

Family Law (State and Territory Courts) Rules 2021

I, The Honourable William Alstergren, Chief Justice of the Federal Circuit and Family Court of Australia (Division 1), make the following Rules of Court.

Dated 26 August 2021

The Honourable William Alstergren

Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)

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Part 1—Preliminary

1.01 Name

These Rules are the *Family Law (State and Territory Courts) Rules 2021*.

1.02 Commencement

(1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of these Rules | 1 September 2021. | 1 September 2021 |

Note: This table relates only to the provisions of these Rules as originally made.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

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

1.03 Authority

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

1.04 Court may make orders or dispense with these Rules

(1) The court may, in the interests of justice, dispense with compliance, or full compliance, with any of these Rules at any time.

(2) If, in a proceeding, the court gives a direction or makes an order that is inconsistent with any of these Rules, the direction or order of the court prevails in that proceeding.

Part 2—Application of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and the Family Court Rules 2021 (WA)

2.01 Application of the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021*

The *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* (other than rules 1.01 to 1.03) apply to a court exercising jurisdiction under the *Family Law Act 1975* as if the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* were provisions of these Rules.

Note: The reference to a court exercising jurisdiction under the *Family Law Act 1975* in this rule does not include a reference to the Federal Circuit and Family Court of Australia (see subsection 123(1A) of the *Family Law Act 1975*).

2.02 Application of the *Family Court Rules 2021* (WA)

(1) The *Family Court Rules 2021* (WA), as in force at the start of 1 September 2021, apply to the Family Court of Western Australia and the Magistrates Court of Western Australia in exercising jurisdiction under the *Family Law Act 1975*.

(2) For the purpose of the exercise of jurisdiction under the *Family Law Act 1975* by the Family Court of Western Australia or the Magistrates Court of Western Australia, a provision of the *Family Court Rules 2021* (WA), as applied by subrule (1) of this rule, prevails over a provision of these Rules to the extent of any inconsistency.