Portions of current *Family Law Rules 2004* marked with changes from *Family Law Amendment (Powers Delegated to Registrars) Rules 2020*

As at 23 September 2020

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of these Rules | The day after these Rules are registered. |  |

All changes to the current *Family Law Rules 2004* are marked in red:

* Additions are indicated by red text;
* Deletions are indicated by ~~strikethrough.~~

Division 18.1.3—Delegation of powers to Registrars and Deputy Registrars

18.04 Application of Division 18.1.3

 This Division applies:

(a) to a Registrar or Deputy Registrar who is enrolled as a lawyer of the High Court or of the Supreme Court of a State or Territory; and

 (b) subject to any arrangement made under subsection 37B(2) of the Act.

Note: Under subsection 37B(2) of the Act, the Chief Executive Officer may direct which Registrars or Deputy Registrars are to perform any functions or exercise any power under the Act, Regulations or these Rules in particular matters or classes of matters.

18.05 Registrars

 (1) Each power of the court mentioned in an item of Table 18.2 is delegated to each Registrar who is approved, or is in a class of Registrars approved, by a majority of the Judges to exercise the power.

Table 18.2 Powers delegated to Registrars

| Item | Legislative provision |
| --- | --- |
| **Family Law Act** |
| **1AA** | **subparagraph 37A(1)(e)(iv) and paragraph 37A(1)(f)** |
| 1 | subsection 46(3A) |
| 2 | section 63H |
| 3 | section 65D (except an excluded child order) |
| 5 | section 65L |
| 6 | sections 66G, 66M, 66P and 66Q  |
| 7 | section 66S  |
| 8 | section 66W  |
| 9 | subsection 67D(1) and section 67E  |
| 10 | subsection 67M(2) |
| 11 | subsection 67N(2) |
| 11A | section 67U |
| 12 | section 67ZD |
| 13 | subsections 68B(1) and (2) |
| 15 | sections 69V and 69VA, subsection 69W(1), section 69X and subsection 69ZC(2) |
| **15A** | **subject to item 15B of this table, Division 13A of Part VII (except paragraph 70NFB(2)(e) and only if:****(a) the order made is an order until further order; or****(b) the power is exercised in an undefended case; or****(c) the power is exercised with the consent of all the parties to the case)** |
|  **15B** | **sections 70NBA and 70NFD (but only if the order to be varied or discharged:****(a) was made by a Registrar; or****(b) is an order until further order; or****(c) was made in an undefended case; or****(d) was made with the consent of all the parties to the case)** |
| 16 | sections 74 and 77  |
| **16A** | **sections 78, 79 and 79A (but only if****(a) the declaration or order made is a declaration or an order until further order; or****(b) the power is exercised in an undefended case)** |
| 17 | subsection 83(1)  |
| 18 | subsection 87(3)  |
| **18AA** | **subsections 87(8), 90J(3) and 90K(1) (but only if the order is:****(a) an order until further order; or****(b) made in an undefended case)** |
| 18A | sections 90SE and 90SG |
| 18B | section 90SI |
| **~~18C~~** | **~~paragraphs 94(2D) (b), (h), (i) and (j)~~** |
| **~~18D~~** | **~~paragraphs 94AAA(10) (b), (h), (i) and (j)~~** |
| **18C** | **sections 90SL, 90SM and 90SN (but only if:****(a) the declaration or order made is a declaration or an order until further order; or****(b) the power is exercised in an undefended case)** |
| **18D** | **subsections 90UL(3) and 90UM(1) (but only if the order is:****(a) an order until further order; or****(b) made in an undefended case)** |
| 19 | section 100B |
| 20 | section 102A |
| 21 | section 106A |
| **~~21A~~** | **~~subsection 117(2)~~** |
| **21A** | **subject to item 21B of this table, Part XIIIA (except paragraph 112AD(2)(d) and only if:****(a) the order is an order until further order; or****(b) the power is exercised in an undefended case; or****(c) the power is exercised with the consent of all the parties to the case)** |
| **21B** | **subsection 112AK(1) (but only if the order to be varied or discharged:****(a) was made by a Registrar; or****(b) is an order until further order; or****(c) was made in an undefended case; or****(d) was made with the consent of all the parties to the case)** |
|  **21C** | **subsection 114(3)** |
| **Assessment Act** |
| **22AA** | **Divisions 4 and 5 of Part 7** |
| 22 | section 139 |
| **Registration Act** |
| 23 | subsection 105(2) |
| **23A** | **subsection 111B(1)** |
| **23B** | **section 113** |

 (2) Each power vested in the court by these Rules and mentioned in an item of Table 18.3 is delegated to each Registrar.

Table 18.3 Powers under Rules delegated to Registrars

| Item | Provision of Family Law Rules |
| --- | --- |
| 2 | Part 6.3 |
| 3 | subrule 10.11(5) |
| **3A** | **paragraphs 10.12 (c) and (d)**  |
| **3B** | **paragraphs 10.14 (d) and (e)**  |
| 4 | rule 13.14 |
| 5 | rule 15.02 |
| 6 | Part 15.4 |
| **7** | **paragraphs 17.02(1) (a) to (d) and (f)** |
| 8 | Division 20.3.2 |
| 9 | rule 20.37 |
| 9A | rule 20.39 |
| 10 | Part 20.5 |
| 11 | Part 20.6 |
| 12 | Part 20.7 |
| 13 | Part 21.4 |

18.06 Deputy Registrars

 (1) Each power of the court mentioned in an item of Table 18.4 is delegated to each Deputy Registrar.

Table 18.4 Powers delegated to Deputy Registrars

| Item | Legislative provision |
| --- | --- |
| Family Law Act |
| 1 | section 11F |
| 2 | section 11G |
| 3 | section 13B |
| 4 | section 13C |
| 5 | section 13D |
| 6 | sections 13E and 13F |
| 7 | section 27A |
| 8 | sections 33B and 33C |
| 9 | **~~subsection 37A(1) (except subparagraph (e) (iv) and paragraph (f) and subject to subsection 37A(6))~~****subject to items 21, 21A, 21F and 21G of this table, subsection 37A(1) (except subparagraph (e)(iv) and the reference in subparagraph (f)(i) to an order under section 66Q or 67E)** |
| 10 | subsection 44(1C) |
| 10A | paragraph 44(3A)(d) (but only if all parties consent to leave being granted) |
| 10B | paragraph 44(3B)(d) (but only if all parties consent to leave being granted) |
| 10C | subsection 44(6) (but only if all parties consent to leave being granted) |
| 11 | subsection 45(2) |
| 12 | section 48 (if the case is undefended) |
| 13 | subsection 55(2) |
| 14 | section 55A |
| 15 | section 57 |
| 16 | subsection 60I(9) |
| 16A | subsection 60I(10) |
| 16B | subsection 60J(1) |
| 17 | section 62G |
| 18 | subsection 63E(3) |
| 18A | paragraph 65G(2)(b) |
| **18AAA** | **section 65D (but only if:****(a) both of the following apply:****(i) the order is made in an undefended case;****(ii) the order is to come into effect at least 21 days after the order is served on the non‑appearing party; or****(b) the order is made with the consent of all the parties to the case)** |
| 18AA | subsection 67M(2) |
| 18AB | subsection 67N(2) |
| 18B | paragraphs 67ZBB(2)(a), (b) and (c) (procedural orders only) |
| 19 | section 68L |
| 19A | subsection 68M(2) |
| 20 | section 69ZW |
| **~~21~~** | **~~paragraphs 79(9)(c) and 90SM(9)(c)~~** |
| **21** | **section 74 (but only if:****(a) all of the following apply:****(i) the order is an order until further order;****(ii) the order is made in an undefended case;****(iii) the order is to come into effect at least 21 days after the order is served on the other party; or****(b) the order is made with the consent of all the parties to the case)** |
| **21A** | **section 77 (but only if:****(a) both of the following apply:****(i) the order is made in an undefended case;****(ii) the order is to come into effect at least 21 days after the order is served on the other party; or****(b) the order is made with the consent of all the parties to the case)** |
| **21B** | **sections 78, 79 and 79A (but only if:****(a) both of the following apply:****(i) the power is exercised in an undefended case;****(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non‑appearing party; or****(b) the power is exercised with the consent of all the parties to the case)** |
| **21C** | **paragraph 79(9)(c)** |
| **21D** | **subsection 83(1) (but only if:****(a) all of the following apply:****(i) the order to be discharged, suspended, revived or varied is an order until further order;****(ii) the order to discharge, suspend, revive or vary is made in an undefended case;****(iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non‑appearing party; or****(b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case)** |
| **21E** | **subsections 87(8), 90J(3) and 90K(1) (but only if:****(a) both of the following apply:****(i) the order is made in an undefended case;****(ii) the order is to come into effect at least 21 days after the order is served on the non‑appearing party; or****(b) the order is made with the consent of all the parties to the case)** |
| **21F** | **section 90SE (but only if:****(a) all of the following apply:****(i) the order is an order until further order;****(ii) the order is made in an undefended case;****(iii) the order is to come into effect at least 21 days after the order is served on the other party; or****(b) the order is made with the consent of all the parties to the case)** |
| **21G** | **section 90SG (but only if:****(a) both of the following apply:****(i) the order is made in an undefended case;****(ii) the order is to come into effect at least 21 days after the order is served on the other party; or****(b) the order is made with the consent of all the parties to the case)** |
| **21H** | **section 90SI (but only if:****(a) all of the following apply:****(i) the order to be discharged, suspended, revived or varied is an order until further order;****(ii) the order to discharge, suspend, revive or vary is made in an undefended case;****(iii) the order to discharge, suspend, revive or vary is to come into effect at least 21 days after the order is served on the non‑appearing party; or****(b) the order to discharge, suspend, revive or vary is made with the consent of all the parties to the case)** |
| **21J** | **sections 90SL, 90SM and 90SN (but only if:****(a) both of the following apply:****(i) the power is exercised in an undefended case;****(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non‑appearing party; or****(b) the power is exercised with the consent of all the parties to the case)** |
| **21K** | **paragraph 90SM(9)(c)** |
| **21L** | **subsections 90UL(3) and 90UM(1) (but only if:****(a) both of the following apply:****(i) the power is exercised in an undefended case;****(ii) the declaration or order is to come into effect at least 21 days after the declaration or order is served on the non‑appearing party; or****(b) the power is exercised with the consent of all the parties to the case)** |
| 22 | subsection 91B(1) |
| 23 | subsections 92(1) and (2) |
| **23A** | **paragraphs 94(2D) (a), (b), (c), (e), (g), (h), (i) and (j)** |
| **23B** | **paragraph 94(2D) (d) (but only if all parties consent to the orders sought)** |
| **23C** | **paragraphs 94AAA(10) (a), (b), (c), (e), (g), (h), (i) and (j)** |
| **23D** | **paragraph 94AAA(10) (d) (but only if all parties consent to the orders sought)** |
| 24 | subsection 97(1A) |
| 25 | subsection 97(2) |
| 26 | section 98A |
| 27 | section 101 |
| 28 | section 106A |
| 30 | subsection 117(2) **~~(except an order as to security for costs)~~** |
| **Family Law Regulations** |
| 31 | subregulation 4(1) |
| 32 | regulation 5 |
| 33 | paragraph 6(1)(a) |
| 33AA | subregulation 23(6) |
| 33A | subregulation 67Q(4) |
| **Bankruptcy Act** |
| 34 | section 33 |
| 35 | section 81 |
| 36 | section 264B |
| 37 | subsection 309(2) |
| **Trans‑Tasman Proceedings Act 2010** |
| 38 | subsection 31(1) |
| 39 | paragraph 32(1)(b) |
| 40 | subsections 36(1), (4) and (6) |
| 41 | subsection 37(4) |
| 42 | section 38 |
| **Assessment Act** |
| **43** | **section 139 (but only if the order is made:****(a) in an undefended case; or****(b) with the consent of all the parties to the case)** |
| **44** | **Divisions 4 and 5 of Part 7 (but only if the order is made:****(a) in an undefended case; or****(b) with the consent of all the parties to the case)** |
| **Registration Act** |
| **45** | **subsection 105(2)**  |
| **46** | **subsection 111B(1)**  |
| **47** | **section 113** |

 (2) Each power vested in the court by these Rules and mentioned in an item of Table 18.5 is delegated to each Deputy Registrar.

Table 18.5 Powers under Rules delegated to Deputy Registrars

| Item | Provision of Rules |
| --- | --- |
| 1 | Part 1.2 |
| 2 | Part 1.3 |
| 3 | rule 5.06 |
| 4 | rule 5.07 |
| 4A | subrule 5.11(2) |
| 5 | Part 5.4 |
| 6 | rule 6.04 |
| 6A | rule 6.05 |
| 6B | Part 6.3 |
| 7 | rule 6.15 |
| 8 | Chapter 7 |
| 9 | rule 8.02 |
| 10 | rule 10.11 **~~(except subrule (5))~~** |
| 11 | Part 10.4 |
| 12 | rule 11.01 (except paragraphs 3 (d) and (k) of Table 11.1) |
| 13 | paragraph 11.02(2)(a), paragraph 11.02(2)(d) (except the reference, by incorporation, in that paragraph to paragraphs 3(d) and (k) of Table 11.1), and paragraphs 11.02(2)(e) and (g) |
| 14 | paragraph 11.03(1)(a) |
| 14A | subrules 11.06(1) and (2) |
| 15 | subrule 11.10(1) |
| 16 | rule 11.14 |
| 18 | Part 11.3 |
| 19 | Chapter 12 |
| 20 | Chapter 13 (except paragraph 13.14(b)) |
| 21 | rule 14.01 (except subrules (2) and (5)) |
| 22 | rule 15.04 |
| 24 | rule 15.13 |
| 25 | Divisions 15.3.1 and 15.3.2 |
| **26** | **Part 15.4** |
| 31 | Part 15.5 |
| 31A | Rule 16A.04 |
| 31B | paragraph 17.02(1) **(e),** (g) and **(h)** |
| 32 | Chapter 19 (except Part**~~s 19.3 and~~** 19.8) and Schedule 6 (except Part**~~s 6.2 and~~** 6.8 **~~and clauses 6.17 and 6.18~~**) |
| 33 | Chapter 20 **~~(except paragraph 20.07(c) in so far as that paragraph incorporates paragraphs 20.05(c) and (d), Division 20.3.2, rules 20.37 and 20.39, and Parts 20.5, 20.6 and 20.7)~~** |
| **34** | **Part 21.4**  |
| 36 | Chapter 23 |
| 37 | Chapter 24 |
| 38 | rule 26.05 |
| 39 | paragraph 26.12(a) |
| 40 | rule 26.13 |
| 41 | paragraph 26.18(a) |
| 42 | rule 26.29 |
| 43 | rule 26.30 |
| 45 | Part 26B.1 |
| 46 | Divisions 26B.2.1 and 26B.2.2 |

(3) A power of the court mentioned in item 34 of Table 18.5 may only be exercised by a Deputy Registrar when dealing with a case in relation to which a Deputy Registrar has, or has been delegated, the power to exercise the court’s jurisdiction.

Note: Under subsection 37B(2) of the Act, the Chief Executive Officer may direct which Registrars or Deputy Registrars are to perform any function or exercise any power under the Act, the regulations or these Rules in particular matters or classes of matters.

18.08 Review of order or decision

             (1)  A party may apply for a review of an order mentioned in an item of Table 18.6 by filing an Application in a Case and a copy of the order appealed from in the filing registry within the time mentioned in the item.

Table 18.6 Orders that may be reviewed

| Item | Order | Time within which application must be made |
| --- | --- | --- |
| 1 | Order made by a Judicial Registrar exercising a power delegated under rules 18.02 and 18.03 and subrule 18.05(1) | within 28 days after the Judicial Registrar makes the order |
| 2 | Order made by a Registrar exercising a power mentioned in subrule 18.05(1) | within **~~28~~** **21** days after the Registrar makes the order |
| 3 | Order made by a Judicial Registrar or Registrar exercising a power delegated under subrule 18.05(2) | within **~~7~~ 21** days after the Judicial Registrar or Registrar makes the order |
| 4 | Order made by a Judicial Registrar, Registrar or Deputy Registrar exercising a power delegated under rule 18.06 | within **~~7~~ 21** days after the Judicial Registrar, Registrar or Deputy Registrar makes the order |
| 5 | Order made by a Judicial Registrar, Registrar or Deputy Registrar in a bankruptcy case | within 21 days after the Judicial Registrar, Registrar or Deputy Registrar makes the order |

             (2)  A party may apply for a review of any other order or decision made under these Rules by a Registrar or Deputy Registrar by filing an Application in a Case and a copy of the order or decision appealed from in the filing registry within 28 days after the order or decision is made.

[Note](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/flr2004163/s4.37.html%22%20%5Cl%20%22note) 1:       Chapter 5 sets out the procedure for filing an Application in a Case. The application for review will be listed for hearing by a Judge within 28 days after the date of filing of the application.

[Note](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/flr2004163/s4.37.html%22%20%5Cl%20%22note) 2:       A person may apply for an extension of the time in which an application must be made (see rule 1.14).

Part 27.5—Transitional provisions relating to the Family Law Amendment (Powers Delegated to Registrars) Rules 2020

27.13 Application—powers delegated to Registrars

Rules 18.05, 18.06 and 18.08, as amended by Schedule 1 to the Family Law Amendment (Powers Delegated to Registrars) Rules 2020 (the **amending Rules**), apply in relation to the exercise of a power on or after the commencement of the amending Rules (whether or not the exercise of the power relates to a proceeding instituted before, on or after that commencement).