After “magistrate”, insert “or an eligible Federal Circuit Court Judge”.

41 Schedule (Form 2)

Repeal the form, substitute:

Form 2 Warrant of arrest

(regulation 6)

Commonwealth of Australia

Extradition Act 1988

WARRANT OF ARREST

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) (*name and address of witness*) was summoned to attend before me, a magistrate within the meaning of the *Extradition Act 1988*, being *a magistrate in relation to whom an arrangement is in force under section 46 of the Act/an eligible Federal Circuit Court Judge/, as a witness on (*date*), and then from day to day unless excused or released from so attending;
- (b) the witness has failed to attend on (*date*) as required by the summons; and
- (c) I am satisfied that the summons was duly served on the witness and that a reasonable sum for *his/*her/ attendance was *paid/*tendered/ to the witness;

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), under regulation 6 of the Extradition Regulations, authorise and request you to arrest the witness in any State or Territory of the Commonwealth and to bring the witness before me to *give evidence/*answer questions/* and/* produce/*documents/*and/*other/*articles/ as required by the summons, and to detain the witness in custody for that purpose.

Dated

*(Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant)*

* *Omit if not applicable.*

42 Schedule (Form 4)

After “a magistrate”, insert “or eligible Federal Circuit Court Judge”.

43 Schedule (Forms 5, 6, 7, 8 and 8A)

Repeal the forms, substitute:

Form 5 Warrant for arrest under subsection 12(1)

(subsection 12(1) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

WARRANT FOR ARREST UNDER SUBSECTION 12(1)

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) an application has been made to me, in the statutory form, on behalf of (*insert name of country*), an extradition country, for the issue of a warrant for the arrest of (*insert name of person*); and
- (b) I am satisfied, on the basis of information given by the affidavit annexed to that application and marked, that † is an extraditable person for the purposes of the *Extradition Act 1988* in relation to that extradition country;

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 12(1) of that Act, hereby authorise and request you to arrest

† and to bring *him/*her/, as soon as practicable, before a magistrate or eligible Federal Circuit Court Judge in the *State/*Territory/ in which *he/*she/ is arrested to be dealt with according to law.

Dated

(*Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant*)

* *Omit if not applicable.*

† *Insert name of person.*

**Form 6 Notice directing magistrate or eligible
Federal Circuit Court Judge to cancel
warrant**

(subsection 12(3) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

To a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988* (the *Act*).

GIVEN THAT:

- (a) I have become aware of the issue of a warrant by a magistrate or eligible Federal Circuit Court Judge under subsection 12(1) of the Act for the arrest of (*insert name of person*); and
- (b) (*insert name of person*) has not been arrested under that warrant; and
- (c) I consider that the warrant should be cancelled;

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 12(3) of the Act, direct you to cancel the warrant.

Dated

Attorney-General

**Form 7 Warrant under subsection 14(1) in
relation to *search/*and/*seizure**

(subsection 14(1) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

WARRANT UNDER SUBSECTION 14(1) IN RELATION TO
*SEARCH/*AND/*SEIZURE

WHEREAS:

To _____, a police officer within the meaning of the
Extradition Act 1988.

WHEREAS:

(a) I have been informed by affidavit that there are reasonable
grounds for suspecting that there may be in (*specify place*) a
thing, namely, (*insert description of thing*):

* that may be material as evidence in proving the
offence/*s of † _____,

* in relation to which an extradition arrest warrant for the
arrest of (*insert name of person*) was issued as follows:

(*give details of warrant*);

* for which the surrender of (*insert name of person*) is
sought by (*insert name of country*), an extradition
country;

* that has been acquired by (*insert name of person*) as a
result of the offence/*s of † _____,

* in relation to which an extradition arrest warrant for the
arrest of (*insert name of person*) was issued as follows:

(*give details of warrant*);

* for which the surrender of (*insert name of person*) is
sought by (*insert name of country*), an extradition
country;

(b) the affidavit sets out those grounds;

- (b) there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of the warrant is being sought;
- (c) I am satisfied that there are reasonable grounds for issuing the warrant;

NOW THEREFORE I, (name and designation of magistrate or eligible Federal Circuit Court Judge), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 14 (1) of that Act, hereby authorise you, a police officer, for the purpose of (state purpose for issue of warrant) in relation to the abovementioned offence/*s of † , with such assistance, and by such force, as is necessary and reasonable:

- * between the hours of _____ and _____,
 * at any time of the day or night,
 * to seize any thing of the following kind: ‡ _____ ;
 * to enter *upon/*into/ (*specify place*) and to seize any thing
 of the following kind: ‡ _____ ;
 * to enter *upon/*into/ (*specify place*), to search that place
 for any thing of the following kind: ‡ _____ ; and to
 seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on *(insert date not being later than one month after the issue of the warrant)*.

Dated

(Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant)

* Omit if not applicable.

† *Insert reference to nature of offence or offence.*

‡ *Insert description of kind of things authorised to be seized.*

**Form 8 Warrant under subsection 15(4) in
relation to transfer of person on remand**
(subsection 15(4) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

WARRANT UNDER SUBSECTION 15(4) IN RELATION TO TRANSFER
OF PERSON ON REMAND

To a magistrate or eligible Federal Circuit Court Judge within the meaning of
the *Extradition Act 1988*

AND to (*insert name of police officer*), a police officer within the meaning of
that Act.

WHEREAS:

- (a) (*insert name of person*), a person arrested under a warrant
under subsection 12(1) of the *Extradition Act 1988*, has been
remanded by a magistrate or eligible Federal Circuit Court
Judge in (*specify State or Territory*) under subsection 15 (2) of
that Act:
 - * in custody at (*specify place*);
 - * at (*specify place*) and has been granted bail on the
following recognisances:
(*specify recognisances*);
- (b) it is expedient that † be transferred to (*specify
State or Territory*) for the purposes of proceedings under
*section 15A/ *section 18/ *section 19/ *sections 18 and 19/ of
that Act;

NOW THEREFORE I, _____, Attorney-General of the
Commonwealth of Australia, under subsection 15(4) of the *Extradition Act
1988*:

- (c) direct you, the abovementioned magistrate or eligible Federal
Circuit Court Judge, to order:

-
- * the release of the abovementioned † into the custody of the abovenamed police officer; and
 - * the discharge of those recognisances on which bail was granted to (*insert name of person*); and
- (d) authorise you, the abovenamed police officer, to take the abovementioned † in custody to appear before a magistrate or eligible Federal Circuit Court Judge in (*specify State or Territory*).

Dated

Attorney-General

* *Omit if not applicable.*

† *Insert name of person.*

**Form 8A Warrant under subsection 15A(4) in
relation to waiver of extradition**

(subsection 15A(4) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

**WARRANT UNDER SUBSECTION 15A(4) IN RELATION TO WAIVER
OF EXTRADITION**

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of (*insert name of prison*) in (*insert name of State
or Territory*).

WHEREAS:

- (a) (*insert name of person*) is on remand under section 15 of the *Extradition Act 1988*;
- (b) I am satisfied that † has voluntarily informed a magistrate or eligible Federal Circuit Court Judge under subsection 15A(3) of that Act that *he/*she/ wishes to waive extradition in relation to the following extradition *offence/*offences/
(*specify offence or offences*)
- (c) I have informed † of the following in accordance with paragraph 15A(5)(b) of that Act:
 - (i) once the order below is made, *he/*she/ cannot apply for the order to be revoked;
 - (ii) the consequences of the fact that the extradition country concerned may not have given, and if the order is made will not be required to give, a speciality assurance;
 - (iii) certain requirements in that Act that would otherwise apply in respect of the person will not apply if the order is made (including, but not limited to, requirements relating to extradition objections);

- (iv) after the order is made, *he/*she/ will be surrendered to the extradition country if the Attorney-General determines under subsection 15B(2) of that Act that *he/*she/ is to be surrendered;
- (d) I am satisfied in accordance with paragraph 15A(5)(c) of that Act that † has confirmed that *he/*she/ wishes to waive extradition;
- (e) I am satisfied that *he/*she/ is legally represented or was given adequate opportunity to be legally represented;

NOW THEREFORE I, *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 15A (4) of that Act, hereby order you to commit † to *(insert name of prison)* to await, in relation to *that offence/*those offences/, surrender under a surrender warrant or temporary surrender warrant, or release under an order under subsection 15B (4) of that Act.

Dated

(Signature and designation of magistrate or eligible Federal Circuit Court Judge)

**Omit if not applicable.*

†Insert name of person.

44 Schedule (Forms 8B, 9, 9A and 10)

After “a magistrate”, insert “or eligible Federal Circuit Court Judge”.

45 Schedule (Forms 11, 12 and 12A, 16 to 22 and 26)

Repeal the forms, substitute:

**Form 11 Warrant under subsection 18(2) in
relation to consent to being surrendered**
(subsection 18(2) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

**WARRANT UNDER SUBSECTION 18(2) IN RELATION TO CONSENT TO
BEING SURRENDERED**

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of (*insert name of prison*) in (*insert name of State
or Territory*).

WHEREAS:

- (a) (*insert name of person*) is on remand under section 15 of the *Extradition Act 1988*;
- (b) the Attorney-General has given a notice under subsection 16 (1) of that Act in relation to † ;
- (c) † has informed me that *he/*she/consents to being surrendered to (*insert name of country*), an extradition country, in relation to the following extradition offence/*s/*, being all the extradition offences for which surrender of † is sought by that country:
(*specify offence or offences*);
- (d) I have no reason to believe that the consent was not given voluntarily;
- (e) I have advised *him/*her/in accordance with paragraph 18(2)(a) of that Act;
- (f) after being so advised, † has again consented to being so surrendered;

NOW THEREFORE I, *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 18(2) of that Act, hereby order you to commit † to *(insert name of prison)* to await, in relation to *that offence/ *those offences/, surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22(5) of that Act.

Dated

*(Signature and designation of magistrate or
eligible Federal Circuit Court Judge)*

* *Omit if not applicable.*

† *Insert name of person.*

Form 12 Warrant under subsection 19(9) ordering committal to prison to await surrender

(subsection 19(9) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

WARRANT UNDER SUBSECTION 19 (9) ORDERING COMMITTAL TO PRISON TO AWAIT SURRENDER

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of (*insert name of prison*) in (*insert name of State or Territory*).

WHEREAS:

- (a) proceedings have been conducted pursuant to subsection 19(1) of the *Extradition Act 1988* to determine whether (*insert name of person*) is eligible for surrender in relation to the extradition offence/*s of (*specify offence or offences*) for which the surrender of † is sought by (*insert name of country*), an extradition country;
- (b) the supporting documents in relation to *that offence/* those offences/, within the meaning of subsection 19(3) of that Act, have been produced to me;
- * (ba) other documents have been produced to me as required by limitations, conditions, exceptions or qualifications subject to which that Act applies in relation to ‡ ;
- (c) I am satisfied that, if the *conduct/*conduct equivalent to the conduct/of † constituting the offence in relation to ‡ had taken place in (*specify*), being the part of Australia where the proceedings are being conducted and at the time at which the extradition request in relation to † was received, that *conduct/*equivalent conduct/would have constituted an extradition offence in relation to that part of Australia;

- (d) † does not satisfy me that there are substantial grounds for believing that there is an extradition objection in relation to the following offence/*s for which *his/*her/surrender is sought:
(*specify offence or offences*);
- (e) having determined that † is eligible for surrender to ‡ in relation to the extradition offence/*s of (*insert description of offence or offences*);

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 19(9) of that Act, hereby order you to commit † to (*insert name of prison*) to await, in relation to *that offence/*those offences/, surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22(5) of that Act.

Dated

(*Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant*)

* *Omit if not applicable.*

† *Insert name of person.*

‡ *Insert name of extradition country.*

**Form 12A Warrant under paragraph 21(2A)(b)
ordering committal to prison to await
surrender**

(paragraph 21(2A)(b), subsection 21(2C) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

**WARRANT UNDER PARAGRAPH 21(2A)(b) ORDERING COMMITTAL
TO PRISON TO AWAIT SURRENDER**

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of (*insert name of prison*) in (*insert name of State
or Territory*).

WHEREAS:

- (a) a magistrate or eligible Federal Circuit Court Judge has determined that (*insert name of person*) is not eligible for surrender in relation to the extradition *offence/*offences/ of (*specify offence or offences*) for which the surrender of (*insert name of person*) is sought by (*insert name of country*), an extradition country;
- (b) the magistrate or Judge has made an order under subsection 19(10) of the Act that (*insert name of person*) be released;
- (c) the order of the magistrate or Judge has been reviewed by the Federal Court under section 21 of the Act;
- (d) the Federal Court has made an order under paragraph 21(2)(b) of the Act to quash the order of the magistrate or Judge;

NOW THEREFORE I, (*name and designation of Federal Court Judge*), a judge of the Federal Court, under paragraph 21(2A)(b) of the Act, hereby order you to commit (*insert name of person*) to (*insert name of prison*) to await, in relation to *that offence/*those offences/, surrender under a surrender warrant or temporary surrender warrant or release under an order under subsection 22(5) of the Act.

**Form 16 Application under section 28 for
indorsement of New Zealand warrant**

(section 28 and regulation 3)

Commonwealth of Australia

Extradition Act 1988

**APPLICATION UNDER SECTION 28 FOR INDORSEMENT OF NEW
ZEALAND WARRANT**

To *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*.

I, _____, of _____, apply under section 28 of the *Extradition Act 1988* on behalf of New Zealand for the indorsement of the New Zealand warrant annexed to this application and marked _____, being a warrant for the arrest of *(insert name of person)*. The affidavit annexed to this application and marked _____ sets out information that *(insert name of person)*, for whose arrest the warrant is in force, is, or is suspected of being, in or on *his/*her/ way to Australia.

Dated _____

(Signature and designation of applicant)

**Form 17 Indorsement of New Zealand warrant
under section 28 authorising execution
of warrant in Australia**

(section 28 and regulation 3)

Commonwealth of Australia

Extradition Act 1988

INDORSEMENT OF NEW ZEALAND WARRANT UNDER SECTION 28
AUTHORISING EXECUTION OF WARRANT IN AUSTRALIA

To all police officers within the meaning of the *Extradition Act 1988*.

I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under section 28 of that Act, hereby authorise and request you to arrest (*insert name of person*), being the person named in the New Zealand warrant to which this indorsement relates, in any State or Territory of the Commonwealth, and to bring *him/*her/, as soon as practicable, before a magistrate or eligible Federal Circuit Court Judge in the State or Territory in which *he/*she/ is arrested to be dealt with according to law.

Dated

(*Signature and designation of magistrate or
eligible Federal Circuit Court Judge*)

* *Omit if not applicable.*

**Form 18 Application under section 29 for
provisional arrest warrant**

(section 29 and regulation 3)

Commonwealth of Australia

Extradition Act 1988

APPLICATION UNDER SECTION 29 FOR PROVISIONAL ARREST
WARRANT

To *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*.

I, _____, of _____, apply under section 29 of the *Extradition Act 1988* on behalf of New Zealand for the issue of a warrant in relation to *(insert name of person)* under that section.

The affidavit annexed to this application and marked..... provides information that a New Zealand warrant has been issued in relation to *(insert name of person)*.

Dated

(Signature and designation of applicant)

Form 19 **Provisional arrest warrant under section 29**

(section 29 and regulation 3)

Commonwealth of Australia

Extradition Act 1988

PROVISIONAL ARREST WARRANT UNDER SECTION 29

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) an application has been made to me under section 29 of the *Extradition Act 1988*, in the statutory form, on behalf of New Zealand for the issue of a warrant in relation to (*insert name of person*) under that section 29;
- (b) I am informed by the affidavit annexed to that application and marked that a New Zealand warrant has been issued in relation to that person;
- (c) no application is before me under section 28 of that Act for the indorsement of such a warrant in relation to that person; and
- (d) I consider that the issue of a warrant in relation to † under that section 29 is, having regard to such information as I consider relevant, justified in all the circumstances;

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under section 29 of that Act, hereby authorise and request you to arrest † and to bring *him/*her/, as soon as practicable, before a magistrate or eligible Federal Circuit Court Judge in the State or Territory in which *he/*she/is arrested to be dealt with according to law.

Dated

*(Signature and designation of magistrate
or eligible Federal Circuit Court Judge*

issuing warrant)

** Omit if not applicable.*

† Insert name of person.

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**Form 20 Warrant under subsection 31(1) in
relation to *search/*and/*seizure**

(subsection 31 (1) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

**WARRANT UNDER SUBSECTION 31(1) IN RELATION TO
*SEARCH/*AND/*SEIZURE**

To _____, a police officer within the meaning of the
Extradition Act 1988.

WHEREAS:

- (a) I have been informed by affidavit that there are reasonable grounds for suspecting that there may be in (*specify place*) a thing, namely, (*insert description of thing*):
 - * that may be material as evidence in proving the offence/*s of † _____ in relation to which *an indorsed New Zealand warrant/*a provisional arrest warrant/(*identify warrant*) was issued;
 - * that has been acquired by (*insert name of person*) as a result of the offence/*s of † _____ in relation to which *an indorsed New Zealand warrant/* a provisional arrest warrant/(*identify warrant*) was issued;
- (b) the affidavit sets out those grounds;
- *(ba) there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of the warrant is being sought;
- (c) I am satisfied that there are reasonable grounds for issuing the warrant;

NOW THEREFORE I, (name and designation of magistrate or eligible Federal Circuit Court Judge), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 31 (1) of that Act, hereby authorise you, a police officer, for the purpose of (state purpose for issue of warrant) in relation to the abovementioned offence/*s of † , with such assistance, and by such force, as is necessary and reasonable:

* between the hours of _____ and _____,

* at any time of the day or night.

* to seize any thing of the following kind: ‡ ;

* to enter *upon/*into/(*specify place*) and to seize any thing of the following kind: ‡ :

* to enter *upon/*into/(*specify place*), to search that place for any thing of the following kind: ‡ , and to seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on (insert date not being later than one month after the issue of the warrant).

Dated

(Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant)

* Omit if not applicable.

† *Insert reference to nature of offence or offence.*

‡ *Insert description of kind of things authorised to be seized.*

**Form 20A Surrender warrant under
subsection 33A(2)**

(subsection 33A(2) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

SURRENDER WARRANT UNDER SUBSECTION 33A(2)

To all police officers within the meaning of the *Extradition Act 1988*

AND to [name of escort] (in this warrant called 'the escort').

I, [name and designation of magistrate or eligible Federal Circuit Court Judge], a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A (2) (b) (i) of that Act, by this warrant, order that the prisoner be surrendered to New Zealand as soon as practicable, and for this purpose I:

- (a) authorise you, the abovementioned police officers:
 - (i) to take the prisoner into custody; and
 - (ii) to transport the prisoner in custody; and
 - (iii) if necessary or convenient, to detain the prisoner in custody;for the purpose of enabling the prisoner to be placed in the custody of the escort and transported out of Australia; and
- (b) authorise you, the escort, to transport the prisoner in custody out of Australia to a place in New Zealand for the purpose of surrendering the prisoner to a person appointed by New Zealand to receive the prisoner.

Dated

[Signature and designation of magistrate or
eligible Federal Circuit Court Judge issuing
warrant]

**Form 20B Warrant of committal under
subsection 33A(2)**

(subsection 33A(2) and regulation 3)

Commonwealth of Australia

Extradition Act 1988

WARRANT OF COMMITTAL UNDER SUBSECTION 33A(2)

To all police officers within the meaning of the *Extradition Act 1988* in [*name of State or Territory*]

AND to the person in charge of [*name of prison*] in [*name of State or Territory*] (in this warrant called 'the designated prison').

I, [*name and designation of magistrate or eligible Federal Circuit Court Judge*], a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A(2)(b)(ii) of that Act, by this warrant, order that, pending the execution of the warrant issued by me under subparagraph 33A(2)(b)(i) of that Act ordering that the prisoner be surrendered to New Zealand, the prisoner be committed to prison, and for this purpose I:

- (a) authorise you, the abovementioned police officers:
 - (i) to take the prisoner to the designated prison; and
 - (ii) to deliver the prisoner to the person in charge of the designated prison; and
- (b) authorise and request you, the person in charge of the designated prison:
 - (i) to receive the prisoner into your custody; and
 - (ii) to keep the prisoner safely in that prison pending the execution of the abovementioned warrant ordering that the prisoner be surrendered to New Zealand.

Dated

Schedule 1 Main consequential amendments

*[Signature and designation of magistrate or
eligible Federal Circuit Court Judge issuing
warrant]*

32	<i>Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)</i>	<i>No. 51, 2013</i>
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**Form 21 Surrender warrant under
subsection 34(1)**

(subsection 34(1) and regulation 3)

Commonwealth of Australia***Extradition Act 1988*****SURRENDER WARRANT UNDER SUBSECTION 34(1)**

To all police officers within the meaning of the *Extradition Act 1988*
AND to [name of escort] (in this warrant called “the escort”).

WHEREAS:

- (a) **(insert name of person)* has been remanded after being arrested under an indorsed New Zealand warrant (*identify warrant*);
- *(insert name of person)* has been remanded after being arrested under a provisional arrest warrant (*identify warrant*) and an indorsed New Zealand warrant (*identify warrant*) has been obtained in relation to **him/*her*; and
- (b) a request has been made to me **by/**on behalf of/ **(insert name of person)/*New Zealand*/for proceedings to be conducted under section 34 of the *Extradition Act 1988*;

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 34(1) of that Act, by this warrant, order that the prisoner be surrendered to New Zealand, and for this purpose I:

- (c) authorise you, the abovementioned police officers, to take *†* into custody, to transport **him/*her* in custody, and, if necessary or convenient, to detain **him/*her* in custody, for the purpose of enabling **him/*her* to be placed in the custody of the escort and transported out of Australia; and

- (d) authorise you, the escort, to transport † in custody out of Australia to a place in New Zealand for the purpose of surrendering *him/*her/to a person appointed by New Zealand to receive † .

Dated

(Signature and designation of magistrate or eligible Federal Circuit Court Judge issuing warrant)

** Omit if not applicable.*

† Insert name of person.

Commonwealth of Australia

Extradition Act 1988

WARRANT OF COMMITTAL UNDER SUBSECTION 34(1)

To all police officers within the meaning of the *Extradition Act 1988* in (insert
name of State or Territory)

AND to the person in charge of (insert name of prison) in (insert name of State or Territory)

WHEREAS:

- (a) **(insert name of person)* has been remanded after being arrested under an indorsed New Zealand warrant (*identify warrant*);
**(insert name of person)* has been remanded after being arrested under a provisional arrest warrant (*identify warrant*), and an indorsed New Zealand warrant (*identify warrant*) has been obtained in relation to **him/*her*;
- (b) a request has been made to me **by/*on behalf of/** (*insert name of person*)/**New Zealand/for* proceedings to be conducted under section 34 of the *Extradition Act 1988*;
- (c) a warrant has been issued by me under subsection 34(1) of that Act ordering that † be surrendered to New Zealand;

NOW THEREFORE I, *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 34 (1) of that Act, by this warrant, order that, pending the execution of the warrant referred to in paragraph (c), the prisoner be committed to prison, and for this purpose I:

- (d) authorise and request you, police officers in (*insert name of State or Territory*) to take † to (*insert name of prison*) in (*insert name of State or Territory*) and deliver *him/*her/to the person in charge of that prison together with this warrant; and
- (e) authorise and request you, the person in charge of (*insert name of prison*) in (*insert name of State or Territory*) to receive † into your custody and keep *him/*her/safely in that prison pending the execution of the abovementioned warrant ordering that *he/*she/be surrendered to New Zealand.

Dated

*(Signature and designation of magistrate or
eligible Federal Circuit Court Judge issuing
warrant)*

* *Omit if not applicable.*

† *Insert name of person.*

**Form 26 Certificate under subsection 43(2) in
relation to taking of evidence in Australia**

(subsection 43(2) and regulation 3)

Commonwealth of Australia***Extradition Act 1988*****CERTIFICATE UNDER SUBSECTION 43(2) IN RELATION TO TAKING
OF EVIDENCE IN AUSTRALIA**

I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*:

- (a) hereby certify under subsection 43(2) of that Act that the evidence in writing marked.....to which this certificate is attached is, reduced to writing, the evidence taken on *oath/*affirmation/*oath or affirmation/of
- * the witness (*insert name of witness*)
 - * each witness, namely: (*insert name of each witness*)
- appearing before me at (*specify place*) to give evidence in relation to proceedings, for the surrender of (*insert name of person*) to Australia, being evidence taken in Australia for use in those proceedings pursuant to authorisation (*identify authorisation*) by the Attorney-General of the Commonwealth of Australia under subsection 43(1) of that Act;
- *(b) hereby certify that the document/*s to which this certificate is attached, being *a document/*documents/ forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of (*insert name of person*) to Australia, *is/*are/*the original document/*s/*and/*a true copy/*true copies/of the document/*s received by me as part of that evidence;

**(c)* hereby certify that the **article/*s/*and/*thing/*s/ *document/*s* accompanying this certificate and labelled....., being **an article/*articles/*and/*a thing/*things/*a document/*documents* relating to **an article/*articles/ *and/*a thing/*things* /forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of (*insert name of person*) to Australia **is/*are/*:

** the original article/*s/*and/*the original thing/*s;*

** a true/*reproduction/*representation/*true/*reproductions /*representations/of *the original article/*s/*and/*the original thing/*s; received by me as part of that evidence.*

Dated

(Signature and designation of magistrate or eligible Federal Circuit Court Judge)

** Omit if not applicable.*

46 Schedule (Form 27)

After “a magistrate”, insert “or eligible Federal Circuit Court Judge”.

47 Schedule (Forms 28 and 29)

Repeal the forms, substitute:

Form 28 Warrant under subsection 48(1) to hold in custody person being transported through Australia

(subsection 48(1) and regulation 14)

Commonwealth of Australia

Extradition Act 1988

WARRANT UNDER SUBSECTION 48(1) TO HOLD IN CUSTODY PERSON BEING TRANSPORTED THROUGH AUSTRALIA

To the person designated to hold † in custody to be
transported through Australia.

WHEREAS:

- (a) **(name of country)*, an extradition country/**New Zealand/wishes to transport in custody through Australia (insert name of person), a person who is being surrendered to that country by (name of other country);*
- (b) application has been made to me **by/*on behalf of (insert name of country)* under subsection 48(1) of the *Extradition Act 1988* for the issue of a warrant ordering you to hold † in custody for such period or periods as I consider necessary to facilitate the transporting of that person in custody through Australia;

NOW THEREFORE I, *(name and designation of magistrate or eligible Federal Circuit Court Judge)*, a magistrate or eligible Federal Circuit Court Judge within the meaning of the *Extradition Act 1988*, under subsection 48(1) of that Act, order you, *(name of person)*, to hold † in your custody for *(specify period or periods)*, being such period/*s as I consider necessary to facilitate the transporting of that person in custody through Australia.

Dated

*(Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant)*

** Omit if not applicable.*

† Insert name of person to be transported through Australia.

**Form 29 Warrant under subsection 48(1) to hold
person in custody for further period**

(subsection 48(1) and regulation 15)

Commonwealth of Australia

Extradition Act 1988

**WARRANT UNDER SUBSECTION 48(1) TO HOLD PERSON IN
CUSTODY FOR FURTHER PERIOD**

To the person designated to hold † in custody for a further
period to be transported through Australia.

WHEREAS:

- (a) a warrant (*identify warrant*) has been issued by a magistrate or eligible Federal Circuit Court Judge under subsection 48(1) of the *Extradition Act 1988* ordering (*insert name of person*) to hold (*insert name of person*) in custody for (*specify period or periods*), being such period/*s as that magistrate or Judge has considered necessary to facilitate the transport of † in custody through Australia for the purpose of being surrendered to **(insert name of country)*, an extradition country/*New Zealand/by another country;
- (b) **(insert name of country)/*New Zealand*/has applied to the Attorney-General of the Commonwealth of Australia to authorise a magistrate or eligible Federal Circuit Court Judge to issue a warrant ordering you to hold † in custody for a further period in order to facilitate the transporting of † in custody through Australia;
- (c) the Attorney-General of the Commonwealth of Australia has, in writing, authorised me to issue the warrant accordingly;

NOW THEREFORE I, (*name and designation of magistrate or eligible Federal Circuit Court Judge*), a magistrate or eligible Federal Circuit Court Judge

within the meaning of the *Extradition Act 1988*, under subsection 48(1) of that Act, by this order, authorise you, (*insert name of person*), to hold in your custody †, a person held in custody for (*specify period or periods*), for the further period of (*specify period*) in order to facilitate the transporting of that person in custody through Australia.

Dated

(*Signature and designation of magistrate
or eligible Federal Circuit Court Judge
issuing warrant*)

* *Omit if not applicable.*

† *Insert name of person to be transported through Australia.*

Fair Work (Building Industry) Regulations 2005

48 Subregulation 7.13(2)

Omit “*Federal Magistrates Court Rules 2001*”, substitute “*Federal Circuit Court Rules 2001*”.

Fair Work Regulations 2009

49 The whole of the regulations

Omit every occurrence of “*Federal Magistrates Court*”, substitute “*Federal Circuit Court*”.

Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009

50 Regulation 5.06 (table)

Omit “*Federal Magistrates Court*” (wherever occurring), substitute “*Federal Circuit Court*”.

51 Subregulation 5.13(2)

Omit “*Federal Magistrates Court*” (wherever occurring), substitute “*Federal Circuit Court*”.

Family Law (Fees) Regulation 2012

52 Section 1.03

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

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

53 Section 1.03 (definition of *Federal Magistrates Act*)

Repeal the definition.

54 Section 1.03 (definition of *Federal Magistrates Court*)

Repeal the definition.

55 Amendments of listed provisions—Federal Magistrate

Omit “, Federal Magistrate” in the following provisions:

- (a) paragraph 2.03(2)(b);
- (b) subsection 2.11(3);
- (c) paragraphs 2.11(5)(a), (b) and (c).

56 Schedule 1 (note)

Repeal the note, substitute:

Note 1: The fees mentioned in this Schedule are subject to increase under section 2.13.

Note 2: The definition of *magistrate* in section 1.03 includes a Judge of the Federal Circuit Court.

57 Amendments of listed provisions

Further amendments			
Item	Provision	Omit	Substitute
1	Section 1.03 (paragraph (a) of the definition of <i>authorised officer</i>)	Federal Magistrates Court	Federal Circuit Court
2	Section 1.03	Federal Magistrates Act	Federal Circuit Court
42	<i>Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)</i>		No. 51, 2013

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Further amendments			
Item	Provision	Omit	Substitute
	(subparagraph (a)(ii) of the definition of <i>authorised officer</i>)		Act
3	Section 1.03 (definition of <i>magistrate</i>)	Federal Magistrate Court	Judge of the Federal Circuit Court
4	Section 1.03 (paragraph (a) of the definition of <i>Registrar</i>)	Federal Magistrates Court	Federal Circuit Court
5	Section 1.03 (paragraph (a) of the definition of <i>Registrar</i>)	Federal Magistrates Act	Federal Circuit Court Act
6	Section 1.03 (paragraph (a) of the definition of <i>relevant court</i>)	Federal Magistrates Court	Federal Circuit Court
7	Section 1.04 (note 2)	<i>Federal Court and Federal Magistrates Court Regulation 2012</i>	<i>Federal Court and Federal Circuit Court Regulation 2012</i>
8	Section 1.04 (note 2)	Federal Magistrates Court	Federal Circuit Court
9	Section 2.01	Federal Magistrates Act	Federal Circuit Court Act
10	Schedule 1 (paragraph (c) of table item 2)	Federal Magistrates Court	Federal Circuit Court

Family Law Regulations 1984

58 Paragraphs 7(b) and 21N(2)(d)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

***Federal Court and Federal Magistrates Court
Regulation 2012***

59 Regulation 1.01

Omit “*Federal Magistrates Court*”, substitute “*Federal Circuit Court*”.

60 Section 1.03

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

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

Federal Circuit Court Rules means the rules made under section 81 of the Federal Circuit Court Act.

61 Section 1.03 (definition of *Federal Magistrates Act*)

Repeal the definition.

62 Section 1.03 (definition of *Federal Magistrates Court*)

Repeal the definition.

63 Section 1.03 (definition of *Federal Magistrates Court Rules*)

Repeal the definition.

64 Amendments of listed provisions—Federal Magistrate

Omit “, Federal Magistrate” in the following provisions:

- (a) subsection 2.03(1);
- (b) subsection 2.18(3);
- (c) paragraphs 2.18(4)(a), (b) and (c);
- (d) paragraph 2.19(10)(b).

**65 Amendments of listed provisions—Federal Circuit Court
and Federal Circuit Court Act**

Further amendments			
Item	Provision	Omit	Substitute
1	Section 1.03 (paragraph (b) of the definition of <i>authorised officer</i>)	Federal Magistrates Court	Federal Circuit Court
2	Section 1.03 (subparagraph (b)(ii) of the definition of <i>authorised officer</i>)	Federal Magistrates Act	Federal Circuit Court Act
3	Section 1.03 (paragraph (b) of the definition of <i>general federal law proceeding</i>)	Federal Magistrates Court	Federal Circuit Court
4	Section 1.03 (paragraph (b) of the definition of <i>Registrar</i>)	Federal Magistrates Court	Federal Circuit Court
5	Section 1.03 (paragraph (b) of the definition of <i>Registrar</i>)	Federal Magistrates Act	Federal Circuit Court Act
6	Section 1.03 (paragraph (b) of the definition of <i>relevant court</i>)	Federal Magistrates Court	Federal Circuit Court
7	Section 1.05 (note 1)	Federal Magistrates Court	Federal Circuit Court
8	Section 2.01	Federal Magistrates Act	Federal Circuit Court Act
9	Section 2.09 (heading)	Federal Magistrates Court	Federal Circuit Court
10	Subsection 2.09(1)	Federal Magistrates Court	Federal Circuit Court
11	Subsection 2.10(4)	Federal Magistrates Court	Federal Circuit Court
12	Subsection 2.11(2) (heading)	<i>Federal Magistrates Court</i>	<i>Federal Circuit Court</i>
13	Subsection 2.11(2)	Federal Magistrates	Federal Circuit Court

Schedule 1 Main consequential amendments

Further amendments			
Item	Provision	Omit	Substitute
		Court	
14	Subparagraph 2.11(2)(a)(ii)	Federal Magistrates Court	Federal Circuit Court
15	Paragraph 2.11(2)(b)	Federal Magistrates Court	Federal Circuit Court
16	Subsection 2.12(2) (heading)	<i>Federal Magistrates Court</i>	<i>Federal Circuit Court</i>
17	Subsection 2.12(2)	Federal Magistrates Court	Federal Circuit Court
18	Subparagraph 2.12(2)(a)(ii)	Federal Magistrates Court	Federal Circuit Court
19	Paragraph 2.12(2)(b)	Federal Magistrates Court	Federal Circuit Court
20	Subsection 2.13(2) (heading)	<i>Federal Magistrates Court</i>	<i>Federal Circuit Court</i>
21	Subsection 2.13(2)	Federal Magistrates Court	Federal Circuit Court
22	Subparagraph 2.13(2)(a)(ii)	Federal Magistrates Court	Federal Circuit Court
23	Paragraph 2.13(2)(b)	Federal Magistrates Court	Federal Circuit Court
24	Subsection 2.17(1)	Federal Magistrates Court	Federal Circuit Court
25	Section 4.02 (heading)	Federal Magistrates Court	Federal Circuit Court
26	Section 4.02	Federal Magistrates Act	Federal Circuit Court Act
27	Section 4.02	Federal Magistrates Court	Federal Circuit Court
28	Part 2 of Schedule 1 (heading)	Federal Magistrates Court	Federal Circuit Court
29	Schedule 1 (table item 201)	Federal Magistrates Court	Federal Circuit Court
30	Schedule 1 (table item 205)	Federal Magistrates Court	Federal Circuit Court

46 *Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)* No. 51, 2013

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Further amendments			
Item	Provision	Omit	Substitute
31	Schedule 1 (table item 205)	Federal Magistrates Act	Federal Circuit Court Act
32	Schedule 1 (table item 206)	Federal Magistrates Court	Federal Circuit Court
33	Schedule 1 (table item 217)	Federal Magistrates Court	Federal Circuit Court
34	Schedule 1 (table item 218)	Federal Magistrates Act	Federal Circuit Court Act
35	Schedule 1 (table items 219, 220, 221 and 224)	Federal Magistrates Court	Federal Circuit Court

Jury Exemption Regulations 1987

66 Subparagraph 5(2)(b)(iv)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Legislative Instruments Regulations 2004

67 Part 1 of Schedule 1 (paragraph (b) of item 25)

Omit “, a Federal Magistrate”.

68 Part 1 of Schedule 1 (paragraph (b) of item 25)

Omit “, Federal Magistrate”.

69 Part 1 of Schedule 1 (paragraph (b) of item 26)

Omit “, a Federal Magistrate”.

70 Part 1 of Schedule 1 (paragraph (b) of item 26)

Omit “, Federal Magistrate”.

71 Part 1 of Schedule 1 (paragraph (b) of item 26A)

Omit “, a Federal Magistrate”.

Mutual Assistance in Criminal Matters Regulations 1988

72 Regulation 3 (heading)

After “Magistrate”, insert “or eligible Federal Circuit Court Judge”.

73 Subregulation 3(1)

After “A Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

74 Paragraph 3(1)(a)

After “Magistrate”, insert “or Judge”.

75 Subparagraph 3(1)(b)(i)

After “Magistrate”, insert “or Judge”.

76 Subregulation 3(3)

After “the Magistrate”, insert “or eligible Federal Circuit Court Judge”.

77 Subregulation 3(4)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

78 Subregulation 3(4)

After “the Magistrate”, insert “or Judge”.

79 Regulation 4

After “a Magistrate” (first occurring), insert “or an eligible Federal Circuit Court Judge”.

80 Regulation 4

After “a Magistrate” (last occurring), insert “or Judge”.

81 Subregulation 5(1)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

82 Subregulation 5(1)

After “the Magistrate”, insert “or Judge”.

83 Subregulation 5(2)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

84 Subregulation 5(2)

After “the Magistrate”, insert “or Judge”.

85 Subregulation 5(4)

After “the Magistrate”, insert “or eligible Federal Circuit Court Judge”.

86 Subregulation 6(1)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

87 Subregulation (6)(1)

After “the Magistrate”, insert “or Judge”.

88 Subregulation 7(1)

After “A Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

89 Subregulation 7(1)

After “the Magistrate”, insert “or Judge”.

90 Subregulation 8(1)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

91 Paragraph 8(1)(b)

After “the Magistrate”, insert “or Judge”.

92 Regulation 9 (heading)

After “**Magistrates**”, insert “**or eligible Federal Circuit Court Judges**”.

93 Regulation 9

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

94 Paragraphs 9(a), (b) and (c)

After “the Magistrate”, insert “or Judge”.

95 Subparagraphs 9(d)(i) and (ii)

After “the Magistrate” (wherever occurring), insert “or Judge”.

96 Subregulation 10(2)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

97 Subregulation 10(2)

After “the Magistrate”, insert “or Judge”.

98 Subregulation 10(3)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

99 Subregulation 10(3)

After “the Magistrate”, insert “or Judge”.

100 Subregulation 10(4)

After “a Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

101 Subregulations 11(1) and (2)

Repeal the subregulations, substitute:

- (1) If any of the following is satisfied that a person admitted to bail in a State or Territory in relation to a proceeding under the Act has failed to comply with the conditions of the recognisance upon which the person was admitted to bail:
 - (a) a Magistrate in the State or Territory;
 - (b) an eligible Federal Circuit Court Judge;
 - (c) a Judge of the Supreme Court in the State or Territory;the Magistrate, the eligible Federal Circuit Court Judge or the Judge of the Supreme Court may, by order, declare the recognisance to be forfeited.
- (2) If the recognisance has been declared to be forfeited, a court having jurisdiction in the State or Territory in which the recognisance was declared to be forfeited may enforce payment of any amount due under the recognisance by a person residing in that State or Territory.

102 Schedule (Form 1, paragraph (b) of note)

After “Magistrate”, insert “or an eligible Federal Circuit Court Judge”.

103 Schedule (Form 2)

Omit “a Federal Magistrate in relation to whom a consent under subsection 38ZC(1) and a nomination under subsection 38ZC(2) of the Act are in force”, substitute “an eligible Federal Circuit Court Judge”.

National Consumer Credit Protection Regulations 2010**104 Paragraph 36(5)(c)**

Omit “Federal Magistrate’s Court”, substitute “Federal Circuit Court”.

Privacy (Private Sector) Regulations 2001**105 Clause 4.2 of Schedule 1 (note)**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

106 Item 111 of Schedule 2

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

***Public Order (Protection of Persons and Property)
Regulations 1999*****107 The whole of the regulations**

Omit every occurrence of “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Road Safety Remuneration Regulation 2012**108 Subparagraphs 5.1(a)(i) and (ii)**

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

Superannuation (CSS) Eligible Employees Regulations 1976

109 Paragraph 4(1)(zr)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

110 Paragraph 4(1)(zr)

Omit “Federal Magistrate”, substitute “Judge of the Federal Circuit Court of Australia”.

Trans-Tasman Proceedings Regulation 2012

111 Paragraph 8(a)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Workplace Relations Regulations 2006

112 The whole of the regulations

Omit every occurrence of “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Schedule 2—Additional consequential amendments

Federal Court and Federal Circuit Court Regulation 2012

1 Schedule 1 (table item 201)

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court of Australia”.

Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 2)

2 Schedule 2 (heading)

Omit “*Federal Magistrates Court*”, substitute “*Federal Circuit Court*”.