Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021

No. 13, 2021

An Act to deal with consequential and transitional matters in connection with the *Federal Circuit and Family Court of Australia Act 2021*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (https://www.legislation.gov.au/)

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Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021

No. 13, 2021

An Act to deal with consequential and transitional matters in connection with the *Federal Circuit and Family Court of Australia Act 2021*, and for related purposes

[*Assented to 1 March 2021*]

The Parliament of Australia enacts:

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1 Short title

This Act is the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021*.

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
Provisions	**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.	1 March 2021
2. Schedule 1, Parts 1 and 2	At the same time as the *Federal Circuit and Family Court of Australia Act 2021* commences. However, the provisions do not commence at all if that Act does not commence.	
3. Schedule 1, Part 3	The later of: (a) 1 January 2020; and (b) at the same time as the commencement of the provisions covered by table item 2.	
4. Schedule 1, Part 4	The day after the end of the period of 18 months beginning on the day the *Federal Circuit and Family Court of Australia Act 2021* commences.	
5. Schedules 2 and 3	At the same time as the provisions covered by table item 2.	
6. Schedule 4, Part 1	The later of: (a) at the same time as the commencement of the provisions covered by table item 2;	

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	and (b) immediately after the commencement of Schedule 2 to the *Aged Care Legislation Amendment (New Commissioner Functions) Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
7. Schedule 4, Part 2	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of the *Communications Legislation Amendment (Deregulation and Other Measures) Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
8. Schedule 4, Part 3	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of item 3 of Schedule 4 to the *Fair Work Laws Amendment (Proper Use of Worker Benefits) Act 2021*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
9. Schedule 4, Part 4	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of the *Family Law Amendment (Western*	

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020. However, the provisions do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur.	
10. Schedule 4, Part 5	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of the *Interactive Gambling Amendment (National Self-exclusion Register) Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
11. Schedule 4, Part 6	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of the *National Sports Tribunal Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
12. Schedule 4, Part 7	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of Division 1 of Part 1 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b)	

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	does not occur.	
13. Schedule 4, Part 8	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of the *Student Identifiers Amendment (Enhanced Student Permissions) Act 2020*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
14. Schedule 4, Part 9	The later of: (a) at the same time as the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of Schedule 4 to the *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
15. Schedule 5	At the same time as the provisions covered by table item 2.	

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 Schedules

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

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

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Schedule 1—Amendments relating to the Federal Circuit and Family Court of Australia

Part 1—Amendments

Family Law Act 1975

1 Subsection 4(1)

Omit ", the standard Rules of Court and the related Federal Circuit Court Rules, unless the contrary intention appears", substitute "and the applicable Rules of Court".

2 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***administrative affairs***;

(b) definition of ***appeal***;

(c) definition of ***Appeal Division***.

3 Subsection 4(1) (definition of *applicable Rules of Court*)

Repeal the definition, substitute:

applicable Rules of Court:

(a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—means the Federal Circuit and Family Court of Australia (Division 1) Rules; and

(b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—means the related Federal Circuit and Family Court of Australia (Division 2) Rules; and

(c) in relation to any other court—means the standard Rules of Court.

4 Subsection 4(1) (definition of *Chief Executive Officer*)

Repeal the definition, substitute:

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Chief Executive Officer means the Chief Executive Officer and Principal Registrar of the Federal Circuit and Family Court of Australia (Division 1).

5 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***Chief Justice***;
(b) definition of ***complaint***;
(c) definition of ***complaint handler***;
(d) definition of ***corporate services***.

6 Subsection 4(1) (at the end of the definition of *court*)

Add ", the *Federal Circuit and Family Court of Australia Act 2021*, the *Child Support (Assessment) Act 1989* or the *Child Support (Registration and Collection) Act 1988*".

7 Subsection 4(1) (definition of *Deputy Chief Justice*)

Repeal the definition.

8 Subsection 4(1)

Insert:

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or
(b) the Federal Circuit and Family Court of Australia (Division 2).

Federal Circuit and Family Court of Australia (Division 1) Rules means the Rules of Court made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*.

9 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***Federal Circuit Court***;
(b) definition of ***Federal Circuit Court Chief Executive Officer***.

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10 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***Full Court***;
(b) definition of ***General Division***;
(c) definition of ***handle***.

11 Subsection 4(1) (definition of *Registrar*)

Repeal the definition, substitute:

Registrar means:

(a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—a Senior Registrar or Registrar of the Court; or
(b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—a Senior Registrar or Registrar of the Court; or
(c) in relation to any other court—the principal legal officer of the court or any other appropriate officer of the court.

12 Subsection 4(1) (definition of *Registry Manager*)

Repeal the definition, substitute:

Registry Manager:

(a) in relation to the Federal Circuit and Family Court of Australia (Division 1), means a Registry Manager of the Court; and
(b) in relation to the Federal Circuit and Family Court of Australia (Division 2), means a Registry Manager of the Court; and
(c) in relation to any other court, means the principal officer of the court or any other appropriate officer or staff member of the court.

13 Subsection 4(1)

Insert:

related Federal Circuit and Family Court of Australia (Division 2) Rules means the Rules of Court made under Chapter 4

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of the *Federal Circuit and Family Court of Australia Act 2021* to the extent to which they relate to this Act.

14 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***related Federal Circuit Court Rules***;
(b) definition of ***relevant belief***;
(c) definition of ***split court***.

15 Subsection 4(1A)

Repeal the subsection, substitute:

(1A) In this Act and the applicable Rules of Court, a reference to a Family Court of a State is a reference to a court to which section 41 applies.

16 Subsections 4(2) and (2A)

Omit ", the standard Rules of Court or the related Federal Circuit Court Rules", substitute "or the applicable Rules of Court".

17 Subsection 4(3)

Repeal the subsection, substitute:

(3) To avoid doubt, for all purposes:
(a) jurisdiction under a provision of the *Federal Circuit and Family Court of Australia Act 2021* referring to this Act is taken to be jurisdiction under this Act; and
(b) jurisdiction under paragraphs 25(1)(a) and (b) of the *Federal Circuit and Family Court of Australia Act 2021* is taken to be jurisdiction under this Act; and
(c) jurisdiction under section 101 of the *Child Support (Assessment) Act 1989* and under section 106 of the *Child Support (Registration and Collection) Act 1988* is taken to be jurisdiction under this Act; and
(d) jurisdiction under the applicable Rules of Court is taken to be jurisdiction under this Act; and
(e) proceedings transferred under section 51 or 149 of the *Federal Circuit and Family Court of Australia Act 2021*

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referring to this Act are taken to be proceedings under this Act; and

(f) proceedings under the applicable Rules of Court are taken to be proceedings under this Act; and

(g) an order (however described) made by a court under the applicable Rules of Court is taken to be an order made by the court under this Act.

18 Subsection 8(1)

Repeal the subsection, substitute:

(1) After the commencement of this Act, proceedings by way of a matrimonial cause shall not be instituted except under this Act.

19 Section 9

Repeal the section.

20 Paragraphs 10C(1)(c) and (d)

Repeal the paragraphs, substitute:

(c) a person who is authorised to act under section 281 of the *Federal Circuit and Family Court of Australia Act 2021* as a family counsellor; or

21 Paragraphs 10G(1)(c) and (d)

Repeal the paragraphs, substitute:

(c) a person who is authorised to act under section 281 of the *Federal Circuit and Family Court of Australia Act 2021* as a family dispute resolution practitioner; or

22 Section 10P

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

23 Section 11B (note)

Omit "See Division 1A of Part IVA of this Act", substitute "See Part 1 of Chapter 5 of the *Federal Circuit and Family Court of Australia Act 2021*".

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24 Subsection 11C(1) (note 1)

Omit "subsection 38BD(3)", substitute "subsection 281(3) of the *Federal Circuit and Family Court of Australia Act 2021*".

25 Section 11D

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

26 Subparagraphs 11E(1)(e)(i) and (ia)

Repeal the subparagraphs, substitute:

(i) if the court is the Federal Circuit and Family Court of Australia—a family consultant nominated by the Chief Executive Officer; or

27 Subparagraph 11E(1)(e)(iii)

Omit ", (ia)".

28 Section 13G (heading)

Omit "**Family Court and Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

29 Paragraphs 13G(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or

(b) a single judge of the Family Court of a State.

30 Subsection 13G(3)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

31 Section 13J (heading)

Omit "**Family Court or Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

32 Paragraphs 13J(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

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(a) the Federal Circuit and Family Court of Australia (Division 2); or
(b) a single judge of the Family Court of a State.

33 Subsection 13J(2)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

34 Section 13K (heading)

Omit "**Family Court and Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia**".

35 Paragraphs 13K(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 1); or
(b) the Federal Circuit and Family Court of Australia (Division 2); or

36 Parts IV and IVA

Repeal the Parts.

37 Paragraph 39(1)(a)

Repeal the paragraph, substitute:

(a) in the Federal Circuit and Family Court of Australia (Division 2); or

38 Subsection 39(1A)

Repeal the subsection.

39 Subsection 39(5)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

40 Paragraph 39(5)(b)

Repeal the paragraph.

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41 Paragraph 39(5)(d)

Repeal the paragraph, substitute:

(d) proceedings are instituted under:

(i) regulations made for the purposes of section 109, 110, 111, 111A or 111B; or

(ii) regulations made for the purposes of paragraph 125(1)(f) or (g); or

(iii) provisions of the applicable Rules of Court dealing with the attachment of money payable by the Commonwealth, a State, a Territory or the Government of a Territory, or an authority of the Commonwealth, of a State or of a Territory; or

42 Subsections 39(5AA) and (5A)

Repeal the subsections.

43 Paragraph 39(6)(b)

Repeal the paragraph.

44 Paragraph 39(6)(d)

Repeal the paragraph, substitute:

(d) proceedings are instituted under:

(i) regulations made for the purposes of section 109, 110, 111, 111A or 111B; or

(ii) regulations made for the purposes of paragraph 125(1)(f) or (g); or

(iii) provisions of the applicable Rules of Court dealing with the attachment of money payable by the Commonwealth, a State, a Territory or the Government of a Territory, or an authority of the Commonwealth, of a State or of a Territory; or

45 Paragraphs 39A(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or

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46 Paragraphs 39B(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); and

47 Subsection 39B(1) (notes 1 and 2)

Repeal the notes, substitute:

Note 1: The exercise of this jurisdiction by the Federal Circuit and Family Court of Australia (Division 2) is subject to section 40.

48 Section 39G

Repeal the section, substitute:

39G Jurisdiction in relation to transferred matters under other Commonwealth laws

If proceedings in relation to a matter arising under a law of the Commonwealth are transferred under this Act or the *Federal Circuit and Family Court of Australia Act 2021* to a court that has jurisdiction conferred on or invested in it by this Division, the jurisdiction so conferred on or invested in the court includes jurisdiction in relation to that matter.

49 Section 40 (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

50 Subsection 40(1)

Omit "Family Court under this Act", substitute "Federal Circuit and Family Court of Australia (Division 2) under this Act or the *Federal Circuit and Family Court of Australia Act 2021*".

51 Subsection 40(6)

Omit all the words after "have been instituted in", substitute "the Federal Circuit and Family Court of Australia (Division 2), may apply to that Court for an order transferring the proceedings to the Court, and the Court may order accordingly".

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52 Subsection 40(7)

Omit "standard Rules of Court", substitute "Federal Circuit and Family Court of Australia (Division 1) Rules and the related Federal Circuit and Family Court of Australia (Division 2) Rules".

53 Section 40A

Repeal the section.

54 Subsection 41(3)

Omit ", 46, 94 and 96", substitute ", 46, 47A and 47B of this Act and subsection 26(1) of the *Federal Circuit and Family Court of Australia Act 2021*".

55 Subsection 41(5)

Omit "standard Rules of Court", substitute "applicable Rules of Court".

56 Subsection 43(1)

Omit "The Family Court shall, in the exercise of its jurisdiction under this Act, and any other court exercising jurisdiction under this Act shall, in the exercise of that jurisdiction,", substitute "A court exercising jurisdiction under this Act must, in the exercise of that jurisdiction,".

57 Subparagraph 44(1B)(a)(ii)

Omit "Family Court, the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

58 Subparagraph 44(1B)(a)(iii)

Omit "Family Court, the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

59 Subsection 45(1)

Omit "or are being continued in accordance with any of the provisions of section 9 and it appears to that court that other proceedings that have been so instituted or are being so continued", substitute "and it appears to that court that other proceedings that have been so instituted".

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60 Subsection 45(2)

Omit "or are being continued in accordance with any of the provisions of section 9".

61 Paragraphs 45(2)(a) and (b)

Repeal the paragraphs, substitute:

(a) the first-mentioned court is the Federal Circuit and Family Court of Australia (Division 1) and the other court is the Federal Circuit and Family Court of Australia (Division 2); or

(b) the first-mentioned court is the Federal Circuit and Family Court of Australia (Division 2) and the other court is the Federal Circuit and Family Court of Australia (Division 1).

62 Subsection 45(2) (notes 1 and 2)

Repeal the notes, substitute:

Note 1: For transfers from the Federal Circuit and Family Court of Australia (Division 1) to the Federal Circuit and Family Court of Australia (Division 2), see section 52 of the *Federal Circuit and Family Court of Australia Act 2021*.

Note 2: For transfers from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Circuit and Family Court of Australia (Division 1), see sections 51 and 149 of the *Federal Circuit and Family Court of Australia Act 2021*.

63 Subparagraphs 46(1)(a)(i) to (iii)

Repeal the subparagraphs, substitute:

(i) the Federal Circuit and Family Court of Australia (Division 2); or

(ii) a Family Court of a State; or

(iii) the Supreme Court of a State or Territory; and

64 Subparagraphs 46(1)(b)(i) to (iii)

Repeal the subparagraphs, substitute:

(i) the Federal Circuit and Family Court of Australia (Division 2); or

(ii) a Family Court of a State; or

(iii) the Supreme Court of a State or Territory.

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65 Paragraphs 46(1C)(a) to (c)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or

(b) a Family Court of a State; or

(c) the Supreme Court of a State or Territory.

66 Paragraphs 46(2A)(c) to (e)

Repeal the paragraphs, substitute:

(c) the Federal Circuit and Family Court of Australia (Division 2); or

(d) a Family Court of a State; or

(e) the Supreme Court of a State or Territory.

67 Subsection 46(3A)

Omit ", or continued under section 9,".

68 Paragraphs 46(3A)(a) to (c)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2);

(b) a Family Court of a State;

(c) the Supreme Court of a State or Territory;

69 At the end of Part V

Add:

Division 4—Appeals

47A Appeals from courts of summary jurisdiction

(1) Subject to section 47B, an appeal lies from a decree of a court of summary jurisdiction of a State or Territory exercising jurisdiction under:

(a) this Act; or

(b) the *Child Support (Assessment) Act 1989*; or

(c) the *Child Support (Registration and Collection) Act 1988*;

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to:

(d) the Federal Circuit and Family Court of Australia (Division 1); or

(e) the Supreme Court of that State or Territory.

(2) Subsection (1) does not apply to a decree of the Magistrates Court of Western Australia constituted by a Family Law Magistrate of Western Australia.

(3) An appeal under subsection (1) must be instituted within:

(a) in the case of an appeal to the Federal Circuit and Family Court of Australia (Division 1):

(i) the time prescribed by the Federal Circuit and Family Court (Division 1) Rules; or

(ii) such further time as is allowed in accordance with those Rules; and

(b) in any other case:

(i) the time prescribed by the standard Rules of Court; or

(ii) such further time as is allowed in accordance with those Rules.

(4) The Supreme Court of each State is invested with federal jurisdiction, and jurisdiction is conferred on the Supreme Court of each Territory, with respect to matters arising under this Act, in respect of which appeals are instituted under this section.

Note: For jurisdiction in relation to child support legislation, see section 101 of the *Child Support (Assessment) Act 1989* and section 106 of the *Child Support (Registration and Collection) Act 1988*.

(5) The Governor-General may, by Proclamation, fix a date as the date on or after which appeals to the Supreme Court of a specified State or Territory under this section may not be instituted, and such a Proclamation may be expressed to apply only to proceedings of a specified class or specified classes.

(6) The court hearing an appeal under this section:

(a) must proceed by way of a hearing de novo, but may receive as evidence any record of evidence given, including any affidavit filed or exhibit received, in the court of summary jurisdiction; and

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(b) must have regard to the evidence given in the proceedings out of which the appeal arose and has power to draw inferences of fact and, in its discretion, to receive further evidence upon questions of fact, which may be given:
(i) by affidavit; or
(ii) by oral examination before the court; or
(iii) as provided for in Division 2 of Part XI; and
(c) may make such decrees as the court considers appropriate, including a decree affirming, reversing or varying the decree the subject of the appeal.

Decrees made in section 69GA proceedings treated like decrees of courts of summary jurisdiction

(7) This section applies in relation to a decree of a court made in section 69GA proceedings in the same way as this section would apply in relation to a decree of a court of summary jurisdiction.

47B Leave to appeal needed for child support matters

(1) Leave of a single Judge of the Federal Circuit and Family Court of Australia (Division 1) is required to appeal to the Court from a decree of a court of summary jurisdiction of a State or Territory exercising jurisdiction under:
(a) the *Child Support (Assessment) Act 1989*; or
(b) the *Child Support (Registration and Collection) Act 1988*.

(2) Leave of the Supreme Court of a State or Territory is required to appeal to the Court from a decree of a court of summary jurisdiction of that State or Territory exercising jurisdiction under:
(a) the *Child Support (Assessment) Act 1989*; or
(b) the *Child Support (Registration and Collection) Act 1988*.

(3) An application for leave to appeal must be made within:
(a) in the case of leave of the Federal Circuit and Family Court of Australia (Division 1):
(i) the time prescribed by the Federal Circuit and Family Court (Division 1) Rules; or
(ii) such further time as is allowed in accordance with those Rules; and

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(b) in any other case:
(i) the time prescribed by the standard Rules of Court; or
(ii) such further time as is allowed in accordance with those Rules.

(4) The applicable Rules of Court may make provision for enabling applications for leave to be dealt with, subject to conditions prescribed by the Rules, without an oral hearing.

47C Appeal may be dismissed if no reasonable prospect of success

(1) If:
(a) an appeal has been instituted in a court under this Division; and
(b) it appears to the court that the appeal has no reasonable prospect of success;
the court may, at any time, order that the proceedings on the appeal be dismissed.

(2) This section does not limit any powers that the court has apart from this section.

47D Appeals to High Court may not be brought

(1) An appeal must not be brought directly to the High Court from a decree of the following courts exercising jurisdiction under this Act:
(a) a court of summary jurisdiction of a State or Territory;
(b) a Family Court of a State;
(c) a Supreme Court of a State or Territory constituted by a single Judge.

Note: In relation to the Federal Circuit and Family Court of Australia, see sections 55 and 155 of the *Federal Circuit and Family Court of Australia Act 2021*.

(2) If, apart from this subsection, subsection (1) is to any extent inconsistent with section 73 of the Constitution, this Act has effect as if the words ", except by special leave of the High Court" were inserted after the words "this Act" in subsection (1).

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47E Regulations to be sole source of certain appellate jurisdiction

Despite the provisions of this Division, a court has appellate jurisdiction in relation to a matter arising under regulations made for the purposes of section 111C only as provided by those regulations.

70 Subsection 55(5) (paragraphs (d) and (e) of the definition of *appeal*)

Repeal the paragraphs, substitute:

(d) a review by the Federal Circuit and Family Court of Australia (Division 1) of the making, by the Chief Executive Officer, or a Senior Registrar or Registrar of that Court, of:
  (i) the divorce order; or
  (ii) an order under section 55A in relation to the proceedings in which the divorce order was made; or
  (iii) an order determining an application under section 57 or 58 for rescission of the divorce order; or

(e) a review by the Federal Circuit and Family Court of Australia (Division 2) of the making, by the Chief Executive Officer, or a Senior Registrar or Registrar of that Court, of:
  (i) the divorce order; or
  (ii) an order under section 55A in relation to the proceedings in which the divorce order was made; or
  (iii) an order determining an application under section 57 or 58 for rescission of the divorce order; or

71 Subsection 56(2)

Omit all the words after "certificate", substitute:

that certifies that the divorce order has taken effect and is signed by:

(a) if the court is the Federal Circuit and Family Court of Australia (Division 1)—the Chief Executive Officer, or a Senior Registrar or Registrar of the Court; or

(b) if the court is the Federal Circuit and Family Court of Australia (Division 2)—the Chief Executive Officer, or a Senior Registrar or Registrar of the Court; or

(c) in relation to any other court—the Registrar of that court.

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72 At the end of Part VI

Add:

60 No appeal after divorce order takes effect

An appeal does not lie from a divorce order after the order takes effect.

73 Subsection 60F(5) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes the applicable Rules of Court.

74 Section 60G (heading)

Omit "**Family Court may grant leave**", substitute "**Leave may be granted**".

75 Subsection 60G(1)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

76 Subsection 60H(6) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes the applicable Rules of Court.

77 Subsection 60HA(4) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes the applicable Rules of Court.

78 Subsection 60HB(2) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes the applicable Rules of Court.

79 Subsections 60I(2) to (5)

Repeal the subsections.

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80 Subsection 60I(6) (heading)

Repeal the heading, substitute:

Applications for a Part VII order

81 Paragraph 60J(1)(a)

Omit "subsections 60I(5) and (6)", substitute "subsection 60I(6)".

82 Subsection 64B(9) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes the applicable Rules of Court.

83 Subsection 65D(3) (note)

Repeal the note, substitute:

Note 1: The applicant may apply to the Federal Circuit and Family Court of Australia (Division 1) for the application for the parenting order or for the proceedings under Subdivision E of Division 13A of Part VII, or both, to be transferred to the Federal Circuit and Family Court of Australia (Division 2): see section 52 of the *Federal Circuit and Family Court of Australia Act 2021*.

Note 2: The applicant may apply to the Federal Circuit and Family Court of Australia (Division 2) for the application for the parenting order or for the proceedings under Subdivision E of Division 13A of Part VII, or both, to be transferred to the Federal Circuit and Family Court of Australia (Division 1): see section 149 of the *Federal Circuit and Family Court of Australia Act 2021*.

Note 3: Proceedings may also be transferred from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Circuit and Family Court of Australia (Division 1) by order of the Chief Justice: see section 51 of the *Federal Circuit and Family Court of Australia Act 2021*.

84 Subsection 67Z(2)

Omit "the prescribed form", substitute "an approved form".

85 Subsection 67Z(4)

Insert:

approved form means a form approved for the purposes of this section under the applicable Rules of Court.

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86 Subsection 67Z(4) (definition of *prescribed form*)

Repeal the definition.

87 Paragraph 67ZA(1)(a)

Repeal the paragraph, substitute:

(a) the Chief Executive Officer; or

(aa) a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 1); or

(ab) a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 2); or

88 Paragraph 67ZA(1)(c)

Repeal the paragraph.

89 Subsection 67ZBA(2)

Omit "the prescribed form", substitute "an approved form".

90 Subsection 67ZBA(4)

Insert:

approved form means a form approved for the purposes of this section under the applicable Rules of Court.

91 Subsection 67ZBA(4) (definition of *prescribed form*)

Repeal the definition.

92 Section 69H (heading)

Repeal the heading, substitute:

69H Jurisdiction of Federal Circuit and Family Court of Australia (Division 2), State Family Courts and Northern Territory Supreme Court

93 Subsection 69H(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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94 Subsection 69H(4)

Repeal the subsection.

95 Paragraphs 69N(2)(a) to (d) and (3)(a) to (d)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or
(b) the Family Court of a State; or
(c) the Supreme Court of the Northern Territory.

96 Subparagraphs 69N(5)(b)(i) to (iv)

Repeal the subparagraphs, substitute:

(i) the Federal Circuit and Family Court of Australia (Division 2); or
(ii) the Family Court of a State; or
(iii) the Supreme Court of the Northern Territory.

97 Paragraphs 69N(6)(a) to (d)

Repeal the paragraphs, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or
(b) the Family Court of a State; or
(c) the Supreme Court of the Northern Territory.

98 Section 69ZO

Repeal the section, substitute:

69ZO This Division also applies to proceedings in Chambers

The following persons, when hearing child-related proceedings in Chambers, have all of the duties and powers that a court has under this Division:

(a) in the case of the Federal Circuit and Family Court of Australia (Division 1)—a Judge, the Chief Executive Officer, or a Senior Registrar or Registrar of the Court;

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(b) in the case of the Federal Circuit and Family Court of Australia (Division 2)—a Judge, the Chief Executive Officer, or a Senior Registrar or Registrar of the Court;

(c) in any other case—a Judge, Registrar or magistrate.

Note: An order made in Chambers has the same effect as an order made in open court.

99 Subsection 69ZR(3)

Omit "a judge, Judicial Registrar, Registrar or magistrate", substitute "a person".

100 Section 70M (heading)

Omit "**Registrar**", substitute "**Registry Manager**".

101 Paragraph 70NFD(a)

Omit "Family Court or the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1) or the Federal Circuit and Family Court of Australia (Division 2)".

102 Paragraph 70NFD(b)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia".

103 Subsection 79(9)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

104 Paragraph 79(9)(a)

Repeal the paragraph, substitute:

(a) the parties to the proceedings have attended a conference in relation to the matter to which the proceedings relate:

(i) in the case of the Federal Circuit and Family Court of Australia (Division 1)—with the Chief Executive Officer, or a Senior Registrar or Registrar of the Court; or

(ii) in the case of the Family Court of that State—with a Senior Registrar or Registrar of that Family Court; or

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105 Paragraph 79H(3)(c)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

106 Subsection 90SM(9)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

107 Paragraph 90SM(9)(a)

Repeal the paragraph, substitute:

(a) the parties to the proceedings have attended a conference in relation to the matter to which the proceedings relate with the Chief Executive Officer, or a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 1); or

108 Paragraph 90SQ(3)(c)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

109 Part X

Repeal the Part.

110 Subsection 97(1)

Omit "Family Court, in the Federal Circuit Court of Australia,", substitute "Federal Circuit and Family Court of Australia".

111 Subsection 97(1A)

Omit all the words after "heard", substitute:

by:

(a) in the case of the Federal Circuit and Family Court of Australia (Division 1)—a Judge, the Chief Executive Officer, or a Senior Registrar or Registrar of the Court, sitting in Chambers; and

(b) in the case of the Federal Circuit and Family Court of Australia (Division 2)—a Judge, the Chief Executive Officer,

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or a Senior Registrar or Registrar of the Court, sitting in Chambers; and

(c) in any other case—a Judge, Registrar or magistrate sitting in Chambers.

112 Subsection 97(2)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia".

113 Subsection 98(1)

Omit "(1)".

114 Subsection 98(1)

Omit "standard Rules of Court", substitute "applicable Rules of Court".

115 Subsection 98(2)

Repeal the subsection (including the note).

116 Sections 98AA and 98AB

Repeal the sections.

117 Subsection 100B(2)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia".

118 Subsection 102F(7) (definition of *courtroom*)

Repeal the definition, substitute:

courtroom, in relation to a Judge or a court, means the courtroom or other place where the Judge or court is sitting.

119 Subsection 102G(2)

Omit "(that is not a split court)".

120 Subsection 102G(3)

Repeal the subsection.

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121 Section 102H

Repeal the section.

122 Subsection 102J(1)

Omit "(1)".

123 Subsection 102J(2)

Repeal the subsection.

124 Paragraph 102K(1)(c)

Omit "Division; or", substitute "Division.".

125 Paragraph 102K(1)(d)

Repeal the paragraph.

126 Division 3 of Part XI

Repeal the Division.

127 Division 4 of Part XI (heading)

Repeal the heading, substitute:

Division 3—Cross-examination of parties where allegations of family violence

128 Subsection 102Q(1) (paragraphs (a) and (b) of the definition of *appropriate court official*)

Repeal the paragraphs, substitute:

(a) in relation to the Federal Circuit and Family Court of Australia—the Chief Executive Officer; and

129 Subsection 105(1) (note)

Repeal the note.

130 Subsection 109A(1)

Omit "the Judges, or a majority of them,", substitute "the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

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131 Subsection 109A(5) (note)

Repeal the note.

132 After section 109A

Insert:

109AA Rules of Court relating to enforcement—Federal Circuit and Family Court of Australia (Division 1)

(1) Section 109A applies to the making of Rules of Court under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* in a corresponding way to the way in which it applies to the making of Rules of Court under section 123 of this Act.

(2) For the purposes of the application of section 109A in accordance with subsection (1) of this section:

(a) the reference in subsection 109A(1) to the court is to be read as a reference to the Federal Circuit and Family Court of Australia (Division 1); and

(b) each reference in subsection 109A(2) to a court is to be read as a reference to the Federal Circuit and Family Court of Australia (Division 1); and

(c) each reference in subsection 109A(2) to a Registrar is to be read as a reference to the Chief Executive Officer, or a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 1).

(3) Section 109A has no effect in relation to the Federal Circuit and Family Court of Australia (Division 1) except as provided by subsections (1) and (2) of this section.

133 Section 109B (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

134 Subsection 109B(1)

Omit "section 81 of the *Federal Circuit Court of Australia Act 1999*", substitute "Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*".

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135 Paragraphs 109B(2)(a) and (b)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

136 Paragraph 109B(2)(c)

Omit "a Registrar of the Federal Circuit Court of Australia", substitute "the Chief Executive Officer, or a Registrar of the Federal Circuit and Family Court of Australia (Division 2)".

137 Subsection 109B(3)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

138 At the end of subsection 111C(5)

Add "or the *Federal Circuit and Family Court of Australia Act 2021*".

139 Subsection 111C(7A)

Omit "the Judges, or a majority of them,", substitute "the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

140 After subsection 111C(7A)

Insert:

(7B) The power of the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* to make Rules of Court extends to making Rules of Court for or in relation to the making of adoption orders.

(7C) The power of the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2) under Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021* to make Rules of Court extends to making Rules of Court for or in relation to the making of adoption orders.

141 Paragraph 111CV(1A)(b)

Repeal the paragraph, substitute:

(b) the Chief Executive Officer; and

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(ba) a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 1); and

(bb) a Senior Registrar or Registrar of the Federal Circuit and Family Court of Australia (Division 2); and

142 Paragraph 111CV(1A)(d)

Repeal the paragraph.

143 Section 112AA (definition of *applicable Rules of Court*)

Repeal the definition.

144 Subsection 112AK(1)

Repeal the subsection, substitute:

(1) Subject to this section, an order made under section 112AD may be varied or discharged by the court that made the order or the Federal Circuit and Family Court of Australia.

145 Subsection 115(2)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia".

146 At the end of subsection 117(2)

Add:

Note 1: For other provisions about the award of costs by the Federal Circuit and Family Court of Australia (Division 1), see paragraphs 69(4)(d) and (e) of the *Federal Circuit and Family Court of Australia Act 2021*.

Note 2: For other provisions about the award of costs by the Federal Circuit and Family Court of Australia (Division 2), see paragraphs 192(4)(d) and (e) of the *Federal Circuit and Family Court of Australia Act 2021*.

147 Subsection 121(10) (note)

Omit "26B, 37A,".

148 After section 122

Insert:

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122AAA Protection of Registrars conducting conferences about property matters

(1) In conducting a conference that:

(a) is with the parties to property settlement proceedings; and

(b) relates to the matter to which the proceedings relate;

a Registrar of a Family Court of a State has the same protection and immunity as a Judge of the Court has in performing the functions of a Judge.

(2) This section does not limit any other protection or immunity such a Registrar has (in relation to such a conference or otherwise).

149 Subsection 122A(1)

Omit ", the standard Rules of Court or the related Federal Circuit Court Rules", substitute "or the applicable Rules of Court".

150 Paragraphs 122A(1)(a) and (b)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

151 Paragraphs 122A(1)(c) and (d)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

152 Subsection 123(1)

Omit "Judges, or a majority of them,", substitute "Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

153 Subsection 123(1)

Omit "in the Family Court and, subject to subsection 69GA(3), any other courts", substitute ", subject to subsection 69GA(3), in a court".

154 Subsection 123(1)

Omit "those courts", substitute "the court".

155 Paragraph 123(1)(b)

Omit "the Family Court or another court", substitute "a court".

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156 Paragraphs 123(1)(bb), (c) and (d)

Repeal the paragraphs.

157 Paragraph 123(1)(f)

Omit "the Family Court and in any other court", substitute "a court".

158 Paragraph 123(1)(ma)

Omit "Divisions 2 and 3", substitute "Division 2".

159 Subparagraph 123(1)(sda)(i)

Omit "subsection 38BD(1) of this Act", substitute "subsection 281(1) of the *Federal Circuit and Family Court of Australia Act 2021*".

160 Subparagraph 123(1)(sdb)(i)

Omit "subsection 38BD(2) of this Act", substitute "subsection 281(2) of the *Federal Circuit and Family Court of Australia Act 2021*".

161 Paragraph 123(1)(sea)

Omit "subsection 38BD(1) of this Act", substitute "subsection 281(1) of the *Federal Circuit and Family Court of Australia Act 2021*".

162 Paragraph 123(1)(seb)

Omit "subsection 38BD(2) of this Act", substitute "subsection 281(2) of the *Federal Circuit and Family Court of Australia Act 2021*".

163 At the end of subsection 123(1)

Add:

Note 1: For other powers to make Rules of Court, see section 109A and subsection 111C(7A).

Note 2: The power to make Rules of Court under this section will be amended 18 months after the commencement of the *Federal Circuit and Family Court of Australia Act 2021*, to provide for the Rules to be made by the Judges of the Federal Circuit and Family Court of Australia (Division 1), or a majority of them (see Part 4 of Schedule 1 to the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021*).

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164 Subsection 123(1A)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia".

165 Subsection 123(2)

Omit "made by Judges under this section or any other Act", substitute "made by the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) under this section or any other Act (other than the *Federal Circuit and Family Court of Australia Act 2021*)".

166 Paragraph 123(2)(b)

Repeal the paragraph.

167 Subsection 123(2A)

Omit "made by Judges under this or any other Act", substitute "made by the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) under this Act".

168 Subsection 123(3)

Repeal the subsection (including the note).

169 Subsection 124(1)

Omit "Family Court of Australia" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1), such Judges of the Federal Circuit and Family Court of Australia (Division 2)".

170 Subsection 124(1)

Omit "Family Court of Australia" (second occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

171 Subsection 124(2)

Omit "the Judges referred to in section 123", substitute "the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

172 Subsection 124(2)

Omit "those Judges", substitute "the Chief Justice of the Court".

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173 Subsection 124(6)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

174 Paragraph 125(1)(ba)

Repeal the paragraph.

175 Paragraph 125(1)(baa)

Omit "the Family Court and any other court", substitute "a court".

176 Paragraph 125(1)(ca)

Repeal the paragraph.

177 Paragraphs 125(1)(d) and (e)

Omit "and fees prescribed under paragraph (ca)".

Federal Court of Australia Act 1976

178 Section 4 (definition of *administrative affairs*)

Repeal the definition, substitute:

administrative affairs:

(a) of the Court—has a meaning affected by subsection 18A(1A) of this Act; and

(b) of the Federal Circuit and Family Court of Australia (Division 1)—has the meaning given by the definition of that expression in the *Federal Circuit and Family Court of Australia Act 2021* in relation to that Court; and

(c) of the Federal Circuit and Family Court of Australia (Division 2)—has the meaning given by the definition of that expression in the *Federal Circuit and Family Court of Australia Act 2021* in relation to that Court.

179 Section 4

Insert:

Chief Executive Officer of the Federal Circuit and Family Court of Australia means the Chief Executive Officer and Principal

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Registrar of the Federal Circuit and Family Court of Australia (Division 1).

180 Section 4 (definition of *corporate services*)

Repeal the definition, substitute:

corporate services:

(a) of the Court—has the meaning given by subsection 18A(1B) of this Act; and

(b) of the Federal Circuit and Family Court of Australia (Division 1)—has the meaning given by the definition of that expression in the *Federal Circuit and Family Court of Australia Act 2021* in relation to that Court; and

(c) of the Federal Circuit and Family Court of Australia (Division 2)—has the meaning given by the definition of that expression in the *Federal Circuit and Family Court of Australia Act 2021* in relation to that Court.

181 Section 4 (definition of *Family Court Chief Executive Officer*)

Repeal the definition.

182 Section 4

Insert:

family law or child support proceeding means a proceeding under:

(a) the *Family Law Act 1975*; or

(b) the *Child Support (Assessment) Act 1989*; or

(c) the *Child Support (Registration and Collection) Act 1988* (other than a proceeding under section 72Q of that Act).

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

183 Section 4

Repeal the following definitions:

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(a) definition of ***Federal Circuit Court***;
(b) definition of ***Federal Circuit Court Chief Executive Officer***.

184 Subsection 6(2)

Repeal the subsection, substitute:

(2) A person is not to be appointed as a Judge unless:
  (a) the person:
    (i) is or has been a Judge of a prescribed court or of a court of a State; or
    (ii) has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory for not less than 5 years; and
  (b) the person has appropriate knowledge, skills and experience to deal with the kinds of matters that may come before the Court.

185 After section 13

Insert:

13A Authorised Judges may manage classes of proceedings

(1) The Chief Justice may, by written instrument, authorise a Judge to manage such class or classes of proceedings as may be specified:
  (a) in the instrument; or
  (b) by the Rules of Court.

(2) In managing a class or classes of proceedings, a Judge is subject to any direction from the Chief Justice.

(3) A Judge may be authorised even though the Judge is not assigned to a Division.

(4) The authorisation of a Judge does not affect the rank, title, status and precedence as a Judge that the Judge had immediately before any such authorisation.

(5) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

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186 Subsection 15(1AAA)

After "another Judge", insert "of the Court".

187 Section 15A

Repeal the section.

188 After paragraph 18A(1B)(e)

Insert:

(ea) records management;

(eb) administrative matters relating to judgments, to the extent that such matters do not involve the exercise of judicial power;

189 After paragraph 18A(1B)(h)

Insert:

(ha) court security;

190 After paragraph 18N(1)(d)

Insert:

(da) the Marshal of the Court;

(db) such Deputy Marshals of the Court as are necessary;

191 Subsection 18N(4)

Omit "and the Marshals", substitute ", the Deputy Marshals of the Court and the Marshals for the purposes of the *Admiralty Act 1988*".

192 Subsection 18N(5)

Omit "and the Marshals", substitute ", the Deputy Marshals of the Court and the Marshals for the purposes of the *Admiralty Act 1988*".

193 At the end of Division 3 of Part IIA

Add:

18PA Marshal

(1) The Marshal of the Court is responsible for:

(a) the security of the Court; and

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(b) the personal security of the Judges and officers and staff of the Court.

(2) The Marshal of the Court is also responsible for:

(a) taking, receiving and detaining all persons committed to the Marshal's custody by the Court; and

(b) discharging such persons when so directed by the Court or otherwise required by law.

18PB Deputy Marshals

A Deputy Marshal of the Court may, subject to any directions of the Marshal of the Court, exercise or perform any of the powers or functions of the Marshal.

18PC Authorised persons to assist the Marshal or Deputy Marshals

(1) The Marshal of the Court may authorise persons to assist the Marshal in exercising powers or performing functions as the Marshal.

(2) A Deputy Marshal of the Court may authorise persons to assist the Deputy Marshal in exercising powers or performing functions as the Deputy Marshal.

194 Paragraphs 18Z(1)(b) and (c)

Repeal the paragraphs, substitute:

(b) providing the corporate services of the Federal Circuit and Family Court of Australia (Division 1);

(c) providing the corporate services of the Federal Circuit and Family Court of Australia (Division 2).

195 Paragraphs 18Z(3)(b) to (e)

Repeal the paragraphs, substitute:

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

(c) the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2);

(d) the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

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196 Subsection 18Z(5)

Repeal the subsection, substitute:

(5) When performing functions, or exercising powers, under this section, before the Chief Executive Officer makes a decision that has the effect of imposing an expenditure obligation relating to the administrative affairs of a court mentioned in an item of the following table:

(a) the Chief Executive Officer must consult the person or persons mentioned in that item about the decision; and

(b) either:

(i) the person or persons mentioned in that item must consent to the decision; or

(ii) the Attorney-General must consent to the decision, after the Attorney-General has consulted the person or persons mentioned in that item about the decision.

Consultation about expenditure relating to administrative affairs

Item	Court	Persons to be consulted
1	The Court	The Chief Justice
2	The Federal Circuit and Family Court of Australia (Division 1)	Both: (a) the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1); and (b) the Chief Justice of the Court
3	The Federal Circuit and Family Court of Australia (Division 2)	Both: (a) the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2); and (b) the Chief Justice of the Court

197 Subparagraphs 18ZB(a)(iv) to (ix)

Repeal the subparagraphs, substitute:

(iv) the Chief Executive Officer of the Federal Circuit and Family Court of Australia;

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(v) the officers of the Federal Circuit and Family Court of Australia (Division 1) referred to in subsection 103(1) of the *Federal Circuit and Family Court of Australia Act 2021*;

(vi) the staff of the Registries of the Federal Circuit and Family Court of Australia (Division 1) referred to in subsection 103(6) of the *Federal Circuit and Family Court of Australia Act 2021*;

(vii) the officers of the Federal Circuit and Family Court of Australia (Division 2) referred to in section 259 of the *Federal Circuit and Family Court of Australia Act 2021*;

(viii) the staff of the Federal Circuit and Family Court of Australia (Division 2) referred to in section 265 of the *Federal Circuit and Family Court of Australia Act 2021*;

198 Subparagraphs 18ZB(e)(ii) and (iii)

Repeal the subparagraphs, substitute:

(ii) the functions of the Chief Executive Officer of the Federal Circuit and Family Court of Australia under sections 84, 250 and 278 of the *Federal Circuit and Family Court of Australia Act 2021*;

199 Section 18ZC

Repeal the section, substitute:

18ZC Delegation of powers etc. under the finance law

Section 110 of the *Public Governance, Performance and Accountability Act 2013* applies as if:

(a) for the delegation of a matter that relates to the administrative affairs of the Federal Circuit and Family Court of Australia (Division 1)—a reference to an official were a reference to:

(i) the Chief Executive Officer of the Federal Circuit and Family Court of Australia; or

(ii) the holder of an office or position referred to in subparagraph 18ZB(a)(v) or (vi) of this Act, being an office or position that, at the time the delegation is

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made, is nominated in writing by the Chief Executive Officer of the Federal Circuit and Family Court of Australia; and

(b) for the delegation of a matter that relates to the administrative affairs of the Federal Circuit and Family Court of Australia (Division 2)—a reference to an official were a reference to:

(i) the Chief Executive Officer of the Federal Circuit and Family Court of Australia; or

(ii) the holder of an office or position referred to in subparagraph 18ZB(a)(vii) or (viii) of this Act, being an office or position that, at the time the delegation is made, is nominated in writing by the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

200 Subparagraphs 18ZD(1)(b)(ii) to (iv)

Repeal the subparagraphs, substitute:

(ii) the administrative affairs of the Federal Circuit and Family Court of Australia (Division 1); or

(iii) the administrative affairs of the Federal Circuit and Family Court of Australia (Division 2); or

(iv) the corporate services of the Court, the Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2), as referred to in subsection 18Z(1); and

201 Subsections 18ZD(2) and (3)

Repeal the subsections, substitute:

(2) Before spending a part of the outcome amount for another outcome for the listed entity, if the outcome amount relates to the administrative affairs of a court mentioned in an item of the following table, the Chief Executive Officer must:

(a) consult the person or persons mentioned in that item about the spending; and

(b) obtain the consent of:

(i) the person or persons mentioned in that item to the spending; or

(ii) the Attorney-General to the spending.

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Consultation about spending		
Item	**Court**	**Persons to be consulted**
1	The Court	The Chief Justice
2	The Federal Circuit and Family Court of Australia (Division 1)	Both: (a) the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1); and (b) the Chief Justice of the Court
3	The Federal Circuit and Family Court of Australia (Division 2)	Both: (a) the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2); and (b) the Chief Justice of the Court

202 Subparagraphs 18ZE(2)(b)(ii) and (iii)

Repeal the subparagraphs, substitute:

(iii) sections 103 and 253, subsections 260(1), 261(1), 262(1) and 263(1), and sections 264 and 265 of the *Federal Circuit and Family Court of Australia Act 2021*;

203 Sections 18ZF and 18ZG

Repeal the sections, substitute:

18ZF Making arrangements relating to APS employees

(1) The Chief Executive Officer must make the services of APS employees who are officers of the Federal Circuit and Family Court of Australia (Division 1), or staff of the Registries of the Court, available for the purposes of assisting the Chief Executive Officer of the Federal Circuit and Family Court of Australia in the performance of functions under sections 84 and 278 of the *Federal Circuit and Family Court of Australia Act 2021*.

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(2) While a person is performing services made available under subsection (1), that person must do so in accordance with the directions of:
  (a) the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1); and
  (b) the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

(3) The Chief Executive Officer must make the services of APS employees who are officers of the Federal Circuit and Family Court of Australia (Division 2), or staff of the Court, available for the purposes of assisting the Chief Executive Officer of the Federal Circuit and Family Court of Australia in the performance of functions under sections 250 and 278 of the *Federal Circuit and Family Court of Australia Act 2021*.

(4) While a person is performing services made available under subsection (3), that person must do so in accordance with the directions of:
  (a) the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2); and
  (b) the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

18ZG Delegation of powers etc. under the *Public Service Act 1999*

Section 78 of the *Public Service Act 1999* applies, in relation to the administrative affairs of the Federal Circuit and Family Court of Australia, as if the reference in subsection (7) to another person were a reference to the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

204 Paragraphs 18ZH(1)(b) and (c)

Repeal the paragraphs, substitute:

  (b) the officers of the Federal Circuit and Family Court of Australia (Division 1) referred to in paragraphs 103(1)(a) to (e) of the *Federal Circuit and Family Court of Australia Act 2021*;
  (c) the officers of the Federal Circuit and Family Court of Australia (Division 2) referred to in paragraphs 259(1)(a) to

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(g) of the *Federal Circuit and Family Court of Australia Act 2021*;

205 Subsections 18ZH(2) and (3)

Repeal the subsections, substitute:

(2) The Chief Executive Officer may delegate the Chief Executive Officer's powers under paragraph (1)(b) or (c) to appoint any or all of the officers to the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

(3) The appointment of a person to more than one office, or an office or offices of more than one court, mentioned in subsection (1) may be made in a single instrument.

206 Paragraphs 18ZI(1)(b) and (c)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 1); or

(c) the Federal Circuit and Family Court of Australia (Division 2); or

207 Subsections 18ZI(4) and (5)

Repeal the subsections, substitute:

(4) The Chief Executive Officer may delegate the Chief Executive Officer's powers under subsections (1) and (2) in relation to the Federal Circuit and Family Court of Australia to the Chief Executive Officer of the Federal Circuit and Family Court of Australia.

208 Section 18ZJ

Repeal the section, substitute:

18ZJ Subdelegation of powers under this Division

(1) If, under subsection 18ZH(2) or 18ZI(4), the Chief Executive Officer delegates any powers to the Chief Executive Officer of the Federal Circuit and Family Court of Australia, the Chief Executive

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Officer of the Federal Circuit and Family Court of Australia may, in writing, delegate all or any of those powers to:

(a) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the holder of an office or position referred to in subparagraph 18ZB(a)(v) or (vi); or

(b) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the holder of an office or position referred to in subparagraph 18ZB(a)(vii) or (viii).

(2) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* apply to a delegation under this section in the same way as they apply to a delegation under section 18ZH or 18ZI.

209 Section 18ZK

Repeal the section, substitute:

18ZK Officers of the Court and the Federal Circuit and Family Court of Australia

(1) A person may be an officer of one or more of the following courts:

(a) the Court;

(b) the Federal Circuit and Family Court of Australia (Division 1);

(c) the Federal Circuit and Family Court of Australia (Division 2).

(2) Subsection (1) has effect despite anything in this Act and the *Federal Circuit and Family Court of Australia Act 2021*.

210 Paragraphs 24(1)(d) and (e)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

211 Subsection 25(1AA)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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212 Paragraph 29(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

213 Section 32AA (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

214 Paragraphs 32AA(1)(a) and (b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

215 Paragraph 32AA(2)(b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

216 Section 32AB (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia**".

217 Subsections 32AB(1), (3), (4), (5) and (6)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia".

218 Subsection 32AB(7)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia".

219 Subsection 32AB(8A)

Repeal the subsection, substitute:

(8A) The Federal Circuit and Family Court of Australia (Division 1) has jurisdiction in a matter that:

(a) is the subject of a proceeding transferred to the Federal Circuit and Family Court of Australia (Division 1) under this section; and

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(b) is a matter in which the Federal Circuit and Family Court of Australia (Division 1) does not have jurisdiction apart from this subsection.

To avoid doubt, the jurisdiction of the Federal Circuit and Family Court of Australia (Division 1) under this subsection is not subject to limits set by another provision.

(8B) The Federal Circuit and Family Court of Australia (Division 2) has jurisdiction in a matter that:

(a) is the subject of a proceeding transferred to the Federal Circuit and Family Court of Australia (Division 2) under this section; and

(b) is a matter in which the Federal Circuit and Family Court of Australia (Division 2) does not have jurisdiction apart from this subsection.

To avoid doubt, the jurisdiction of the Federal Circuit and Family Court of Australia (Division 2) under this subsection is not subject to limits set by another provision.

220 After section 32AB

Insert:

32AC Discretionary transfer of civil proceedings from the Federal Circuit and Family Court of Australia (Division 2)

(1) If:

(a) a proceeding is pending in the Federal Circuit and Family Court of Australia (Division 2); and

(b) the proceeding is not a family law or child support proceeding;

the Court may, by order, transfer the proceeding from the Federal Circuit and Family Court of Australia (Division 2) to the Court.

(2) The Court may transfer a proceeding:

(a) on the application of a party to the proceeding; or

(b) on its own initiative.

(3) The Rules of Court may make provision in relation to transfers of proceedings from the Federal Circuit and Family Court of Australia (Division 2) under this section.

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(4) In particular, the Rules of Court may set out factors that are to be taken into account by the Court in deciding whether to transfer a proceeding from the Federal Circuit and Family Court of Australia (Division 2).

(5) Before Rules of Court are made for the purposes of subsection (3) or (4), the Court must consult the Federal Circuit and Family Court of Australia (Division 2).

(6) In deciding whether to transfer a proceeding from the Federal Circuit and Family Court of Australia (Division 2), the Court must have regard to:

(a) any Rules of Court made for the purposes of subsection (4); and

(b) whether proceedings in respect of an associated matter are pending in the Court; and

(c) whether the resources of the Court are sufficient to hear and determine the proceeding; and

(d) the interests of the administration of justice.

(7) An appeal does not lie from a decision of the Court in relation to the transfer of a proceeding under this section.

(8) The Court has jurisdiction in a matter that:

(a) is the subject of a proceeding transferred to the Court under this section; and

(b) is a matter in which the Court does not have jurisdiction apart from this subsection.

To avoid doubt, the Court's jurisdiction under this subsection is not subject to limits set by another provision.

(9) This section does not apply to criminal proceedings.

(10) This section does not apply to proceedings of a kind specified in the regulations.

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32AD Confirmation of civil proceedings transferred from the Federal Circuit and Family Court of Australia (Division 2)

(1) If the Federal Circuit and Family Court of Australia (Division 2) makes an order under subsection 153(1) of the *Federal Circuit and Family Court of Australia Act 2021* transferring a proceeding to the Court, the Court may, by order, confirm the transfer of the proceeding to the Court.

Note: The transfer of a proceeding takes effect on the day the Court makes an order under this section in relation to the proceeding: see subsection 153(4) of the *Federal Circuit and Family Court of Australia Act 2021*.

(2) The Court may, in its discretion, receive further evidence to decide whether to make an order under subsection (1). Such evidence may be taken in any of the ways mentioned in section 27.

(3) The Court has jurisdiction in a matter that:

(a) is the subject of a proceeding transferred to the Court by the Federal Circuit and Family Court of Australia (Division 2); and

(b) is a matter in which the Court does not have jurisdiction apart from this subsection.

To avoid doubt, the Court's jurisdiction under this subsection is not subject to limits set by another provision.

(4) An appeal does not lie from a decision of the Court in relation to an order made under subsection (1) confirming the transfer of a proceeding.

221 Subsections 34(1) and (2)

Omit "The Governor-General shall", substitute "The Minister must".

222 Subsection 34(2)

Omit "Governor-General" (second occurring), substitute "Minister".

223 Subsection 49(2)

Repeal the subsection, substitute:

(2) If:

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(a) the Court reserves judgment in a proceeding; and
(b) a Judge who heard the proceeding, whether as a single Judge or as a member of a Full Court, prepares orders and reasons;

those orders and reasons may be made public by another Judge on behalf of the Judge who heard the proceeding or as otherwise provided for by the Rules of Court.

(2A) If:
(a) the Court reserves reasons for its decision in a proceeding; and
(b) a Judge who heard the proceeding, whether as a single Judge or as a member of a Full Court, prepares reasons;

those reasons may be made public by another Judge on behalf of the Judge who heard the proceeding or as otherwise provided for by the Rules of Court.

224 Subsection 49(3)

Omit "subsection (2)", substitute "this section".

225 After section 55

Insert:

55AA Actions by or against Marshal

If the Marshal or a Deputy Marshal is a party to a proceeding in the Court:
(a) all writs, summonses, orders, warrants, precepts, process and commands in the proceeding which should, in the ordinary course, be directed to the Marshal must be directed to such disinterested person as the Court or a Judge appoints; and
(b) the person so appointed may execute and return them.

226 After subsection 59(1)

Insert:

(1A) The Judges of the Court, or a majority of them, may make Rules of Court prescribing matters required or permitted by:
(a) any other provision of this Act; or
(b) any other law of the Commonwealth;

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to be prescribed by the Rules of Court.

227 After paragraph 59(2)(r)

Insert:

(ra) the transfer of proceedings from the Federal Circuit and Family Court of Australia (Division 2), including matters relating to costs, such as:

(i) the costs of the application for an order transferring such a proceeding; and

(ii) the costs for any step in such a proceeding, including steps that occurred before the proceeding was transferred; and

(iii) the scale of costs that is to be apply; and

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Part 2—Application, saving and transitional provisions

Division 1—Introduction

228 Definitions

In this Part:

commencement day means the day this Schedule commences.

Division 2—Application of amendments

229 Application

The amendments of the *Family Law Act 1975* and the *Federal Court of Australia Act 1976* made by this Schedule apply in relation to a proceeding commenced before, on or after the commencement day.

Division 3—Saving and transitional provisions: Family Law Act 1975 amendments

230 Authorisation about handling complaints

A written authorisation made under subsection 21B(3A) of the *Family Law Act 1975* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 48(2) of the *Federal Circuit and Family Court of Australia Act 2021*.

231 Arrangements with other courts

An arrangement made under subsection 38BAA(1) of the *Family Law Act 1975* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 79(1) of the *Federal Circuit and Family Court of Australia Act 2021*.

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232 Arrangements with agencies or organisations

An arrangement made under subsection 38BAB(1) of the *Family Law Act 1975* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 80(1) of the *Federal Circuit and Family Court of Australia Act 2021*.

233 Delegation

An instrument made under section 38W of the *Family Law Act 1975* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under section 108 of the *Federal Circuit and Family Court of Australia Act 2021*.

234 Proclamation

Despite the repeal of section 96 of the *Family Law Act 1975* by this Act, a Proclamation made under subsection 96(3) of that Act and in force immediately before the commencement day, continues in force (and may be dealt with) as if:

(a) it had been made under subsection 47A(5) of the *Family Law Act 1975*, as inserted by this Act; and

(b) the Supreme Courts specified in that Proclamation are also specified for the purposes of appeals in relation to:

(i) the *Child Support (Assessment) Act 1989*; or

(ii) the *Child Support (Registration and Collection) Act 1988*.

235 Oaths and affirmations

A written authorisation made under subsection 98AA(2) of the *Family Law Act 1975* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 71(2) of the *Federal Circuit and Family Court of Australia Act 2021*.

236 Seals and stamps

Despite the amendment of paragraph 123(1)(f) of the *Family Law Act 1975* by this Schedule:

(a) a seal of the Family Court, prescribed by the Rules of Court and in force immediately before the commencement day,

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may be affixed to documents (in accordance with subsection 59(3) of the *Federal Circuit and Family Court of Australia Act 2021*) until the end of the 12-month period beginning on the commencement day, as if it were a seal of the Federal Circuit and Family Court of Australia (Division 1); and

(b) a stamp of the Family Court, prescribed by the Rules of Court and in force immediately before the commencement day, may be affixed to documents (in accordance with subsection 60(3) of the *Federal Circuit and Family Court of Australia Act 2021*) until the end of the 12-month period beginning on the commencement day, as if it were a stamp of the Federal Circuit and Family Court of Australia (Division 1).

237 Continuity of Rules of Court

The amendments made by items 130, 139, 152, 165 and 167 of this Schedule:

(a) do not affect the continuity of any Rules of Court made for the purposes of section 123 of the *Family Law Act 1975* that are in force immediately before the commencement day; and

(b) to avoid doubt, do not prevent the amendment or repeal of those Rules of Court.

Division 4—Saving and transitional provisions: Federal Court of Australia Act 1976 amendments

238 Registries of the Federal Court of Australia

(1) Despite the amendment of section 34 of the *Federal Court of Australia Act 1976* by this Schedule, a Registry of the Federal Court of Australia, existing immediately before the commencement day, continues in existence on and after that day.

(2) The amendment of section 34 of the *Federal Court of Australia Act 1976* by this Schedule does not affect:

(a) the designation, before the commencement day, of a Registry of the Federal Court of Australia as the Principal Registry of the Court; or

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(b) the specification, before the commencement day, of a District (in respect of which a District Registry of the Federal Court of Australia exists).

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Part 3—Amendments not commencing before 1 January 2020

Federal Circuit and Family Court of Australia Act 2021

239 Paragraph 127(1)(a)

Repeal the paragraph, substitute:

(a) the person:

(i) has not attained the age of 18 years; or

(ii) has attained the age of 18 years but has not attained the age of 25 years and is receiving full-time education at a school, college or university; and

240 Application provision

The amendment of the *Federal Circuit and Family Court of Australia Act 2021* made by this Part applies in relation to a Judge of the Federal Circuit and Family Court of Australia (Division 2) or a retired disabled Judge (within the meaning of that Act) who dies on or after the day this item commences.

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Part 4—Amendments relating to making Rules of Court

Corporations (Aboriginal and Torres Strait Islander) Act 2006

241 Section 700-1 (paragraph (b) of the definition of *Aboriginal and Torres Strait Islander Corporations legislation*)

Omit "the Chief Justice", substitute "Judges".

Corporations Act 2001

242 Section 9 (paragraph (c) of the definition of *Corporations legislation*)

Omit "the Chief Justice", substitute "Judges".

Family Law Act 1975

243 Subsection 109A(1)

Omit "the Chief Justice", substitute "Judges".

244 Subsection 111C(7A)

Omit "the Chief Justice", substitute "Judges".

245 Subsection 111C(7B)

Omit "the Chief Justice", substitute "Judges".

246 Subsection 111C(7C)

Omit "the Chief Judge", substitute "Judges".

247 Subsection 123(1)

Omit "Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)", substitute "Judges of the Federal Circuit and Family Court of Australia (Division 1), or a majority of them,".

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248 Subsection 123(1) (note 1)

Omit "Note 1", substitute "Note".

249 Subsection 123(1) (note 2)

Repeal the note.

250 Subsection 123(2)

Omit "the Chief Justice", substitute "Judges".

251 After paragraph 123(2)(a)

Insert:

(b) as if a reference to a rule-maker were a reference to the Chief Justice acting on behalf of the Judges of that Court; and

252 Subsection 123(2A)

Omit "the Chief Justice", substitute "Judges".

253 Subsection 124(2)

Repeal the subsection, substitute:

(2) The function of the Rules Advisory Committee is to advise the Judges of the Federal Circuit and Family Court of Australia (Division 1) in relation to the making of standard Rules of Court as requested from time to time.

Federal Circuit and Family Court of Australia Act 2021

254 Subsection 76(1)

Omit "Chief Justice", substitute "Judges, or a majority of them,".

255 Subsection 76(1) (note)

Repeal the note.

256 After subsection 76(1)

Insert:

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(1A) Proposed Rules of Court are not to be made if the Chief Justice considers they are not consistent with the aim mentioned in paragraph 75(a) (ensuring common rules of court and forms).

257 Subsection 76(4)

Omit "the Chief Justice", substitute "Judges".

258 After paragraph 76(4)(a)

Insert:

(aa) as if a reference to a rule-maker were a reference to the Chief Justice acting on behalf of the Judges of the Court; and

259 Subsection 76(5)

Omit "made by the Chief Justice", substitute "made by Judges".

260 Section 77

Repeal the section.

261 Subsection 82(2)

Repeal the subsection, substitute:

(2) The Chief Justice may appoint committees consisting of Judges, or of Judges and other persons, for the purpose of:

(a) advising the Judges of the Federal Circuit and Family Court of Australia (Division 1) in relation to the making of Rules of Court; or

(b) advising the Chief Justice in relation to the management of the administrative affairs of the Federal Circuit and Family Court of Australia (Division 1).

262 Subsection 98(1)

Omit "The Chief Justice", substitute "Judges, or a majority of them,".

263 Subsection 217(1)

Omit "Chief Judge", substitute "Judges, or a majority of them,".

264 Subsection 217(1) (note)

Repeal the note.

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265 After subsection 217(1)

Insert:

(1A) Proposed Rules of Court are not to be made if the Chief Judge considers they are not consistent with the aim mentioned in paragraph 216(a) (ensuring common rules of court and forms).

266 Subsection 217(3)

Omit "the Chief Judge", substitute "Judges".

267 After paragraph 217(3)(a)

Insert:

(aa) as if a reference to a rule-maker were a reference to the Chief Judge acting on behalf of the Judges of the Court; and

268 Subsection 217(4)

Omit "made by the Chief Judge", substitute "made by Judges".

269 Section 218

Repeal the section.

270 Subsection 249(2)

Repeal the subsection, substitute:

(2) The Chief Judge may appoint committees consisting of Judges, or of Judges and other persons, for the purpose of:

(a) advising the Judges of the Federal Circuit and Family Court of Australia (Division 2) in relation to the making of Rules of Court; or

(b) advising the Chief Judge in relation to the management of the administrative affairs of the Federal Circuit and Family Court of Australia (Division 2).

271 Subsection 254(1)

Omit "The Chief Judge", substitute "Judges, or a majority of them,".

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Plant Breeder's Rights Act 1994

272 Subsection 56A(5)

Omit "of the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2)".

273 Application of amendments

The amendments made by this Part apply in relation to rules of court made after this Part commences.

274 Continuity of rules of court

The amendments made by this Part:

(a) do not affect the continuity of any rules of court that are in force immediately before this Part commences; and

(b) to avoid doubt, do not prevent the amendment or repeal of those rules of court.

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Schedule 2—Further consequential amendments

Administrative Appeals Tribunal Act 1975

1 Paragraph 7(2)(a)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

2 Subsection 43(5C)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

3 Subsection 44(1) (note 2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

4 Section 44AAA (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

5 Subsections 44AAA(1) and (2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

6 Subsection 44AAA(3)

Omit "the *Federal Circuit Court of Australia Act 1999*", substitute "Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*".

7 Section 44AA (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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8 Subsections 44AA(1), (2), (4), (5), (6), (7), (8) and (9)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

9 Subsection 44AA(11) (heading)

Omit "*Federal Circuit Court*", substitute "*Federal Circuit and Family Court of Australia (Division 2)*".

10 Subsections 44AA(11) and (12)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

11 Subsection 44A(2A)

Omit "Federal Circuit Court of Australia, the Federal Circuit Court of Australia or a Judge of the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2), the Federal Circuit and Family Court of Australia (Division 2) or a Judge of that Court".

12 Subsection 44A(2A)

Omit "Federal Circuit Court of Australia or Judge of the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2) or Judge of the Court".

13 Paragraph 44A(3)(b)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

14 Section 46 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

15 Subsections 46(1), (2) and (3)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Administrative Decisions (Judicial Review) Act 1977

16 Subsection 3(1) (definition of *Family Court Judge*)

Repeal the definition.

17 Subsection 3(1)

Insert:

> ***Federal Circuit and Family Court of Australia (Division 2) Rules*** means the Rules of Court made under Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*.

18 Subsection 3(1)

Repeal the following definitions:

(a) definition of ***Federal Circuit Court***;

(b) definition of ***Federal Circuit Court Rules***;

(c) definition of ***the Family Court***.

19 Subsection 3(10)

Omit all the words after "before the Federal Court", substitute:

by way of:

(a) a transfer from the Federal Circuit and Family Court of Australia (Division 2) by the Federal Court under section 32AC of the *Federal Court of Australia Act 1976*; or

(b) a transfer by the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court under section 153 of the *Federal Circuit and Family Court of Australia Act 2021* that has been confirmed by the Federal Court under section 32AD of the *Federal Court of Australia Act 1976*.

20 Subsection 3(11)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

21 Subsection 3(12)

Repeal the subsection.

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22 Subsections 5(1) and 6(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

23 Section 7

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

24 Section 8 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

25 Subsection 8(2)

Repeal the subsection, substitute:

(2) The Federal Circuit and Family Court of Australia (Division 2) has jurisdiction to hear and determine applications made to the Court under this Act.

Note: See also subsections 3(10) and (11).

26 Section 10

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

27 Subsection 11(1)

Omit "Federal Circuit Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

28 Subparagraph 11(1)(a)(ii)

Omit "Federal Circuit Court—Federal Circuit Court Rules", substitute "Federal Circuit and Family Court of Australia (Division 2)—Federal Circuit and Family Court of Australia (Division 2) Rules".

29 Subsection 11(2)

Omit "Federal Circuit Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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30 Paragraph 11(2)(b)

Omit "Federal Circuit Court—Federal Circuit Court Rules", substitute "Federal Circuit and Family Court of Australia (Division 2)—Federal Circuit and Family Court of Australia (Division 2) Rules".

31 Subparagraph 11(3)(b)(ii)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

32 Subsections 11(4) and (7)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

33 Subsection 11(8A)

Repeal the subsection, substitute:

(8A) The Federal Circuit and Family Court of Australia (Division 2) Rules may make provision for and in relation to service on appropriate persons of copies of documents lodged with a Registry of the Federal Circuit and Family Court of Australia (Division 2) under this Act.

34 Subsection 11(9)

Omit "Federal Circuit Court Rules", substitute "Federal Circuit and Family Court of Australia (Division 2) Rules".

35 Subsection 12(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

36 Section 13

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

37 Subsections 13A(4) and 14(4)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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38 Section 15A (heading)

Repeal the heading, substitute:

15A Stay of proceedings—Federal Circuit and Family Court of Australia (Division 2)

39 Subsection 15A(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Omit "Federal Circuit Court of Australia or a Judge", substitute "Federal Circuit and Family Court of Australia (Division 2) or a Judge of that Court".

41 Subsection 15A(2)

Omit "Federal Circuit Court of Australia or a Judge", substitute "Federal Circuit and Family Court of Australia (Division 2) or a Judge of that Court".

42 Subsection 15A(3)

Repeal the subsection.

43 Section 16 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

44 Section 16

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

45 Paragraph 17(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

46 Subsection 18(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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47 Section 18A (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

48 Subsections 18A(1), (2) and (3)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

49 Paragraphs 18A(3)(a), (b), (c), (d) and (e)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

50 Subparagraph 18A(3)(f)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

51 Subparagraphs 18A(3)(f)(ii) and (iii)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

52 Subparagraph 18A(3)(f)(iv)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

53 Subsections 18A(4) and (5)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

54 Subsection 19(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

55 Paragraph (zd) of Schedule 1

Repeal the paragraph.

56 Paragraph (zf) of Schedule 1

Repeal the paragraph, substitute:

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(zf) the following decisions under the *Federal Circuit and Family Court of Australia Act 2021*:

(i) decisions of the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) or the Minister whether to consent as mentioned in paragraph 12(1)(a) of that Act;

(ii) decisions of the Chief Justice or Deputy Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) in the exercise of, or in assisting in the exercise of, the functions or powers mentioned in subsection 47(2) of that Act;

(iii) decisions of the Chief Judge or a Deputy Chief Judge of the Federal Circuit and Family Court of Australia (Division 2) in the exercise of, or in assisting in the exercise of, the functions or powers mentioned in subsection 144(2) of that Act;

(iv) decisions of the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2) in the exercise of the functions or powers mentioned in subsection 147(1) of that Act.

Admiralty Act 1988

57 Subsection 3(1) (definition of *Federal Circuit Court*)

Repeal the definition.

58 Subsections 9(1) and 27(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

59 Paragraph 28(1)(aa)

Repeal the paragraph, substitute:

(aa) the Federal Circuit and Family Court of Australia (Division 2); or

60 Subsection 28(7)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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61 Subsection 41(4)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Aged Care Act 1997

62 Paragraph 95C-1(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Age Discrimination Act 2004

63 Schedule 1 (table item 26)

Repeal the item, substitute:

26	*Federal Circuit and Family Court of Australia Act 2021*

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

64 Subsection 102D(1) (note)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

65 Subsection 102N(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

66 Subparagraph 219UA(4)(c)(i)

Repeal the subparagraph, substitute:

(i) a Judge of the Federal Circuit and Family Court of Australia (Division 2);

67 Subparagraph 219UA(4)(e)(ii)

Repeal the subparagraph, substitute:

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(ii) the Federal Circuit and Family Court of Australia (Division 2).

68 Paragraph 219VA(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

69 Subsection 219VB(5)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Antarctic Treaty (Environment Protection) Act 1980

70 Subsection 3(1) (paragraph (b) of the definition of *Court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Archives Act 1983

71 Subsections 53(6) and (7) and 55A(4) and (5)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

Australian Charities and Not-for-profits Commission Act 2012

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

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Australian Crime Commission Act 2002

73 Subsection 4(1) (definition of *Federal Circuit Court*)

Repeal the definition.

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74 Subsection 4(1) (paragraph (aa) of the definition of *issuing officer*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

75 Paragraph 25E(2)(b)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

76 Subsection 27(2A)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

77 Paragraph 55A(1)(c)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

78 Subsection 55A(5B) (heading)

Omit "*Federal Circuit Court*", substitute "*Federal Circuit and Family Court of Australia (Division 2)*".

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

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

81 Subsection 55A(13)

Insert:

> ***Judge of the Federal Circuit and Family Court of Australia (Division 2)*** means a Judge of the Federal Circuit and Family Court of Australia (Division 2) in a personal capacity and not as a court or a member of a court.

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82 Subsection 55A(13) (definition of *Judge of the Federal Circuit Court*)

Repeal the definition.

83 Subsection 55C(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

84 Subsection 55C(3)

Insert:

> ***Judge of the Federal Circuit and Family Court of Australia (Division 2)*** means a Judge of the Federal Circuit and Family Court of Australia (Division 2) in a personal capacity and not as a court or a member of a court.

85 Subsection 55C(3) (definition of *Judge of the Federal Circuit Court*)

Repeal the definition.

86 Section 57

Omit "Federal Circuit Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

87 Section 57

Omit "Federal Circuit Court—Federal Circuit Court Rules", substitute "Federal Circuit and Family Court of Australia (Division 2)—Federal Circuit and Family Court of Australia (Division 2) Rules".

88 Subparagraph 61(2)(g)(ii)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

89 Schedule 1

Omit:

> *Federal Circuit Court of Australia Act 1999*, Part 6A

substitute:

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Federal Circuit and Family Court of Australia Act 2021, Part 7 of Chapter 4

Australian Energy Market Act 2004

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

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Australian Human Rights Commission Act 1986

92 Subsection 3(1) (definition of *Federal Circuit Court*)

Repeal the definition.

93 Paragraph 46PH(1)(h)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

94 Subsections 46PH(1C), (2A) and (4)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

95 Division 2 of Part IIB (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

96 Subsection 46PO(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

97 Subsection 46PO(4) (note 2)

Repeal the note, substitute:

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Note 2: The Federal Circuit and Family Court of Australia (Division 2), or a Judge of that Court, may award costs in proceedings under this section—see section 214 of the *Federal Circuit and Family Court of Australia Act 2021*.

98 Subsection 46PP(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

99 Section 46PR

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

100 Subsection 46PS(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

101 Section 46PSA (note 2)

Repeal the note, substitute:

Note 2: The Federal Circuit and Family Court of Australia (Division 2), or a Judge of that Court, may award costs in proceedings under section 46PO—see section 214 of the *Federal Circuit and Family Court of Australia Act 2021*.

102 Paragraphs 46PU(1)(a) and (b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

103 Subsection 46PV(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

104 Section 49B (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

105 Section 49B

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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106 Subsection 49C(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Australian Jobs Act 2013

107 Section 5 (paragraph (b) of the definition of *prescribed court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

Australian Passports Act 2005

108 Subsection 6(2)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Australian Securities and Investments Commission Act 2001

109 Subsection 12BA(1) (definition of *Family Court Judge*)

Repeal the definition.

110 Section 12GL (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

111 Subsection 12GL(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

112 Subsection 12GL(3)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

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113 Paragraphs 12GL(3)(a), (b), (c), (d) and (e)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

114 Subparagraph 12GL(3)(f)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

115 Subparagraphs 12GL(3)(f)(ii) and (iii)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

116 Subparagraph 12GL(3)(f)(iv)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

117 Subsections 12GL(4) and (5)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Australian Security Intelligence Organisation Act 1979

118 Section 34A (paragraph (c) of the definition of *superior court*)

Repeal the paragraph, substitute:

(c) the Federal Circuit and Family Court of Australia (Division 1); or

119 Section 34A (after paragraph (d) of the definition of *superior court*)

Insert:

(da) a State Family Court (being a court to which section 41 of the *Family Law Act 1975* applies); or

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Australian Sports Anti-Doping Authority Act 2006

120 Paragraph 72(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Bankruptcy Act 1966

121 Subsection 5(1)

Repeal the following definitions:

(a) definition of ***Family Court Judge***;

(b) definition of ***Federal Circuit Court***.

122 Subsection 5(1) (paragraph (b) of the definition of *Registrar*)

Repeal the paragraph, substitute:

(b) a Registrar of the Federal Circuit and Family Court of Australia (Division 2).

123 Subsection 5(1) (definition of *the Family Court*)

Repeal the definition.

124 Subsection 27(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

125 Paragraph 27(1)(b)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

126 Section 35 (heading)

Omit "**Family Court's jurisdiction**", substitute "**Jurisdiction of the Federal Circuit and Family Court of Australia (Division 1)**".

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127 Subsections 35(1) and (1A)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

128 Subsection 35(2)

Omit "Family Court's jurisdiction", substitute "jurisdiction of the Federal Circuit and Family Court of Australia (Division 1)".

129 Section 35A (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

130 Subsection 35A(1)

Repeal the subsection, substitute:

(1) If a proceeding is pending in the Federal Court, the Federal Court may, on the application of a party to the proceeding or of its own motion, transfer the proceeding to the Federal Circuit and Family Court of Australia (Division 1).

131 Subsection 35A(2)

Repeal the subsection.

132 Subsection 35A(2A)

Repeal the subsection, substitute:

(2A) If a proceeding is pending in the Federal Circuit and Family Court of Australia (Division 2), the Court may, on the application of a party to the proceeding or on its own initiative, transfer the proceeding to the Federal Circuit and Family Court of Australia (Division 1).

133 Subsection 35A(3)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

134 Paragraphs 35A(3)(a) to (e)

Omit "Family Court" (wherever occurring), substitute "the Court".

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135 Subparagraph 35A(3)(f)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

136 Subparagraphs 35A(3)(f)(ii) and (iii)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

137 Subparagraph 35A(3)(f)(iv)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

138 Subsection 35A(3) (note)

Repeal the note, substitute:

Note: Rules of Court made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* (rather than Rules of Court made under the *Federal Court of Australia Act 1976*) apply in relation to proceedings transferred to the Federal Circuit and Family Court of Australia (Division 1) under this section.

139 Subsection 35A(4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

140 Subsection 35A(5)

Repeal the subsection, substitute:

(5) An appeal does not lie from a decision of the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) in relation to the transfer of a proceeding under this Act to the Federal Circuit and Family Court of Australia (Division 1).

141 Subsection 35B(1)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

142 Paragraph 35B(2)(a)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

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143 Paragraph 35B(2)(b)

Omit "Registrar of the Family Court", substitute "Registrar of the Federal Circuit and Family Court of Australia (Division 1)".

Biosecurity Act 2015

144 Section 9 (definition of *Federal Circuit Court*)

Repeal the definition.

145 Section 9 (paragraph (c) of the definition of *issuing officer*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

146 Section 9 (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

147 Section 486

Omit:

> A magistrate or Judge of the Federal Court, the Federal Circuit Court or a State or Territory court may issue a warrant to authorise entry to premises or taking of possession of premises or a conveyance, if satisfied of certain matters.

substitute:

> A magistrate or Judge of the Federal Court, the Federal Circuit and Family Court of Australia (Division 2) or a State or Territory court may issue a warrant to authorise entry to premises or taking of possession of premises or a conveyance, if satisfied of certain matters.

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Broadcasting Legislation Amendment (Broadcasting Reform) Act 2017

148 Subparagraph 41(7)(b)(ii) of Schedule 6

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

Broadcasting Services Act 1992

149 Subsection 6(1) (definition of *Federal Circuit Court*)

Repeal the definition.

150 Paragraph 121FS(1)(b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

151 Subparagraphs 205AD(b)(ii) and 205AF(5)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

Budget Savings (Omnibus) Act 2016

152 Subitem 33(2) of Schedule 7

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Building and Construction Industry (Improving Productivity) Act 2016

153 Section 5 (definition of *Federal Circuit Court*)

Repeal the definition.

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

155 Paragraphs 114(1)(e), (f) and (g)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Building Energy Efficiency Disclosure Act 2010

156 Section 3 (paragraph (b) of the definition of *Court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

157 Paragraph 51(5)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

Child Support (Assessment) Act 1989

158 Subsection 5(1)

Insert:

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

Federal Circuit and Family Court of Australia (Division 1) Rules means the Rules of Court made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*.

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Full Court of the Federal Circuit and Family Court of Australia (Division 1) has the same meaning as ***Full Court*** in the *Federal Circuit and Family Court of Australia Act 2021*.

related Federal Circuit and Family Court of Australia (Division 2) Rules has the same meaning as in the *Family Law Act 1975*.

159 Subsection 5(1) (definition of *related Federal Circuit Court Rules*)

Repeal the definition.

160 Subsection 17(1)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia".

161 Subsection 17(2)

Repeal the subsection, substitute:

(2) An appropriate officer of the Federal Circuit and Family Court of Australia or of the Family Court of the State must, as far as practicable, make the counselling facilities available.

162 Section 98X

Repeal the section, substitute:

98X Simplified outline of this Division

- Jurisdiction under this Act is conferred on the Federal Circuit and Family Court of Australia (Division 2) and certain State and Territory Courts.

163 Subsection 99(1)

Omit "Family Court and the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

164 At the end of section 99

Add:

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Note: For appeals in relation to this Act, see section 26 of the *Federal Circuit and Family Court of Australia Act 2021* and section 47A of the *Family Law Act 1975*.

165 Subsection 100(1)

Omit "(other than Part X of that Act), the standard Rules of Court and the related Federal Circuit Court Rules", substitute "(other than Division 4 of Part V of that Act), the standard Rules of Court, the Federal Circuit and Family Court of Australia (Division 1) Rules and the related Federal Circuit and Family Court of Australia (Division 2) Rules".

166 Sections 101 to 105

Repeal the sections, substitute:

101 Appeals from courts of summary jurisdiction

(1) A Family Court of a State has jurisdiction to hear and determine appeals from a decree of a court of summary jurisdiction of the State.

Note: See sections 47A and 47B of the *Family Law Act 1975*.

(2) The Supreme Court of the Northern Territory has jurisdiction to hear and determine appeals from a decree of a court of summary jurisdiction of the Northern Territory.

Note: See sections 47A and 47B of the *Family Law Act 1975*.

102 Appeals to High Court

(1) An appeal must not be brought directly to the High Court from a decree of a court exercising original jurisdiction under this Act (other than the Federal Circuit and Family Court of Australia).

Note: In relation to the Federal Circuit and Family Court of Australia, see sections 55 and 155 of the *Federal Circuit and Family Court of Australia Act 2021*.

(2) If, apart from this subsection, subsection (1) is to any extent inconsistent with section 73 of the Constitution, this Act has effect as if the words ", except by special leave of the High Court" were added at the end of subsection (1).

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167 Paragraphs 144(a) and (b)

Repeal the paragraphs, substitute:

(a) if the decision is not a decision of a Full Court of the Federal Circuit and Family Court of Australia (Division 1) and an application is not made for leave to appeal against the decision within the period for making such an application—the decision becomes final at the end of that period; or

(b) if the decision is a decision of a Full Court of the Federal Circuit and Family Court of Australia (Division 1) and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—the decision becomes final at the end of that period.

Child Support (Registration and Collection) Act 1988

168 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***Family Court***;

(b) definition of ***Family Law Magistrate of Western Australia***.

169 Subsection 4(1)

Insert:

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

Federal Circuit and Family Court of Australia (Division 1) Rules means the Rules of Court made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*.

170 Subsection 4(1) (definition of *Full Court*)

Repeal the definition.

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171 Subsection 4(1)

Insert:

> ***Full Court of the Federal Circuit and Family Court of Australia (Division 1)*** has the same meaning as ***Full Court*** in the *Federal Circuit and Family Court of Australia Act 2021*.

172 Subsection 4(1) (definition of *Judge*)

Repeal the definition.

173 Subsection 4(1)

Insert:

> ***related Federal Circuit and Family Court of Australia (Division 2) Rules*** has the same meaning as in the *Family Law Act 1975*.

174 Subsection 4(1) (definition of *related Federal Circuit Court Rules*)

Repeal the definition.

175 Subsection 72Q(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

176 Section 103ZC

Repeal the section, substitute:

103ZC Simplified outline of this Division

> - Jurisdiction under this Act is conferred on the Federal Circuit and Family Court of Australia (Division 2) and certain State and Territory Courts.

177 Subsection 104(1)

Omit "Family Court and the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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178 At the end of section 104

Add:

Note: For appeals in relation to this Act, see section 26 of the *Federal Circuit and Family Court of Australia Act 2021* and section 47A of the *Family Law Act 1975*.

179 Subsection 105(1)

Omit "(other than Part X of that Act), the standard Rules of Court and the related Federal Circuit Court Rules", substitute "(other than Division 4 of Part V of that Act), the standard Rules of Court, the Federal Circuit and Family Court of Australia (Division 1) Rules and the related Federal Circuit and Family Court of Australia (Division 2) Rules".

180 Sections 106 to 110

Repeal the sections, substitute:

106 Appeals from courts of summary jurisdiction

(1) A Family Court of a State has jurisdiction to hear and determine appeals from a decree of a court of summary jurisdiction of the State.

Note: See sections 47A and 47B of the *Family Law Act 1975*.

(2) The Supreme Court of the Northern Territory has jurisdiction to hear and determine appeals from a decree of a court of summary jurisdiction of the Northern Territory.

Note: See sections 47A and 47B of the *Family Law Act 1975*.

107 Appeals to High Court

(1) An appeal must not be brought directly to the High Court from a decree of a court exercising original jurisdiction under this Act (other than the Federal Circuit and Family Court of Australia).

Note: In relation to the Federal Circuit and Family Court of Australia, see sections 55 and 155 of the *Federal Circuit and Family Court of Australia Act 2021*.

(2) If, apart from this subsection, subsection (1) is to any extent inconsistent with section 73 of the Constitution, this Act has effect

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as if the words ", except by special leave of the High Court" were added at the end of subsection (1).

181 Subsection 110W(2) (heading)

Omit "*Family Court*", substitute "*Federal Circuit and Family Court of Australia (Division 1)*".

182 Paragraph 110W(2)(a)

Repeal the paragraph, substitute:

(a) a decision is a decision of the Full Court of the Federal Circuit and Family Court of Australia (Division 1); and

183 Paragraphs 110W(3)(a) and (b)

Repeal the paragraphs, substitute:

(a) a decision is a decision of a court (other than a decision of the Full Court of the Federal Circuit and Family Court of Australia (Division 1)) under Part VIII; and

(b) an application may be made for leave to appeal against the decision; and

Civil Dispute Resolution Act 2011

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

185 Section 16

Before "Proceedings are also", insert "(1)".

186 At the end of section 16

Add:

(2) Proceedings are also ***excluded proceedings*** to the extent that they are:

(a) proceedings falling within the original or appellate jurisdiction of the Federal Circuit and Family Court of

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Australia (Division 1) (see Part 2 of Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*); or

(b) proceedings falling within the original jurisdiction of the Federal Circuit and Family Court of Australia (Division 2) under section 132 of that Act.

187 Section 18

Omit "the *Federal Circuit Court of Australia Act 1999*", substitute "Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*".

Coal Mining Industry (Long Service Leave) Administration Act 1992

188 Subsection 4(1) (definition of *Federal Circuit Court*)

Repeal the definition.

189 Sections 39DA and 39DB

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

190 Paragraph 49A(4)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

191 Section 52C (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

192 Subsection 52C(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

193 Paragraphs 52C(2)(e), (f) and (g)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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194 Subsection 52C(3)

Omit "Federal Circuit Court under subsection (1) is to be exercised in the Fair Work Division of the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2) under subsection (1) is to be exercised in the Fair Work Division of the Court".

195 Paragraph 52C(3)(a)

Omit "Federal Circuit".

196 Paragraph 52C(3)(b)

Omit "section 15 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 140 of the *Federal Circuit and Family Court of Australia Act 2021*".

197 Paragraph 52C(3)(c)

Omit "section 16 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 141 of the *Federal Circuit and Family Court of Australia Act 2021*".

198 Paragraphs 52C(3)(d) and (e)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

199 Section 52D

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992

200 Paragraph 13A(4)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

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Coastal Trading (Revitalising Australian Shipping) Act 2012

201 Subsection 6(1) (definition of *Federal Circuit Court*)

Repeal the definition.

202 Subsection 86(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Competition and Consumer Act 2010

203 Subsection 4(1)

Repeal the following definitions:

(a) definition of ***Federal Circuit Court***;

(b) definition of ***the Family Court***.

204 Paragraphs 56EU(4)(b), 56EW(3)(b) and 56EX(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

205 Paragraph 56EY(5)(a)

Repeal the paragraph, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2);

206 Subsection 86(1A)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

207 Paragraph 86(4)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

208 Section 86AA (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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209 Section 86AA

Omit "Federal Circuit Court, the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2), the Court".

210 Section 86AA (note)

Repeal the note, substitute:

Note 1: For transfers of proceedings from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court, see section 153 of the *Federal Circuit and Family Court of Australia Act 2021* and section 32AC of the *Federal Court of Australia Act 1976*.

Note 2: For transfers of proceedings from the Federal Court to the Federal Circuit and Family Court of Australia (Division 2), see section 32AB of the *Federal Court of Australia Act 1976*.

211 Section 130 (definition of *Family Court Judge*)

Repeal the definition.

212 Paragraph 138(2)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

213 Section 138A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

214 Subsection 138A(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

215 Subsection 138A(2)

Omit "Federal Circuit Court, the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2), the Court".

216 Subsection 138A(2) (note)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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217 Section 138E (heading)

Repeal the heading, substitute:

138E Transfer of proceedings to the Federal Circuit and Family Court of Australia (Division 1)

218 Subsection 138E(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

219 Subsection 138E(2)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

220 Paragraphs 138E(2)(a) and (b)

Omit "Family Court", substitute "Court".

221 Paragraph 138E(2)(c)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

222 Paragraph 138E(2)(d)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

223 Paragraph 138E(2)(d)

Omit "the Family Court" (second occurring), substitute "that Court".

224 Paragraph 138E(2)(e)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

225 Subparagraph 138E(2)(f)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

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226 Subparagraphs 138E(2)(f)(ii) and (iii)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

227 Subparagraph 138E(2)(f)(iv)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

228 Subsections 138E(3) and (4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

229 Paragraph 151AQA(4)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

230 Subsection 151AQA(4)

Omit "Federal Circuit Court or a Judge of the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2) or a Judge of the Court".

Copyright Act 1968

231 Section 131D (heading)

Omit "**Federal Circuit Court of Australia**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

232 Section 131D

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

233 Section 135AS (heading)

Omit "**Federal Circuit Court of Australia**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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234 Section 135AS

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

235 Subsection 195AZGH(5)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

236 Section 248MA (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

237 Section 248MA

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Corporations (Aboriginal and Torres Strait Islander) Act 2006

238 Section 586-10 (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

239 Subsection 586-10(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

240 Paragraphs 586-15(1)(a), (2)(c) and (5)(a)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

241 Paragraphs 586-25(1)(b) and (2)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 1).

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242 Paragraph 586-25(3)(c)

Repeal the paragraph, substitute:

(c) the Federal Circuit and Family Court of Australia (Division 1); or

243 Subsection 586-25(4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

244 Section 586-40 (heading)

Omit "**Family Court**", substitute "**the Federal Circuit and Family Court of Australia (Division 1)**".

245 Subparagraphs 586-40(1)(b)(i) and (3)(a)(i) and (b)(i)

Repeal the subparagraphs, substitute:

(i) the Federal Circuit and Family Court of Australia (Division 1); or

246 Paragraph 586-65(3)(a)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

247 Section 586-90 (heading)

Repeal the heading, substitute:

586-90 Rules of the Federal Circuit and Family Court of Australia (Division 1)

248 Section 586-90

Omit "rules of court conferred by section 123 of the *Family Law Act 1975*", substitute "Rules of Court under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*".

249 Paragraphs 586-90(a) and (c)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

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250 Subsection 694-35(1) (paragraph (c) of the definition of *Court*)

Repeal the paragraph, substitute:

(c) the Federal Circuit and Family Court of Australia (Division 1);

251 Section 700-1 (paragraph (b) of the definition of *Aboriginal and Torres Strait Islander Corporations legislation*)

Omit "Family Court", substitute "Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

252 Section 700-1 (definition of *Family Court*)

Repeal the definition.

253 Section 700-1 (definition of *superior court*)

Omit "the Family Court", substitute "the Federal Circuit and Family Court of Australia (Division 1)".

Corporations Act 2001

254 Section 9 (paragraph (c) of the definition of *Corporations legislation*)

Omit "Family Court", substitute "Chief Justice of the Federal Circuit and Family Court of Australia (Division 1)".

255 Section 9 (definition of *Family Court*)

Repeal the definition.

256 Section 9 (definition of *superior court*)

Omit "the Family Court", substitute "the Federal Circuit and Family Court of Australia (Division 1)".

257 Subsection 58AA(1) (paragraph (c) of the definition of *Court*)

Repeal the paragraph, substitute:

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(c) the Federal Circuit and Family Court of Australia (Division 1);

258 Paragraph 908CI(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

259 Section 1337C (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

260 Subsection 1337C(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

261 Paragraphs 1337D(1)(a), (2)(c) and (5)(a)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

262 Paragraphs 1337F(1)(b) and (2)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 1).

263 Paragraph 1337F(3)(c)

Repeal the paragraph, substitute:

(c) the Federal Circuit and Family Court of Australia (Division 1); or

264 Subsection 1337F(4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

265 Section 1337J (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

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266 Subparagraphs 1337J(1)(b)(i) and (3)(a)(i) and (b)(i)

Repeal the subparagraphs, substitute:

(i) the Federal Circuit and Family Court of Australia (Division 1); or

267 Subsection 1337P(3) (paragraph (a) of the definition of *relevant jurisdiction*)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

268 Section 1337U (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

269 Subsection 1337U(1)

Omit "rules of court conferred by section 123 of the *Family Law Act 1975*", substitute "Rules of Court under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*".

270 Paragraphs 1337U(1)(a) and (c)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Court Security Act 2013

271 Section 5 (table item 3 in the definition of *administrative head*)

Repeal the item, substitute:

3	Federal Circuit and Family Court of Australia (Division 1)	Chief Executive Officer and Principal Registrar of the Federal Court of Australia
4	Federal Circuit and Family Court of Australia (Division 2)	Chief Executive Officer and Principal Registrar of the Federal Court of Australia

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272 Section 5 (table item 6 in the definition of *administrative head*)

Repeal the item.

273 Section 5 (table item 7 in the definition of *administrative head*, column headed "Court")

Omit "3, 4 or 6", substitute "3 or 4".

274 Subsection 41(1)

Omit "Family Court of Australia, the Family Court of Western Australia or the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1), the Federal Circuit and Family Court of Australia (Division 2) or the Family Court of Western Australia".

275 Subsection 41(1) (note 3)

Repeal the note, substitute:

Note 3: For appeals from the making of an order, see section 39 of the *Federal Circuit and Family Court of Australia Act 2021* and Division 2 of Part III of the *Federal Court of Australia Act 1976*.

276 Section 45 (note)

Repeal the note, substitute:

Note: For appeals from the variation or revocation of an order, see section 39 of the *Federal Circuit and Family Court of Australia Act 2021* and Division 2 of Part III of the *Federal Court of Australia Act 1976*.

277 Section 51 (table item 2)

Repeal the item, substitute:

2	Federal Circuit and Family Court of Australia (Division 1)	The Marshal of the Federal Circuit and Family Court of Australia (Division 1)
3	Federal Circuit and Family Court of Australia	The Marshal of the Federal Circuit and Family Court of Australia (Division 2)

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(Division 2)

278 Section 51 (table item 5)

Repeal the item.

279 Section 51 (table item 6, column headed "Court")

Omit "2, 3 or 5", substitute "2 or 3".

Crimes Act 1914

280 Subsection 3ZQO(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

281 Section 3ZQQ (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

282 Section 3ZQQ

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

283 Paragraph 3ZZNF(3)(a)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

284 Paragraph 4AAA(1)(ab)

Repeal the paragraph, substitute:

(ab) a Judge of the Federal Circuit and Family Court of Australia (Division 2);

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

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Criminal Code Act 1995

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

287 Paragraph 105.2(1)(b) of the *Criminal Code*

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

289 Section 105.46 of the *Criminal Code* (heading)

Omit "**Federal Circuit Court Judge**", substitute "**Judge of the Federal Circuit and Family Court of Australia (Division 2)**".

290 Section 105.46 of the *Criminal Code*

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

291 Section 106.4 of the *Criminal Code*

Repeal the section, substitute:

106.4 Saving—Judges of the Federal Circuit Court

(1) An appointment that is in force immediately before the commencement day under subsection 105.2(1) in respect of a Judge of the Federal Circuit Court of Australia continues in force, on and after that day, as an appointment in respect of a Judge of the Federal Circuit and Family Court of Australia (Division 2) under that subsection.

(2) A consent that is in force immediately before the commencement day under subsection 105.2(2) in respect of a Judge of the Federal Circuit Court of Australia continues in force, on and after that day,

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as a consent in respect of a Judge of the Federal Circuit and Family Court of Australia (Division 2).

(3) A thing 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 Division 105 before the commencement day has effect, on and after that day, as if it had been done by, or in relation to, a Judge of the Federal Circuit and Family Court of Australia (Division 2), as an issuing authority for continued preventative detention orders, under that Division.

(4) In this section:

commencement day means the day Schedule 2 to the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021* commences.

292 Subparagraph 123.1(2)(b)(ii) of the *Criminal Code*

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

293 Paragraph 150.5(3)(b) of the *Criminal Code*

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Customs Act 1901

294 Subsection 4(1) (paragraph (a) of the definition of *Division 1B Judge*)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

295 Subsections 219RA(1) and 219ZL(1)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

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Defence Act 1903

296 Subparagraph 117AE(3)(e)(ii)

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

Defence Force (Home Loans Assistance) Act 1990

297 Section 3 (definition of *Family Court*)

Repeal the definition.

298 Paragraphs 18(1)(a) and 29(d) and (e)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Defence Reserve Service (Protection) Act 2001

299 Paragraphs 76A(3)(b) and 77(1)(b)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

300 Subsection 77(2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Designs Act 2003

301 Section 5 (definition of *Federal Circuit Court*)

Repeal the definition.

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

Repeal the paragraph, substitute:

(aa) the Federal Circuit and Family Court of Australia (Division 2);

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303 Subsections 28(5), 50(6), 52(7), 54(4), 67(4) and 68(6)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

304 Section 82

Omit:

> Under Part 2, the Federal Court and the Federal Circuit Court are given jurisdiction in relation to matters arising under the Act. Other prescribed courts have jurisdiction if the Act so provides.

substitute:

> Under Part 2, the Federal Court and the Federal Circuit and Family Court of Australia (Division 2) are given jurisdiction in relation to matters arising under the Act. Other prescribed courts have jurisdiction if the Act so provides.

305 Paragraph 83(2)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

306 Section 83A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

307 Section 83A

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

308 Subsection 84(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

309 Subsection 86(3)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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310 Subsection 86(3) (note)

Repeal the note, substitute:

Note 1: For transfers of proceedings from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court: see section 153 of the *Federal Circuit and Family Court of Australia Act 2021* and section 32AC of the *Federal Court of Australia Act 1976*.

Note 2: For transfers of proceedings from the Federal Court to the Federal Circuit and Family Court of Australia (Division 2): see section 32AB of the *Federal Court of Australia Act 1976*.

311 Subsection 87(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

312 Section 88 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

313 Sections 88 and 89

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Do Not Call Register Act 2006

314 Section 4 (definition of *Federal Circuit Court*)

Repeal the definition.

315 Section 23

Omit:

- Proceedings for the recovery of penalties are to be instituted in the Federal Court or the Federal Circuit Court.

substitute:

- Proceedings for the recovery of penalties are to be instituted in the Federal Court or the Federal Circuit and Family Court of Australia (Division 2).

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316 Subsection 24(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

317 Paragraphs 25(2)(a), (3)(b), (4)(b), (5)(b) and (6)(b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

318 Sections 26 and 28

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

319 Paragraph 30(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

320 Subsection 30(3)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

321 Paragraph 31(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

322 Subsection 31(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

323 Section 33

Omit:

> • The Federal Court or the Federal Circuit Court may grant injunctions in relation to contraventions of civil penalty provisions.

substitute:

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- The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may grant injunctions in relation to contraventions of civil penalty provisions.

324 Sections 34, 35, 36 and 37

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

325 Section 38 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

326 Section 38

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

327 Paragraph 44(2)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

328 Clause 1 of Schedule 3

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

329 Paragraph 3(1)(d) of Schedule 3

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

330 Paragraph 7(c) of Schedule 3

Omit "Federal Court's or the Federal Circuit Court's discretion", substitute "discretion of the Federal Court or the Federal Circuit and Family Court of Australia (Division 2)".

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Education Services for Overseas Students Act 2000

331 Subsection 110B(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Enhancing Online Safety Act 2015

332 Subsections 46(3), 47(3) and 48(3)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Evidence Act 1995

333 Subsection 4(5A)

Repeal the subsection, substitute:

(5A) Despite subsection (5), this Act applies to an appeal to the Federal Circuit and Family Court of Australia (Division 1) from a court of summary jurisdiction of a State or Territory exercising jurisdiction under the *Family Law Act 1975*.

Extradition Act 1988

334 Section 5 (definition of *eligible Federal Circuit Court Judge*)

Repeal the definition.

335 Section 5

Insert:

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

336 Subsection 11(6)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

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337 Paragraph 12(1)(a)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

338 Subsections 12(3) and 14(1)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

339 Sections 15 and 15A

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

340 Subsections 15B(1) and (4) and 16(1)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

341 Subsections 16A(2) and (3)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

342 Section 17

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

343 Subsections 18(1), (3) and (4)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

344 Paragraph 19(1)(c)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

345 Subsection 19(9A)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

346 Subparagraphs 19A(1)(b)(ii) and 20(1)(a)(ii)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

347 Subsection 21(1)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

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

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

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

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

350 Paragraph 26(1)(ca)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

351 Subsection 26(2A)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

352 Paragraphs 28(a) and 29(a)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

353 Subsection 31(1)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

354 Section 32

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

355 Paragraphs 33(c) and 34(1)(b)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

356 Subsections 35(1) and (2)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

357 Subsections 43(1), (2) and (3)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

358 Paragraph 45(1)(a)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

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359 Section 45A (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

360 Subsections 45A(1) and (2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

361 Subsection 45A(2)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

362 Section 45B (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

363 Subsections 45B(1) and (3)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

364 Section 46A

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

365 Subparagraphs 48(1)(b)(iii) and (iv)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

366 Subsection 49(2)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

367 Section 49B

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

368 Paragraph 55(c)

Omit "eligible Federal Circuit Court Judges" (wherever occurring), substitute "eligible Judges".

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Fair Work Act 2009

369 Section 12 (definition of *Federal Circuit Court*)

Repeal the definition.

370 Subsections 417(3), 421(3) and 422(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

371 Section 537

Omit:

> Subdivision B of Division 2 sets out the orders that can be made by the Federal Court, the Federal Circuit Court or an eligible State or Territory Court in relation to a contravention of a civil remedy provision.

substitute:

> Subdivision B of Division 2 sets out the orders that can be made by the Federal Court, the Federal Circuit and Family Court of Australia (Division 2) or an eligible State or Territory Court in relation to a contravention of a civil remedy provision.

372 Subsection 539(2) (table)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

373 Section 543

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

374 Subsection 545(1) (heading)

Omit "*Federal Circuit Court*", substitute "*Federal Circuit and Family Court of Australia (Division 2)*".

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375 Subsections 545(1) and (2) and 546(1)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

376 Paragraph 548(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

377 Paragraph 558C(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

378 Section 560

Repeal the section, substitute:

560 Guide to this Part

This Part is about the jurisdiction and powers of the courts in relation to matters arising under this Act.

Divisions 2 and 3 confer jurisdiction on the Federal Court and the Federal Circuit and Family Court of Australia (Division 2). That jurisdiction is generally required to be exercised in the Fair Work Divisions of those courts.

Division 4 deals with intervention, costs, limitation on imprisonment, and regulations, in relation to proceedings in the Federal Court, the Federal Circuit and Family Court of Australia (Division 2) and, in some cases, a court of a State or Territory.

379 Paragraphs 563(f), (g) and (h)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

380 Division 3 of Part 4-2 of Chapter 4 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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381 Section 566 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

382 Section 566

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

383 Section 567 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

384 Section 567

Omit "Federal Circuit Court under section 566 is to be exercised in the Fair Work Division of the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2) under section 566 is to be exercised in the Fair Work Division of the Court".

385 Paragraph 567(a)

Omit "Federal Circuit".

386 Paragraph 567(b)

Omit "section 15 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 140 of the *Federal Circuit and Family Court of Australia Act 2021*".

387 Paragraph 567(c)

Omit "section 16 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 141 of the *Federal Circuit and Family Court of Australia Act 2021*".

388 Paragraph 567(d)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

389 Paragraph 567(e)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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390 Section 568

Repeal the section, substitute:

568 No limitation on powers of the Federal Circuit and Family Court of Australia (Division 2)

To avoid doubt, nothing in this Act limits the powers of the Federal Circuit and Family Court of Australia (Division 2) under section 139, 140 or 141 of the *Federal Circuit and Family Court of Australia Act 2021*.

391 Paragraph 576(2)(ca)

Repeal the paragraph, substitute:

(ca) mediating any proceedings, part of proceedings or matter arising out of any proceedings that, under section 53A of the *Federal Court of Australia Act 1976* or section 169 of the *Federal Circuit and Family Court of Australia Act 2021*, have been referred by the Fair Work Division of the Federal Court or Federal Circuit and Family Court of Australia (Division 2) to the FWC for mediation;

392 Subsections 627(1A) and (2A)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

393 Subsection 641B(2) (table item 4, column 2)

Omit "Family Court of Australia or the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1) or the Federal Circuit and Family Court of Australia (Division 2)".

394 Section 653A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

395 Section 653A

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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396 Subsection 715(6)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

397 Paragraph 716(3)(e)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

398 Subsection 717(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

399 Paragraphs 789CD(3)(b) and 789CE(4)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Fair Work (Registered Organisations) Act 2009

400 Section 6 (definition of *Federal Circuit Court*)

Repeal the definition.

401 Subsections 337BB(1) and (6)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

402 Section 353A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

403 Subsection 353A(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Fair Work (Transitional Provisions and Consequential Amendments) Act 2009

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

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

405 Item 17 of Schedule 16

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

407 Item 25 of Schedule 17 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

408 Item 25 of Schedule 17

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

409 Item 26 of Schedule 17 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

410 Item 26 of Schedule 17

Omit "Federal Circuit Court under item 25 is to be exercised in the Fair Work Division of the Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2) under item 25 is to be exercised in the Fair Work Division of the Court".

411 Paragraph 26(a) of Schedule 17

Omit "Federal Circuit".

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412 Paragraph 26(b) of Schedule 17

Omit "section 15 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 140 of the *Federal Circuit and Family Court of Australia Act 2021*".

413 Paragraph 26(c) of Schedule 17

Omit "section 16 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 141 of the *Federal Circuit and Family Court of Australia Act 2021*".

414 Paragraph 26(d) of Schedule 17

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

415 Paragraph 26(e) of Schedule 17

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

416 Item 27 of Schedule 17

Repeal the item, substitute:

27 No limitation on powers of the Federal Circuit and Family Court of Australia (Division 2)

To avoid doubt, nothing in this Act limits the powers of the Federal Circuit and Family Court of Australia (Division 2) under section 139, 140 or 141 of the *Federal Circuit and Family Court of Australia Act 2021*.

Family Court of Western Australia (Orders of Registrars) Act 1997

417 Section 11

Omit "Family Court", substitute "Family Court of Australia".

418 Subsection 12(1)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

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Federal Proceedings (Costs) Act 1981

419 Subsection 3(1) (definition of *Family Court*)

Repeal the definition.

420 Subsection 3(1) (paragraph (d) of the definition of *Federal appeal*)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

421 Subsection 3(1) (paragraph (fa) of the definition of *Federal appeal*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

422 Subsection 3(1) (subparagraph (ga)(ii) of the definition of *Federal appeal*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

423 Subsection 3(1) (paragraphs (j), (ja) and (k) of the definition of *Federal appeal*)

Repeal the paragraphs, substitute:

(j) an appeal to the Full Court of the Federal Circuit and Family Court of Australia (Division 1) from a judgment of the Federal Circuit and Family Court of Australia (Division 1) constituted by a single Judge; or

(ja) an appeal to the Federal Circuit and Family Court of Australia (Division 1) from a judgment of the Federal Circuit and Family Court of Australia (Division 2); or

(k) an appeal to the Federal Circuit and Family Court of Australia (Division 1) from a judgment of a court of a State, a court of an internal Territory (including the Northern Territory) or a court of Norfolk Island.

424 Subsection 3(1)

Insert:

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Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

425 Subsection 3(1) (definition of *Federal Circuit Court*)

Repeal the definition.

426 Subsection 10(1)

Omit "the Family Court, the Federal Circuit Court", substitute "the Federal Circuit and Family Court of Australia".

427 Schedule (table item dealing with the Family Court)

Repeal the item, substitute:

Federal Circuit and Family Court of Australia	2000

Foreign Acquisitions and Takeovers Act 1975

428 Paragraph 99(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

429 Subsection 132(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Foreign Evidence Act 1994

430 Subsection 3(1) (paragraph (b) of the definition of *superior court*)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

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431 Division 2 of Part 2 (heading)

Omit "**Federal Circuit Court of Australia**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

432 Section 9A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

433 Subsection 9A(1)

Repeal the subsection, substitute:

Child support or family law matters

(1) The Federal Circuit and Family Court of Australia (Division 1) may, on the application of a party to a proceeding before the Federal Circuit and Family Court of Australia (Division 2) in a child support or family law matter, exercise the same power to make an order of the kind referred to in Division 1 as the Federal Circuit and Family Court of Australia (Division 1) has under that Division for the purpose of a proceeding in the Federal Circuit and Family Court of Australia (Division 1).

434 Subsection 9A(2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

435 Paragraph 11(1)(a)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

436 Subsection 11(2) (paragraph (a) of the definition of *appropriate court*)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

437 Subsection 12(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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438 Paragraph 12(2)(a)

Omit "Federal Circuit Court of Australia's satisfaction or the inferior court's satisfaction", substitute "satisfaction of the Federal Circuit and Family Court of Australia (Division 2) or the inferior court".

439 Subsection 15(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Freedom of Information Act 1982

440 Subsection 5(1B) (heading)

Omit "*Family Court Judges*", substitute "*Judges of the Federal Circuit and Family Court of Australia (Division 1)*".

441 Paragraph 5(1B)(a)

Repeal the paragraph, substitute:

(a) exercising powers or performing functions under paragraph 47(2)(d) and subsection 48(1) of the *Federal Circuit and Family Court of Australia Act 2021*; or

442 Subsection 5(1C) (heading)

Omit "*Federal Circuit Court of Australia*", substitute "*Federal Circuit and Family Court of Australia (Division 2)*".

443 Paragraph 5(1C)(a)

Repeal the paragraph, substitute:

(a) exercising powers or performing functions under paragraph 144(2)(d) and subsection 145(1) of the *Federal Circuit and Family Court of Australia Act 2021*; or

444 Subsections 64(7) and (8) and 67(4) and (5)

Omit "Federal Circuit Court of Australia" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Government Procurement (Judicial Review) Act 2018

445 Section 3

Omit:

> • The Federal Court or the Federal Circuit Court may grant an injunction in relation to a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).
>
> • The Federal Court or the Federal Circuit Court may order the payment of compensation for a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).

substitute:

> • The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may grant an injunction in relation to a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).
>
> • The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may order the payment of compensation for a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).

446 Section 4 (definition of *Federal Circuit Court*)

Repeal the definition.

447 Section 8

Repeal the section, substitute:

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8 Simplified outline of this Part

- The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may grant an injunction in relation to a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).

448 Subsections 9(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

449 Paragraph 10(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

450 Sections 11 and 14

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

451 Section 15

Repeal the section, substitute:

15 Simplified outline of this Part

- The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may order the payment of compensation for a contravention of the relevant Commonwealth Procurement Rules (so far as those rules relate to a covered procurement).

452 Section 16

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Great Barrier Reef Marine Park Amendment (Authority Governance and Other Matters) Act 2018

453 Paragraph 10(2)(b) of Schedule 2

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Greenhouse and Energy Minimum Standards Act 2012

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

Repeal the paragraph, substitute:

(b) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

455 Section 5 (paragraph (aa) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(aa) the Federal Circuit and Family Court of Australia (Division 2); or

Healthcare Identifiers Act 2010

456 Paragraphs 31C(3)(b), 31D(3)(b) and 31E(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Higher Education Support Act 2003

457 Subclause 1(1) of Schedule 1 (paragraph (b) of the definition of *applicable court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

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458 Subclause 1(1) of Schedule 1 (paragraph (c) of the definition of *judicial officer*)

Repeal the paragraph, substitute:

(c) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

Horse Disease Response Levy Collection Act 2011

459 Paragraph 13(11)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

460 Subsection 19(2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Human Rights Legislation Amendment Act 2017

461 Subitem 58(9) of Schedule 2

Omit "or the Federal Circuit Court", substitute ", the Federal Circuit Court of Australia or the Federal Circuit and Family Court of Australia (Division 2)".

Illegal Logging Prohibition Act 2012

462 Paragraph 21(5)(c)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

463 Paragraph 21(9)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

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464 Paragraph 22(4)(c)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

465 Paragraphs 22(8)(b) and 23(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

Imported Food Control Act 1992

466 Paragraphs 22(11)(b), 23(8)(b), 24(3)(b) and 26(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Income Tax Assessment Act 1997

467 Subsection 126-15(2) (example)

Omit "The Family Court", substitute "A court".

Independent Contractors Act 2006

468 Section 4 (definition of *Court*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

469 Subsection 12(1) (note)

Repeal the note, substitute:

Note: A proceeding pending in the Federal Circuit and Family Court of Australia (Division 2) may be transferred to the Federal Court of Australia: see section 153 of the *Federal Circuit and Family Court of Australia Act 2021* and section 32AC of the *Federal Court of Australia Act 1976*.

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470 Section 15 (note)

Omit "Part 4 of the *Federal Circuit Court of Australia Act 1999*", substitute "Part 5 of Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*".

471 Section 16 (note 2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Industrial Chemicals Act 2019

472 Section 9 (paragraph (c) of the definition of *issuing officer*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

473 Section 9 (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Industrial Chemicals (Notification and Assessment) Act 1989

474 Paragraphs 83(3)(b), 85(9)(b) and 86(8)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Inspector-General of Live Animal Exports Act 2019

475 Paragraph 33(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

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Insurance Contracts Act 1984

476 Subsection 11(1) (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Intellectual Property Laws Amendment (Productivity Commission Response Part 1 and Other Measures) Act 2018

477 Subitem 223(2) of Schedule 2

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

478 Subitem 237(2) of Schedule 2

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Interactive Gambling Act 2001

479 Section 4 (definition of *Federal Circuit Court*)

Repeal the definition.

480 Paragraphs 64B(3)(b) and 64D(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

Judges (Long Leave Payments) Act 1979

481 Title

Omit "**Federal Circuit Court of Australia**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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482 Section 3 (paragraph (a) of the definition of *Judge*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

483 After section 3A

Insert:

3B Service in more than one judicial office

To avoid doubt, a person may satisfy the definition of ***Judge*** at a particular time even if the person also holds, at the same time, an office as a Judge of the Federal Circuit and Family Court of Australia (Division 2).

Note: See paragraph (a) of the definition of ***Judge*** in section 3.

Judges' Pensions Act 1968

484 Subsection 4(1) (paragraph (a) of the definition of *appropriate current judicial salary*)

Omit "paragraph (b), (c), (d) or (e)", substitute "paragraph (b), (ba), (bb), (c), (d), (da), (db) or (e)".

485 Subsection 4(1) (after paragraph (b) of the definition of *appropriate current judicial salary*)

Insert:

(ba) in the case of a Judge who was a Chief Justice of the Family Court of Australia—the salary for the time being payable to the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1); and

(bb) in the case of a Judge who was a Deputy Chief Justice of the Family Court of Australia—the salary for the time being payable to the Deputy Chief Justice of the Federal Circuit and Family Court of Australia (Division 1); and

486 Subsection 4(1) (after paragraph (d) of the definition of *appropriate current judicial salary*)

Insert:

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(da) in the case of a Senior Judge (other than a Chief Justice or Deputy Chief Justice) of the Family Court of Australia—the salary for the time being payable to a Senior Judge of the Federal Circuit and Family Court of Australia (Division 1); and

(db) in the case of a Judge (other than a Chief Justice, Deputy Chief Justice or Senior Judge) of the Family Court of Australia—the salary for the time being payable to a Judge of the Federal Circuit and Family Court of Australia (Division 1); and

487 Subsection 4(1)

Insert:

Family Court of Australia means the federal court known, immediately before the commencement of the *Federal Circuit and Family Court of Australia Act 2021*, as the Family Court of Australia.

488 Subsection 4(1) (paragraph (a) of the definition of *Judge*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

489 Subsection 4(1) (at the end of the end of the definition of *Judge*)

Add:

Note: For service in more than one judicial office, see section 5.

490 At the end of section 5

Add:

(3) To avoid doubt, a person may satisfy the definition of ***Judge*** at a particular time even if the person also holds, at the same time, an office as a Judge of the Federal Circuit and Family Court of Australia (Division 2).

Note: See paragraph (a) of the definition of ***Judge*** in subsection 4(1).

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Judicial and Statutory Officers (Remuneration and Allowances) Act 1984

491 Part 2 of the Schedule (cell at table item dealing with Chief Justice of the Family Court of Australia, column 1)

Repeal the cell, substitute:

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

492 Part 2 of the Schedule (cell at table item dealing with Deputy Chief Justice of the Family Court of Australia, column 1)

Repeal the cell, substitute:

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

493 Part 2 of the Schedule (table item dealing with Judge assigned to the Appeal Division of the Family Court of Australia (other than the Chief Justice or the Deputy Chief Justice))

Repeal the item.

494 Part 2 of the Schedule (cell at table item dealing with Senior Judge of the Family Court of Australia)

Repeal the cell, substitute:

Senior Judge of the Federal Circuit and Family Court of Australia (Division 1) ……..

495 Part 2 of the Schedule (cell at table item dealing with Any other Judge of the Family Court of Australia, column 1)

Repeal the cell, substitute:

Any other Judge of the Federal Circuit and Family Court of Australia (Division 1)……

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496 Part 2 of the Schedule (table item dealing with Judicial Registrar of the Family Court of Australia)

Repeal the item.

Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012

497 Section 4

Omit:

> Under this Act, the Houses of the Parliament may each pass a resolution, in the same session, establishing a Commission to investigate an allegation of misbehaviour or incapacity of a Commonwealth judicial officer (that is, a High Court judge or a judge of the Federal Court of Australia, the Family Court of Australia or the Federal Circuit Court of Australia).

substitute:

> Under this Act, the Houses of the Parliament may each pass a resolution, in the same session, establishing a Commission to investigate an allegation of misbehaviour or incapacity of a Commonwealth judicial officer (that is, a High Court judge or a judge of the Federal Court of Australia, the Federal Circuit and Family Court of Australia (Division 1) or the Federal Circuit and Family Court of Australia (Division 2).

498 Paragraph 19(6)(b)

Repeal the paragraph.

499 Paragraph 19(6)(c)

Omit "*Federal Circuit Court of Australia Act 1999*", substitute "*Federal Circuit and Family Court of Australia Act 2021*".

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Judiciary Act 1903

500 Paragraph 23(2)(a)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

501 Paragraph 39B(1EA)(a)

Omit "Family Court of Australia, the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia".

502 Paragraph 39B(1EA)(b)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

503 Subparagraphs 39B(1EA)(d)(i) and (ii)

Repeal the subparagraphs, substitute:

(i) if the civil proceeding or appeal is before the Federal Circuit and Family Court of Australia (Division 1)—that court; or

(ii) if the civil proceeding or appeal is before the Federal Circuit and Family Court of Australia (Division 2)—that court; or

504 Subsection 39B(2)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

505 Subsection 39B(3)

Insert:

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

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Jurisdiction of Courts (Cross-vesting) Act 1987

506 Paragraph (b) of the Preamble

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

507 Subsection 3(1) (definition of *Family Court*)

Repeal the definition.

508 Paragraphs 4(1)(a) and (2)(b)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

509 Subsection 4(3)

Omit "the Family Court", substitute "the Federal Circuit and Family Court of Australia (Division 1)".

510 Subparagraph 5(1)(b)(i)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

511 Subparagraphs 5(1)(b)(ii) and (iii)

Omit "Family Court"(wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

512 Subsection 5(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

513 Paragraphs 5(4)(a) and (5)(a)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

514 Paragraph 6(2)(b)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

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515 Subsection 6A(2)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

516 Subsection 6A(3)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

517 Subsection 7(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

518 Subsection 7(2)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

519 Paragraph 7(5)(a)

Omit "of the Family Court", substitute "of the Federal Circuit and Family Court of Australia (Division 1)".

520 Subsection 7(7)

Omit "of the Family Court", substitute "of the Federal Circuit and Family Court of Australia (Division 1)".

521 Subparagraph 8(1)(b)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

522 Subsection 9(3)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

523 Paragraph 10(a)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

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524 Subsection 11(2)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

525 Subsection 14(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

526 Subsection 14(3)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

527 Subsection 16(4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Law Enforcement Integrity Commissioner Act 2006

528 Subsection 5(1) (definition of *Federal Circuit Court*)

Repeal the definition.

529 Subsection 5(1) (subparagraph (a)(ia) of the definition of *issuing officer*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

530 Paragraph 96AD(2)(b)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

531 Subsection 103(1) (note 2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

532 Subsection 103(2) (note)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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533 Paragraph 109(7)(b)

Repeal the paragraph, substitute:

(b) a Judge of the Federal Circuit and Family Court of Australia (Division 2).

534 Subparagraph 201(g)(i)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

535 Subsections 221(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Major Sporting Events (Indicia and Images) Protection Act 2014

536 Section 9 (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Marriage Act 1961

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

Repeal the paragraph, substitute:

(a) a Judge of the Federal Circuit and Family Court of Australia (Division 1), or a Judge of the Federal Circuit and Family Court of Australia (Division 2), who is appointed by the Minister to be a person authorised to perform that function;

538 Subsection 9A(1)

Omit "Family Court of Australia or of the Family Court of a State or a Judge of the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1), the Federal Circuit and Family Court of Australia (Division 2) or the Family Court of a State".

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539 Subsection 92(1)

Omit "Family Court of Australia, the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1), the Federal Circuit and Family Court of Australia (Division 2)".

Marriage Amendment (Definition and Religious Freedoms) Act 2017

540 After subitem 6(6) of Schedule 4

Insert:

(6A) To avoid doubt, on and after the day Schedule 1 to the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021* commences, an appeal mentioned in subitem (6) may not be referred to the Full Court of the Federal Circuit and Family Court of Australia (Division 1).

Maternity Leave (Commonwealth Employees) Act 1973

541 Paragraph 5(3)(ba)

Repeal the paragraph, substitute:

(ba) a person who is a Judge of the Federal Circuit and Family Court of Australia (Division 2);

Migration Act 1958

542 Subsection 5(1) (paragraph (b) of the definition of *eligible court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

543 Subsection 5(1) (definition of *Federal Circuit Court*)

Repeal the definition.

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544 Subparagraph 42(2A)(e)(ii)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

545 Section 91X (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

546 Subsections 91X(1), 114(1) and 153(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

547 Section 476 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

548 Subsections 476(1), (2) and (3)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

549 Paragraph 476A(1)(a)

Repeal the paragraph, substitute:

(a) both:

(i) the Federal Circuit and Family Court of Australia (Division 2) transfers a proceeding pending in that court in relation to the decision to the Federal Court under section 153 of the *Federal Circuit and Family Court of Australia Act 2021*; and

(ii) the Federal Court confirms the transfer under section 32AD of the *Federal Court of Australia Act 1976*; or

550 After subsection 476A(1)

Insert:

(1A) To avoid doubt, the Federal Court does not have original jurisdiction in relation to a migration decision under subsection (1)

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in respect of proceedings that are transferred to the Federal Court under section 32AC of the *Federal Court of Australia Act 1976*.

551 Paragraph 476A(3)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

552 Subsections 476B(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

553 Section 477 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

554 Subsections 477(1) and (2) and 480(2)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

555 Section 484 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

556 Subsections 484(1) and (2) and 486B(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

557 Section 486C (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

558 Subsection 486C(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

559 Subsection 486C(3)

Omit "Federal Circuit Court's jurisdiction", substitute "jurisdiction of the Federal Circuit and Family Court of Australia (Division 2)".

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560 Subsection 486C(3A)

Repeal the subsection, substitute:

(3A) This section applies to:

(a) proceedings:

(i) that are transferred to the Federal Court under section 153 of the *Federal Circuit and Family Court of Australia Act 2021*; and

(ii) whose transfer are confirmed by the Federal Court under section 32AD of the *Federal Court of Australia Act 1976*; and

(b) proceedings in which the Federal Court has jurisdiction under paragraph 476A(1)(b) or (c).

(3B) To avoid doubt, this section does not apply to proceedings that are transferred to the Federal Court under section 32AC of the *Federal Court of Australia Act 1976*.

561 Subsection 486D(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

562 Subsection 486D(5) (paragraph (a) of the definition of *judicial review proceeding*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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

Repeal the paragraph, substitute:

(b) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

564 Paragraph 500(6)(d)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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565 Subsections 503A(4A) and (5A)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

566 Section 503B (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

567 Subsection 503B(1)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

568 Subsection 503B(2)

Omit "The Federal Court's or Federal Circuit Court's orders", substitute "The orders of the Federal Court or the Federal Circuit and Family Court of Australia (Division 2)".

569 Paragraph 503B(2)(c)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

570 Subsections 503B(4), (5), (6), (7), (8), (10) and (11)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

571 Subsection 503B(14) (table item 1, column headed "In the case of these proceedings...")

Omit "Federal Circuit Court's jurisdiction", substitute "jurisdiction of the Federal Circuit and Family Court of Australia (Division 2)".

572 Section 503C (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

573 Subsection 503C(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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574 Subsection 503C(3)

Omit "the Federal Circuit Court may, on application by the Minister, make such orders as the Federal Court or the Federal Circuit Court considers appropriate for the purpose of ensuring that, in the event that the subsection 503B(1) application is made and the information is disclosed to the Federal Court or the Federal Circuit Court", substitute "the Federal Circuit and Family Court of Australia (Division 2) may, on application by the Minister, make such orders as the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) considers appropriate for the purpose of ensuring that, in the event that the subsection 503B(1) application is made and the information is disclosed to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2)".

575 Paragraph 503C(3)(c)

Repeal the paragraph, substitute:

(c) the consideration of the subsection 503B(1) application by the Federal Court or the Federal Circuit and Family Court of Australia (Division 2); or

576 Paragraph 503C(3)(d)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

577 Subsection 503C(4)

Omit "The Federal Court's or the Federal Circuit Court's orders", substitute "The orders of the Federal Court or the Federal Circuit and Family Court of Australia (Division 2)".

578 Paragraph 503C(4)(c)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

579 Subsections 503C(6) and (7)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Mutual Assistance in Criminal Matters Act 1987

580 Subsection 3(1) (definition of *eligible Federal Circuit Court Judge*)

Repeal the definition.

581 Subsection 3(1)

Insert:

> ***eligible Judge*** means a Judge of the Federal Circuit and Family Court of Australia (Division 2) in relation to whom a consent under subsection 38ZC(1) and a nomination under subsection 38ZC(2) are in force.

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

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

583 Paragraphs 13(2)(a) and (b)

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

584 Subsections 13(2A), (2B), (2C), (2D) and (4) to (5)

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

585 Subsection 13AA(1)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

586 Subsection 13AA(2)

Repeal the subsection, substitute:

(2) In the case of an eligible Judge, subject to the Rules of Court made under Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*, the order may be enforced as if the order were an order of the Federal Circuit and Family Court of Australia (Division 2).

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

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

588 Section 15

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

589 Subsections 25(2), 31(2), 38C(1) and (2) and 38D(1), (3) and (4), 38H(1) and (4), 38I(1), 38K(5) and 38N(7)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

590 Section 38Z

Omit "eligible Federal Circuit Court Judge" (wherever occurring), substitute "eligible Judge".

591 Paragraph 38ZB(1)(a)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

592 Subsection 38ZB(2)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

593 Section 38ZC (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

594 Subsections 38ZC(1) and (2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

595 Subsection 38ZC(2)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

596 Section 38ZD (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

597 Subsections 38ZD(1) and (3)

Omit "eligible Federal Circuit Court Judge", substitute "eligible Judge".

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598 Paragraph 44(c)

Omit "eligible Federal Circuit Court Judges" (wherever occurring), substitute "eligible Judges".

My Health Records Act 2012

599 Paragraphs 45C(1)(b), 50C(1)(b), 79(3)(b), 80(3)(b) and 81(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Narcotic Drugs Act 1967

600 Subsection 4(1) (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

National Cancer Screening Register Act 2016

601 Paragraph 24(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

National Consumer Credit Protection Act 2009

602 Subsection 5(1) (definition of *Federal Circuit Court*)

Repeal the definition.

603 Subsection 5(1) (paragraph (a) of the definition of *lower court*)

Repeal the paragraph, substitute:

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(a) the Federal Circuit and Family Court of Australia (Division 2); or

604 Subsection 5(1) (paragraph (a) of the definition of *relevant superior court*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

605 Section 185

Omit:

> Division 2 deals with civil proceedings. It confers jurisdiction on the Federal Court, the Federal Circuit Court and State and Territory courts, subject to specified limits. It also contains rules about the transfer of civil proceedings between courts and other matters (such as when proceedings may be dealt with as small claims proceedings and when adverse cost orders can be made).

substitute:

> Division 2 deals with civil proceedings. It confers jurisdiction on the Federal Court, the Federal Circuit and Family Court of Australia (Division 2) and State and Territory courts, subject to specified limits. It also contains rules about the transfer of civil proceedings between courts and other matters (such as when proceedings may be dealt with as small claims proceedings and when adverse cost orders can be made).

606 Subsection 187(1) (cell at table item 2, column headed "Court on which civil jurisdiction is conferred")

Repeal the cell, substitute:

The Federal Circuit and Family Court of Australia (Division 2)

607 Section 189 (table)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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608 Subsection 191(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

609 Subsection 191(2) (note 1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

610 Subsection 191(2) (note 2)

Repeal the note, substitute:

Note 2: For transfers from the Federal Court to the Federal Circuit and Family Court of Australia (Division 2): see section 32AB of the *Federal Court of Australia Act 1976*.

Note 3: For transfers from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court: see section 153 of the *Federal Circuit and Family Court of Australia Act 2021* and section 32AC of the *Federal Court of Australia Act 1976*.

611 Paragraph 199(1)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

National Disability Insurance Scheme Act 2013

612 Subparagraphs 73ZE(3)(e)(ii) and 73ZF(2)(e)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

613 Paragraph 73ZJ(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

614 Paragraphs 73ZK(3)(b), 73ZP(3)(b) and 73ZQ(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

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National Greenhouse and Energy Reporting Act 2007

615 Section 7 (paragraph (b) of the definition of *court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

National Health Act 1953

616 Subparagraph 134D(2)(b)(ii)

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

National Health Security Act 2007

617 Subsections 62(1) and 79A(3)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

National Measurement Act 1960

618 Section 18LL

Omit:

> (3) The Secretary may apply to the Federal Court of Australia or the Federal Circuit Court of Australia for an injunction to restrain a person from conduct that would be an offence under Part IV, V, VI or VII (see section 18LO).

substitute:

> (3) The Secretary may apply to the Federal Court of Australia or the Federal Circuit and Family Court of Australia (Division 2) for an injunction to restrain a person from conduct that would be an offence under Part IV, V, VI or VII (see section 18LO).

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619 Subsections 18LN(1), 18LO(1) and 18QE(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

620 Section 19K (heading)

Omit "**Federal Circuit Court of Australia**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

621 Section 19K

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

National Redress Scheme for Institutional Child Sexual Abuse Act 2018

622 Paragraph 190(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

National Vocational Education and Training Regulator Act 2011

623 Section 3 (definition of *Federal Circuit Court*)

Repeal the definition.

624 Section 3 (paragraph (b) of the definition of *issuing officer*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

625 Section 91 (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

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626 Subsections 91(1) and (2) and 92(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

627 Section 137 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

628 Subsections 137(1), (2), (3) and (4)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

629 Section 139

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

630 Subsections 140(4) and 141(2) and (4)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

631 Section 142

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

632 Paragraph 147(1)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

633 Sections 150, 151, 152 and 153

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

634 Section 154 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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635 Section 154

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

636 Paragraph 232B(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Offshore Petroleum and Greenhouse Gas Storage Act 2006

637 Section 7 (definition of *Federal Circuit Court*)

Repeal the definition.

638 Subparagraphs 216(6)(b)(ii), 398(2)(b)(ii), 572D(3)(b)(ii), 572E(3)(b)(ii), 572F(2)(b)(ii), 577(3)(b)(ii), 577A(2)(b)(ii), 583(2)(b)(ii), 589(4)(b)(ii) and (5)(b)(ii) and 597(4)(b)(ii) and (5)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

639 Subsection 602C(6)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

640 Paragraph 602C(8)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

641 Subsection 602D(5)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

642 Paragraphs 602D(7)(b), 611B(3)(b) and 611J(3)(b)

Repeal the paragraphs, substitute:

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(b) the Federal Circuit and Family Court of Australia (Division 2);

643 Paragraph 611N(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

644 Paragraph 634(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

645 Subparagraphs 685(3)(b)(ii), 686(5)(b)(ii), 687(7)(b)(ii), 688(5)(b)(ii), 688A(5)(b)(ii), 688B(5)(b)(ii), 688C(5)(b)(ii), 695L(3)(b)(ii) and 695M(7)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

Ombudsman Act 1976

646 Subsection 3(1)

Insert:

chief executive officer, in relation to a court or tribunal, means the person holding the office, or performing the duties, of:

(a) in relation to the High Court—the Chief Executive and Principal Registrar of the Court; or

(b) in relation to the Federal Court of Australia—the Chief Executive Officer and Principal Registrar of the Court; or

(c) in relation to the Federal Circuit and Family Court of Australia (Division 1)—the Chief Executive Officer and Principal Registrar of the Federal Circuit and Family Court of Australia (Division 1); or

(d) in relation to the Federal Circuit and Family Court of Australia (Division 2)—the Chief Executive Officer and

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Principal Registrar of the Federal Circuit and Family Court of Australia (Division 1); or

(e) in relation to the Administrative Appeals Tribunal—the Registrar of the Tribunal; or

(f) in relation to a court or tribunal declared by the regulations—the office declared by those regulations to be the office of the chief executive officer of the court or tribunal for the purposes of this Act; or

(g) an office prescribed by the regulations in lieu of an office referred to in paragraph (a), (b), (c), (d) or (e).

647 Subsection 3(1) (definition of *chief executive officer of a court or tribunal*)

Repeal the definition.

648 Subsection 3(1) (paragraph (bb) of the definition of *prescribed authority*)

Repeal the paragraph, substitute:

(bb) a chief executive officer, in relation to a court or tribunal; or

649 Subsection 3(1) (subparagraph (c)(i) of the definition of *prescribed authority*)

Repeal the subparagraph, substitute:

(i) the chief executive officer, in relation to a court or tribunal, or a person who, for the purposes of this Act, is to be taken to be a member of the staff of a court or tribunal; or

650 Paragraph 3(14)(a)

Repeal the paragraph, substitute:

(a) the officers of a court or tribunal (other than the chief executive officer); and

651 Subsection 3(14)

Omit "are to be taken to be members of the staff of the chief executive officer of the court or tribunal", substitute "are to be taken to be members of the staff of the court or tribunal".

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652 Paragraph 3(16)(a)

Repeal the paragraph, substitute:

(a) a chief executive officer, in relation to a court or tribunal; or

653 Paragraph 3(18)(a)

Repeal the paragraph, substitute:

(a) in the case of the chief executive officer, in relation to a court, the reference is to be read as a reference to the chief justice or chief judge (however described) of the court;

654 Paragraph 3(18)(c)

Omit "chief executive officer of a tribunal other than the Administrative Appeals Tribunal", substitute "chief executive officer, in relation to a tribunal (other than the Administrative Appeals Tribunal)".

655 Paragraph 5(2)(ba)

Omit "chief executive officer of a court or by a person who, for the purposes of this Act, is to be taken to be a member of the staff of the chief executive officer of a court", substitute "chief executive officer, in relation to a court, or by a person who, for the purposes of this Act, is to be taken to be a member of the staff of a court".

656 Subsection 16(5)

Omit "chief executive officer of a court or tribunal", substitute "chief executive officer, in relation to a court or tribunal".

657 Paragraph 16(5)(a)

Omit "chief executive officer of a court", substitute "chief executive officer, in relation to a court".

658 Paragraph 16(5)(c)

Omit "chief executive officer of a tribunal other than the Administrative Appeals Tribunal", substitute "chief executive officer, in relation to a tribunal (other than the Administrative Appeals Tribunal)".

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Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

660 Section 7 (definition of *Federal Circuit Court*)

Repeal the definition.

Paid Parental Leave Act 2010

661 Section 6 (definition of *Federal Circuit Court*)

Repeal the definition.

662 Paragraph 147(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

663 Subsection 156(5)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

664 Subsection 200D(1) (note)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

665 Subsection 200N(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

666 Section 297

Omit:

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Division 3 confers jurisdiction on the Federal Court and the Federal Circuit Court.

substitute:

Division 3 confers jurisdiction on the Federal Court and the Federal Circuit and Family Court of Australia (Division 2).

667 Section 301 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

668 Section 301

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Parliamentary Business Resources Act 2017

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Personal Property Securities Act 2009

670 Section 10

Repeal the following definitions:

(a) definition of ***Family Court***;

(b) definition of ***Federal Circuit Court***.

671 Section 205

Omit:

Jurisdiction is conferred on the Federal Court, the Federal Circuit Court, courts of States and Territories and the Family Court. PPS

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matters can be transferred between courts in accordance with procedures set out in this Part.

substitute:

Jurisdiction is conferred on the Federal Court, the Federal Circuit and Family Court of Australia (Division 1), the Federal Circuit and Family Court of Australia (Division 2) and courts of States and Territories. PPS matters can be transferred between courts in accordance with procedures set out in this Part.

672 Paragraph 206(1)(b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

673 Section 207 (after table item 1)

Insert:

1A	The Federal Circuit and Family Court of Australia (Division 1)	No specified limits.

674 Section 207 (cell at table item 2, column headed "Court on which jurisdiction is conferred")

Repeal the cell, substitute:

The Federal Circuit and Family Court of Australia (Division 2)

675 Section 207 (table item 4)

Repeal the item.

676 Section 208 (table)

Repeal the table, substitute:

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Cross-jurisdictional appeals		
Item	**Unless expressly provided by a law of the Commonwealth, a State or a Territory, an appeal with respect to a PPS matter does not lie from a decision of ...**	**to any of the following courts:**
1	the Federal Court	(a) the Federal Circuit and Family Court of Australia (Division 1); (b) the Federal Circuit and Family Court of Australia (Division 2); (c) a court of a State; (d) a court of a Territory.
2	the Federal Circuit and Family Court of Australia (Division 1)	(a) the Federal Court; (b) the Federal Circuit and Family Court of Australia (Division 2); (c) a court of a State; (d) a court of a Territory.
3	the Federal Circuit and Family Court of Australia (Division 2)	(a) a court of a State; (b) a court of a Territory.
4	a court of a State (other than a State Family Court)	(a) the Federal Court; (b) the Federal Circuit and Family Court of Australia (Division 1); (c) the Federal Circuit and Family Court of Australia (Division 2); (d) a court of another State; (e) a court of a Territory; (f) a State Family Court of the same State.
5	a court of the Australian Capital Territory	(a) the Federal Court; (b) the Federal Circuit and Family Court of Australia (Division 1); (c) the Federal Circuit and Family Court of Australia (Division 2); (d) a court of a State; (e) a court of another Territory.
6	a court of the Northern Territory	(a) the Federal Court; (b) the Federal Circuit and Family

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Cross-jurisdictional appeals		
Item	**Unless expressly provided by a law of the Commonwealth, a State or a Territory, an appeal with respect to a PPS matter does not lie from a decision of ...**	**to any of the following courts:**
		Court of Australia (Division 1); (c) the Federal Circuit and Family Court of Australia (Division 2); (d) a court of a State; (e) a court of another Territory.
7	a court of an external Territory	(a) the Federal Circuit and Family Court of Australia (Division 1); (b) Federal Circuit and Family Court of Australia (Division 2); (c) a court of a State; (d) a court of another Territory (whether internal or external).
8	a State Family Court	(a) the Federal Court; (b) the Federal Circuit and Family Court of Australia (Division 2); (c) the Supreme Court of the same State; (d) a court of another State; (e) a court of a Territory.

677 Subsection 210(2) (table)

Repeal the table, substitute:

Transfers to which other legislation applies		
Item	**Transferring court**	**Receiving court**
1	The Federal Court	The Federal Court
2	The Federal Court	The Federal Circuit and Family Court of Australia (Division 2)
3	The Federal Circuit and Family Court of Australia (Division 1)	The Federal Circuit and Family Court of Australia (Division 2)
4	The Federal Circuit and Family	The Federal Court or the Federal

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Transfers to which other legislation applies		
Item	**Transferring court**	**Receiving court**
	Court of Australia (Division 2)	Circuit and Family Court of Australia (Division 1)

678 Subsection 210(2) (note 1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

679 Subsection 210(2) (note 2)

Repeal the note, substitute:

Note 2: Transfers mentioned in the table are covered by other legislation as follows:

(a) for a transfer mentioned in item 1—section 32AC of the *Federal Court of Australia Act 1976*;

(b) for a transfer mentioned in item 2—section 32AB of the *Federal Court of Australia Act 1976*;

(c) for a transfer mentioned in item 3—section 52 of the *Federal Circuit and Family Court of Australia Act 2021*;

(d) for a transfer mentioned in item 4—sections 149 and 153 of the *Federal Circuit and Family Court of Australia Act 2021*.

680 Subsection 211(3) (paragraph (a) of the definition of *lower court*)

Repeal the paragraph, substitute:

(a) the Federal Circuit and Family Court of Australia (Division 2); or

681 Subsection 211(3) (paragraph (a) of the definition of *relevant superior court*)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

682 Subsection 211(3) (after paragraph (a) of the definition of *superior court*)

Insert:

(aa) the Federal Circuit and Family Court of Australia (Division 1); or

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683 Subsection 211(3) (paragraph (c) of the definition of *superior court*)

Repeal the paragraph.

684 Paragraphs 221(3)(b) and 222(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Petroleum and Other Fuels Reporting Act 2017

685 Subparagraphs 33(2)(f)(ii) and 35(2)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

Plant Breeder's Rights Act 1994

686 Subsection 3(1) (definition of *Federal Circuit Court*)

Repeal the definition.

687 Paragraphs 39(5)(b) and 50(7)(b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

688 Subsections 54(1) and 55(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

689 Subsection 56(1) (note)

Repeal the note, substitute:

Note 1: A matter may also be transferred to the Federal Court from the Federal Circuit and Family Court of Australia (Division 2): see section 153 of the *Federal Circuit and Family Court of Australia Act 2021*.

Note 2: A matter may also be transferred from the Federal Circuit and Family Court of Australia (Division 2) by the Federal Court: see section 32AC of the *Federal Court of Australia Act 1976*.

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690 Paragraph 56(2)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

691 Section 56A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

692 Subsections 56A(1), (3), (3A) and (4)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

693 Subsection 56A(5)

Repeal the subsection, substitute:

(5) Subsection (4) does not limit the power of the Chief Judge of the Federal Circuit and Family Court of Australia (Division 2) to make Rules of Court under Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021* that are consistent with the regulations referred to in that subsection.

694 Subsections 57A(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

695 Section 57B

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

696 Section 72

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Privacy Act 1988

697 Subsection 6(1) (definition of *Federal Circuit Court*)

Repeal the definition.

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698 Section 19

Omit:

> Division 7 provides for compensation orders, and other orders, to be made by the Federal Court or Federal Circuit Court.

substitute:

> Division 7 provides for compensation orders, and other orders, to be made by the Federal Court or Federal Circuit and Family Court of Australia (Division 2).

699 Subsections 25(1) and 25A(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

700 Section 55A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

701 Subsections 55A(1) and 62(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

702 Paragraphs 63(2)(a) and (b)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

703 Paragraphs 80U(3)(b), 80V(3)(b) and 80W(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

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Proceeds of Crime Act 2002

704 Subparagraphs 315B(2)(a)(v) and (b)(v)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

Product Emissions Standards Act 2017

705 Subparagraphs 24(3)(f)(ii), 25(2)(f)(ii), 26(2)(b)(ii), 28(2)(b)(ii) and 29(2)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

706 Paragraphs 35(2)(b) and 37(1)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

Product Stewardship Act 2011

707 Section 6 (paragraph (b) of the definition of *issuing officer*)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

708 Section 87 (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

709 Subsections 87(1) and (2) and 88(2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Public Interest Disclosure Act 2013

710 Section 8 (definition of *Federal Circuit Court*)

Repeal the definition.

711 Section 9

Omit:

> The Federal Court or Federal Circuit Court may make orders for civil remedies (including compensation, injunctions and reinstatement of employment) if a reprisal is taken against a person because of a public interest disclosure (including a proposed or a suspected public interest disclosure).

substitute:

> The Federal Court or Federal Circuit and Family Court of Australia (Division 2) may make orders for civil remedies (including compensation, injunctions and reinstatement of employment) if a reprisal is taken against a person because of a public interest disclosure (including a proposed or a suspected public interest disclosure).

712 Sections 14, 15, 16 and 17

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2).

713 Subsection 22A(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

714 Paragraphs 73(2)(b) to (ca)

Repeal the paragraphs, substitute:

(b) the Chief Executive Officer and Principal Registrar of the Federal Court is the ***chief executive officer*** of the Federal Court; and

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(c) the Chief Executive Officer and Principal Registrar of the Federal Circuit and Family Court of Australia is the ***chief executive officer*** of the following courts:

(i) the Federal Circuit and Family Court of Australia (Division 1);

(ii) the Federal Circuit and Family Court of Australia (Division 2); and

Regulatory Powers (Standard Provisions) Act 2014

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

Repeal the paragraph, substitute:

(c) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

Remuneration and Allowances Act 1990

716 Part 2 of Schedule 1 (cell at table item dealing with Chief Justice of the Family Court, column headed "Office")

Repeal the cell, substitute:

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

717 Part 2 of Schedule 1 (cell at table item dealing with Deputy Chief Justice of the Family Court, column headed "Office")

Repeal the cell, substitute:

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

718 Part 2 of Schedule 1 (table item dealing with Judge assigned to the Appeal Division of the Family Court)

Repeal the item.

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719 Part 2 of Schedule 1 (cell at table item dealing with Senior Judge of the Family Court, column headed "Office")

Repeal the cell, substitute:

Senior Judge of the Federal Circuit and Family Court of Australia (Division 1)

720 Part 2 of Schedule 1 (cell at table item dealing with Any other Judge of the Family Court, column headed "Office")

Repeal the cell, substitute:

Any other Judge of the Federal Circuit and Family Court of Australia (Division 1)

721 Part 4 of Schedule 1 (table item dealing with Judicial Registrar of the Family Court of Australia)

Repeal the item.

Renewable Energy (Electricity) Act 2000

722 Subsection 5(1) (definition of *Federal Circuit Court*)

Repeal the definition.

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

Resale Royalty Right for Visual Artists Act 2009

724 Section 3 (definition of *Federal Circuit Court*)

Repeal the definition.

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725 Subsection 39(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

726 Sections 43 and 44

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

727 Section 51 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

728 Section 51

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Road Vehicle Standards Act 2018

729 Subsection 5(1) (definition of *Federal Circuit Court*)

Repeal the definition.

730 Subsection 5(1) (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

731 Subparagraphs 50(4)(c)(iii) and 52(3)(c)(iii)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Security of Critical Infrastructure Act 2018

732 Paragraph 49(4)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

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Shipping Registration Act 1981

733 Subsection 3(1) (paragraph (b) of the definition of *relevant court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

734 Subsection 61BZD(1) (cell at table item 2, column headed "Court on which civil jurisdiction is conferred")

Repeal the cell, substitute:

The Federal Circuit and Family Court of Australia (Division 2)

Social Security Act 1991

735 Paragraphs 553A(4)(d), 596(4)(d), 660XBE(4)(d), 729AA(4)(d), 759(4)(d) and 771HB(4)(d)

Repeal the paragraphs, substitute:

(d) the Federal Circuit and Family Court of Australia (Division 2);

736 Subsection 1243(1) (note)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

737 Subsection 1252(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Space (Launches and Returns) Act 2018

738 Section 8 (definition of *Federal Circuit Court*)

Repeal the definition.

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739 Subsection 59(8)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

740 Section 72 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

741 Section 72

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

742 Section 75F (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

743 Section 75F

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

744 Paragraph 81(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

745 Subsection 107(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Stronger Futures in the Northern Territory Act 2012

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

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

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747 Subsection 103(1) (cell at table item 2, column headed "Court on which civil jurisdiction is conferred")

Repeal the cell, substitute:

The Federal Circuit and Family Court of Australia (Division 2)

Student Assistance Act 1973

748 Subsection 43K(1) (note)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

749 Subsection 43U(1)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Taxation Administration Act 1953

750 Section 14ZQ

Repeal the following definitions:

(a) definition of ***Family Court***;

(b) definition of ***Family Court Judge***.

751 Section 14ZZS (heading)

Omit "**Family Court**", substitute "**Federal Circuit and Family Court of Australia (Division 1)**".

752 Subsection 14ZZS(1)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

753 Subsection 14ZZS(2)

Omit "Family Court" (first occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

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754 Paragraphs 14ZZS(2)(a), (b), (c), (d) and (e)

Omit "Family Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 1)".

755 Subparagraph 14ZZS(2)(f)(i)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

756 Subparagraphs 14ZZS(2)(f)(ii) and (iii)

Omit "Family Court Judge", substitute "Judge of the Federal Circuit and Family Court of Australia (Division 1)".

757 Subparagraph 14ZZS(2)(f)(iv)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

758 Subsections 14ZZS(3) and (4)

Omit "Family Court", substitute "Federal Circuit and Family Court of Australia (Division 1)".

759 Section 17A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

760 Subsection 17A(2)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018

761 Subsection 2(1) (table item 3, column 2)

Omit "*Federal Circuit and Family Court of Australia Act 2018*", substitute "*Federal Circuit and Family Court of Australia Act 2021*".

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762 Part 2 of Schedule 1 (heading)

Omit "**Federal Circuit and Family Court of Australia Act 2018**", substitute "**Federal Circuit and Family Court of Australia Act 2021**".

Tertiary Education Quality and Standards Agency Act 2011

763 Section 5 (definition of *Federal Circuit Court*)

Repeal the definition.

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

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

765 Section 96 (heading)

Omit "**Federal Circuit Court Judges**", substitute "**Judges of the Federal Circuit and Family Court of Australia (Division 2)**".

766 Subsections 96(1) and (2) and 97(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

767 Paragraph 115(1)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

768 Section 118

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

769 Subsection 119(3)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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770 Section 121

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

771 Subsections 126(1) and 127(1) and (2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

772 Sections 128, 129, 130 and 131

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

Therapeutic Goods Act 1989

773 Subsection 3(1) (definition of *Federal Circuit Court*)

Repeal the definition.

774 Section 42YM

Omit:

> The Secretary can seek injunctions from the Federal Court or Federal Circuit Court to restrain a person from contravening this Act or the regulations, or to compel compliance with this Act or the regulations.

substitute:

> The Secretary can seek injunctions from the Federal Court or Federal Circuit and Family Court of Australia (Division 2) to restrain a person from contravening this Act or the regulations, or to compel compliance with this Act or the regulations.

775 Sections 42YN, 42YO, 42YP, 42YQ and 42YR

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Tobacco Plain Packaging Act 2011

776 Paragraphs 52(9)(b) and 85(3)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

Trade Marks Act 1995

777 Subsection 6(1) (definition of *Federal Circuit Court*)

Repeal the definition.

778 Sections 35, 56 and 67

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

779 Subsections 83(2) and 83A(8)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

780 Sections 84D and 104

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

781 Paragraph 190(aa)

Repeal the paragraph, substitute:

(aa) the Federal Circuit and Family Court of Australia (Division 2);

782 Paragraph 191(2)(a)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

783 Section 191A (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

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784 Section 191A

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

785 Subsection 192(1)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

786 Subsection 194(3)

Repeal the subsection (including the note), substitute:

(3) This section does not apply in relation to a transfer of proceedings between the Federal Court and the Federal Circuit and Family Court of Australia (Division 2).

Note 1: For transfers of proceedings from the Federal Circuit and Family Court of Australia (Division 2) to the Federal Court, see section 153 of the *Federal Circuit and Family Court of Australia Act 2021* and section 32AC of the *Federal Court of Australia Act 1976*.

Note 2: For transfers of proceedings from the Federal Court to the Federal Circuit and Family Court of Australia (Division 2), see section 32AB of the *Federal Court of Australia Act 1976*.

787 Subsection 195(2)

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

788 Section 196

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

789 Section 197 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

790 Section 197

Omit "Federal Circuit Court", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Trans-Tasman Proceedings Act 2010

791 Section 4 (paragraph (b) of the definition of *superior Australian court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 1); or

792 Paragraphs 25(b) and 63(2)(b)

Repeal the paragraphs, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 1);

793 Subsection 109(3)

Omit "Family Court of Australia or the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia".

794 At the end of section 109

Add:

(5) In this section:

Federal Circuit and Family Court of Australia means:

(a) the Federal Circuit and Family Court of Australia (Division 1); or

(b) the Federal Circuit and Family Court of Australia (Division 2).

Underwater Cultural Heritage Act 2018

795 Subparagraphs 41(3)(f)(ii), 42(2)(f)(ii), 43(2)(b)(ii), 45(2)(b)(ii) and 46(2)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

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VET Student Loans Act 2016

796 Section 6 (paragraph (c) of the definition of *judicial officer*)

Repeal the paragraph, substitute:

(c) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

797 Subparagraphs 82(3)(f)(ii), 83(2)(f)(ii), 84(2)(b)(ii), 86(2)(b)(ii) and 87(2)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

Water Act 2007

798 Section 138 (paragraph (b) of the definition of *Court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); or

799 Section 139 (heading)

Omit "**Federal Circuit Court**", substitute "**Federal Circuit and Family Court of Australia (Division 2)**".

800 Section 139

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

Water Efficiency Labelling and Standards Act 2005

801 Section 7 (definition of *Federal Circuit Court*)

Repeal the definition.

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

Repeal the paragraph, substitute:

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(b) the Federal Circuit and Family Court of Australia (Division 2); or

Work Health and Safety Act 2011

803 Section 4 (paragraph (b) of the definition of *court*)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2); and

804 Paragraph 273A(1)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2);

805 Paragraphs 273A(2)(e), (f) and (g)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

806 Subsection 273A(3)

Omit "Federal Circuit Court of Australia in subsection (1) is to be exercised in the Fair Work Division of the Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2) in subsection (1) is to be exercised in the Fair Work Division of the Court".

807 Paragraph 273A(3)(a)

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

808 Paragraph 273A(3)(b)

Omit "section 15 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 140 of the *Federal Circuit and Family Court of Australia Act 2021*".

809 Paragraph 273A(3)(c)

Omit "section 16 of the *Federal Circuit Court of Australia Act 1999*", substitute "section 141 of the *Federal Circuit and Family Court of Australia Act 2021*".

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810 Paragraph 273A(3)(d)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

811 Paragraph 273A(3)(e)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

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Schedule 3—Repeal of the Federal Circuit Court of Australia Act 1999

Part 1—Repeals

Federal Circuit Court of Australia Act 1999

1 The whole of the Act

Repeal the Act.

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Part 2—Saving and transitional provisions

2 Definitions

In this Part:

commencement day means the day this Schedule commences.

3 Instrument about Commonwealth tenancy disputes

Despite the repeal of the *Federal Circuit Court of Australia Act 1999*:

(a) an instrument made under section 10AA of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under section 133 of the *Federal Circuit and Family Court of Australia Act 2021*; and

(b) on and after the commencement day, the instrument is to be known as the *Federal Circuit and Family Court of Australia (Division 2) (Commonwealth Tenancy Disputes) Instrument 2015*; and

(c) on and after the commencement day, the instrument applies as if:

(i) the reference in section 3 of the instrument to section 10AA of the *Federal Circuit Court of Australia Act 1999* were a reference to section 133 of the *Federal Circuit and Family Court of Australia Act 2021*; and

(ii) the reference in section 4 of the instrument to the *Federal Circuit Court of Australia Act 1999* were a reference to the *Federal Circuit and Family Court of Australia Act 2021*; and

(iii) any reference in the instrument to the Federal Circuit Court of Australia were a reference to the Federal Circuit and Family Court of Australia (Division 2).

4 Authorisation about handling complaints

A written authorisation made under subsection 12(3AB) of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 145(2) of the *Federal Circuit and Family Court of Australia Act 2021*.

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5 Seals and stamps

Despite the repeal of the *Federal Circuit Court of Australia Act 1999*:

(a) the seal of the Federal Circuit Court of Australia, existing immediately before the commencement day, may be affixed to documents (in accordance with subsection 178(3) of the *Federal Circuit and Family Court of Australia Act 2021*) until the end of the 12-month period beginning on the commencement day, as if it were the seal of the Federal Circuit and Family Court of Australia (Division 2); and

(b) a Federal Circuit Court of Australia stamp, existing immediately before the commencement day, may be affixed to documents (in accordance with subsection 179(3) of the *Federal Circuit and Family Court of Australia Act 2021*) until the end of the 12-month period beginning on the commencement day, as if it were a stamp of the Federal Circuit and Family Court of Australia (Division 2).

6 Oaths and affirmations

A written authorisation made under subsection 58(2) of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 194(2) of the *Federal Circuit and Family Court of Australia Act 2021*.

7 Arrangements with other courts

An arrangement made under subsection 90(1) of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 246(1) of the *Federal Circuit and Family Court of Australia Act 2021*.

8 Arrangements with agencies or organisations

An arrangement made under subsection 91(1) of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 247(1) of the *Federal Circuit and Family Court of Australia Act 2021*.

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9 Delegation

An instrument made under section 117A of the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under section 275 of the *Federal Circuit and Family Court of Australia Act 2021*.

10 Determination of other terms and conditions

A determination by the Governor-General under clause 8 of Schedule 1 to the *Federal Circuit Court of Australia Act 1999* and in force immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 119(1) of the *Federal Circuit and Family Court of Australia Act 2021*.

11 Certification of retired disabled Judges

A certification by the Minister under paragraph 9A(2)(a) of Schedule 1 to the *Federal Circuit Court of Australia Act 1999* before the commencement day that a person is a retired disabled Judge has effect, on and after that day, as if it were a certification by the Minister under section 122 of the *Federal Circuit and Family Court of Australia Act 2021* that the person is a retired disabled Judge.

12 Right of appeal to the Administrative Appeals Tribunal

(1) Despite the repeal of the *Federal Circuit Court of Australia Act 1999*, applications may be made to the Administrative Appeals Tribunal for review of:

(a) a refusal, before the commencement day, of the Minister to certify that a Judge is a retired disabled Judge under subclause 9A(2) of Schedule 1 to that Act; or

(b) a refusal, before the commencement day, by the Minister under paragraph 9D(9)(b) of Schedule 1 to that Act to give a direction;

if, on the commencement day, the time for making an application for review of the refusal has not ended.

(2) Despite the repeal of the *Federal Circuit Court of Australia Act 1999*, applications may be made to the Administrative Appeals Tribunal for review of any of the following decisions:

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(a) a decision made, before the commencement day, by the Minister under subclause 9D(6) of Schedule 1 to that Act;
(b) a decision made, before the commencement day, by the Minister under subclause 9D(7) of Schedule 1 to that Act to give a direction;
(c) a decision made, before the commencement day, by the Minister under paragraph 9E(4)(c), subparagraph 9E(5)(b)(ii) or subclause 9E(8) of Schedule 1 to that Act;
(d) a decision made, before the commencement day, by the Minister under subparagraph 9F(1)(b)(ii) or (iii) of Schedule 1 to that Act;

if, on the commencement day, the time for making an application for review of the decision has not ended.

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Schedule 4—Contingent amendments

Part 1—Aged Care Legislation Amendment (New Commissioner Functions) Act 2019

Aged Care Act 1997

1 Subparagraphs 92-1(4)(e)(ii) and 92-3(2)(e)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

Aged Care Quality and Safety Commission Act 2018

2 Subparagraphs 74B(4)(e)(ii) and 74D(2)(e)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2);

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Part 2—Communications Legislation Amendment (Deregulation and Other Measures) Act 2019

Communications Legislation Amendment (Deregulation and Other Measures) Act 2019

3 Subparagraph 4(8)(b)(ii) of Schedule 2

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

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Part 3—Fair Work Laws Amendment (Proper Use of Worker Benefits) Act 2021

Fair Work Act 2009

4 Subsection 539(2) (table item 11A, column 3, paragraph (b))

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2)

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Part 4—Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020

Bankruptcy Act 1966

5 Subsections 35B(1), (2) and (3)

Omit "Family Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 1)".

6 Subsections 35B(9) and (12)

Omit "Federal Circuit Court" (wherever occurring), substitute "Federal Circuit and Family Court of Australia (Division 2)".

Family Law Act 1975

7 Subsection 47A(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not apply to:

(a) a decree of the Magistrates Court of Western Australia constituted by a Family Law Magistrate of Western Australia; or

(b) a decree of the Magistrates Court of Western Australia constituted by a magistrate who is not a Family Law Magistrate of Western Australia made in proceedings in relation to matters arising under Part VIIIC.

8 After section 47B

Insert:

47BA Appeals relating to matters arising under Part VIIIC

(1) An appeal lies to the Family Court of Western Australia from:

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(a) an interlocutory order of the Magistrates Court of Western Australia constituted by a Family Law Magistrate of Western Australia; or

(b) a decree of the Magistrates Court of Western Australia constituted by a magistrate who is not a Family Law Magistrate of Western Australia;

exercising original jurisdiction invested by Division 2A of Part V.

Note: Division 2A of Part V invests jurisdiction with respect to matters arising under Part VIIIC (Superannuation interests relating to Western Australian de facto relationships).

(2) An appeal lies to the Court of Appeal established under the *Supreme Court Act 1935* (WA) from:

(a) a decree of the Family Court of Western Australia exercising original jurisdiction invested by Division 2A of Part V of this Act or appellate jurisdiction under this Act; or

(b) a decree (other than an interlocutory order) of the Magistrates Court of Western Australia constituted by a Family Law Magistrate of Western Australia exercising original jurisdiction invested by Division 2A of Part V of this Act.

Note: Division 2A of Part V invests jurisdiction with respect to matters arising under Part VIIIC (Superannuation interests relating to Western Australian de facto relationships).

(3) The Court of Appeal established under the *Supreme Court Act 1935* (WA) and the Family Court of Western Australia are each invested with federal jurisdiction with respect to matters arising under Part VIIIC of this Act in respect of which appeals are instituted under this section.

9 Paragraph 90YZH(3)(c)

Omit "Federal Circuit Court of Australia", substitute "Federal Circuit and Family Court of Australia (Division 2)".

10 Subsection 123(1)

Omit "in the Family Court and, subject to subsection 69GA(3) and section 90YJ, any other courts", substitute ", subject to subsection 69GA(3) and section 90YJ, in a court".

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Federal Circuit and Family Court of Australia Act 2021

11 Subparagraph 26(1)(d)(i)

After "a State", insert "(other than Western Australia)".

12 After paragraph 26(1)(d)

Insert:

(da) a judgment of the Family Court of Western Australia exercising original or appellate jurisdiction under:

(i) the *Family Law Act 1975* (other than Part VIIIC); or

(ii) the *Child Support (Assessment) Act 1989*; or

(iii) the *Child Support (Registration and Collection) Act 1988*; and

13 Subparagraph 26(1)(f)(i)

After "*Family Law Act 1975*", insert "(other than Part VIIIC)".

14 Subsection 26(1) (before note 1)

Insert:

Note 1A: Paragraph (da) and subparagraph (f)(i)—for appeals relating to matters arising under Part VIIIC of the *Family Law Act 1975*: see section 47BA of that Act.

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Part 5—Interactive Gambling Amendment (National Self-exclusion Register) Act 2019

Interactive Gambling Act 2001

15 Subparagraph 61PC(b)(ii)

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

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Part 6—National Sports Tribunal Act 2019

National Sports Tribunal Act 2019

16 Paragraph 48(5)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

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Part 7—Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019

Offshore Petroleum and Greenhouse Gas Storage Act 2006

17 Subparagraph 582A(2)(b)(ii)

Repeal the subparagraph, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

18 Subparagraphs 596A(6)(b)(ii) and (7)(g)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

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Part 8—Student Identifiers Amendment (Enhanced Student Permissions) Act 2020

Student Identifiers Act 2014

19 Paragraph 29D(3)(b)

Repeal the paragraph, substitute:

(b) the Federal Circuit and Family Court of Australia (Division 2).

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Part 9—Telecommunications Legislation Amendment (Competition and Consumer) Act 2020

Telecommunications Act 1997

20 Section 7 (definition of *Federal Circuit Court*)

Repeal the definition.

Telecommunications (Consumer Protection and Service Standards) Act 1999

21 Subparagraphs 102E(b)(ii) and 102N(5)(b)(ii)

Repeal the subparagraphs, substitute:

(ii) the Federal Circuit and Family Court of Australia (Division 2); or

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Schedule 5—Transitional provisions

Part 1—Introduction

1 Definitions

In this Schedule:

commencement day means the day this Schedule commences.

Family Court of a State means a court to which section 41 of the *Family Law Act 1975*, as amended by this Act, applies.

Family Court of Australia means the federal court known, immediately before the commencement day, as the Family Court of Australia.

Federal Circuit and Family Court of Australia has the same meaning as in the new law.

Federal Circuit Court of Australia means the federal court known, immediately before the commencement day, as the Federal Circuit Court of Australia.

Federal Court means the Federal Court of Australia.

Full Court, in relation to the Federal Circuit and Family Court of Australia (Division 1), means 2 or more Judges of the Court.

new law means the *Federal Circuit and Family Court of Australia Act 2021*.

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Part 2—Continuity of the Family Court of Australia, and Judges and personnel of the Court

2 Change in title of judicial offices

Chief Justice

(1) The office of Chief Justice of the Family Court of Australia under the old law is the same office as the office of Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) under the new law.

Deputy Chief Justice

(2) The office of Deputy Chief Justice of the Family Court of Australia under the old law is the same office as the office of Deputy Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) under the new law.

Senior Judges

(3) The office of Senior Judge of the Family Court of Australia under the old law is the same office as the office of Senior Judge of the Federal Circuit and Family Court of Australia (Division 1) under the new law.

Judges

(4) The office of Judge (other than Senior Judge) of the Family Court of Australia under the old law is the same office as the office of Judge of the Federal Circuit and Family Court of Australia (Division 1) under the new law.

(5) In this item:

old law means Part IV of the *Family Law Act 1975*, as in force immediately before the commencement day.

3 Appointments to judicial offices

Chief Justice

(1) The person holding office as the Chief Justice of the Family Court of Australia immediately before the commencement day continues to hold

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that office under the title of Chief Justice of the Federal Circuit and Family Court of Australia (Division 1).

Deputy Chief Justice

(2) The person holding office as the Deputy Chief Justice of the Family Court of Australia immediately before the commencement day continues to hold that office under the title of Deputy Chief Justice of the Federal Circuit and Family Court of Australia (Division 1).

Senior Judges

(3) A person holding office as a Senior Judge of the Family Court of Australia immediately before the commencement day continues to hold that office under the title of Senior Judge of the Federal Circuit and Family Court of Australia (Division 1).

Judges

(4) A person holding office as a Judge of the Family Court of Australia (other than a Senior Judge) immediately before the commencement day continues to hold that office under the title of Judge of the Federal Circuit and Family Court of Australia (Division 1).

Seniority

(5) Despite the repeal of Part IV of the *Family Law Act 1975*, section 23 of that Act continues to apply to preserve the seniority of all persons who held office as a Judge (including the Chief Justice, the Deputy Chief Justice or a Senior Judge) of the Family Court of Australia immediately before the commencement day.

4 Chief Executive Officer of the Family Court of Australia

(1) A person who was, immediately before the commencement day, holding office as the Chief Executive Officer and Principal Registrar of the Family Court of Australia, continues to hold that office under the title of the Chief Executive Officer and Principal Registrar of the Federal Circuit and Family Court of Australia (Division 1).

(2) The person holds office, on and after the commencement day:

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(a) on the terms and conditions that were applicable to the person immediately before that day; and

(b) for the balance of the person's term of appointment that remained immediately before that day.

5 Officers and staff of the Family Court of Australia

(1) A person who, immediately before the commencement day, was an officer of the Family Court of Australia, as mentioned in paragraph 38N(1)(b), (c), (d), (e) or (f) of the old law, continues on and after that day as an officer of the Federal Circuit and Family Court of Australia (Division 1).

(2) A person who, immediately before the commencement day, was a member of the staff of the Registries of the Family Court of Australia (as mentioned in subsection 38N(7) of the old law), continues on and after that day as a member of the staff of the Registries of the Federal Circuit and Family Court of Australia (Division 1).

(3) In this item:

old law means Part IVA of the *Family Law Act 1975*, as in force immediately before the commencement day.

6 Application of subsection 25B(1) of the *Acts Interpretation Act 1901*

Subsection 25B(1) of the *Acts Interpretation Act 1901* applies as if:

(a) the Family Court of Australia were a body; and

(b) the offices of Chief Justice, Deputy Chief Justice, Senior Judge and Judge were offices.

7 Things done by the Family Court of Australia or Judges of the Court

To avoid doubt, the amendments made by this Act do not affect the validity of anything done, before the commencement day, by or in relation to:

(a) the Family Court of Australia; or

(b) a Full Court of the Family Court of Australia; or

(c) the Chief Justice, the Deputy Chief Justice, a Senior Judge or a Judge of the Family Court of Australia; or

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(d) a Judge of the Family Court of Australia (including the Chief Justice, the Deputy Chief Justice or a Senior Judge) when performing functions, or exercising powers, under an Act in the Judge's personal capacity.

Note: Paragraph (d)—if a Judge may issue a warrant under an Act and does so, the Judge issues the warrant in the Judge's personal capacity and not as a member of a court.

8 Things done by, or in relation to, the Chief Executive Officer

(1) If a thing was done by, or in relation to, the Chief Executive Officer of the Family Court of Australia, then the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Chief Executive Officer of the Federal Circuit and Family Court of Australia (Division 1).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Chief Executive Officer of the Family Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

9 Things done by, or in relation to, a Registrar or Deputy Registrar

(1) If a thing was done by, or in relation to, a Registrar of the Family Court of Australia, then the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, a Senior Registrar of the Federal Circuit and Family Court of Australia (Division 1).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, a Registrar of the Family Court of Australia.

(3) If a thing was done by, or in relation to, a Deputy Registrar of the Family Court of Australia, then the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, a Registrar of the Federal Circuit and Family Court of Australia (Division 1).

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(4) The Minister may, in writing, determine that subitem (3) does not apply in relation to a specified thing done by, or in relation to, a Deputy Registrar of the Family Court of Australia.

(5) To avoid doubt, doing a thing includes making an instrument.

(6) A determination under subitem (2) or (4) is not a legislative instrument.

10 Things done by, or in relation to, a Registry Manager

(1) If a thing was done by, or in relation to, the Registry Manager of a Registry of the Family Court of Australia, then the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Registry Manager of a Registry of the Federal Circuit and Family Court of Australia (Division 1).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Registry Manager of a Registry of the Family Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

11 Things done by, or in relation to, the Marshal or a Deputy Marshal

(1) If a thing was done by, or in relation to, the Marshal or a Deputy Marshal of the Family Court of Australia, then the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Marshal or a Deputy Marshal of the Federal Circuit and Family Court of Australia (Division 1).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Marshal or a Deputy Marshal of the Family Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

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12 Registries

Despite the repeal of Part IV of the *Family Law Act 1975*, a Registry of the Family Court of Australia, existing immediately before the commencement day, continues in existence on and after that day as a Registry of the Federal Circuit and Family Court of Australia (Division 1).

13 Complaints

If, in relation to a Judge of the Family Court of Australia:

(a) a complaint is made, on or after the commencement day, about the Judge; and

(b) the circumstances that gave rise to the complaint occurred before the commencement day;

then:

(c) the Chief Justice may deal with the complaint under section 48 of the new law; and

(d) for the purposes of dealing with the complaint, the reference to the Federal Circuit and Family Court of Australia (Division 1) in subparagraph (b)(ii) of the definition of ***relevant belief*** in subsection 48(4) of the new law is taken to include a reference to the Family Court of Australia.

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Part 3—Continuity of the Federal Circuit Court of Australia, and Judges and personnel of the Court

14 Change in title of judicial offices

(1) The office of Chief Judge of the Federal Circuit Court of Australia under the old law is the same office as the office of Chief Judge of the Federal Circuit and Family Court of Australia (Division 2) under the new law.

(2) The office of Judge (other than Chief Judge) of the Federal Circuit Court of Australia under the old law is the same office as the office of Judge of the Federal Circuit and Family Court of Australia (Division 2) under the new law.

(3) In this item:

old law means the *Federal Circuit Court of Australia Act 1999*, as in force immediately before the commencement day.

15 Appointments to judicial offices

Chief Judge

(1) The person holding office as the Chief Judge of the Federal Circuit Court of Australia immediately before the commencement day continues to hold that office under the title of Chief Judge of the Federal Circuit and Family Court of Australia (Division 2).

Judge

(2) A person holding office as a Judge of the Federal Circuit Court of Australia (other than the Chief Judge) immediately before the commencement day continues to hold that office under the title of Judge of the Federal Circuit and Family Court of Australia (Division 2).

Assignment of Judges to locations or registries

(3) Despite the repeal of the *Federal Circuit Court of Australia Act 1999*, an instrument made under subsection 12(4) of that Act and in force

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immediately before the commencement day continues in force (and may be dealt with) as if it had been made under subsection 147(1) of the new law.

(4) An approval given under subsection 12(5) of the *Federal Circuit Court of Australia Act 1999* in relation to an instrument mentioned in subitem (3), and in force immediately before the commencement day, continues in force (and may be dealt with) as if it had been given under subsection 147(2) of the new law.

16 Officers and staff of the Federal Circuit Court of Australia

(1) A person who, immediately before the commencement day, was an officer of the Federal Circuit Court of Australia, as mentioned in paragraph 99(1)(a), (b), (c), (d), (e) or (f) of the old law, continues on and after that day as an officer of the Federal Circuit and Family Court of Australia (Division 2).

(2) A person who, immediately before the commencement day, was a member of the staff of the Federal Circuit Court of Australia (as mentioned in section 112 of the old law), continues on and after that day as a member of the staff of the Federal Circuit and Family Court of Australia (Division 2).

(3) In this item:

old law means the *Federal Circuit Court of Australia Act 1999*, as in force immediately before the commencement day.

17 Application of subsection 25B(1) of the *Acts Interpretation Act 1901*

Subsection 25B(1) of the *Acts Interpretation Act 1901* applies as if:

(a) the Federal Circuit Court of Australia were a body; and

(b) the offices of Chief Judge and Judge were offices.

18 Things done by, or in relation to, the Federal Circuit Court of Australia or Judges of the Court

To avoid doubt, the repeal of the *Federal Circuit Court of Australia Act 1999*, and any other amendment made by this Act, does not affect the validity of anything done, before the commencement day, by or in relation to:

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(a) the Federal Circuit Court of Australia; or
(b) the Chief Judge or a Judge of the Federal Circuit Court of Australia; or
(c) a Judge of the Federal Circuit Court of Australia as a Federal Magistrate; or
(d) a Judge of the Federal Circuit Court of Australia (including the Chief Judge) when performing functions, or exercising powers, under an Act in the Judge's personal capacity.

Note: Paragraph (d)—if a Judge may issue a warrant under an Act and does so, the Judge issues the warrant in the Judge's personal capacity and not as a member of a court.

19 Things done by, or in relation to, the Chief Executive Officer

(1) If a thing was done by, or in relation to, the Chief Executive Officer of the Federal Circuit Court of Australia, then, despite the repeal of the *Federal Circuit Court of Australia Act 1999*, the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Chief Executive Officer of the Federal Circuit and Family Court of Australia (Division 1).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Chief Executive Officer of the Federal Circuit Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

20 Things done by, or in relation to, a Registrar

(1) If a thing was done by, or in relation to, a Registrar of the Federal Circuit Court of Australia, then, despite the repeal of the *Federal Circuit Court of Australia Act 1999*, the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, a Registrar of the Federal Circuit and Family Court of Australia (Division 2).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, a Registrar of the Federal Circuit Court of Australia.

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(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

21 Things done by, or in relation to, the Sheriff or a Deputy Sheriff

(1) If a thing was done by, or in relation to, the Sheriff or a Deputy Sheriff of the Federal Circuit Court of Australia, then, despite the repeal of the *Federal Circuit Court of Australia Act 1999*, the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Sheriff or a Deputy Sheriff of the Federal Circuit and Family Court of Australia (Division 2).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Sheriff or a Deputy Sheriff of the Federal Circuit Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

22 Things done by, or in relation to, the Marshal or a Deputy Marshal

(1) If a thing was done by, or in relation to, the Marshal or a Deputy Marshal of the Federal Circuit Court of Australia, then, despite the repeal of the *Federal Circuit Court of Australia Act 1999*, the thing is taken, for the purposes of the operation of any law on and after the commencement day, to have been done by, or in relation to, the Marshal or a Deputy Marshal of the Federal Circuit and Family Court of Australia (Division 2).

(2) The Minister may, in writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Marshal or a Deputy Marshal of the Federal Circuit Court of Australia.

(3) To avoid doubt, doing a thing includes making an instrument.

(4) A determination under subitem (2) is not a legislative instrument.

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23 Registries

Despite the repeal of the *Federal Circuit Court of Australia Act 1999*, a Registry of the Federal Circuit Court of Australia, existing immediately before the commencement day, continues in existence on and after that day as a Registry of the Federal Circuit and Family Court of Australia (Division 2).

24 Complaints

If, in relation to a Judge of the Federal Circuit Court of Australia:

(a) a complaint is made, on or after the commencement day, about the Judge; and

(b) the circumstances that gave rise to the complaint occurred before the commencement day;

then:

(c) the Chief Judge may deal with the complaint under section 145 of the new law; and

(d) for the purposes of dealing with the complaint, the reference to the Federal Circuit and Family Court of Australia (Division 2) in subparagraph (b)(ii) of the definition of ***relevant belief*** in subsection 145(4) of the new law is taken to include a reference to the Federal Circuit Court of Australia.

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Part 4—Transitional arrangements for appeals

Division 1—Appeals or applications not made, but time for making appeal or application not expired

25 Appeals to the High Court

If:

(a) on the day before the commencement day, an application for special leave to appeal could be made under section 95 of the *Family Law Act 1975*; and

(b) despite the amendments to the *Family Law Act 1975* made by this Act, on the commencement day the time for making the application has not ended;

then, on or after the commencement day, the application may be made to the High Court.

26 Appeals to Federal Circuit and Family Court of Australia (Division 1)

(1) If:

(a) on the day before the commencement day, either:

(i) an appeal could be instituted under Part X of the *Family Law Act 1975*; or

(ii) an application for leave to appeal could be made under section 94AA of that Act; and

(b) despite the amendments to the *Family Law Act 1975* made by this Act, on the commencement day the time for instituting the appeal or making the application has not ended;

then, on or after the commencement day, the appeal or application may be made to the Federal Circuit and Family Court of Australia (Division 1).

(2) For the purposes of subitem (1), an appeal or application for leave to appeal must be made in accordance with the Rules of Court made under Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021*.

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(3) To avoid doubt, the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the appeal or application according to:

(a) the *Federal Circuit and Family Court of Australia Act 2021*; and

(b) the *Family Law Act 1975*, as amended by this Act; and

(c) any other law of the Commonwealth, as relevant.

27 Extensions of time to appeal or seek leave to appeal

(1) Despite the amendments to the *Family Law Act 1975* made by this Act, if, on the commencement day, a person could seek an extension of time:

(a) to institute an appeal under the *Family Law Act 1975*; or

(b) to apply for leave to appeal under that Act;

then, on or after the commencement day, the person may apply to the Federal Circuit and Family Court of Australia (Division 1) to seek such an extension of time.

(2) To avoid doubt, the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the application according to:

(a) the *Federal Circuit and Family Court of Australia Act 2021*; and

(b) the *Family Law Act 1975*, as amended by this Act; and

(c) any other law of the Commonwealth, as relevant.

Division 2—Matters not substantively heard before the commencement day

28 Matters before a Judge or Full Court of the Family Court of Australia

Matters to be substantively heard by the Federal Circuit and Family Court of Australia (Division 1)

(1) Subject to subitems (3) and (4), if:

(a) before the commencement day, any of the following occur:

(i) an application is made under section 94AA of the *Family Law Act 1975* for leave to appeal under Part X of that Act;

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(ii) an appeal is instituted, as allowed by Part X of that Act;

(iii) facts and a question of law are stated in the form of a special case for the opinion of a Full Court of the Family Court of Australia; and

(b) on the day before the commencement day, either:

(i) there has not been a substantive hearing of the application, appeal or special case by the Full Court of the Family Court of Australia; or

(ii) in the case of an application referred to in subparagraph (a)(i) that could be determined by a single Judge of the Family Court of Australia, there has not been a substantive hearing of the application by a single Judge of the Court;

then, on or after the commencement day, the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the application, appeal or special case, as if the application were made to, the appeal instituted in, or the special case stated for, the Federal Circuit and Family Court of Australia (Division 1).

(2) To avoid doubt, the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the application, appeal or special case according to:

(a) the *Federal Circuit and Family Court of Australia Act 2021*; and

(b) the *Family Law Act 1975*, as amended by this Act; and

(c) any other law of the Commonwealth, as relevant.

Federal Circuit and Family Court of Australia (Division 1) to deal with certain applications of a procedural nature first

(3) If, on the day before the commencement day, a Full Court of the Family Court of Australia has reserved judgment on an application of a procedural nature (as mentioned in subsection 94(2D) or 94AAA(10) of the *Family Law Act 1975*) in relation to an application or appeal mentioned in paragraph (1)(a), then, on or after the commencement day, a Full Court of the Federal Circuit and Family Court of Australia (Division 1) must deliver the judgment on the procedural application.

Note: For provisions relating to the constitution of a Full Court, see item 32.

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(4) If, on the day before the commencement day, a single Judge of the Family Court of Australia has reserved judgment on an application of a procedural nature (as mentioned in subsection 94(2D) or 94AAA(10) of the *Family Law Act 1975*) in relation to an application or appeal mentioned in paragraph (1)(a), then, on or after the commencement day, a single Judge of the Federal Circuit and Family Court of Australia (Division 1) must deliver the judgment on the procedural application.

Note: For provisions relating to the unavailability of a Judge, see item 33.

(5) Once judgment has been delivered on the procedural application, as mentioned in subitem (3) or (4), the application or appeal mentioned in paragraph (1)(a) is to be dealt with by the Federal Circuit and Family Court of Australia (Division 1) as required by subitem (1).

Federal Circuit and Family Court of Australia (Division 1) to deal with other applications of a procedural nature

(6) If, on the day before the commencement day:

(a) an application of a procedural nature (as mentioned in subsection 94(2D) or 94AAA(10) of the *Family Law Act 1975*) exists in relation to an application or appeal mentioned in paragraph (1)(a); and

(b) subitems (3) and (4) do not apply;

the Federal Circuit and Family Court of Australia (Division 1) must deal with the procedural application before dealing with the application or appeal mentioned in paragraph (1)(a) as required by subitem (1), and for this purpose, subitem (2) applies.

Full Court divided in opinion

(7) If the Judges constituting the Full Court of the Federal Circuit and Family Court of Australia (Division 1) are divided in opinion as to the judgment to be pronounced on an application of a procedural nature:

(a) if there is a majority—judgment is be pronounced according to the opinion of the majority; and

(b) if the Judges are equally divided in opinion:

(i) in the case of an appeal from a judgment of the Family Court of Australia constituted by a single Judge, or of a Family Court of a State or the Supreme Court of a State

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or Territory—the judgment appealed from is to be affirmed; and

(ii) in any other case—the opinion of the Chief Justice or, if the Chief Justice is not one of the Judges constituting the Full Court, the opinion of the most senior of the Judges constituting the Full Court is to prevail.

Jurisdiction to hear applications of a procedural nature

(8) To avoid doubt:

(a) a Full Court of the Federal Circuit and Family Court of Australia (Division 1) has jurisdiction to deal with an application of a procedural nature for the purposes of subitem (3); and

(b) a single Judge of the Federal Circuit and Family Court of Australia (Division 1) has jurisdiction to deal with an application of a procedural nature for the purposes of subitem (4).

29 Appeals from courts of summary jurisdiction

Appeals before a single Judge of the Family Court of Australia

(1) If:

(a) before the commencement day, an appeal is instituted, as allowed by section 96 of the *Family Law Act 1975*; and

(b) on the day before the commencement day, both:

(i) there has not been a substantive hearing of the appeal by a single Judge of the Family Court of Australia; and

(ii) the appeal has not been referred to the Full Court of the Family Court of Australia under subsection 96(5) of that Act;

then, on or after the commencement day, a single Judge of the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the appeal.

(2) To avoid doubt, the Judge of the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the appeal or application according to:

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(a) the *Federal Circuit and Family Court of Australia Act 2021*; and
(b) the *Family Law Act 1975*, as amended by this Act; and
(c) any other law of the Commonwealth, as relevant.

Appeals before a Full Court of the Family Court of Australia

(3) If:

(a) before the commencement day:
(i) an appeal is instituted, as allowed by section 96 of the *Family Law Act 1975*; and
(ii) the appeal has been referred to, or an application has been made for referral to, a Full Court of the Family Court of Australia under subsection 96(5) of that Act; and
(b) on the day before the commencement day, there has not been a substantive hearing of the appeal or application by a Full Court of the Family Court of Australia;

then, despite the referral or application for referral to a Full Court of the Family Court of Australia, on or after the commencement day, a Full Court of the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the appeal or application.

(4) To avoid doubt, the Full Court of the Federal Circuit and Family Court of Australia (Division 1) is to hear and determine the appeal or application according to:

(a) the *Federal Circuit and Family Court of Australia Act 2021*; and
(b) the *Family Law Act 1975*, as amended by this Act; and
(c) any other law of the Commonwealth, as relevant.

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Division 3—Matters substantively heard, in whole or in part, before the commencement day

30 Matters before the Full Court of the Family Court of Australia

Judgment to be delivered by the Federal Circuit and Family Court of Australia (Division 1)

(1) If:

(a) before the commencement day, a Full Court of the Family Court of Australia has heard, in whole or in part, any of the following:

(i) an application made under section 94AA of the *Family Law Act 1975* for leave to appeal under Part X of that Act;

(ii) an appeal allowed by Part X of that Act;

(iii) an appeal referred under subsection 96(5) of that Act;

(iv) a special case for the opinion of the Full Court; and

(b) on the day before the commencement day, either:

(i) a substantive hearing of the application, appeal or special case has not concluded; or

(ii) a substantive hearing of the application, appeal or special case has concluded, but judgment has not been delivered in relation to the application, appeal or special case;

then, on or after the commencement day, despite the amendments to the *Family Law Act 1975* made by this Act, the Federal Circuit and Family Court of Australia (Division 1), constituted as a Full Court, must:

(c) if required, conclude the substantive hearing of the application, appeal or special case; and

(d) deliver the judgment in relation to the application, appeal or special case.

Regard may be had to prior evidence

(2) A Full Court of the Federal Circuit and Family Court of Australia (Division 1) may have regard to any evidence given or received, and

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arguments adduced, by or before the Full Court of the Family Court of Australia, as constituted before the commencement day.

Reasons for decision may be given in short form in certain cases

(3) Except in the case of an appeal referred under subsection 96(5) of the *Family Law Act 1975*, if, in dismissing an appeal, a Full Court of the Federal Circuit and Family Court of Australia (Division 1) is of the opinion that the appeal does not raise any question of general principle, it may give reasons for its decision in short form.

Full Court divided in opinion

(4) If the Judges constituting a Full Court of the Federal Circuit and Family Court of Australia (Division 1) are divided in opinion as to the judgment to be pronounced:

(a) if there is a majority—judgment is to be pronounced according to the opinion of the majority; and

(b) if the Judges are equally divided in opinion:

(i) in the case of an appeal from a judgment of the Family Court of Australia constituted by a single Judge, or of a Family Court of a State or the Supreme Court of a State or Territory—the judgment appealed from is to be affirmed; and

(ii) in any other case—the opinion of the Chief Justice or, if the Chief Justice is not one of the Judges constituting the Full Court, the opinion of the most senior of the Judges constituting the Full Court is to prevail.

Appellate jurisdiction

(5) To avoid doubt, a Full Court of the Federal Circuit and Family Court of Australia (Division 1) has appellate jurisdiction for the purposes of this item.

31 Matters before a Judge of the Family Court of Australia

Judgment to be delivered by Judge of the Federal Circuit and Family Court of Australia (Division 1)

(1) If:

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(a) before the commencement day, a single Judge of the Family Court of Australia has heard, in whole or in part, either of the following:
  (i) an application made under section 94AA of the *Family Law Act 1975* for leave to appeal under Part X of that Act;
  (ii) an appeal allowed by Part X of that Act; and
(b) on the day before the commencement day, either:
  (i) a substantive hearing of the application or appeal has not concluded; or
  (ii) a substantive hearing of the application or appeal has concluded, but judgment has not been delivered in relation to the application or appeal;

then, on or after the commencement day, despite the amendments to the *Family Law Act 1975* made by this Act, the Judge, as a Judge of the Federal Circuit and Family Court of Australia (Division 1), must deliver the judgment in relation to the application or appeal.

Note: For provisions relating to the unavailability of a Judge, see item 33.

Reasons for decision may be given in short form in certain cases

(2) Except in the case of an appeal under section 96 of the *Family Law Act 1975*, if, in dismissing an appeal, a single Judge of the Federal Circuit and Family Court of Australia (Division 1) is of the opinion that the appeal does not raise any question of general principle, the Judge may give reasons for the Judge's decision in short form.

Appellate jurisdiction

(3) To avoid doubt, a single Judge of the Federal Circuit and Family Court of Australia (Division 1) has appellate jurisdiction for the purposes of this item.

Division 4—Miscellaneous

32 Constituting a Full Court of the Federal Circuit and Family Court of Australia (Division 1)

(1) For the purposes of subitems 28(3) and 30(1), if:

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(a) one or more of the Judges involved in hearing and determining the application, appeal or special case are not available to constitute a Full Court of the Federal Circuit and Family Court of Australia (Division 1); and

(b) the allocation of another Judge is necessary to constitute a Full Court;

the Chief Justice must allocate another Judge of the Federal Circuit and Family Court of Australia (Division 1) to be a member of the Full Court.

(2) For the purposes of subitems 28(3) and 30(1), if:

(a) one or more of the Judges involved in hearing and determining the application, appeal or special case are not available to constitute a Full Court of the Federal Circuit and Family Court of Australia (Division 1); and

(b) the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) otherwise considers it necessary;

the Chief Justice may allocate another Judge of the Federal Circuit and Family Court of Australia (Division 1) to be a member of the Full Court.

33 Unavailability of a Judge of the Federal Circuit and Family Court of Australia (Division 1)

(1) For the purposes of subitems 28(4) and 31(1), if the single Judge of the Federal Circuit and Family Court of Australia (Division 1) involved in hearing and determining the application or appeal is not available to deliver judgment in relation to the application or appeal, the Chief Justice must allocate another Judge of the Court to do so.

(2) The Judge of the Federal Circuit and Family Court of Australia (Division 1) so allocated:

(a) may have regard to any evidence given or received, and arguments adduced, by or before the Judge of the Family Court of Australia before the commencement day; and

(b) may receive further evidence or submissions, or hear further argument, if required.

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34 Other matters

(1) If an application is made before, on or after the commencement day that relates, or is incidental, to a proceeding mentioned in a preceding item of this Part, then the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) may give any direction necessary to ensure that the application is heard and determined, and judgment is delivered, pending the disposal of the proceeding.

(2) When giving a direction, as allowed by subitem (1), the Chief Justice must consider the workload and resources of the Federal Circuit and Family Court of Australia.

35 Application of case management provisions

Division 4 of Part 5 of Chapter 3 of the *Federal Circuit and Family Court of Australia Act 2021* (Case management) applies in relation to:

(a) a proceeding commenced before the commencement day that will come before the Federal Circuit and Family Court of Australia (Division 1) because of an item of this Part; and

(b) a proceeding commencing on or after the commencement day that comes before the Federal Circuit and Family Court of Australia (Division 1) because of an item of this Part.

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Part 5—Miscellaneous

36 Prior judicial service

Paragraph 123(3)(b) of the *Federal Circuit and Family Court of Australia Act 2021* has effect, on and after the commencement day, as if paragraph (c) of the definition of ***prior judicial service*** in subsection 7(1) of that Act included a reference to a Federal Magistrate.

Note: The appointment of a Federal Magistrate under the former *Federal Magistrates Act 1999* continued as an appointment of a Judge of the Federal Circuit Court of Australia: see subitem 8(1) of Schedule 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012*. See also item 15 of this Schedule.

37 Application

The *Federal Circuit and Family Court of Australia Act 2021*, including the following provisions of that Act:

(a) Division 4 of Part 5 of Chapter 3 (Case management);

(b) Division 4 of Part 6 of Chapter 4 (Case management);

applies in relation to a proceeding commenced before, on or after the commencement day.

38 Transitional rules

(1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:

(a) the amendments or repeals made by this Act; or

(b) the enactment of the *Federal Circuit and Family Court of Australia Act 2021*.

(2) To avoid doubt, the rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act or the *Federal Circuit and Family Court of Australia Act 2021*;

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(e) directly amend the text of this Act or the *Federal Circuit and Family Court of Australia Act 2021*.

39 Schedule does not limit certain provisions of the *Acts Interpretation Act 1901*

This Schedule does not limit the operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*.

[*Minister's second reading speech made in—*
House of Representatives on 5 December 2019
Senate on 2 December 2020]

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