

***FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
(FAMILY LAW) AMENDMENT (2025 MEASURES NO.1) RULES 2025***

EXPLANATORY STATEMENT

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EXPLANATORY STATEMENT

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

Section 8 of the *Federal Circuit and Family Court of Australia Act 2021* ('the FCFCOA Act') provides that, from the commencement day of the FCFCOA Act, the Family Court of Australia will be continued in existence as the Federal Circuit and Family Court of Australia (Division 1) ('the FCFCOA (Division 1)') and that the Federal Circuit Court of Australia will continue in existence as the Federal Circuit and Family Court of Australia (Division 2) ('the FCFCOA (Division 2)').

Section 76 of the FCFCOA Act provides, among other things, that the Judges of the FCFCOA (Division 1), or a majority of them, may make Rules of Court providing for, or in relation to, the practice and procedure to be followed in the FCFCOA (Division 1), as well as for all matters and things incidental to any such practice or procedure, and in relation to any matter or thing in respect of which Rules of Court may be made under the *Family Law Act 1975* (Cth) ('the Family Law Act') for the purposes of their application to the FCFCOA (Division 1).

The *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* ('the Rules') were made on 26 August 2021. These amending rules, the *Federal Circuit and Family Court of Australia (Family Law) Amendment (2025 Measures No.1) Rules 2025* ('the amendments'), have now been made to amend the Rules. The amendments comprise changes to the Rules of Court necessary to align the practice and procedure of the Court with the legislative amendments contained in the *Family Law Amendment Act 2024* and to reflect the remade *Family Law Regulations 2024* ('Family Law Regulations'), as well as some broader updates.

Section 5 of the FCFCOA Act provides that one of the objects of the FCFCOA Act is to provide a framework to facilitate cooperation between the FCFCOA (Division 1) and the FCFCOA (Division 2), with the aim of ensuring common rules of court and forms, common practices and procedures, and common approaches to case management. Subsection 76(1A) of the FCFCOA Act provides that proposed Rules of Court are not to be made if the Chief Justice considers they are not consistent with the aim mentioned in paragraph 75(a) of the Act of ensuring common rules of court and forms.

Common rules of court across the federal family law courts are achieved through the adoption of the Rules by the FCFCOA (Division 2) in Part 2 of the *Federal Circuit and Family Court of Australia (Division 2) (Family Law) Rules 2021*.

Subsection 76(4) of the FCFCOA Act provides that the *Legislation Act 2003* (Cth) (other than sections 8, 9, 10, 16 and Part 4 of Chapter 3) applies to rules of court. In this application, a reference to a legislative instrument in the *Legislation Act 2003* (Cth) is to be read as a reference to a rule of court and a reference to a rule-maker as a reference to the Chief Justice acting on behalf of the Judges of the Court.

The Court has proceeded on the basis that a statement of compatibility with human rights is not required to be included in an explanatory statement to rules of court, as whilst the FCFCOA Act applies the *Legislation Act 2003* (Cth) to rules of court, it does not expressly translate a reference to a legislative instrument in legislation other than the *Legislation Act 2003* (Cth) into a reference to rules of court, such as in the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

The Court notes that different views are held as to whether a statement of compatibility with human rights is formally required to be included in an explanatory statement to rules of court. However for the avoidance of doubt, a statement of compatibility with human rights is included below.

Statement of Compatibility with Human Rights

Federal Circuit and Family Court of Australia (Family Law) Amendment (2025 Measures No.1) Rules 2025

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

Human rights implications

This legislative instrument engages applicable human rights or freedoms, including the following:

- ***The best interests of the child:*** Article 3(1) of the *Convention on the Rights of the Child* (CRC) provides that in all actions concerning children, including by courts, the best interests of the child shall be a primary consideration. Article 7(2) of the *Convention on the Rights of Persons with Disabilities* (CRPD) provides for this right in relation to children with disabilities. Article 3(2) of the CRC requires all legislative, administrative and judicial bodies and institutions to systematically consider how children's rights and interests are or will be affected directly or indirectly by their decisions and actions. Article 9(1) of the CRC provides that a child shall not be separated from their parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Article 12(1) of the CRC provides that a child capable of forming their own views has a right to express those views in matters affecting the child and that those views should be given due weight in accordance with the child's age and maturity.
- ***The right to protection from exploitation, violence and abuse:*** Article 20(2) of the *International Covenant on Civil and Political Rights* (ICCPR) provides for the right to protection from exploitation, violence and abuse. Article 16(1) of the CRPD provides for the same protection in relation to persons with disabilities. Article 24(1) of the ICCPR provides for the protection of all children, without discrimination, by virtue of their status as minors. Article 19(1) of the CRC provides for the right of children to be protected from exploitation, violence and abuse, and requires States to 'take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person'. Article 34 of the CRC additionally provides for the right of children to be protected from all forms of sexual exploitation and sexual abuse.

- ***The rights of parents and children:*** Article 5 of the CRC provides that States shall respect the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for a child to provide direction and guidance in the child's exercise of the rights recognised in the CRC. Article 18 of the CRC provides for the recognition of the principle that both parents (or legal guardians) have common responsibilities for the upbringing and development of a child.
- ***The right to respect for the family:*** Article 23 of the ICCPR provides that the family is entitled to the protection of the State and that States shall take appropriate steps to ensure the equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. Article 10(1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) provides that the widest possible protection and assistance should be accorded to the family. Article 17(1) of the ICCPR provides that a person has a right not to be subjected to arbitrary or unlawful interference with their family. Article 16(1) of the CRC provides for this right in relation to children. Article 23(3) of the CRPD provides that children with disabilities have equal rights with respect to family life.
- ***The right to a fair hearing:*** Article 9(2) of the CRC provides that in proceedings involving the separation of a child from their parents in the best interests of the child, all interested parties shall be given the opportunity to participate in the proceedings and make their views known. Article 14(1) of the ICCPR provides that all persons shall be equal before the courts and that where their rights or obligations are to be determined in legal proceedings they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 12(2) of the CRPD provides that persons with disabilities shall be recognised as enjoying legal capacity on an equal basis with others in all aspects of life and Article 12(3) provides that States shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

The amendments relate to proceedings under the Family Law Act, including giving effect to amendments that protect sensitive information, and recognise the impact of family violence on property division between spouses or de facto partners.

The amendments assist in protecting children and other vulnerable parties from violence and abuse by inserting new rules in relation to protecting sensitive information, including in the context of subpoena and disclosure procedures.

The amendments also include necessary changes to reflect other amendments in the *Family Law Amendment Act 2024* and the Family Law Regulations, including amendments related to divorce applications and arbitration.

The amendments further facilitate the conduct of fair hearings by setting out the practices and procedures to be followed in family law proceedings, such as updating disclosure procedures

(including rules related to subpoena), rules relating to litigation guardians, and the scale of costs.

Otherwise, as many of these amendments are minor and procedural only, such as updating references to sections of the Family Law Act and Family Law Regulations that have changed in number, they do not have any significant effect on human rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it provides procedures which improve the Court's capacity to make substantive decisions in the best interests of children or that are just and equitable. The legislative instrument also provides procedures which facilitate equality of access to court proceedings, participation by parents and other interested parties, and the fair and safe conduct of hearings.

1. General Outline

Schedule 1 – Amendments

Schedule 1 contains the amendments to the Rules, including the following:

- Amending the Rules to update references to the Family Law Act to amended section numbers as amended by the *Family Law Amendments Act 2024*, including for rules relating to:
 - considerations for the alteration of property interests in financial or property proceedings – which have been restructured so considerations for making financial or property orders are now under section 79 and section 79AA for parties to a marriage and under section 90SM and section 90SMA for parties to a de facto relationship.
 - The Court’s costs powers – which have been moved from under Part XV into to Part XIVC Costs of the Family Law Act.
 - Principles for conducting child-related proceedings and property or other non-child related proceedings (i.e. application of the Less Adversarial Trial) which has been moved from Division 12A of Part VII Children into Division 4 of Part XI Procedure and Evidence of the Family Law Act, to reflect the LAT approach can now apply to non-child related proceedings.
- Amending the Rules to reflect the elevation of the duty of disclosure in financial or property proceedings from the Rules into section 71B (for parties to a marriage) and 90RI (for parties to a de facto relationship) of the Family Law Act.
- Amending the Rules to update terminology to *financial or property* to align with the new defined term of *financial or property matters* in the Family Law Act.
- Inserting new rules for the new framework for protecting sensitive information under the Family Law Act and amending the Rules for subpoenaing evidence that may contain or would disclose protected confidences.
- Amending procedural rules relating to arbitration.
- Amending the pre-action procedures to account for the changes to section 60I of the Family Law Act.
- Amending Chapter 13 of the Rules to consolidate the procedure for appeals heard by a single Judge and appeals heard by a Full Court.
- Consequential amendments to the Rules that include reference to the overarching purpose for family law practice and procedure which were previously relocated from the *Federal Circuit and Family Court of Australia Act 2021* (FCFCOA Act) to sections 95 and 96 of the Family Law Act.
- Amending the Rules to update consequential reference changes to new sections of the *Family Law Regulations 2024*.
- Amending the Rules to clarify when a party must attend the hearing of a divorce application.

- Amending the Rules to clarify that a litigation guardian may be a body politic, and the way that a litigation guardian may seek to resign.
- Inserting a new rule regarding using court documents or information in other proceedings.
- Amending the scale of costs in Schedule 3.
- Amending Schedule 4 with minor or consequential changes to the powers delegated to Senior Judicial Registrars and Judicial Registrars.

2. Consultation

The *Legislation Act 2003* (Cth) provides for certain consultation obligations when Rules are made.

The Court undertook both internal and external consultation on the amendments. Internally, consultation took place with Judges of both Courts, and some other staff. Externally, consultation took place with the Attorney-General's Department, Family Law Section of the Law Council of Australia and National Legal Aid. Suggestions were adopted to further amend the Rules following consultation with each of these three bodies.

With respect to the scale of costs, consultation was undertaken during the process of updating the amounts for each Item through the Joint Costs Advisory Committee, which functions to review and recommend variations to the quantum of costs contained in the Rules made by the federal courts. The Joint Costs Advisory Committee comprises representatives of the High Court of Australia, Federal Court of Australia, FCFCOA (Division 1) and FCFCOA (Division 2). The Committee sought written submissions from the Commonwealth Attorney-General's Department, the Law Council of Australia, the National Association of Community Legal Centres and National Legal Aid inviting each of them, and their respective constituent bodies or State/Territory counterparts, to make submissions to the review. Further, through publication on the Courts' website, other interested persons and organisations were invited to submit in writing any views on changes to the scales of costs they wished to have considered by the Joint Costs Advisory Committee.

The Committee then considered the submissions received and the FCAC formula to recommend an increase of 4.5% to the scale of costs for the FY2022-23 and 4.0% for the FY2023-24.

The amounts for each Item in the table that comprises the scale of costs in family law and child support matters therefore reflects the cumulative 4.5% increase and the 4.0% increase recommended by the Committee over the past two financial years.

3. Details of rules

Preliminary items

Item 1 states the name of the amendments.

Item 2 indicates the commencement of each Schedule. All the amendments commence on 10 June 2025.

Item 3 indicates that the amendments are made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*.

Item 4 states that each Schedule has effect according to its terms.

Schedule 1 –amendments

Item 1 Subrule 1.04(1) (overarching purpose), Item 2 Subrule 1.04(1) (note 1) and Item 3 Subrule 1.04(1) (Note 1) (overarching purpose)

These items amend rule 1.04 to update provision references to reflect the relocation of the overarching purpose of the family law practice and procedure provisions from section 67 of the FCFCOA Act to the equivalent section 95 of the Family Law Act.

Item 4 Subrule 1.04(1) (note 2)

This item repeals the note to remove reference to the overarching purpose of the FCFCOA (Division 2) from the Rules.

Item 5 Subrule 1.04(2) (note) and Item 6 Subrule 1.04(3) (note)

These items amend rule 1.04 to update provision references in the notes to rule 1.04 to reflect the relocation of the duty to act consistently with the overarching purpose of the family law practice and procedure provisions from section 68 of the FCFCOA Act to the equivalent section 96 of the Family Law Act.

Item 7 Subrule 1.05(1) (definition of arbitration)

This item amends the definition of *arbitration* to reflect the change to subsection 10L(1) in the Family Law Act.

Item 8 Subrule 1.05(1)

The *Administrative Review Tribunal Act 2024* (Cth) ('ART Act') abolished the Administrative Appeals Tribunal (AAT) and replaced it with the Administrative Review Tribunal (ART), requiring new definitions and some consequential amendments to the Rules.

These items insert the definitions of *ART* to mean the Administrative Review Tribunal, the definition of *ART Act* to mean the *Administrative Review Tribunal Act 2024* and the definition of *ART Registrar* to mean the Principle Registrar (within the meaning of the ART Act), a person

appointed as a registrar under the ART Act or a person to whom functions or powers have been delegated under the ART Act.

Item 9 Subrule 1.05(1) (paragraph (b) of the definition of *child support proceeding*)

This item amends the definition of *child support proceedings* and removes reference to section 44AAA of the now repealed *Administrative Appeals Tribunal Act 1975* (Cth) ('AAT Act') and substitutes it with section 99 of the *Child Support (Registration and Collection Act) 1989* (Cth), where the repealed provision was relocated.

Item 10 Subrule 1.05(1) (definition of *child welfare record*)

This item makes consequential changes to the definition of *child welfare record* because of the commencement of the *Family Law Regulations 2024*, which resulted in the renumbering of the provision from regulation 12CBA to section 53.

Item 11 Subrule 1.05(1) (definition of *Family Law Regulations*)

This item amends the definition of *Family Law Regulations* to *Family Law Regulations 2024* which commenced on 1 April 2025 and replaced the *Family Law Regulations 1984*.

Item 12 Subrule 1.05(1) (definition of *financial orders*) and Item 13 Subrule 1.05(1)

Item 12 repeals the definition of *financial orders* and item 13 inserts a new definition of *financial or property orders* to mean orders in relation to maintenance, Child Support Applications, contribution to child bearing expenses and property.

Item 13 also inserts a new definition of *financial or property proceedings* to mean a proceeding (other than an appeal) involving an application relating to financial or property matters of a marriage, an application relating to the financial or property matters of a de facto relationship or an application relating to child bearing expenses and includes a proceeding (other than an appeal) involving an application for the enforcement of a financial obligation.

The reference to *financial or property matters* has the meaning given by subsection 71B(7) for matters of a marriage and the meaning given by subsection 90RI(7) for matters of a de facto relationship, as defined under subsection 4(1) of the Family Law Act.

The Rules adopt the terminology of *financial or property* to align with the terminology of the new sections of the Family Law Act.

Item 14 Subrule 1.05(1) (definition of *financial proceeding*)

This item repeals the definition of *financial proceedings* to align with the terminology of *financial or property* in the Family Law Act.

Item 15 Subrule 1.05(1) (definition of *litigation guardian*)

This item amends the definition of *litigation guardian* to mirror the new definition under subsection 4(1) of the Family Law Act.

Item 16 Subrule 1.05(1)

Item 16 amends the defined term in the definition of *party to a financial or property proceeding* to align with the terminology of *financial or property* in the Family Law.

Item 17 Subrule 1.05(1)

Item 17 repeals the definitions of *party to a financial proceeding* and *property proceeding* to align with the terminology of *financial or property* in the Family Law Act.

Item 18 Subrule 1.05(1)

This item inserts a new definition for *protected confidence* which has the meaning given by section 102BA of the Family Law Act and a new definition for *protected confider* which has the meaning given by section 102BA of the Family Law Act.

Item 19 Rule 1.06 (table item 2, column headed “Power”, paragraph (h))

This item updates the wording in table item 2 on the court’s power in case development to align with the terminology of *financial or property* in the Family Law Act.

Item 20 Subparagraph 1.10(2)(f)(ii)

This item makes consequential changes to subparagraph 1.10(2)(f)(ii) because of the commencement of the *Family Law Regulations 2024*, which resulted in the renumbering of the provision from regulation 21M to section 68 of the Family Law Regulations.

Item 21 Rule 1.12 (heading) and Item 22 Subrule 1.12(1)

These items amend the wording of the heading and rule relating to case management procedures in financial or property proceedings to align with the terminology of *financial or property* in the Family Law Act.

Item 23 Subrule 1.12(2), Item 24 Subrule 1.12(3) and Item 25 Paragraph 1.12(4)(a)

The Family Law Act has been restructured so that considerations for the alteration of property interests are now found under section 79 and section 79AA (for marriage) or section 90SM and section 90SMA (for de facto relationships).

These items make consequential changes to Family Law Act references in rule 1.12 relating to a person’s entitlement to become a party to proceedings where an application is made for a financial or property order, which are now found under subsection 79AA(10) or 90SMA(10) of the Family Law Act.

Item 26 Subrule 1.12(6)

This item amends the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 27 Paragraph 1.13(1)(b)

This item repeals paragraph 1.13(1)(b) and the reference to section 44AAA of the AAT Act as explained above.

Item 28 Paragraph 1.13(1)(d)

This item makes consequential changes to paragraph 1.13(1)(d) because of the commencement of the *Family Law Regulations 2024* which resulted in a significant amount of restructuring and renumbering of the provisions, updating the reference to Part III to Subdivision B or C of Division 9 of Part 7, and the reference to Part IV to Division 4 or 5 of Part 7 of the Family Law Regulations.

Item 29 Paragraph 1.13(4)(d) and Item 30 Subparagraph 1.13(4)(d)(i)

These items make consequential changes to the Rules by substituting the reference to the AAT to ART and including an ART Registrar as a person to be served with a child support appeal from the ART.

Item 31 Rule 1.26 (heading)

This item amends the heading to rule 1.26 to indicate that the rules previously under rule 1.27, relating to referral of other matters to the court by an arbitrator, are now consolidated under rule 1.26.

Item 32 Subrule 1.26(1) (note)

This item removes an unnecessary reference to ‘(Division 2)’ of the Federal Circuit and Family Court of Australia.

Item 33 Rule 1.26

This item inserts new subrules 1.26(3) and 1.26(4) to consolidate rules relating to a referral of other matters to the court, by an arbitrator, which were previously in rule 1.27, into rule 1.26 .

This item also makes consequential changes to subrule 1.26(3) and 1.26(4) because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the provisions, updating the references from paragraph 67H(3)(b), 67K(b) or 67L(1)(b) of the former regulations to paragraphs 31(b) and 32(1)(b) and paragraph 67L(1)(b) to paragraph 32(1)(b) of the Family Law Regulations.

This item also makes consequential amendments to the note under subrule 1.26(3), updating references to the *Family Law Regulations 2024* from regulation 67K to section 31 relating to

the suspension of arbitration for failure to comply with directions, and regulation 67L to section 32 relating to termination of arbitrations where a party does not have the ability to take part.

Item 34 Rule 1.27

This item repurposes rule 1.27 to set out how an application seeking orders under new section 13F of the Family Law Act should be made, which is by an application in an arbitration supported by a signed statement supporting the orders sought.

Item 35 Rule 1.28

This item makes consequential changes because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the Regulations, updating the reference from regulation 67P(4)(b) to section 36(4)(b).

Item 36 Subrule 1.29(1), Item 37 Subrule 1.29(1) and Item 39 Subrule 1.29(2)

These items insert new subrule (1) into rule 1.29, requiring that an application to register an arbitration award must include the award and the arbitrator's reasons, and consequentially renumbers subrules 1.29(2) and 1.29(3).

Item 38 Subrule 1.29(1)

This item makes consequential changes to subrule 1.29(1) because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the provisions, updating the reference from regulation 67Q(2) to section 37(3) of the Family Law Regulations.

Item 40 Paragraph 1.30(2)(b) and Item 41 Subrule 1.30(3)

Item 40 inserts 'or written statement' after 'affidavit' in paragraph 1.30(2)(b) in relation to the material a respondent must file in response to an application in an arbitration. This reflects the fact that if the application in an arbitration is made pursuant to section 13F of the Family Law Act, the application may be supported by a written statement signed by the party, so the respondent may do the same.

Item 41 amends subrule 1.30(3) to clarify that a respondent must file and serve the documents referred to in subrule 1.30(2).

Items 42 Subrule 2.01(6) (before the table)

This item inserts subrule 2.01(7) which creates a new requirement that, unless the court directs otherwise, a party to a proceeding (other than in an appeal) must file any subsequent proceeding or application between the parties using the same court file number as the original application was allocated (for example, any subsequent application in a proceeding, contravention application, or application pursuant to section 65DAAA of the Family Law Act after final orders have been made). This new subrule is intended to ensure continuity of the file, so all

judicial officers are aware of the full suite of prior orders made between parties, and are aware of all matters on the original file, including administrative matters, such as any safety or security notes.

Item 43 Rule 2.03 (note)

This item makes consequential changes to the note to the rule because the principles for conducting child-related proceedings have been extended to property or other proceedings, and have been moved from Division 12A of Part VII to Division 4 of Part XI of the Family Law Act. This requires updates to the reference from paragraph 69ZQ(1)(aa) to paragraphs 102NH(1)(a) and (b) in relation to a Notice of Child Abuse, Family Violence or Risk being a method by which the court can fulfil its obligations to ask whether a party to the proceedings or a child concerned has been, or is at risk of being, subjected to or exposed to family violence.

Item 44 Subrule 2.10(2)

This item amends the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 45 Subrule 2.23(6) (note)

This item corrects a reference to regulation 2.11(3) of the *Family Law (Fee) Regulations 2022* to subsection 2.11(3).

Item 46 Subrule 2.24(1) (note)

This item replaces the note to clarify that a person seeking orders under Part VII of the Family Law Act must file a section 60I certificate or seek an exemption by filing an affidavit, rather than presuming that an exemption applies as was suggested by the prior wording of this note.

Item 47 Paragraph 2.49(1)(a) and Item 48 Paragraph 2.49(1)(b)

These items make consequential changes to the Rules because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the provisions, updating the reference from Part IIAB to Division 2 of Part 10, and Part IIAC to Division 3 of Part 10 of the Family Law Regulations.

Item 49 Paragraph 2.49(5)(a)

This item substitutes a reference to the Attorney-General's Department to the Department of Foreign Affairs and Trade on advice from the Attorney-General's Department.

Item 50 Subrule 3.07(2) (paragraph (a) of the note) and Item 51 Subrule 3.07(2) (paragraph (b) of the note)

These items make consequential changes to the Rules because of the restructuring and renumbering of the property division framework, updating reference from section 79(10) to

79AA(10) and section 90SM(10) to 90SMA(10) of the Family Law Act in relation to a creditor of a party to a proceedings being entitled to intervene in a proceeding without the court's permission.

Item 52 Rule 3.13 (at the end of note 2)

This item inserts the words 'to the extent they are capable of complying with the duty' at the end of note 2 to align with the wording of new subsections 71B(3) and 90RI(3) of the Family Law Act, which clarify that a litigation guardian only has to comply with the duty of disclosure to the extent they are capable of doing so.

Item 53 Rule 3.14

This item amends the Rules in relation to who may be a litigation guardian in a proceeding to include a note that a reference to a person in rule 3.14 includes a body politic or corporate as well as an individual, referencing subsection 2C(1) of the *Acts Interpretation Act 1901* (Cth).

Item 54 Subrule 3.15(4)

This item amends subrule 3.15(4) to provide clarity on how litigation guardians may apply to be removed from proceedings, being that that the court may, on the filing of an affidavit, remove a litigation guardian at the written request of the litigation guardian.

Item 55 Subrule 3.19(1)

This item amends the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 56 Rule 3.19 (note 2), Item 57 and Item 58 Rule 3.20 (paragraph (a) of the definition of *relevant proceeding*)

These items make consequential changes to Family Law Act references in the Rules because of the restructuring and renumbering of the property division framework, updating references from 79(1A), 79(8), 79A(1C), 90SM(2), 90SM(8) to 79AA(1A), 79AA(8), 79A(1C), 90SMA(2), 90SMA(8) of the Family Law Act and inserting references to sections 79AA and 90SMA into the definition of *relevant proceeding*.

Item 59 Paragraph 4.01(2)(e) and Item 60 Rule 4.01(3)

Item 59 inserts a new paragraph 4.01(2)(e) to include certain proceedings involving a child born under surrogacy arrangements as proceedings that do not need to comply with pre-action procedures set out in Schedule 1, and renumbers paragraph (4.01(2)(f). Item 60 makes consequential changes to the numbering in subrule 4.01(3) from paragraph (2)(e) to (2)(f) because of item 59.

Item 61 Paragraph 4.01(3)(b) and Item 62 Rule 4.01 (note 1)

These items amend the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 63 Rule 4.01 (note 2)

This item omits an unnecessary pinpoint reference to subsections 60I(7) to (12) in note 2 under subrule 4.01(5) and replaces it with a broad reference to section 60I of the Family Law Act.

Item 64 Paragraph 4.02(1)(b)

This item replaces the phrase “if no certificate is required because paragraphs 60I(9)(b), (c), (d), (e) or (f) of the Family Law Act applies” with “if an exemption from having to file a certificate is sought under subsection 60I(8A) of the Family Law Act” to include the appropriate terminology of an exemption needing to be sought, and references new subsection (8A) on the court’s power to grant an exemption from filing a 60I certificate.

Item 65 Paragraph 4.02(1)(b)

This item replaces the wording “exception claimed” to “exemption sought” to reflect the updated terminology under section 60I of the Family Law Act.

Item 66 At the end of subrule 4.04(1)

This item adds a note under subrule 4.04(1) relating to a party’s failure to comply with dispute resolution pre-action procedures noting that subsection 60I(7) of the Family Law Act sets out a requirement to be met before the court will accept for filing an application for an order under Part VII of the Family Law Act.

Item 67 Subrule 4.06(1) (note)

This item makes consequential changes to Family Law Act references in the note of subrule 4.06(1) because the Court’s powers to make cost orders have been moved from Part XV into Part XIVC of the Family Law Act. This requires updating the reference from paragraph 117(2A)(f) to paragraph 114UB(3)(f) of the Family Law Act regarding whether a party has made an offer to settle and the terms of the offer.

Item 68 Division 4.2.2 (heading) and Item 69 Subrule 4.11(1)

These items amend the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 70 Rule 4.11 (Note 1)

This item makes consequential changes to Family Law Act references in Note 1 as the Court’s powers to make cost orders have been moved from Part XV into Part XIVC of the Family Law Act. This requires updating the reference from paragraph 117(2A)(f) to paragraph

114UB(3)(f) of the Family Law Act regarding whether a party has made an offer to settle and the terms of the offer.

Item 71 Chapter 6

This item omits the diagram of Chapter 6 and replaces it with an updated diagram of the amended structure of the Chapter.

Item 72 Subrule 6.01(1) (note), Item 73 Subrule 6.01(2) (at the end of the note), Item 74 At the end of subrule 6.01(3) and Item 75 At the end of subrule 6.01(4)

These items amend rule 6.01 to align with the terminology of *financial or property* in the Family Law Act. This includes to notes under subrules (1) – (4) pointing to the relevant subsections of the Family Law Act where the duty of disclosure for financial or property proceedings has been elevated into that Act.

Item 76 Subparagraph 6.02(1)(a)(i)

This item inserts the obligation that parties have read section 71B or section 90RI of the Family Law Act (as applicable) into rule 6.02 in relation to the undertaking a party must file to satisfy the duty of disclosure.

Item 77 Rule 6.03 (note) and Item 78 At the end of rule 6.03

These items renumber Note 1 and add a Note 2 to rule 6.03 regarding new subsection 102BD(1) of the Family Law Act. Note 2 clarifies that despite the duty of disclosure of documents, a party must not disclose a document if the court has made an order in relation to the document under subsection 102BD(1) (i.e. that it would disclose a protected confidence).

Item 79 Subrule 6.04(1) and Item 80 Paragraph 6.04(1)(b)

These items amend subrule 6.04(1) to clarify that the court can give permission for the document to be used or disclosed by shifting that phrase to the beginning of subrule (1) rather than in paragraph 6.04(1)(b), and also extending the rule to a person who receives a copy of a document.

Item 81 At the end of rule 6.04

This item inserts a new Note to rule 6.04 with a cross-reference to new rule 15.26, which sets out when a person can seek permission to use a document or information in proceedings for another purpose (whether documents produced pursuant to Chapter 6, or other documents).

Item 82 At the end of rule 6.05

This item adds a note to rule 6.05 regarding new subsection 102BD(1) of the Family Law Act. Note 2 clarifies that despite the duty of disclosure in parenting proceedings, a party must not

disclose a document if the court has made an order in relation to the document under subsection 102BD(1) (i.e. that it would disclose a protected confidence).

Item 83 Rule 6.06 (heading)

Item 83 amends the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 84 Subrule 6.06(1), Item 85 – Item 91

Item 84 repeals subrule 6.06(1) which states that the duty of disclosure applies to financial proceedings. This is no longer necessary given the duty of disclosure in financial or property matters has been elevated to the Family Law Act.

Items 85 to 91 make consequential amendments to the numbering, pin point references and the text of the subrules in rule 6.06 because of item 84.

Item 92 Subrule 6.06(5)

Item 92 restricts the operation of subrule 6.06(5) (now subrule 6.06(4)) such that only a party that is a party to the marriage or de facto relationship needs to file a Financial Statement, Affidavit or Financial Questionnaire. This relieves some of the filing requirements for third parties filing a response or reply to a financial or property proceeding. If a third party is seeking or responding to interlocutory orders, they must still file an affidavit as required by Chapter 5 of the Rules.

Item 93 Paragraph 6.06(5)(b)

Item 93 amends the language of paragraph 6.06(5)(b) (now paragraph 6.06(4)(b)) for readability but does not change the effect of the Rule.

Item 94 – Item 101

These items make further consequential amendments to the numbering, pin point references and the text of the subrules in rule 6.06 because of item 84.

Item 102 Rule 6.07

This item inserts a note after rule 6.07 clarifying that Part 6.2 Disclosure procedures does not apply to child support and child maintenance proceedings, as set out in rule 1.13 of the Rules.

Item 103 At the end of rule 6.15

This item creates an exception to compliance with the duty of disclosure and production of documents if the court has made an order that production of the document or part of a document would disclose a protected confidence. This new subrule 6.15(3) gives effect to the addition of Division 1B of Part XI to the Family Law Act.

Item 104 Rule 6.21

This item inserts a note after rule 6.21 clarifying that Part 6.3 Specific questions does not apply to child support and child maintenance proceedings, as set out in rule 1.13 of the Rules.

Item 105 Rule 6.23

This item inserts a note after rule 6.23 clarifying a party may object to answering a specific question on the basis that it would disclose a protected confidence or the contents of a document recording or relating to a protected confidence, as set out in section 102BC and 102BD of the Family Law Act.

Item 106 Rule 6.25 (heading) and Item 107 Subrule 6.25(1)

These items amend the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 108 After Subrule 6.27(2), Item 109 Subrules 6.27(3) and (4)

Item 108 inserts new subrule 6.27(2A) on limiting requests for subpoenas from a party or independent children's lawyer for production of a document if the court has made an order that the production of the document, or part of the document, would disclose a protected confidence. It also inserts a note that points to section 102BD of the Family Law Act as the source of the new subrule.

Item 109 makes consequential changes to references to subrules (1) and (2) in subrules (3) and (4) and replaces the references to subrules "(1) to (2A)" in both subrules because of Item 108.

Item 110 Subrule 6.36(2), Item 111 Paragraph 6.36(2)(b)

These items amend the structure of subrule 6.36(2) similar to items 79 and 80 above.

Item 112 Rule 6.36

This item inserts a new Note to rule 6.36 with a cross-reference to new rule 15.26, which sets out when a person can seek permission to use a document or information in proceedings for another purpose (whether documents produced pursuant to Chapter 6, or other documents).

Item 113 Subrule 6.38(2) and Item 114 Paragraphs 6.38(3)(a) and (b)

Item 113 amends the content and structure of subrule 6.38(2) so the rule now prescribes that if an issuing party seeks the production of a person's medical records (under new paragraph (2)(a)) or another document recording or relating to a protected confidence made by the person (under new paragraph (2)(b)), the person may, before the day stated in the subpoena for production, notify the Registry Manager in writing that the person wants to inspect the records for the purpose of determining whether to object to the inspection or copying of the document by any other party.

Item 114 inserts the wording “or other document” after “medical records” in paragraphs 6.38(3)(a) and (b) because of new paragraph (2)(b), as described in Item 113.

Item 115 Subrule 6.39(1) and Item 116 Subrule 6.39(4)

Item 116 inserts new subrule 6.39(4) in relation to subpoenas for production of documents or things to include if an order has been made by the court that production of a document, or part of document, would disclose a protected confidence or the contents of a document recording or relating to a protected confidence, the evidence must not be produced. Item 116 also inserts a note that points to section 102BD of the Family Law Act as the source of the new subrule.

Item 115 inserts “subject to subrule (4)” into subrule 6.39(1) because of Item 116.

Item 117 At the end of rule 6.41

This item inserts a new Note 3 to rule 6.41 stating that a person does not need to comply with a subpoena to produce a document or part of a document if an order has been made, under section 102BD of the Family Law Act, that it not be produced. This note gives effect to the addition of Division 1B of Part XI to the Family Law Act.

Item 118 Division 6.5.5

This item inserts new rule 6.43 on applications relating to protected confidences under new division 6.5.5 Protecting Sensitive Information.

Subrule 6.43(1) sets out how a person can apply for an order pursuant to section 102BD of the Family Law Act, being by filing an application for an interlocutory order and an affidavit stating the facts relied on in support of the order.

Under subrule 6.43(1), Note 1 cross references to rule 2.01 for when an interlocutory order may be included in an application for final orders, Note 2 cross references to rules 5.02 and 5.08 for the requirements for filing and responding for applications for interlocutory orders, including the limit on the length of affidavits and Note 3 references subsection 102BD(3) of the Family Law Act as to who may apply for an order.

New subrules 6.43(2) and (3) set out that if a person is required by a subpoena, or an interested person is given a copy of a subpoena, to produce a document or part of a document that may disclose a protected confidence or the contents of a document recording or relating to a protected confidence, and the protected confider does not consent to the disclosure, any objection to the subpoena is to be made in accordance with the established objection process under rule 6.38.

Item 119 Rule 7.23 (note)

This item makes consequential changes to Family Law Act references in the Note under rule 7.23 (consequences of non-compliance for an expert witness) as the Court’s powers to make cost orders have been moved from Part XV into Part XIVC of the Family Law Act. This

requires updating the reference from subsection 117(2) to paragraph 114UB(2) of the Family Law Act regarding the court's power to make orders for costs and security for costs the court considers just.

Item 120 Part 8.2 (note to the Part heading)

This item makes changes to the wording in the note under the heading Part 8.2 Evidence, to clarify that the *Evidence Act 1995* (Cth) applies to family law proceedings generally, but with some exceptions including in child-related proceedings, or in property or other non-child related proceedings, by consent or order of the court. This is because the principles for conducting child-related proceedings have been extended to property or other proceedings following amendment to the Family Law Act.

Item 102 also makes consequential changes to the Family Law Act reference in the note because the principles and have been moved from Division 12A of Part VII to Division 4 of Part XI of the Family Law Act. This requires updates to the reference of section 69ZT to the equivalent section 102NL of the Family Law Act.

Item 121 Subrule 8.18(1), Item 122 Subrule 8.18(1)(note) and Item 123 Subrule 8.18(1)(note)

Items 121 and 122 make consequential changes to the Family Law Act references in subrule 8.18, and the note, for the same reason as item 102, requiring updates to references to section 69ZT to the equivalent section 102NL of the Family Law Act.

Item 123 inserts “or to property or other non-child-related proceedings” into the note under subrule 8.18(1) for the same reasons explained under Item 120.

Item 124 Subrule 10.06(1)

This item amends the subrule 10.06(1) to align with the terminology of *financial or property* in the Family Law Act.

Item 125 Chapter 11

This item omits the diagram of Chapter 11 and replaces it with an updated diagram of the amended structure of the Chapter.

Item 126 Part 11.1 (heading), Item 128 Subrule 11.64(1) (table 11.1, table item 4, column headed “Kind of application”), Item 130 Subrule 12.05(1) and Item 131 Subrule 12.06(6)

These items amend the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 127 Rule 11.63 (paragraph (b) of note 2)

This item makes consequential changes to the paragraph (b) of note 2 under rules 11.63 because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the provisions, updating the reference from regulation 17 to section 75 of the Family Law Regulations.

Item 129 Rule 11.75 (note)

This item omits an unnecessary pin point of subsection 67N(3) in the note under rule 11.75 and replaces it with a broad reference to section 67N of the Family Law Act.

Item 132 At the end of subrule 12.13(3), Item 133 Subrule 12.13(5) (note 1), Item 134 Subrule 12.13(5) (note 1), Item 135 Subrule 12.13(5) (note 1), Item 136 At the end of subrule 12.17(1) and Item 137 At the end of subrule 12.17(2)

This item makes consequential changes to Family Law Act references in the Rules, as the Court's powers to make cost orders have been moved from Part XV into Part XIVC of the Family Law Act.

Item 132 inserts a new note to subrule 12.13(3) pointing to subsection 114UB(4) of the Family Law Act in relation to the ability of a party to the proceedings to make an application for costs.

Items 133 and 134 replace the references in note 1 under subrule 12.13(5) from subsection 117(1) to the equivalent new subsection 114UB(1) and subsection 117(2) to the equivalent new subsection 114UB(2) of the Family Law Act.

Item 135 replaces references in note 1 under subrule 12.13(5) from 117(2A),(4),(4A),(5) and (6) to the equivalent subsection 114UB(3) and sections 114UC and 114UD of the Family Law Act.

Items 136 and 137 add notes to the end of subrules 12.17(1) and (2) pointing to subsection 114UB(5) of the Family Law Act in relation to the court's power to order that a party is entitled to costs and subsection 114UB(6) of the Family Law Act regarding that costs are to be assessed on a party and party basis if the method for their calculation is not specified.

Notes have been added in this style to acknowledge that new sections of the Family Law Act replicate some rules of court with respect to costs, but that at times, the Rules go further to explain the process or procedure the party must follow.

Item 138 Chapter 13

This item omits the diagram of Chapter 13 and replaces it with an updated diagram of the amended structure of the Chapter. The structure of the Chapter has changed to amalgamate the Rules that previously delineated the procedure for appeals heard by a single Judge and appeals heard by a Full Court.

Item 139 Paragraph 13.01(2)(a)

This item repeals paragraph 13.01(2)(a) to delete reference to appeals to the FCFCOA (Division 2) under section 44AAA of the AAT Act, noting this Act has been repealed.

Item 140 Subrule 13.02(1) (paragraph (a) of note 1)

This item amends paragraph (a) of Note 1 to correctly reference the name of the *Federal Court and Federal Circuit and Family Court Regulations 2022*.

Item 141 subrule 13.03(3) and Item 142 Rule 13.03 (note 2)

These items add a new subrule 13.03(3) that requires a person making an application for an extension of time to appeal to annex the proposed Notice of Appeal to the Application in an Appeal, as well as updating the Note to the rule to include a reference to rule 13.36 as well as rule 15.06.

Item 143 Part 13.3 (at the end of the heading), Item 144 Paragraph 13.15(b)

These items update the heading and application provision for Part 13.3 to clarify that Part 13.3 applies to appeals to a Full Court as well as appeals heard by a single Judge.

Item 145 Rule 13.15 (note)

This item amends the note to rule 13.15 to delete the sentence that refers to the distinction between the Parts of the Rules that apply to appeals heard by a Full Court and appeals heard by a single Judge, noting this distinction no longer exists.

Item 146 At the end of rule 13.18

This item adds a new subrule 13.18(3) that clarifies that an Appeal Judicial Registrar or other Judicial Registrar conducting a procedural hearing may make procedural orders in chambers, in the absence of the parties, on the documents filed. This subrule replicates existing subrule 13.25(2) which is being repealed given it is located in Part 13.4.

Item 147 Part 13.4

This item repeals Part 13.4 of the Rules, which gives effect to the decision to remove the distinction between the procedural rules that apply to appeals heard by a Full Court and appeals heard by a single Judge.

Item 148 Rule 13.36

This item amends rule 13.36 to add a qualification to the documents that need to be filed with an Application in an Appeal, to the effect that if the Application in an Appeal seeks a review of an order of an Appeal Judicial Registrar, an affidavit does not need to be filed pursuant to new subrule 13.40(3).

Item 149 After subrule 13.40(2)

This item inserts new subrule 13.40(3) which states that an Application in an Appeal seeking a review of an order of an Appeal Judicial Registrar or the rejection of a document by an Appeal Judicial Registrar does not need to be supported by an affidavit.

Item 150 Rule 14.04 (note 1)

This item amends note 1 to Rule 14.04 to encompass the new standalone review power that has been added to section 60I of the Family Law Act, to indicate that Part 14.3 of the Rules applies to an application for review of the exercise of power by a Senior Judicial Registrar or Judicial Registrar pursuant to section 60I of the Family Law Act.

Item 151 Rule 15.08 (note 2)

This item makes consequential changes to the Rules because of the commencement of the *Family Law Regulations 2024* which resulted in the restructuring and renumbering of the provisions, updating the reference from regulation 17 to section 75 the Family Law Regulations.

Item 152 Rule 15.14 (at the end of the heading)

This item amends the heading for rule 15.14 to “Exhibits and other documents produced to the court” to broaden the application of the rule to documents produced to the court aside from exhibits.

Item 153 Subrule 15.14(5) (not including the note)

This item inserts a new subrule, which becomes subrule 15.14(5), which sets out when the court may return or destroy documents produced to the court, and in what time period. This is intended to assist the Court to efficiently manage the volume of hard-copy and electronic documents that are being stored by the Court. Existing subrule 15.14(5) consequentially becomes subrule 15.14(6).

Item 154 Paragraph 15.15(2)(b)

This item gives effect to amended section 98A of the Family Law Act, which states that the applicable Rules of Court may provide for the circumstances when a divorce hearing may proceed in the absence of the parties. For a joint application, the hearing may proceed in the absence of the parties where both applicants request the court to determine the proceedings in their absence (otherwise the party that requests to attend the hearing may attend). For a sole application, the hearing may proceed in the absence of the parties where the applicant has requested the court to do so, and the respondent has not requested to attend the hearing. If the respondent requests to attend the hearing, the applicant’s attendance will depend on whether the application for divorce is contested by the respondent, or whether the court otherwise directs the applicant to attend.

Item 155 Rule 15.26

This item inserts a new rule 15.26 titled “use of documents or information obtained in proceedings”. This rule is intended to provide guidance as to when a person can seek permission to use a document or information obtained in proceedings for another purpose, including in proceedings before another court or tribunal, and that special circumstances are required for the person to do so. This is intended to be consistent with existing case law, including *Hearne v Street* (2008) 235 CLR 125.

Subrule 15.26(2) contains a non-exhaustive list of the meaning of the word document for the purposes of the Rule.

Note 1 and Note 2 refer back to the existing restrictions on the use of a document produced in compliance with the duty of disclosure, and the use of a document produced in compliance with a subpoena for production.

Note 3 states that nothing in this rule limits the ability of a person to use a document for another purpose if the use is authorised by other legislation, for example, the Assessment Act. This Note refers to the *Child Support (Assessment) Act 1989*, noting the decision of *Pedrana & Pedrana (No. 2)* [2012] FamCA 348.

Item 156 Schedule 1 (note 2 to Schedule heading), Item 157 Schedule 1 (note 2 to Schedule heading), Item 158 Part 1 of Schedule 1 (heading), 160 Subclause 4(1) of Part 1 of Schedule 1 and Item 161 Paragraph 4(4)(a) of Part 1 of Schedule 1

These items amend the Rules to align with the terminology of *financial or property* in the Family Law Act.

Item 159 Paragraph 1(4)(f) of Part 1 of Schedule 1 and Item 164 Paragraph 1(4)(f) of Part 2 of Schedule 1

These items make consequential amendments to references relating to the overarching purpose for family law practice and procedure to reflect its relocation from section 67 the FCFCOA Act to section 95 of the Family Law Act.

Item 162 Paragraph 4(4)(a) of Part 1 of Schedule 1 and Item 163 Paragraph 4(4)(b) of Part 1 of Schedule 1

These items reflect the consequential renumbering of references to subrule 6.06(8) to 6.06(7) and subrule 6.06(9) to 6.06(8) in subclause (4) of clause 4 in relation documents the court considers appropriate to include in the list of documents and to exchange for financial or property proceedings because of item 84.

Item 165 Paragraph 1(9)(b) of Part 2 of Schedule 1

This item amends paragraph (9)(b) of clause 1 to reflect the provision and terminology change to the obligation under section 60I of the Family Law Act that when a party files an application to start a parenting proceeding, the applicant must file a certificate given to them by a family

dispute resolution practitioner under subsection 60I(8), unless an exemption from having to file a certificate is sought under subsection 60I(8A).

Item 166 At the end of clause 4 of Part 2 of Schedule 1

This item adds a new subclause (7) into clause 4 which clarifies in complying with the duty of disclosure when preparing for proceedings, a party is not required to disclose a document, or part of a document, if the party reasonably asserts that it would disclose a protected confidence that is likely to cause harm to the protected confider or a child. This amendment is intended to give effect to the spirit of new Division 1B of Part XI to the Family Law Act, which protects sensitive information once proceedings have commenced, but not in the pre-action phase of litigation.

Item 167 Schedule 3

This item repeals and replaces the scale of costs in family law and child support matters under Schedule 3, following updates to the amounts as recommended by the Joint Costs Advisory Committee.

Item 168 Clause 1 of Schedule 4 (definition of Family Law Regulations)

This item amends the definition of *Family Law Regulations* to reflect that the *Family Law Regulations 2024* commenced on 1 April 2025 and replaced the *Family Law Regulations 1984*.

Item 169 Clause 2 of Schedule 4 (table item 1.2) to Item 173 Clause 2 of Schedule 4 (table item 1.6)

These items repeal the power in table item 1.2 for Senior Judicial Registrars and Judicial Registrars to give leave for an application for divorce to be filed within 2 years after the date of marriage without a counselling certificate because the additional requirements for couples married less than 2 years have been removed and subsection 44(1C) of the Family Law Act has been repealed. These items also make consequential renumbering of table items 1.3 to 1.6 due to table item 1.2 being removed.

Item 174 Clause 2 of Schedule 4 (table item 3.7, column 1) and Item 175 Clause 2 of Schedule 4 (table item 3.8, column 1)

These items make consequential amendments to the source of the powers delegated to Senior Judicial Registrars and Judicial Registrars as the provisions of the Family Law Act regarding the principles for conducting child-related proceedings have been moved from Division 12A in Part VII to Division 4 in Part XI of the Family Law Act. These table items reference specific sections of the Family Law Act and so the section references have been updated accordingly.

Item 176 Clause 2 of Schedule 4 (cell at table item 4.2, column 1), Item 177 Clause 2 of Schedule 4 (cell at table item 4.3, column 1), Item 178 Clause 2 of Schedule 4 (cell at table

item 4.4, column 1), Item 179 Clause 2 of Schedule 4 (cell at table item 4.4A, column 1) and Item 180 Clause 2 of Schedule 4 (table item 4.5, column 1)

These items make consequential amendments to the powers delegated to Senior Judicial Registrars and Judicial Registrars in relation to the alteration of property interests due to the restructuring of Family Law Act and the considerations for parties to a marriage now being housed under sections 79 and 79A, and considerations for parties to a de facto relationship now being housed under 90SM and 90SMA. These table items reference specific sections of the Family Law Act and so the section references have been updated accordingly.

Item 181 Clause 2 of Schedule 4 (table item 10.5, column 2)

This item amends table item 10.5 to align with the terminology of *financial or property* in the Family Law Act.

Item 182 Clause 2 of Schedule 4 (table items 12.1, 12.2 and 12.3, column 1) and Item 183 Clause 2 of Schedule 4 (table item 12.4, column 2)

These items make consequential amendments to the powers delegated to Senior Judicial Registrars and Judicial Registrars as the Court's powers to make cost orders have been moved from Part XV into Part XIVC of the Family Law Act. These table items reference specific sections of the Family Law Act and so the section references have been updated accordingly.

Item 184 Clause 2 of Schedule 4 (table item 13.6)

This item repeals the power in table item 13.6 for Senior Judicial Registrars and Judicial Registrars to make procedural orders in chambers for the conduct of the appeal because rule 13.25 and 13.27 have been repealed, and the power is now provided under subrule 13.18(3) which is already delegated under table item 13.4.

Item 185 Clause 2 of Schedule 4 (table item 14.1, column 1)

This item reflects a consequential amendment to the source of the powers delegated to Senior Judicial Registrars and Judicial Registrars relating to the power to make an order to enable a party to comply with the overarching purpose of the family law practice and procedure provisions. This table item previously referenced specific provisions of the FCFCOA Act, which have been updated to specific provisions of the Family Law Act.

Item 186 Clause 2 of Schedule 4 (after table item 15.2)

This item delegates power to Senior Judicial Registrars to give permission for a person to use a document or information obtained in proceedings for another purpose as provided under rule 15.26.

Item 187 Clause 2 of Schedule 4 (table item 21.4)

This item amends the delegation of the power to grant an applicant for a Part VII order an exemption from filing a section 60I certificate to refer to new subsection 60I(8A) of the Family Law Act.

Item 188 Clause 2 of Schedule 4 (table item 21.5)

This item repeals table item 21.5 which removes the delegated power to Senior Judicial Registrars and Judicial Registrars to order a party to attend family dispute resolution if they are not granted an exemption from pre-filing family dispute resolution, as the court must now reject rather than stay applications if pre-filing family dispute resolution requirements are not fulfilled, and no exemption is granted. This table item references the power under section 60I(10) of the Family Law Act, which has been repealed by the *Family Law Amendment Act 2024*.

Item 189 Clause 2 of Schedule 4 (after table item 24.4)

This item delegates power to Senior Judicial Registrars to make orders in relation to the adducing of evidence as provided by section 102BC of the Family Law Act, but only in relation to a proceeding to be heard and determined by a Senior Judicial Registrar (for example an interlocutory application, contravention application, or 65DAAA application).

This item also delegates power to Senior Judicial Registrars and Judicial Registrars to make an order that a document not be produced, inspected or copied on the basis that it would disclose a protected confidence as provided by section 102BD of the Family Law Act.

Item 190 Clause 2 of Schedule 4 (table item 38.1, column 1) and Item 191 Clause 2 of Schedule 4 (table item 38.2, column 1), Item 192 Clause 2 of Schedule 4 (table item 38.3, column 1) and Item 193 Clause 3 of Schedule 4 (table item 38.4)

These items make consequential amendments to the powers delegated to Senior Judicial Registrars and Judicial Registrars due to the new section references under the new *Family Law Regulations 2024*. These table items reference specific sections of the Family Law Regulations and so the sections have been updated accordingly.