



Federal Circuit Court of Australia (Consequential Amendments) Act 2013

No. 13, 2013

**An Act to deal with consequential matters in
connection with the *Federal Circuit Court of
Australia Legislation Amendment Act 2012*, and for
other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Federal Circuit Court of Australia (Consequential Amendments) Act 2013

No. 13, 2013

An Act to deal with consequential matters in connection with the *Federal Circuit Court of Australia Legislation Amendment Act 2012*, and for other purposes

[Assented to 14 March 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Federal Circuit Court of Australia (Consequential Amendments) Act 2013*.

2 Commencement

- (1) Each provision of this Act 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 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	14 March 2013
2. Schedule 1	At the same time as item 1 of Schedule 1 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> commences.	
3. Schedule 2	Immediately after the commencement of the provision(s) covered by table item 2.	
4. Schedule 3, Part 1	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 1 of Schedule 6 to the <i>Intellectual Property Laws Amendment (Raising the Bar) Act 2012</i> .	
5. Schedule 3, item 43	Immediately after the commencement of item 9 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> . However, the provision(s) do not commence at all if item 9 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> commences at or before the time Schedule 1 to this Act commences.	Does not commence

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
6. Schedule 3, item 44	Immediately after the commencement of the provision(s) covered by table item 2. However, the provision(s) do not commence at all if item 9 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> does not commence at or before the time Schedule 1 to this Act commences.	
7. Schedule 3, items 45 and 46	Immediately after the commencement of the provision(s) covered by table item 2. However, the provision(s) do not commence at all if item 9 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> commences at or before the time Schedule 1 to this Act commences.	Does not commence
8. Schedule 3, item 47	Immediately after the commencement of item 2 of Schedule 3 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> . However, the provision(s) do not commence at all if item 2 of Schedule 3 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> commences before the time Schedule 1 to this Act commences.	
9. Schedule 3, items 48 to 53	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 7 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	

Schedule 1 Main amendments

Part 1 References to Federal Circuit Court

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
10. Schedule 3, items 54 to 61	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of item 9 of Schedule 3 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
11. Schedule 3, item 62	Immediately after the commencement of section 2 of the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	28 November 2012
12. Schedule 3, item 63	<p>Immediately after the commencement of item 3 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if item 3 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> commences before the time Schedule 1 to this Act commences.</p>	Does not commence
13. Schedule 3, item 64	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of item 3 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
14. Schedule 3, Part 3	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of section 3 of the <i>Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
15. Schedule 3, Part 4	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of Schedule 1 to the <i>Courts Legislation Amendment (Judicial Complaints) Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
16. Schedule 3, Part 5	<p>Immediately after the commencement of Schedule 1 to the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if Schedule 1 to the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> commences before the time Schedule 1 to this Act commences.</p>	

Schedule 1 Main amendments

Part 1 References to Federal Circuit Court

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
17. Schedule 3, Part 6	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of Part 1 of the <i>Regulatory Powers (Standard Provisions) Act 2013</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
18. Schedule 3, Part 7	<p>The later of:</p> <p>(a) immediately after the commencement of the provision(s) covered by table item 2; and</p> <p>(b) immediately after the commencement of section 7 of the <i>Illegal Logging Prohibition Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
19. Schedule 3, Part 8	<p>Immediately after the commencement of item 55 of Schedule 1 to the <i>Fair Work Amendment (Transfer of Business) Act 2012</i>.</p> <p>However, the provision(s) do not commence at all if item 55 of Schedule 1 to the <i>Fair Work Amendment (Transfer of Business) Act 2012</i> commences before the time Schedule 1 to this Act commences.</p>	Does not commence

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
20. Schedule 3, Part 9	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 24 of Schedule 1 to the <i>Migration Amendment (Reform of Employer Sanctions) Act 2013</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
21. Schedule 3, Part 10	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of section 5 of the <i>National Gambling Reform Act 2012</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
22. Schedule 4	At the same time as item 1 of Schedule 1 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> commences.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule

Schedule 1 Main amendments

Part 1 References to Federal Circuit Court

concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Acts Interpretation Act 1901

1 Section 2B (definition of *Magistrate*)

Omit “subsections 16C(2) and (3)”, substitute “subsection 16C(2)”.

2 Subsection 16C(3)

Repeal the subsection.

Administrative Appeals Tribunal Act 1975

3 Section 44AA (heading)

Repeal the heading, substitute:

44AA Transfer of appeals from Federal Court to Federal Circuit Court

4 Subsection 44AA(11) (heading)

Repeal the heading, substitute:

Federal Circuit Court may make findings of fact

5 Subsection 44A(2A)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge of the Federal Circuit Court of Australia”.

6 Paragraph 44A(3)(b)

Omit “Federal Magistrate”, substitute “Judge of that Court”.

7 Section 46 (heading)

Repeal the heading, substitute:

**46 Sending of documents to, and disclosure of documents by, the
Federal Court and the Federal Circuit Court**

Administrative Decisions (Judicial Review) Act 1977

8 Subsection 3(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of
Australia.

9 Subsection 3(1)

Insert:

Federal Circuit Court Rules means the Rules of Court made under
the *Federal Circuit Court of Australia Act 1999*.

10 Subsection 3(1) (definition of *Federal Magistrates Rules*)

Repeal the definition.

11 Subsection 3(10)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit
Court of Australia Act 1999*”.

12 Subsection 3(12)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit
Court of Australia Act 1999*”.

13 Section 8 (heading)

Repeal the heading, substitute:

8 Jurisdiction of Federal Court and Federal Circuit Court

14 Subparagraph 11(1)(a)(ii)

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

15 Subsection 11(2)

Repeal the subsection, substitute:

- (2) Any other application to the Federal Court or the Federal Circuit Court under this Act must be made as prescribed by:
- (a) in the case of an application to the Federal Court—Federal Court Rules; or
 - (b) in the case of an application to the Federal Circuit Court—Federal Circuit Court Rules.

16 Subsections 11(8A) and (9)

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

17 Section 15A (heading)

Repeal the heading, substitute:

15A Stay of proceedings—Federal Circuit Court

18 Subsection 15A(1)

Omit “Federal Magistrates Court” (first occurring), substitute “Federal Circuit Court of Australia”.

19 Paragraphs 15A(1)(a) and (b)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

20 Subsection 15A(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

21 Subsection 15A(3)

Repeal the subsection, substitute:

- (3) In this section:

the Federal Circuit Court of Australia or a Judge has the same meaning as in the *Federal Circuit Court of Australia Act 1999*.

22 Section 16 (heading)

Repeal the heading, substitute:

16 Powers of the Federal Court and the Federal Circuit Court in respect of applications for order of review

23 Paragraph (zf) of Schedule 1

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

24 Paragraph (zf) of Schedule 1

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Admiralty Act 1988

25 Subsection 3(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

Age Discrimination Act 2004

26 Schedule 1 (table item 26)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Antarctic Treaty (Environment Protection) Act 1980

27 Subsection 3(1) (paragraph (b) of the definition of Court)

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

Archives Act 1983

28 Paragraph 53(7)(a)

Omit “Federal Magistrate”, substitute “Judge”.

***Australian Charities and Not-for-profits Commission Act
2012***

29 Section 300-5 (definition of *issuing officer*)

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

30 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under Division 75 of the *Australian Charities and Not-for-profits Commission Act 2012* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Division.

Australian Crime Commission Act 2002

31 Subsection 4(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

32 Subsection 4(1) (after paragraph (a) of the definition of *issuing officer*)

Insert:

(aa) a Judge of the Federal Circuit Court; or

33 Subsection 4(1) (paragraph (b) of the definition of *issuing officer*)

Omit “Territory; or”, substitute “Territory.”.

34 Subsection 4(1) (paragraph (c) of the definition of *issuing officer*)

Repeal the paragraph.

35 Paragraph 55A(1)(c)

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

36 Subsection 55A(5B) (heading)

Repeal the heading, substitute:

Judge of the Federal Court or Judge of the Federal Circuit Court

37 Subsections 55A(5B) and (5C)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge of the Federal Circuit Court”.

38 Paragraphs 55A(8)(c) and (9)(c)

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

39 Subsection 55A(13) (definition of *Federal Magistrate*)

Repeal the definition.

40 Subsection 55A(13)

Insert:

Judge of the Federal Circuit Court means a Judge of the Federal Circuit Court in a personal capacity and not as a court or a member of a court.

41 Subsection 55C(2)

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

42 Subsection 55C(3) (definition of *Federal Magistrate*)

Repeal the definition.

43 Subsection 55C(3)

Insert:

Judge of the Federal Circuit Court means a Judge of the Federal Circuit Court in a personal capacity and not as a court or a member of a court.

44 Section 57

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

45 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under Division 1A of Part II of the *Australian Crime Commission Act 2002* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Division.

Australian Energy Market Act 2004

46 Subsection 11(1) (definition of *magistrate*)

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

47 Subsection 11H(1) (definition of *magistrate*)

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

Australian Human Rights Commission Act 1986

48 Subsection 3(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

49 Division 2 of Part IIB (heading)

Repeal the heading, substitute:

Division 2—Proceedings in the Federal Court and the Federal Circuit Court

50 Section 49B (heading)

Repeal the heading, substitute:

49B Jurisdiction of Federal Court and Federal Circuit Court

Australian Security Intelligence Organisation Act 1979

51 Section 34A (definition of *Federal Magistrate*)

Repeal the definition.

52 Subsection 34AB(1)

Repeal the subsection, substitute:

- (1) The Minister may, by writing, appoint as an issuing authority a person who is a Judge.

53 Saving provisions

- (1) An appointment that is in force immediately before the commencement of this item under section 34AB of the *Australian Security Intelligence Organisation Act 1979* continues in force, after that commencement, as:
 - (a) an appointment under section 34AB of that Act (as amended by this Act); and
 - (b) if the appointment is in respect of a Federal Magistrate—an appointment in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A consent that is in force immediately before the commencement of this item under subsection 34AB(2) of the *Australian Security Intelligence Organisation Act 1979* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate, as an issuing authority, under Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing authority, under that Division.

Bankruptcy Act 1966

54 Subsection 5(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

55 Subsection 5(1) (note at the end of the definition of *magistrate*)

Repeal the note.

56 Subsection 5(5)

Repeal the subsection.

57 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 129A(1) of the *Bankruptcy Act 1966* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A declaration that is in force immediately before the commencement of this item under subsection 129A(2) of the *Bankruptcy Act 1966* in respect of a Federal Magistrate continues in force, after that commencement, as a declaration in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate, as an eligible judge, under section 130 of the *Bankruptcy Act 1966* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an eligible judge, under that section.

Broadcasting Services Act 1992

58 Subsection 6(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

59 Paragraph 121FS(1)(b)

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

Building Energy Efficiency Disclosure Act 2010

60 Section 3 (paragraph (b) of the definition of Court)

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

Child Support (Assessment) Act 1989

61 Subsection 5(1)

Insert:

related Federal Circuit Court Rules has the same meaning as in the *Family Law Act 1975*.

62 Subsection 5(1) (definition of *related Federal Magistrates Rules*)

Repeal the definition.

63 Subsection 100(1)

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

64 Section 102 (heading)

Repeal the heading, substitute:

102 Appeals to Full Court of Family Court from courts other than the Federal Circuit Court and the Magistrates Court of Western Australia

65 Section 102A (heading)

Repeal the heading, substitute:

102A Appeals to Family Court from the Federal Circuit Court and the Magistrates Court of Western Australia

66 Paragraph 102A(1)(b)

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

67 Paragraphs 103(3)(a) and (c)

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

68 Subsection 103(4)

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

Child Support (Registration and Collection) Act 1988

69 Subsection 4(1)

Insert:

related Federal Circuit Court Rules has the same meaning as in the *Family Law Act 1975*.

70 Subsection 4(1) (definition of *related Federal Magistrates Rules*)

Repeal the definition.

71 Subsection 105(1)

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

72 Section 107 (heading)

Repeal the heading, substitute:

107 Appeals to Family Court from courts other than the Federal Circuit Court and the Magistrates Court of Western Australia

73 Section 107A (heading)

Repeal the heading, substitute:

107A Appeals to Family Court from the Federal Circuit Court and the Magistrates Court of Western Australia

74 Paragraph 107A(1)(b)

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

75 Paragraphs 108(3)(a) and (c)

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

76 Subsection 108(4)

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

77 Paragraph 110E(b)

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

78 Paragraph 110J(b)

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

Civil Dispute Resolution Act 2011

79 Section 5 (paragraph (b) of the definition of *eligible court*)

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

80 Subsections 12(1) and (2)

Omit “, Federal Magistrate”.

81 Section 18

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Coal Mining Industry (Long Service Leave) Administration Act 1992

82 Subsection 4(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

83 Section 52C (heading)

Repeal the heading, substitute:

52C Conferral of jurisdiction on the Federal Court and the Federal Circuit Court

84 Paragraphs 52C(3)(b) and (c)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Coastal Trading (Revitalising Australian Shipping) Act 2012

85 Subsection 6(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

86 Subsection 86(1)

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

Competition and Consumer Act 2010

87 Subsection 4(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

88 Section 86AA (heading)

Repeal the heading, substitute:

86AA Limit on jurisdiction of Federal Circuit Court

89 Section 86AA (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

90 Section 138A (heading)

Repeal the heading, substitute:

138A Conferring jurisdiction on the Federal Circuit Court

91 Subsection 151AQA(4)

Omit “Federal Magistrate” (first occurring), substitute “Judge of the Federal Circuit Court”.

92 Subsection 151AQA(4)

Omit “Federal Magistrate” (last occurring), substitute “Judge”.

Copyright Act 1968

93 Section 131D (heading)

Repeal the heading, substitute:

131D Jurisdiction of Federal Circuit Court of Australia

94 Section 135AS (heading)

Repeal the heading, substitute:

135AS Jurisdiction of Federal Circuit Court of Australia

95 Section 248MA (heading)

Repeal the heading, substitute:

248MA Jurisdiction of Federal Circuit Court

Crimes Act 1914

96 Section 3ZQL (heading)

Repeal the heading, substitute:

3ZQL Definition

97 Section 3ZQL (definition of *Federal Magistrate*)

Repeal the definition.

98 Subsection 3ZQO(1)

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

99 Subsections 3ZQO(2) and (3)

Omit “Magistrate” (wherever occurring), substitute “Judge”.

100 Section 3ZQQ (heading)

Repeal the heading, substitute:

3ZQQ Powers conferred on Federal Circuit Court Judges in their personal capacity

101 Subsection 3ZQQ(1)

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

102 Subsection 3ZQQ(1)

Omit “the Magistrate”, substitute “the Judge”.

103 Subsection 3ZQQ(2)

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

104 Subsection 3ZQQ(3)

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

105 Subsection 3ZQQ(3)

Omit “the Magistrate”, substitute “the Judge”.

106 Paragraph 4AAA(1)(ab)

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

107 Subsections 4AAA(2) and (3A)

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

108 Saving provision

A thing done by, or in relation to, a Federal Magistrate under section 3ZQO of the *Crimes Act 1914* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia under that section.

Crimes (Superannuation Benefits) Act 1989

109 Paragraph 7(2)(b)

Omit “(other than the Federal Magistrates Court)”.

110 Paragraph 7(2)(ba)

Repeal the paragraph.

Criminal Code Act 1995

110A Subsection 100.1(1) of the *Criminal Code* (paragraph (c) of the definition of *issuing court*)

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

110B Paragraph 105.2(1)(c) of the *Criminal Code*

Repeal the paragraph.

110C Subsection 105.11(1) of the *Criminal Code* (note)

Omit “Federal Magistrates,”.

110D Section 105.12 of the *Criminal Code* (heading)

Repeal the heading, substitute:

105.12 Judge, AAT member or retired judge may make continued preventative detention order

110E Subsection 105.12(1) of the *Criminal Code* (note)

Omit “Federal Magistrates,”.

110F Subsection 105.18(2) of the *Criminal Code*

Omit “, a Federal Magistrate”.

110G Subsection 105.18(2) of the *Criminal Code*

Omit “, Federal Magistrate”.

110H Subsections 105.43(4), (5) and (7) of the *Criminal Code*

Omit “Federal Magistrate” (wherever occurring), substitute “Judge of the Federal Circuit Court of Australia”.

110J Section 105.46 of the *Criminal Code* (heading)

Repeal the heading, substitute:

105.46 Nature of functions of Federal Circuit Court Judge

110K Section 105.46 of the *Criminal Code*

Omit “Federal Magistrate” (wherever occurring), substitute “Judge of the Federal Circuit Court of Australia”.

110L Subsection 105.46(3) of the *Criminal Code*

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

110M At the end of Division 106 of the *Criminal Code*

Add:

106.4 Saving—Federal Magistrates

- (1) An appointment that is in force immediately before the commencement of this section under subsection 105.2(1) in respect of a Federal Magistrate continues in force, after that commencement, as an appointment in respect of a Judge of the Federal Circuit Court of Australia under that subsection.

- (2) A consent that is in force immediately before the commencement of this section under subsection 105.2(2) in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate, as an issuing authority for continued preventative detention orders, under Division 105 before the commencement of this section has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing authority for continued preventative detention orders, under that Division.

111 Dictionary in the *Criminal Code* (paragraph (b) of the definition of *Commonwealth judicial officer*)

Omit “(other than the Federal Magistrates Court)”.

112 Dictionary in the *Criminal Code* (paragraph (c) of the definition of *Commonwealth judicial officer*)

Repeal the paragraph.

Do Not Call Register Act 2006

113 Section 4

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

114 Section 38 (heading)

Repeal the heading, substitute:

38 Other powers of the Federal Court or the Federal Circuit Court unaffected

115 Paragraph 7(c) of Schedule 3

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

Education Services for Overseas Students Act 2000

116 Subsection 110B(1)

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

Extradition Act 1988

117 Section 5

Insert:

eligible Federal Circuit Court Judge means a Judge of the Federal Circuit Court of Australia in relation to whom a consent under subsection 45A(1) and a nomination under subsection 45A(2) are in force.

118 Section 5 (definition of *Federal Magistrate*)

Repeal the definition.

119 Section 5 (paragraph (aa) of the definition of *magistrate*)

Repeal the paragraph.

120 Subsection 11(6)

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

121 Paragraph 12(1)(a)

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

122 Paragraph 12(1)(b)

After “magistrate”, insert “or Judge”.

123 Subsection 12(1)

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

124 Subsection 12(2)

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

125 Subsection 12(3)

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

126 Subsection 14(1)

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

127 Subsection 14(1)

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

128 Subsection 14(2)

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

129 Section 15

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

130 Paragraph 15A(2)(b)

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

131 Subsection 15A(3) (heading)

Repeal the heading, substitute:

Person may inform a magistrate or Judge that he or she wishes to waive extradition

132 Subsection 15A(3)

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

133 Subsection 15A(4) (heading)

Repeal the heading, substitute:

Magistrate or Judge must make order etc. if satisfied of matters

134 Subsection 15A(4)

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

135 Subsection 15A(4)

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

136 Subsection 15A(5)

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

137 Paragraph 15A(5)(a)

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

138 At the end of paragraph 15A(5)(d)

Add “or Judge”.

139 Subsection 15A(6) (heading)

Repeal the heading, substitute:

Rules that apply until magistrate or Judge decides not to make an order

140 Subsection 15A(6)

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

141 Subsection 15A(7) (heading)

Repeal the heading, substitute:

Magistrate or Judge must advise Attorney-General if not satisfied of matters

142 Subsection 15A(7)

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

143 Subsection 15A(7)

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

144 Subsections 15B(1) and (4)

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

145 Subsection 16(1)

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

146 Paragraph 16A(2)(b)

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

147 At the end of subsection 16A(3)

Add “or eligible Federal Circuit Court Judge”.

148 Subsection 17(1)

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

149 At the end of subsection 17(2)

Add “or eligible Federal Circuit Court Judge”.

150 Subsection 17(2A)

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

151 Subsections 17(3), (4) and (5)

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

152 Paragraph 17(5)(c)

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

153 Paragraph 17(5)(d)

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

154 Paragraph 17(5)(d)

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

155 Subsection 18(1)

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

156 Subsections 18(1A) and (2)

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

157 Subsection 18(3)

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

158 Subsection 18(4)

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

159 Subsection 18(4)

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

160 Paragraph 19(1)(c)

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

161 Subsections 19(1), (2), (4), (4A), (5) and (9)

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

162 Subsection 19(9A)

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

163 Subsection 19(10)

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

164 Paragraph 19(10)(b)

After “magistrate’s”, insert “or Judge’s”.

165 Subparagraph 19A(1)(b)(ii)

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

166 Subsections 19A(2) and (3)

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

167 Subsection 19A(4) (heading)

Repeal the heading, substitute:

Magistrate or Judge to advise Attorney-General of consent

168 Subsection 19A(4)

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

169 Subparagraph 20(1)(a)(ii)

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

170 Subsections 20(1) and (2)

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

171 Section 21 (heading)

Repeal the heading, substitute:

21 Review of magistrate's or Judge's order

172 Subsection 21(1)

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

173 Subsection 21(1)

After "the magistrate", insert "or Judge".

174 Paragraph 21(2)(a)

After "the magistrate", insert "or Judge".

175 Paragraph 21(6)(d)

After "the magistrate", insert "or Judge".

176 Subsection 22(1) (paragraph (a) of the definition of *eligible person*)

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

177 Subsection 22(1) (subparagraph (b)(i) of the definition of *qualifying extradition offence*)

Omit "referred to in that paragraph", substitute "or Judge who made the order under subsection 19(9)".

178 Paragraphs 22(5)(a) and (b)

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

179 Paragraph 26(1)(ca)

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

180 Paragraph 28(a)

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

181 Section 28

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

182 Paragraph 29(a)

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

183 Section 29

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

184 Subsection 31(1)

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

185 Subsection 31(1)

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

186 Subsection 31(2)

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

187 Section 32

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

188 Paragraph 33(c)

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

189 Section 33

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

190 Subsections 33A(1) and (2)

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

191 Paragraph 34(1)(b)

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

192 Subsections 34(1) and (2)

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

193 Subsections 34(3) and (4)

After “magistrate”, insert “or Judge”.

194 Section 35 (heading)

Repeal the heading, substitute:

35 Review of magistrate’s or Judge’s order

195 Subsection 35(1)

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

196 Subsection 35(1)

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

197 Paragraphs 35(2)(a) and (b)

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

198 Paragraph 35(2)(b)

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

199 Paragraph 35(6)(d)

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

200 Subsection 38(3)

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

201 Subsection 43(1)

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

202 Subsection 43(2)

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

203 Subsection 43(2)

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

204 Subsection 43(3)

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

205 Paragraph 45(1)(a)

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

206 Section 45A (heading)

Repeal the heading, substitute:

45A Federal Circuit Court Judges—consent to nomination

207 Subsections 45A(1) and (2)

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

208 Subsection 45A(2)

Omit “a magistrate”, substitute “an eligible Federal Circuit Court Judge”.

209 Section 45B (heading)

Repeal the heading, substitute:

45B Magistrates and Federal Circuit Court Judges—personal capacity

210 Subsection 45B(1)

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

211 Subsection 45B(1)

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

212 Subsection 45B(2)

Omit “(other than a Federal Magistrate)”.

213 Subsection 45B(3)

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

214 Subsection 45B(3)

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

215 Section 46A (heading)

Repeal the heading, substitute:

46A Giving notices to magistrates or Judges etc.

216 Paragraphs 46A(1)(a) and (b)

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

217 Subsection 46A(2) (heading)

Repeal the heading, substitute:

Giving the notice to a magistrate or Judge

218 Subsection 46A(2)

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

219 Paragraph 46A(3)(a)

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

220 Paragraph 46A(3)(a)

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

221 Paragraph 46A(3)(b)

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

222 Paragraph 46A(3)(c)

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

223 At the end of paragraph 46A(3)(c)

Add “or Judge”.

224 Subparagraph 48(1)(b)(iii)

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

225 Subparagraph 48(1)(b)(iii)

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

226 Subparagraph 48(1)(b)(iv)

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

227 At the end of subsection 49(2)

Add “or eligible Federal Circuit Court Judge”.

228 Subsection 49(3)

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

229 Section 49B (heading)

Repeal the heading, substitute:

49B Orders for bail to be on terms and conditions court, magistrate or Judge thinks fit

230 Section 49B

Omit “or a magistrate”, substitute “, magistrate or eligible Federal Circuit Court Judge”.

231 Section 49B

Omit “or magistrate”, substitute “, magistrate or Judge”.

232 Paragraph 55(c)

After “magistrates” (wherever occurring), insert “or eligible Federal Circuit Court Judges”.

233 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 45A(1) of the *Extradition Act 1988* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A nomination that is in force immediately before the commencement of this item under subsection 45A(2) of the *Extradition Act 1988* in respect of a Federal Magistrate continues in force, after that commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate under the *Extradition Act 1988* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, an eligible Federal Circuit Court Judge under that Act.

Fair Work Act 2009

234 Section 12

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

235 Subsection 545(1) (heading)

Repeal the heading, substitute:

Federal Court and Federal Circuit Court

236 Division 3 of Part 4-2 (heading)

Repeal the heading, substitute:

Division 3—Jurisdiction and powers of the Federal Circuit Court

237 Section 566 (heading)

Repeal the heading, substitute:

566 Conferring jurisdiction on the Federal Circuit Court

238 Section 567 (heading)

Repeal the heading, substitute:

567 Exercising jurisdiction in the Fair Work Division of the Federal Circuit Court

239 Paragraphs 567(b) and (c)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

240 Section 568 (heading)

Repeal the heading, substitute:

568 No limitation on Federal Circuit Court’s powers

241 Section 568

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

242 Section 568

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

243 Paragraph 576(2)(ca)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

244 After subsection 627(1)

Insert:

(1A) Paragraph (1)(a) does not apply to a person who is a Judge of the Federal Circuit Court.

245 After subsection 627(2)

Insert:

(2A) Subparagraph (2)(a)(i) does not apply to a person who is a Judge of the Federal Circuit Court.

246 Section 653A (heading)

Repeal the heading, substitute:

653A Arrangements with the Federal Court and the Federal Circuit Court

Fair Work (Building Industry) Act 2012

247 Subsection 4(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

Fair Work (Registered Organisations) Act 2009

248 Section 6

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

249 Section 353A (heading)

Repeal the heading, substitute:

353A Representation in proceedings in the Fair Work Division of the Federal Court and Federal Circuit Court

250 Subsection 353A(1)

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

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009

251 Subitem 16(1) of Schedule 16 (table)

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

252 Item 17 of Schedule 16

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

253 Paragraphs 22(f), (g) and (h) of Schedule 17

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

254 Item 25 of Schedule 17 (heading)

Repeal the heading, substitute:

25 Conferring jurisdiction on the Federal Circuit Court

255 Item 25 of Schedule 17

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

256 Item 26 of Schedule 17 (heading)

Repeal the heading, substitute:

26 Exercising jurisdiction in the Fair Work Division of the Federal Circuit Court

257 Item 26 of Schedule 17

Omit “Federal Magistrates Court” (first and second occurring), substitute “Federal Circuit Court”.

258 Paragraph 26(a) of Schedule 17

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

259 Paragraphs 26(b) and (c) of Schedule 17

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

260 Paragraphs 26(d) and (e) of Schedule 17

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

261 Item 27 of Schedule 17 (heading)

Repeal the heading, substitute:

27 No limitation on Federal Circuit Court’s powers

262 Item 27 of Schedule 17

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

263 Item 27 of Schedule 17

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Family Law Act 1975

264 Subsection 4(1)

Omit “related Federal Magistrates Rules” (first occurring), substitute “related Federal Circuit Court Rules”.

265 Subsection 4(1) (paragraph (a) of the definition of *applicable Rules of Court*)

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

266 Subsection 4(1)

Insert:

related Federal Circuit Court Rules means the Rules of Court made under the *Federal Circuit Court of Australia Act 1999* to the extent to which they relate to this Act.

267 Subsection 4(1) (definition of *related Federal Magistrates Rules*)

Repeal the definition.

268 Subsection 4(1) (definition of *warrant issued under a provision of this Act*)

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

269 Subsections 4(1A), (2) and (2A)

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

270 Paragraphs 4(3)(b), (d) and (f)

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

271 Paragraph 10C(1)(d)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

272 Paragraph 10G(1)(d)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

273 Paragraph 11B(b)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

274 Section 11B (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

275 Section 13G (heading)

Repeal the heading, substitute:

13G Family Court and Federal Circuit Court may determine questions of law referred by arbitrator

276 Section 13J (heading)

Repeal the heading, substitute:

13J Family Court or Federal Circuit Court can review registered awards

277 Section 13K (heading)

Repeal the heading, substitute:

13K Family Court and Federal Circuit Court may set aside registered awards

278 Section 33A (heading)

Repeal the heading, substitute:

33A Proceedings not to be instituted in the Family Court if an associated matter is before the Federal Circuit Court

279 Section 33B (heading)

Repeal the heading, substitute:

33B Discretionary transfer of proceedings to the Federal Circuit Court

280 Section 33C (heading)

Repeal the heading, substitute:

33C Mandatory transfer of proceedings to the Federal Circuit Court

281 Paragraph 33C(8)(b)

Omit “*Legislative Instruments Act 1999*”, substitute “*Legislative Instruments Act 2003*”.

282 Subparagraph 39(6)(d)(iv)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

283 Section 40A (heading)

Repeal the heading, substitute:

40A Exercise of jurisdiction of Federal Circuit Court in certain States and Territories

284 Subsection 45(2) (note 2)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

285 Subsection 60F(5) (paragraph (b) of the definition of *this Act*)

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

286 Subsection 60H(6) (paragraph (b) of the definition of *this Act*)

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

287 Subsection 60HA(4) (paragraph (b) of the definition of *this Act*)

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

288 Subsection 60HB(2) (paragraph (b) of the definition of *this Act*)

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

289 Subsection 64B(9) (paragraph (b) of the definition of *this Act*)

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

290 Subsection 65D(3) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

291 Section 69H (heading)

Repeal the heading, substitute:

69H Jurisdiction of Family Court, State Family Courts, Northern Territory Supreme Court and Federal Circuit Court

292 Section 69ZO

Omit “, Federal Magistrate”.

293 Subsection 69ZR(3)

Omit “, Federal Magistrate”.

294 Subsection 70NECA(2)

Omit “, Federal Magistrate”.

295 Subsection 70NFF(2)

Omit “, Federal Magistrate”.

296 Section 94 (heading)

Repeal the heading, substitute:

94 Appeals to Family Court from courts other than Federal Circuit Court and Magistrates Court of Western Australia

297 Section 94AAA (heading)

Repeal the heading, substitute:

94AAA Appeals to Family Court from Federal Circuit Court and Magistrates Court of Western Australia

298 Paragraph 94AAA(1)(b)

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

299 Paragraphs 94A(3)(a) and (c)

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

300 Subsection 94A(4)

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

301 Subsection 97(1A)

Omit “, Federal Magistrate”.

302 Subsection 98(2) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

303 Section 109B (heading)

Repeal the heading, substitute:

109B Rules of Court relating to enforcement—Federal Circuit Court

304 Subsection 109B(1)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

305 Section 112AA (paragraph (a) of the definition of *applicable Rules of Court*)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

306 Subsection 112AH(2)

Omit “, Federal Magistrate”.

307 Subsection 115(11)

Repeal the subsection.

Family Law Amendment (Validation of Certain Orders and Other Measures) Act 2012

308 At the end of Part 1 of Schedule 1

Add:

6A Effect of change of name of Federal Magistrates Court

To the extent that this Part applies after the commencement of Schedule 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012*:

- (a) a reference in this Part to the *Federal Magistrates Act 1999* is taken to include a reference to the *Federal Circuit Court of Australia Act 1999*; and
- (b) a reference in this Part to the Federal Magistrates Court is taken to include a reference to the Federal Circuit Court of Australia.

309 At the end of Part 2 of Schedule 1

Add:

13 Effect of change of name of Federal Magistrates Court

To the extent that this Part applies after the commencement of Schedule 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012*:

- (a) a reference in this Part to the *Federal Magistrates Act 1999* is taken to include a reference to the *Federal Circuit Court of Australia Act 1999*; and
- (b) a reference in this Part to the Federal Magistrates Court is taken to include a reference to the Federal Circuit Court of Australia.

Family Law Amendment (Validation of Certain Parenting Orders and Other Measures) Act 2010

310 At the end of Schedule 1

Add:

11 Effect of change of name of Federal Magistrates Court

To the extent that this Schedule applies after the commencement of Schedule 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012*:

- (a) a reference in this Schedule to the *Federal Magistrates Act 1999* is taken to include a reference to the *Federal Circuit Court of Australia Act 1999*; and
- (b) a reference in this Schedule to a Federal Magistrate is taken to include a reference to a Judge of the Federal Circuit Court of Australia; and
- (c) a reference in this Schedule to the Federal Magistrates Court is taken to include a reference to the Federal Circuit Court of Australia.

Federal Court of Australia Act 1976

311 Section 4

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

312 Section 32AA (heading)

Repeal the heading, substitute:

32AA Proceedings not to be instituted in the Court if an associated matter is before the Federal Circuit Court

313 Section 32AB (heading)

Repeal the heading, substitute:

32AB Discretionary transfer of civil proceedings to the Federal Circuit Court

Federal Proceedings (Costs) Act 1981

314 Subsection 3(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

Foreign Evidence Act 1994

315 Division 2 of Part 2 (heading)

Repeal the heading, substitute:

**Division 2—Proceedings in the Federal Circuit Court of
Australia and inferior courts**

316 Section 9A (heading)

Repeal the heading, substitute:

9A Orders for taking evidence abroad—Federal Circuit Court

317 Paragraph 12(2)(a)

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

Freedom of Information Act 1982

318 Paragraph 64(8)(a)

Omit “Federal Magistrate”, substitute “Judge”.

Greenhouse and Energy Minimum Standards Act 2012

319 Section 5 (paragraph (b) of the definition of *issuing officer*)

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

320 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under the *Greenhouse and Energy Minimum Standards Act 2012* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Act.

Independent Contractors Act 2006

321 Subsection 12(1) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

322 Subsection 15(4) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Law Enforcement Integrity Commissioner Act 2006

323 Subsection 5(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

324 Subsection 5(1) (after subparagraph (a)(i) of the definition of *issuing officer*)

Insert:

(ia) a Judge of the Federal Circuit Court of Australia sitting in Chambers; or

325 Subsection 5(1) (subparagraph (a)(iii) of the definition of *issuing officer*)

Repeal the subparagraph.

326 Paragraph 109(7)(b)

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

327 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under the *Law Enforcement Integrity Commissioner Act 2006* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Act.

Marriage Act 1961

328 Subsection 5(1) (paragraph (a) of the definition of *Judge*)

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

329 Subsection 9A(1)

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

330 Subsection 92(1)

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

Migration Act 1958

331 Subsection 5(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

332 Section 91X (heading)

Repeal the heading, substitute:

91X Names of applicants for protection visas not to be published by the High Court, Federal Court or Federal Circuit Court

333 Section 476 (heading)

Repeal the heading, substitute:

476 Jurisdiction of the Federal Circuit Court

334 Paragraph 476A(1)(a)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

335 Section 477 (heading)

Repeal the heading, substitute:

477 Time limits on applications to the Federal Circuit Court

336 Section 484 (heading)

Repeal the heading, substitute:

484 Exclusive jurisdiction of High Court, Federal Court and Federal Circuit Court

337 Section 486C (heading)

Repeal the heading, substitute:

486C Persons who may commence or continue proceedings in the Federal Circuit Court or the Federal Court

338 Subsection 486C(3)

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

339 Subsection 486C(3A)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

340 Paragraph 500(6)(d)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge of that Court”.

341 Section 503B (heading)

Repeal the heading, substitute:

503B Protection of confidential information disclosed to Federal Court or Federal Circuit Court—permanent non-disclosure orders

342 Subsection 503B(2)

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

343 Subsection 503B(4)

After “single Judge”, insert “of that Court”.

344 Subsection 503B(4)

Omit “Federal Magistrates Court under this section are to be exercised by a single Federal Magistrate”, substitute “Federal Circuit Court under this section are to be exercised by a single Judge of that Court”.

345 Subsection 503B(14) (table item 1)

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

346 Section 503C (heading)

Repeal the heading, substitute:

503C Protection of confidential information disclosed to Federal Court or Federal Circuit Court—interim non-disclosure orders

347 Paragraph 503C(3)(c)

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

348 Subsection 503C(4)

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

349 Subsection 503C(6)

After “single Judge”, insert “of that Court”.

350 Subsection 503C(6)

Omit “Federal Magistrates Court under this section are to be exercised by a single Federal Magistrate”, substitute “Federal Circuit Court under this section are to be exercised by a single Judge of that Court”.

Mutual Assistance in Criminal Matters Act 1987

351 Subsection 3(1)

Insert:

eligible Federal Circuit Court Judge means a Judge of the Federal Circuit Court of Australia in relation to whom a consent under

subsection 38ZC(1) and a nomination under subsection 38ZC(2) are in force.

352 Subsection 3(1) (paragraph (a) of the definition of *executing officer*)

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

353 Subsection 3(1) (definition of *Federal Magistrate*)

Repeal the definition.

354 Subsection 3(1) (paragraph (aa) of the definition of *Magistrate*)

Repeal the paragraph.

355 Paragraph 13(2)(a)

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

356 Subparagraphs 13(2)(a)(i) and (vi)

After “Magistrate”, insert “or Judge”.

357 Paragraph 13(2)(b)

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

358 Paragraph 13(2)(b)

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

359 Subsection 13(2A)

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

360 Subsection 13(2B)

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

361 Subsection 13(2B)

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

362 Subsection 13(2C)

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

363 Subsection 13(2C)

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

364 Subsection 13(2D)

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

365 Subsection 13(2D)

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

366 Subsection 13(4)

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

367 Paragraph 13(4)(b)

After “Magistrate”, insert “or Judge”.

368 At the end of subsection 13(4)

Add “or Judge”.

369 Subsection 13(4A)

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

370 Paragraph 13(4B)(a)

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

371 Subsection 13(5)

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

372 Subsection 13AA(1)

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

373 Subsection 13AA(2)

Omit “If the Magistrate is a Federal Magistrate”, substitute “In the case of an eligible Federal Circuit Court Judge”.

374 Subsection 13AA(2)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

375 Subsection 13AA(2)

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

376 Paragraphs 13AB(1)(a) and (b)

Omit “a Federal Magistrate”, substitute “an eligible Federal Circuit Court Judge”.

377 Paragraphs 13AB(1)(c) and (d)

Omit “(other than a Federal Magistrate)”.

378 Section 15

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

379 At the end of subsection 25(2)

Add “or eligible Federal Circuit Court Judge”.

380 Subsection 25(3)

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

381 At the end of subsection 31(2)

Add “or eligible Federal Circuit Court Judge”.

382 Subsection 31(3)

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

383 Subsection 38C(1)

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

384 Subsection 38C(1)

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

385 Subsection 38C(2)

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

386 Subsection 38C(2)

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

387 Subsection 38C(8)

Repeal the subsection.

388 Subsection 38D(1)

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

389 Subsection 38D(1)

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

390 Subsections 38D(3) and (4)

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

391 Subsection 38H(1)

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

392 Subsections 38H(2) and (3)

After “Magistrate”, insert “or Judge”.

393 Subsection 38H(4)

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

394 Subsection 38H(4)

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

395 Subsection 38I(1)

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

396 Subsection 38I(1)

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

397 Subsections 38I(2), (3), (4) and (5)

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

398 Subsection 38K(5)

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

399 Subsection 38N(7)

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

400 Paragraph 38Z(a)

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

401 Paragraph 38Z(a)

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

402 Paragraph 38Z(b)

After “Magistrate”, insert “or Judge”.

403 Subparagraphs 38Z(c)(i) and (ii)

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

404 Paragraph 38Z(d)

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

405 Paragraph 38ZB(1)(a)

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

406 At the end of subsection 38ZB(2)

Add “or eligible Federal Circuit Court Judge”.

407 Section 38ZC (heading)

Repeal the heading, substitute:

38ZC Federal Circuit Court Judges—consent to nomination

408 Subsections 38ZC(1) and (2)

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

409 Subsection 38ZC(2)

Omit “a Magistrate”, substitute “an eligible Federal Circuit Court Judge”.

410 Section 38ZD (heading)

Repeal the heading, substitute:

38ZD Magistrates and Federal Circuit Court Judges—personal capacity

411 Subsection 38ZD(1)

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

412 Subsection 38ZD(1)

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

413 Subsection 38ZD(2)

Omit “(other than a Federal Magistrate)”.

414 Subsection 38ZD(3)

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

415 Subsection 38ZD(3)

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

416 Paragraph 44(c)

After “Magistrates” (wherever occurring), insert “or eligible Federal Circuit Court Judges”.

417 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 38ZC(1) of the *Mutual Assistance in Criminal Matters Act 1987* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A nomination that is in force immediately before the commencement of this item under subsection 38ZC(2) of the *Mutual Assistance in Criminal Matters Act 1987* in respect of a Federal Magistrate continues in force, after that commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate under the *Mutual Assistance in Criminal Matters Act 1987* before the commencement of this item has effect, after that commencement, as if it

had been done by, or in relation to, an eligible Federal Circuit Court Judge under that Act.

National Consumer Credit Protection Act 2009

418 Subsection 5(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

419 Subsection 191(2) (note 2)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

National Greenhouse and Energy Reporting Act 2007

420 Section 7 (paragraph (b) of the definition of court)

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

National Measurement Act 1960

421 Section 19K (heading)

Repeal the heading, substitute:

19K Jurisdiction of the Federal Court of Australia and the Federal Circuit Court of Australia

National Vocational Education and Training Regulator Act 2011

422 Section 3 (paragraph (b) of the definition of enforcement warrant)

Omit “a magistrate”, substitute “an issuing officer”.

423 Section 3

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

424 Section 3 (definition of *Federal Magistrate*)

Repeal the definition.

425 Section 3

Insert:

issuing officer means:

- (a) a magistrate; or
- (b) a Judge of the Federal Circuit Court in relation to whom a consent under subsection 91(1) and a nomination under subsection 91(2) are in force.

426 Section 3 (definition of *magistrate*)

Repeal the definition.

427 Subsection 67(6)

Omit “a magistrate”, substitute “an issuing officer”.

428 Paragraph 74(2)(a)

Omit “magistrate”, substitute “issuing officer”.

429 Subparagraph 75(c)(i)

Omit “magistrate”, substitute “issuing officer”.

430 Subsection 76(6)

Omit “a magistrate”, substitute “an issuing officer”.

431 Section 83 (heading)

Repeal the heading, substitute:

83 Issuing officer may permit a thing to be retained

432 Subsection 83(1)

Omit “a magistrate” (wherever occurring), substitute “an issuing officer”.

433 Subsection 83(2)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

434 Subsection 85(1)

Omit “a magistrate”, substitute “an issuing officer”.

435 Subsections 85(2) and (3)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

436 Subsection 86(1)

Omit “a magistrate”, substitute “an issuing officer”.

437 Subsections 86(2) and (3)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

438 Subsection 87(1)

Omit “a magistrate”, substitute “an issuing officer”.

439 Subsections 87(2), (4), (5) and (6)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

440 Subsection 87(7) (heading)

Repeal the heading, substitute:

Completed form of warrant to be given to issuing officer

441 Subsections 87(7), (8), (9) and (10)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

442 Paragraph 88(a)

Omit “a magistrate”, substitute “an issuing officer”.

443 Paragraph 88(a)

Omit “that magistrate”, substitute “that issuing officer”.

444 Paragraph 88(b)

Omit “magistrate”, substitute “issuing officer”.

445 Paragraphs 88(c) and (d)

Omit “a magistrate” (wherever occurring), substitute “an issuing officer”.

446 Subdivision G of Division 2 of Part 5 (heading)

Repeal the heading, substitute:

Subdivision G—Powers of issuing officers

447 Section 91 (heading)

Repeal the heading, substitute:

91 Federal Circuit Court Judges—consent to nomination

448 Subsections 91(1) and (2)

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

449 Subsection 91(2)

Omit “a magistrate”, substitute “an issuing officer”.

450 Section 92 (heading)

Repeal the heading, substitute:

92 Issuing officers—personal capacity

451 Subsection 92(1)

Omit “a magistrate”, substitute “an issuing officer”.

452 Subsection 92(1)

Omit “the magistrate”, substitute “the issuing officer”.

453 Subsection 92(2)

Omit “magistrate”, substitute “issuing officer”.

454 Subsection 92(2)

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

455 Subsection 92(3)

Omit “A magistrate”, substitute “An issuing officer”.

456 Paragraphs 92(3)(a) and (b)

Omit “magistrate”, substitute “issuing officer”.

457 Section 137 (heading)

Repeal the heading, substitute:

137 Federal Court or Federal Circuit Court may impose pecuniary penalty

458 Section 154 (heading)

Repeal the heading, substitute:

154 Other powers of the Federal Court or Federal Circuit Court unaffected

459 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 91(1) of the *National Vocational Education and Training Regulator Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A nomination that is in force immediately before the commencement of this item under subsection 91(2) of the *National Vocational Education and Training Regulator Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a magistrate under Division 2 of Part 5 of the *National Vocational Education and Training Regulator Act 2011* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, an issuing officer under that Division.

Ombudsman Act 1976

460 Subsection 3(1) (paragraph (ca) of the definition of *chief executive officer of a court or tribunal*)

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

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

461 Section 7 (paragraph (b) of the definition of *designated court*)

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

462 Section 7

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

Paid Parental Leave Act 2010

463 Section 6

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

464 Section 301 (heading)

Repeal the heading, substitute:

301 Jurisdiction of Federal Circuit Court

Personally Controlled Electronic Health Records Act 2012

465 Section 5 (paragraph (b) of the definition of *Court*)

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

Personal Property Securities Act 2009

466 Section 10

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

467 Subsection 210(2) (paragraph (c) of note 2)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Privacy Act 1988

468 Subsection 6(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

469 Section 55A (heading)

Repeal the heading, substitute:

55A Proceedings in the Federal Court or Federal Circuit Court to enforce a determination

Product Stewardship Act 2011

470 Section 6 (definition of *Federal Magistrate*)

Repeal the definition.

471 Section 6

Insert:

issuing officer means:

- (a) a magistrate; or
- (b) a Judge of the Federal Circuit Court of Australia in respect of whom a consent under subsection 87(1) and a nomination under subsection 87(2) are in force.

472 Section 6 (definition of *magistrate*)

Repeal the definition.

473 Subsection 76(2)

Omit “magistrate”, substitute “issuing officer”.

474 Section 82 (heading)

Repeal the heading, substitute:

82 Issuing officer may permit a thing to be retained

475 Subsection 82(1)

Omit “a magistrate” (wherever occurring), substitute “an issuing officer”.

476 Subsection 82(2)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

477 Subsection 84(1)

Omit “a magistrate”, substitute “an issuing officer”.

478 Subsections 84(2) and (3)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

479 Subsection 85(1)

Omit “a magistrate”, substitute “an issuing officer”.

480 Subsections 85(2) and (5)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

481 Subsection 85(6) (heading)

Repeal the heading, substitute:

Obligations of issuing officer and inspector once warrant issued

482 Subsections 85(6) to (10)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

483 Paragraph 86(b)

Omit “magistrate”, substitute “issuing officer”.

484 Subdivision E of Division 2 of Part 6 (heading)

Repeal the heading, substitute:

Subdivision E—Powers of issuing officers

485 Section 87 (heading)

Repeal the heading, substitute:

87 Federal Circuit Court Judges—consent to nomination

486 Subsections 87(1) and (2)

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

487 Subsection 87(2)

Omit “a magistrate”, substitute “an issuing officer”.

488 Section 88 (heading)

Repeal the heading, substitute:

88 Powers of issuing officers

489 Subsection 88(1)

Omit “a magistrate”, substitute “an issuing officer”.

490 Subsection 88(1)

Omit “the magistrate”, substitute “the issuing officer”.

491 Subsection 88(2)

Omit “magistrate”, substitute “issuing officer”.

492 Subsection 88(2)

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

493 Subsection 88(3)

Omit “A magistrate”, substitute “An issuing officer”.

494 Paragraphs 88(3)(a) and (b)

Omit “magistrate”, substitute “issuing officer”.

495 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 87(1) of the *Product Stewardship Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A nomination that is in force immediately before the commencement of this item under subsection 87(2) of the *Product Stewardship Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a magistrate under Division 2 of Part 6 of the *Product Stewardship Act 2011* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, an issuing officer under that Division.

Renewable Energy (Electricity) Act 2000

496 Subsection 5(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

497 Subsection 154A(1) (paragraph (b) of the definition of Court)

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

Resale Royalty Right for Visual Artists Act 2009

498 Section 3

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

499 Section 51 (heading)

Repeal the heading, substitute:

51 Jurisdiction of the Federal Circuit Court

Road Safety Remuneration Act 2012

500 Section 4

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

501 Subsection 49(1) (heading)

Repeal the heading, substitute:

Federal Court and Federal Circuit Court

502 Subdivision B of Division 2 of Part 5 (heading)

Repeal the heading, substitute:

Subdivision B—Jurisdiction and powers of the Federal Circuit Court

503 Section 66 (heading)

Repeal the heading, substitute:

66 Conferring jurisdiction on the Federal Circuit Court

504 Section 67 (heading)

Repeal the heading, substitute:

67 Exercising jurisdiction in the Fair Work Division of the Federal Circuit Court

505 Paragraphs 67(b) and (c)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

506 Section 68 (heading)

Repeal the heading, substitute:

68 No limitation on Federal Circuit Court's powers

507 Section 68

Omit "Federal Magistrates Court's", substitute "Federal Circuit Court's".

508 Section 68

Omit "*Federal Magistrates Act 1999*", substitute "*Federal Circuit Court of Australia Act 1999*".

Superannuation Industry (Supervision) Act 1993

509 Section 336JB (table item 1)

Omit "Federal Magistrates Court", substitute "Federal Circuit Court".

Taxation Administration Act 1953

510 Section 17A (heading)

Repeal the heading, substitute:

17A Powers of Federal Court and Federal Circuit Court in respect of taxation matters

511 Subsection 17A(2)

Omit "Federal Magistrates Court", substitute "Federal Circuit Court of Australia".

Telecommunications (Interception and Access) Act 1979

512 Subparagraph 6DB(1)(a)(ii)

Repeal the subparagraph.

513 Paragraph 6DB(2)(b)

Repeal the paragraph.

514 Saving provisions

- (1) An appointment that is in force immediately before the commencement of this item under subsection 6DB(1) of the *Telecommunications (Interception and Access) Act 1979* in respect of a Federal Magistrate continues in force, after that commencement, as an appointment in respect of a Judge of the Federal Circuit Court of Australia under that subsection.
- (2) A consent that is in force immediately before the commencement of this item under subsection 6DB(2) of the *Telecommunications (Interception and Access) Act 1979* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a Federal Magistrate, as an issuing authority, under the *Telecommunications (Interception and Access) Act 1979* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing authority, under that Act.

Tertiary Education Quality and Standards Agency Act 2011

515 Section 5 (paragraph (b) of the definition of *enforcement warrant*)

Omit “a magistrate”, substitute “an issuing officer”.

516 Section 5

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

517 Section 5 (definition of *Federal Magistrate*)

Repeal the definition.

518 Section 5

Insert:

issuing officer means:

- (a) a magistrate; or
- (b) a Judge of the Federal Circuit Court in relation to whom a consent under subsection 96(1) and a nomination under subsection 96(2) are in force.

519 Section 5 (definition of *magistrate*)

Repeal the definition.

520 Subsection 71(6)

Omit “a magistrate”, substitute “an issuing officer”.

521 Paragraph 79(2)(a)

Omit “magistrate”, substitute “issuing officer”.

522 Subparagraph 80(c)(i)

Omit “magistrate”, substitute “issuing officer”.

523 Subsection 81(6)

Omit “a magistrate”, substitute “an issuing officer”.

524 Section 88 (heading)

Repeal the heading, substitute:

88 Issuing officer may permit a thing to be retained

525 Subsection 88(1)

Omit “a magistrate” (wherever occurring), substitute “an issuing officer”.

526 Subsection 88(2)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

527 Subsection 90(1)

Omit “a magistrate”, substitute “an issuing officer”.

528 Subsections 90(2) and (3)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

529 Subsection 91(1)

Omit “a magistrate”, substitute “an issuing officer”.

530 Subsections 91(2) and (3)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

531 Subsection 92(1)

Omit “a magistrate”, substitute “an issuing officer”.

532 Subsections 92(2), (4), (5) and (6)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

533 Subsection 92(7) (heading)

Repeal the heading, substitute:

Completed form of warrant to be given to issuing officer

534 Subsections 92(7), (8), (9) and (10)

Omit “magistrate” (wherever occurring), substitute “issuing officer”.

535 Paragraph 93(a)

Omit “a magistrate”, substitute “an issuing officer”.

536 Paragraph 93(a)

Omit “that magistrate”, substitute “that issuing officer”.

537 Paragraph 93(b)

Omit “magistrate”, substitute “issuing officer”.

538 Paragraphs 93(c) and (d)

Omit “a magistrate” (wherever occurring), substitute “an issuing officer”.

539 Division 8 of Part 6 (heading)

Repeal the heading, substitute:

Division 8—Powers of issuing officers

540 Section 96 (heading)

Repeal the heading, substitute:

96 Federal Circuit Court Judges—consent to nomination

541 Subsections 96(1) and (2)

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

542 Subsection 96(2)

Omit “a magistrate”, substitute “an issuing officer”.

543 Section 97 (heading)

Repeal the heading, substitute:

97 Issuing officers—personal capacity

544 Subsection 97(1)

Omit “a magistrate”, substitute “an issuing officer”.

545 Subsection 97(1)

Omit “the magistrate”, substitute “the issuing officer”.

546 Subsection 97(2)

Omit “magistrate”, substitute “issuing officer”.

547 Subsection 97(2)

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

548 Subsection 97(3)

Omit “A magistrate”, substitute “An issuing officer”.

549 Paragraphs 97(3)(a) and (b)

Omit “magistrate”, substitute “issuing officer”.

550 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 96(1) of the *Tertiary Education Quality and Standards Agency Act 2011* in respect of a Federal Magistrate continues

in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.

- (2) A nomination that is in force immediately before the commencement of this item under subsection 96(2) of the *Tertiary Education Quality and Standards Agency Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.
- (3) A thing done by, or in relation to, a magistrate under Part 6 of the *Tertiary Education Quality and Standards Agency Act 2011* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, an issuing officer under that Part.

Tobacco Plain Packaging Act 2011

551 Subsection 4(1) (paragraph (b) of the definition of *issuing officer*)

Repeal the paragraph.

552 Paragraph 79(3)(b)

Omit “or a Federal Magistrate”.

553 Subsection 79(4) (heading)

Repeal the heading, substitute:

Protection and immunity—Judges

554 Subsection 79(4)

Omit “, or a Federal Magistrate,”.

555 Saving provisions

- (1) A consent that is in force immediately before the commencement of this item under subsection 79(1) of the *Tobacco Plain Packaging Act 2011* in respect of a Federal Magistrate continues in force, after that commencement, as a consent in respect of a Judge of the Federal Circuit Court of Australia.
- (2) A nomination that is in force immediately before the commencement of this item under subsection 79(2) of the *Tobacco Plain Packaging Act 2011* in respect of a Federal Magistrate continues in force, after that

commencement, as a nomination in respect of a Judge of the Federal Circuit Court of Australia.

- (3) A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under Part 2 of Chapter 4 of the *Tobacco Plain Packaging Act 2011* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Part.

Trans-Tasman Proceedings Act 2010

556 Subsection 109(3)

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

Water Act 2007

557 Section 139 (heading)

Repeal the heading, substitute:

139 Jurisdiction of Federal Circuit Court

Water Efficiency Labelling and Standards Act 2005

558 Section 7

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

559 Section 7 (paragraph (b) of the definition of *relevant court*)

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

Work Health and Safety Act 2011

560 Paragraphs 273A(3)(b) and (c)

Schedule 1 Main amendments

Part 1 References to Federal Circuit Court

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Schedule 2—Bulk amendments

Part 1—References to Federal Circuit Court

1 Amendment of Acts

The Acts listed in this item are amended by omitting “Federal Magistrates Court” (wherever occurring) and substituting “Federal Circuit Court”.

Administrative Decisions (Judicial Review) Act 1977

Admiralty Act 1988

Australian Crime Commission Act 2002

Australian Human Rights Commission Act 1986

Bankruptcy Act 1966

Coal Mining Industry (Long Service Leave) Administration Act 1992

Competition and Consumer Act 2010

Do Not Call Register Act 2006

Fair Work Act 2009

Fair Work (Building Industry) Act 2012

Federal Court of Australia Act 1976

Federal Proceedings (Costs) Act 1981

Law Enforcement Integrity Commissioner Act 2006

Migration Act 1958

National Consumer Credit Protection Act 2009

***National Vocational Education and Training Regulator Act
2011***

Paid Parental Leave Act 2010

Personal Property Securities Act 2009

Privacy Act 1988

Resale Royalty Right for Visual Artists Act 2009

Road Safety Remuneration Act 2012

Tertiary Education Quality and Standards Agency Act 2011

Part 2—References to Federal Circuit Court of Australia

2 Amendment of Acts

The Acts listed in this item are amended by omitting “Federal Magistrates Court” (wherever occurring) and substituting “Federal Circuit Court of Australia”.

Administrative Appeals Tribunal Act 1975

*A New Tax System (Family Assistance) (Administration) Act
1999*

Archives Act 1983

Child Support (Assessment) Act 1989

Child Support (Registration and Collection) Act 1988

Copyright Act 1968

Family Law Act 1975

Foreign Evidence Act 1994

Freedom of Information Act 1982

Independent Contractors Act 2006

Judiciary Act 1903

Legislative Instruments Act 2003

National Health Security Act 2007

National Measurement Act 1960

Shipping Registration Act 1981

Social Security Act 1991

Stronger Futures in the Northern Territory Act 2012

Water Act 2007

Work Health and Safety Act 2011

Schedule 3—Contingent amendments

Part 1—Intellectual Property Laws Amendment (Raising the Bar) Act 2012

Designs Act 2003

1 Section 5

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

2 Section 5 (paragraph (aa) of the definition of *prescribed court*)

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

3 Subsection 28(5)

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

4 Subsection 50(6)

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

5 Subsection 52(7)

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

6 Subsection 54(4)

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

7 Subsection 67(4)

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

8 Subsection 68(6)

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

9 Section 82

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

10 Paragraph 83(2)(a)

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

11 Section 83A (heading)

Repeal the heading, substitute:

83A Jurisdiction of the Federal Circuit Court

12 Subsections 83A(1), (2) and (3)

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

13 Subsection 84(1)

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

14 Subsection 86(3)

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

15 Subsection 86(3) (note)

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

16 Subsection 86(3) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

17 Subsection 86(3) (note)

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

18 Subsection 87(2)

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

19 Section 88 (heading)

Repeal the heading, substitute:

88 Powers of Federal Court and Federal Circuit Court on hearing an appeal

20 Section 88

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

21 Section 89

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

Trade Marks Act 1995

22 Subsection 6(1)

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

23 Section 35

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

24 Section 56

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

25 Section 67

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

26 Subsection 83(2)

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

27 Subsection 83A(8)

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

28 Section 84D

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

29 Section 104

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

30 Paragraph 190(aa)

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

31 Paragraph 191(2)(a)

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

32 Section 191A (heading)

Repeal the heading, substitute:

191A Jurisdiction of the Federal Circuit Court

33 Subsections 191A(1), (2) and (3)

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

34 Subsection 192(1)

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

35 Subsection 194(3)

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

36 Subsection 194(3) (note)

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

37 Subsection 194(3) (note)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

38 Subsection 194(3) (note)

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

39 Subsection 195(2)

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

40 Section 196

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

41 Section 197 (heading)

Repeal the heading, substitute:

197 Powers of Federal Court and Federal Circuit Court on hearing an appeal

42 Section 197

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

Part 2—Access to Justice (Federal Jurisdiction) Amendment Act 2012

Access to Justice (Federal Jurisdiction) Amendment Act 2012

43 Item 9 of Schedule 2

Repeal the item, substitute:

9 Schedule 1

Omit:

Federal Circuit Court of Australia Act 1999, section 61

Federal Court of Australia Act 1976, section 50

substitute:

Family Law Act 1975, Part XIA

Federal Circuit Court of Australia Act 1999, Part 6A

Federal Court of Australia Act 1976, Part VAA

Australian Crime Commission Act 2002

44 Schedule 1

Omit:

Federal Court of Australia Act 1976, Part VAA

Federal Magistrates Act 1999, Part 6A

substitute:

Federal Circuit Court of Australia Act 1999, Part 6A

Federal Court of Australia Act 1976, Part VAA

45 Schedule 1

Before:

Federal Court of Australia Act 1976, section 50

insert:

Federal Circuit Court of Australia Act 1999, section 61

46 Schedule 1

Omit:

Federal Magistrates Act 1999, section 61

Family Law Act 1975

47 Subsection 102Q(1) (paragraph (b) of the definition of *appropriate court official*)

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

Federal Circuit Court of Australia Act 1999

48 Section 88B (heading)

Repeal the heading, substitute:

88B Powers of Federal Circuit Court of Australia not affected

49 Sections 88B, 88D, 88E, 88F and 88G

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

50 Subsections 88H(1) and (2)

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

51 Paragraph 88H(2)(e)

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

52 Subsection 88H(4)

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

53 Sections 88J, 88K, 88L and 88M

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

54 Section 88P (heading)

Repeal the heading, substitute:

88P Powers of the Federal Circuit Court of Australia not affected

55 Sections 88P, 88Q, 88R, 88S and 88T

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

56 Subsection 88U(1)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

57 Subsection 88U(1)

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

58 Subsection 88U(2)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

59 Subsection 88U(2)

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

60 Subsection 88U(3)

Omit “Federal Magistrates Court or a Federal Magistrate”, substitute “Federal Circuit Court of Australia or a Judge”.

61 Section 88V

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

Federal Circuit Court of Australia Legislation Amendment Act 2012

62 Subsection 2(1) (table item 2)

Repeal the item, substitute:

- | | |
|------------------------------------|--|
| 2. Schedule 1,
items 1 to 186 | A single day to be fixed by Proclamation.
However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |
| 3. Schedule 1,
item 187 | At the same time as the provision(s) covered by table item 2.
However, the provision(s) do not commence at all if item 6 of Schedule 2 to the <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012</i> commences at or before the time the provision(s) covered by table item 2 commence. |
| 4. Schedule 1,
items 188 to 408 | At the same time as the provision(s) covered by table item 2. |
| 5. Schedule 2 | At the same time as the provision(s) covered by table item 2. |

Federal Court of Australia Act 1976

63 Paragraph 24(1D)(d)

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

64 Paragraph 24(1D)(d)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Part 3—Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012

Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012

65 Section 4

Omit “, a judge of the Federal Court of Australia or the Family Court of Australia, or a Federal Magistrate”, substitute “or a judge of the Federal Court of Australia, the Family Court of Australia or the Federal Circuit Court of Australia”.

66 Section 7 (paragraph (b) of the definition of *Commonwealth judicial officer*)

Omit “Parliament (other than the Federal Magistrates Court); or”, substitute “Parliament.”.

67 Section 7 (paragraph (c) of the definition of *Commonwealth judicial officer*)

Repeal the paragraph.

68 Section 7 (definition of *Federal Magistrate*)

Repeal the definition.

69 Paragraph 19(6)(c)

Omit “Federal Magistrate within the meaning of the *Federal Magistrates Act 1999*”, substitute “Judge within the meaning of the *Federal Circuit Court of Australia Act 1999*”.

Part 4—Courts Legislation Amendment (Judicial Complaints) Act 2012

Federal Circuit Court of Australia Act 1999

70 Section 5 (paragraphs (a), (b) and (c) of the definition of *complaint handler*)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

71 Section 5 (definition of *relevant belief*)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

72 Section 5 (subparagraph (b)(ii) of the definition of *relevant belief*)

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

73 Paragraph 12(3)(c)

Omit “Federal Magistrate”, substitute “Judge”.

74 Paragraph 12(3)(d)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

75 Paragraph 12(3)(d)

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

76 Paragraph 12(3)(d)

Omit “Federal Magistrate” (last occurring), substitute “Judge”.

77 Subsection 12(3AA)

Omit “Federal Magistrate” (wherever occurring), substitute “Judge”.

78 Subsection 12(3AA) (note)

Omit “Chief Federal Magistrate” (wherever occurring), substitute “Chief Judge”.

79 Subsection 12(3AB)

Omit “Chief Federal Magistrate” (wherever occurring), substitute “Chief Judge”.

80 Subsection 118A(2)

Omit “Chief Federal Magistrate”, substitute “Chief Judge”.

Freedom of Information Act 1982

81 Subsection 5(1C) (heading)

Repeal the heading, substitute:

*Certain documents relating to complaint handling—Judges of the
Federal Circuit Court of Australia*

82 Paragraph 5(1C)(a)

Omit “*Federal Magistrates Act 1999*”, substitute “*Federal Circuit Court of Australia Act 1999*”.

Part 5—Privacy Amendment (Enhancing Privacy Protection) Act 2012

Privacy Act 1988

83 Section 19

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

84 Subsection 25(1)

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

85 Subsection 25A(2)

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

86 Subsection 33F(1)

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

87 Subsection 80W(1)

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

88 Subsection 80Z(1)

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

89 Section 80ZA

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

90 Section 80ZB

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

91 Section 80ZD

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

**Part 6—Regulatory Powers (Standard Provisions) Act
2013**

Regulatory Powers (Standard Provisions) Act 2013

92 Section 4 (paragraph (c) of the definition of *judicial officer*)

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

Part 7—Illegal Logging Prohibition Act 2012

Illegal Logging Prohibition Act 2012

93 Section 7 (paragraph (c) of the definition of *issuing officer*)

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

94 Section 7 (paragraph (c) of the definition of *issuing officer*)

Omit “or Federal Magistrate”.

95 Saving provisions

- (1) A consent of a Federal Magistrate to act as an issuing officer for the purposes of the *Illegal Logging Prohibition Act 2012* that is in force immediately before the commencement of this item continues in force, after that commencement, as a consent of a Judge of the Federal Circuit Court of Australia to act as an issuing officer for the purposes of that Act.
- (2) A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under the *Illegal Logging Prohibition Act 2012* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Act.

**Part 8—Fair Work Amendment (Transfer of Business)
Act 2012**

Fair Work Act 2009

96 Subsection 539(2) (table items 34A and 34B)

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

Part 9—Migration Amendment (Reform of Employer Sanctions) Act 2013

Migration Act 1958

97 Section 487A (paragraph (b) of the definition of *issuing officer*)

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

98 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under Division 3 of Part 8E of the *Migration Act 1958* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Division.

Part 10—National Gambling Reform Act 2012

National Gambling Reform Act 2012

99 Section 5 (paragraph (b) of the definition of *issuing officer*)

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

100 Section 5 (paragraph (b) of the definition of *relevant court*)

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

101 Saving provision

A thing done by, or in relation to, a Federal Magistrate, as an issuing officer, under Part 5, 6 or 7 of the *National Gambling Reform Act 2012* before the commencement of this item has effect, after that commencement, as if it had been done by, or in relation to, a Judge of the Federal Circuit Court of Australia, as an issuing officer, under that Part.

Schedule 4—General transitional provisions

1 Transfer of appropriated money

- (1) For the purposes of the operation of an Appropriation Act after this Schedule commences, references to the Federal Magistrates Court of Australia are to be read as references to the Federal Circuit Court of Australia.
- (2) In this item:
Appropriation Act means an Act appropriating money for expenditure out of the Consolidated Revenue Fund.

2 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1, 2 and 3.

3 No limit on operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*

The following do not limit the operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*:

- (a) items 30, 45, 53, 57, 108, 110M, 233, 320, 327, 417, 459, 495, 514, 550 and 555 of Schedule 1;
- (b) items 95, 98 and 101 of Schedule 3;
- (c) item 1 of this Schedule.

*[Minister's second reading speech made in—
House of Representatives on 28 November 2012
Senate on 28 February 2013]*

(210/12)

102Federal Circuit Court of Australia (Consequential Amendments) Act 2013No. 13, 2013