



Federal Court Amendment (2025 Measures No. 1) Rules 2025

We, Judges of the Federal Court of Australia, make the following Rules of Court.

Dated 11 August 2025

D S MORTIMER CJ
B J COLLIER J
J A LOGAN J
N PERRAM J
B M MURPHY J
D C RANGIAH J
M A WIGNEY J
M A PERRY J
J B R BEACH J
B S MARKOVIC J
M K MOSHINSKY J
R J BROMWICH J
N CHARLESWORTH J
S C G BURLEY J
D J O'CALLAGHAN J
S C DERRINGTON J
K F BANKS-SMITH J
C G COLVIN J
T M THAWLEY J
M F WHEELAHAN J
A M STEWART J
M H O'BRYAN J
S M ANDERSON J
W J ABRAHAM J
J A HALLEY J
E A CHEESEMAN J
H M J ROFE J
K E DOWNES J
S A GOODMAN J
P O'SULLIVAN J
S B MCELWAIN J
M J FEUTRILL J
F M R MEAGHER J

T J F MCEVOY J
L A HESPE J
E RAPER J
G R KENNETT J
C G BUTTON J
I M JACKMAN J
E J KYROU J
C J HORAN J
Y SHARIFF J
P A NESKOVICIN J
C W DOWLING J
J A D NEEDHAM J
S A MCDONALD J
S A VANDONGEN J
C A MOORE J
N J OWENS J
J S STELLIOS J
H YOUNAN J
E BENNETT J
E J LONGBOTTOM J
A WHEATLEY J
G HILL J

Judges of the Federal Court
of Australia

Chief Executive Officer and Principal Registrar

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1 Name

These Rules are the *Federal Court Amendment (2025 Measures No. 1) Rules 2025*.

2 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	The 14th day after these Rules are registered.	2 September 2025

Note: This table relates only to the provisions of these Rules as originally made.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.

3 Authority

These Rules are made under the *Federal Court of Australia Act 1976*.

4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Amendments

Federal Court Rules 2011

1 Subrule 2.32(2)

Repeal the subrule, substitute:

- (2) A person who is not a party may, after the earlier of the first directions hearing and the hearing, inspect the following documents in a proceeding in the proper Registry:
- (a) an originating application or cross-claim;
 - (b) a pleading or particulars of a pleading or similar document;
 - (c) an interlocutory application;
 - (d) in a proceeding to which Division 34.7 applies:
 - (i) an affidavit accompanying an application, or an amended application, under section 61 of the *Native Title Act 1993*; or
 - (ii) an extract from the Register of Native Title Claims received by the Court from the Native Title Registrar.

Note: *Native Title Registrar* and *Register of Native Title Claims* are defined in the Dictionary.

- (2A) A person who is not a party may inspect the following documents in a proceeding in the proper Registry:
- (a) a notice of address for service;
 - (b) a statement of agreed facts or an agreed statement of facts;
 - (c) a judgment or an order of the Court;
 - (d) a notice of appeal, notice of contention or notice of cross-appeal;
 - (e) a notice of discontinuance;
 - (f) a notice of change of lawyer or notice of ceasing to act;
 - (g) a consent to act as trustee or consent to act as liquidator;
 - (h) reasons for judgment;
 - (i) a transcript of a hearing heard in open Court.

2 Subrule 2.32(4)

Omit “A person may apply to the Court”, substitute “Subject to subrule (3), a person may apply to a Registrar”.

3 Division 5.1 (heading)

Omit “Return date”, substitute “Attendance”.

4 Rule 5.01

Repeal the rule, substitute:

5.01 Parties to attend hearings

A party, or the party’s lawyer, must attend any hearing for a proceeding.

5 Rule 5.02 (heading)

Omit “before return date”.

6 Rule 5.02

Omit “return date fixed in the originating application”, substitute “first directions hearing or the hearing, whichever is the earlier”.

7 Subrule 5.03(1)

Omit “return date fixed in the originating application”, substitute “first directions hearing or the hearing, whichever is the earlier”.

8 Subrule 5.04(2)

Repeal the subrule.

9 Rule 5.06

Repeal the rule.

10 Rule 8.06

Omit “return date fixed in an originating application,”, substitute “first directions hearing or the hearing, whichever is the earlier,”.

11 Rule 8.06 (note 3)

Omit “This will provide time for steps required under practice notes issued by the Chief Justice to be undertaken before the return date.”.

12 Paragraph 10.43C(1)(a)

Repeal the paragraph, substitute:

(a) the first directions hearing; and

13 Rule 11.06

Omit “before the return date fixed in the originating application”, substitute “within the time required by rule 5.02”.

14 Subparagraph 26.12(2)(a)(i)

Omit “return date fixed in the originating application”, substitute “earlier of the first directions hearing and the hearing”.

15 Rule 39.04

Before “The Court”, insert “(1)”.

16 At the end of rule 39.04

Add:

- (2) If an interlocutory application for the setting aside or variation of a judgment or order is filed within 14 days after the judgment or order is entered, the Court may determine the application, and (if appropriate) set aside or vary the judgment or order under subrule (1), as if the judgment or order had not been entered.
- (3) Within 14 days after a judgment or order is entered, the Court may on its own initiative set aside or vary the judgment or order as if the judgment or order had not been entered.
- (4) Despite rule 1.39, the Court may not extend the time fixed by subrule (2) or (3) of this rule.

- (5) Nothing in this rule affects any other power of the Court to set aside or vary a judgment or order.

17 Subrule 39.32(3)

Omit “the 14th day after”.

18 In the appropriate position in Part 43

Insert:

Division 43.1—Transitional provisions relating to the Federal Court Amendment (2025 Measures No. 1) Rules 2025

43.01 Definitions

In this Division:

amending Rules means the *Federal Court Amendment (2025 Measures No. 1) Rules 2025*.

43.02 Application of amendments

- (1) Rules 2.32, 5.02, 5.03, 8.06, 10.43C, 11.06 and 26.12, as amended by the amending Rules, apply in relation to a proceeding started in the Court on or after the commencement of the amending Rules.
- (2) Despite the repeal and substitution of rule 5.01 by the amending Rules, that rule, as in force immediately before the commencement of the amending Rules, continues to apply in relation to a proceeding started in the Court before that commencement.
- (3) Despite the repeal of subrule 5.04(2) by the amending Rules, that rule, as in force immediately before the commencement of the amending Rules, continues to apply in relation to a proceeding started in the Court before that commencement.
- (4) Despite the repeal of rule 5.06 by the amending Rules, that rule, as in force immediately before the commencement of the amending Rules, continues to apply in relation to a cross-claim filed before that commencement.
- (5) Rule 39.04, as amended by the amending Rules, applies in relation to a judgment or order that is entered on or after the commencement of the amending Rules.
- (6) Rule 39.32, as amended by the amending Rules, applies in relation to an order that is authenticated on or after the commencement of the amending Rules.

19 Part 3.7 of Schedule 2 (table items 104 and 112)

Repeal the items.

20 Part 3.7 of Schedule 2 (table item 215, column headed “Provision”)

Omit “Rule 39.04”, substitute “Subrule 39.04(1)”.

21 Item 1A of Schedule 3

Repeal the item, substitute:

1A Application of this Schedule

1A.1 This Schedule, as amended by the *Federal Court Amendment (2025 Measures No. 1) Rules 2025*, applies to work done or services performed on or after the commencement of those Rules.

22 Amendments of listed provisions—Schedule 3

The provisions of Schedule 3 listed in the following table are amended as set out in the table.

Amendments relating to costs			
Item	Provision	Omit	Substitute
1	Item 1.1	\$75	\$78
2	Item 1.2	\$27	\$28
3	Item 1.3	\$13	\$14
4	Item 2.1	\$68	\$71
5	Item 2.2	\$27	\$28
6	Item 2.3	\$55	\$57
7	Item 3.2	\$21	\$22
8	Item 3.3	\$42	\$44
9	Item 10.1	\$137	\$142
10	Item 13.1	\$4,862	\$5,056
11	Item 14.1	\$3,125	\$3,250
12	Item 14.2	\$2,689	\$2,797
13	Item 15.1	\$5,278	\$5,489
14	Item 15.2	\$8,323	\$8,656
15	Item 15.3	\$2,506	\$2,606
16	Item 17.1	\$678	\$705