Western Australia

Family Court Act 1997

Family Court Regulations 1998

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Family Court Regulations 1998

Part 1 — Preliminary

[Heading inserted: Gazette 13 May 2011 p. 1738.]

1. Citation

These regulations may be cited as the *Family Court Regulations 1998.*

2. Commencement

These regulations come into operation on the day on which the *Family Court Act 1997* comes into operation.

3. Terms used

(1) In these regulations, unless the contrary intention appears —

authorised officer, in relation to a power or function, means —

(a) in relation to the Family Court of Western Australia — an officer of that Court authorised by the Principal Registrar of that Court, or the executive manager appointed under section 25(1)(c), to exercise the power or carry out the function; or

(b) in relation to the Magistrates Court — an officer of that court authorised by the Principal Registrar, or a registrar, of that court to exercise the power or carry out the function;

court has the meaning referred to in section 8;

Family Law Regulations means the *Family Law Regulations 2024* (Commonwealth);

section means section of the Act.

(2) A reference in a Family Law Regulation adopted or applied under these regulations —

(a) to the Family Court is to be treated as a reference to the Family Court of Western Australia; and

(b) to a registrar is to be treated as a reference to a registrar of the Family Court of Western Australia; and

(c) to a Registry of the Family Court is to be treated as a reference to the registry of the Family Court of Western Australia; and

(d) to a form in a Schedule of the Family Law Regulations is to be treated as a reference to the form with the appropriate modifications for the purposes of the Act; and

(e) to a Part, Division, section, Schedule or other provision of the Family Law Act is to be treated as a reference to the provision of the *Family Court Act 1997* with which the provision is comparable; and

(f) to the Act is to be treated as a reference to the *Family Court Act 1997*; and

(g) to Part VIII is to be treated as a reference to Part 5A.

(3) Subject to this regulation, a Family Law Regulation adopted or applied under these regulations is adopted or applied in the form in which it is in force from time to time.

[Regulation 3 amended: Gazette 29 Nov 2002 p. 5663-4; 14 Jul 2006 p. 2561; 13 May 2011 p. 1738; 14 Dec 2012 p. 6235-6; SL 2022/45 r. 4; SL 2025/63 r. 4.]

Part 2 — General

[Heading inserted: Gazette 13 May 2011 p. 1738.]

4. Dispensing with compliance with these regulations

A court may dispense with compliance with any requirement of these regulations, either before or after the occasion for compliance has arisen.

5. Court registry

The registry of the Family Court is to be in Perth.

6. Fees of Marshal

(1) The fee payable to the Marshal in relation to an action that is the same as an action (an ***equivalent action***) listed in the *Civil Judgments Enforcement Regulations 2005* Schedule 2 is the fee payable to the Sheriff under that Schedule in relation to the equivalent action.

(2) For the purposes of subregulation (1) —

(a) a reference to the Act in the Schedule is taken to be a reference to the *Family Court Act 1997*; and

(b) an action is not prevented from being the same as an equivalent action merely because the description of the action is not the same as the description of the equivalent action.

[Regulation 6 inserted: SL 2021/19 r. 4.]

7. Recording and transcripts of proceedings

(1) All proceedings in a court are, where practicable, to be fully recorded.

(2) A record of proceedings need be transcribed only where a court or a registrar so orders or directs.

(3) A party to proceedings may request a copy of a transcript of the proceedings.

(4) A fee is payable by a person who makes a request under subregulation (3) of an amount equal to the actual cost to the court of transcribing the record of proceedings.

[Regulation 7 amended: Gazette 13 May 2011 p. 1738.]

7A. Child welfare officer (Act s. 5(1))

For the purposes of paragraph (a) of the definition of ***child welfare officer*** in section 5(1) each of the following is a prescribed office —

(a) for New South Wales — the offices of —

(i) Minister for Families and Communities, in relation to the *Adoption Act 2000* (New South Wales) and the *Children and Young Persons (Care and Protection) Act 1998* (New South Wales); and

(ii) Attorney General, in relation to the *Guardianship Act 1987* (New South Wales);

(b) for Tasmania — the office of Secretary of the Department of Communities Tasmania;

(c) for Victoria — the office of Secretary of the Department of Families, Fairness and Housing;

(d) for Queensland — the office of Director-General of the Department of Children, Youth Justice and Multicultural Affairs;

(e) for the Australian Capital Territory — the offices of —

(i) Director-General of the Community Services Directorate; and

(ii) Chief Psychiatrist appointed under the *Mental Health Act 2015* (Australian Capital Territory) section 196(1);

(f) for the Northern Territory — the office of Chief Executive Officer of the Department of Territory Families, Housing and Communities;

(g) for South Australia — the office of Chief Executive of the Department for Child Protection;

(h) for Western Australia — the office of CEO.

[Regulation 7A inserted: SL 2022/45 r. 5.]

8. Family Law Regulations Part 3 adopted

Part 3 of the Family Law Regulations is adopted.

[Regulation 8 inserted: Gazette 14 Jul 2006 p. 2561; amended: SL 2025/63 r. 5.]

*[**8A.** Deleted: Gazette 14 Jul 2006 p. 2561.]*

9. Family Law Regulation 42 adopted (Act s. 65D)

Family Law Regulation 42 is adopted for the purposes of section 65D.

[Regulation 9 inserted: Gazette 14 Jul 2006 p. 2561; amended: Gazette 10 Jul 2015 p. 2780; SL 2025/63 r. 6.]

10. Matters prescribed (Act s. 66H(7)(b) and (e))

Before giving a certificate under section 66H(7)(b) or (e) a family law dispute resolution practitioner must have regard to the following matters —

(a) a history of family violence among the parties;

(b) the likely safety of the parties;

(c) the equality of bargaining power among the parties (for example, whether a party is economically or linguistically disadvantaged in comparison with another party);

(d) the risk that a child may suffer abuse;

(e) the emotional, psychological and physical health of the parties;

(f) any other matter that the family dispute resolution practitioner considers relevant.

[Regulation 10 inserted: Gazette 14 Jul 2006 p. 2562; amended: SL 2025/16 r. 4.]

10A. Authentication of consent in writing

For the purposes of sections 107(1)(c)(i), 107A(1)(b)(i), 108(1)(c)(i), 108A(1)(b)(i), 109(1)(g)(i) and 110(1)(g)(i), a consent in writing must be authenticated by a person who is an authorised witness under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6) endorsing on the consent a statement that —

(a) the person is satisfied about the identity of the person signing the consent; and

(b) the consent was signed in the person's presence.

[Regulation 10A inserted: SL 2025/16 r. 5.]

10B. Information sharing agencies (Act s. 162C)

For the purposes of section 162C, each of the following is prescribed as an information sharing agency —

(a) the police force or police service of a State or Territory;

(b) the part of the police force or police service of a State or Territory that has primary responsibility for firearms licensing;

(c) the part of the Australian Federal Police that provides police services in relation to the Australian Capital Territory;

(d) the part of the Australian Federal Police that has primary responsibility for firearms licensing in relation to the Australian Capital Territory;

(e) either —

(i) the department of a State or Territory that has primary responsibility for child protection in that State or Territory; or

(ii) if, in a State or Territory, only a part of a department has primary responsibility for child protection — that part of the department.

[Regulation 10B inserted: SL 2025/16 r. 5.]

10C. Information sharing safeguards (Act s. 162I(1))

(1) For the purposes of section 162I(1), this regulation prescribes information sharing safeguards that —

(a) an information sharing agency must have regard to when providing particulars, documents or information (the ***shared material***) under an order made under section 162D or 162E, or under section 162D(6) or 162E(6); and

(b) the court must have regard to when using particulars, documents or information (the ***shared material***) provided by an information sharing agency under an order made under section 162D or 162E, or under section 162D(6) or 162E(6).

(2) Particulars and documents are, and information is, only to be provided, and shared material is only to be stored and used, to the extent —

(a) that the material relates to a matter mentioned in section 162D(2) or 162E(2); or

(b) required or authorised by a law of the Commonwealth, State or Territory or a court order (including an order made under section 162D or 162E).

(3) The shared material is to be provided, stored and used in good faith and with reasonable care to protect persons who are involved in, or could be affected by, the provision, storage or

use of the shared material from physical and psychological harm.

(4) The shared material is to be provided, stored and used in a manner that prevents improper access to or disclosure of the shared material.

(5) Reasonable steps are to be taken to prevent the shared material being accessed by or disclosed to a person who poses, or potentially poses, a risk of subjecting or exposing any of the following to abuse, neglect or family violence —

(a) a party to the proceedings;

(b) a child to whom the proceedings relate;

(c) another person to whom the shared material relates.

(6) Subregulation (5) does not apply if the access or disclosure is in accordance with an order of a court (whether of a kind referred to in section 8(a) or (b) or otherwise).

(7) The shared material is not to be provided by or used by a person who has a personal relationship with or has any other actual or potential conflict of interest in relation to —

(a) a party to the proceedings; or

(b) a child to whom the proceedings relate; or

(c) another person to whom the shared material relates.

(8) If the information sharing agency becomes aware that the shared material is incorrect, then as soon as possible —

(a) the information sharing agency is to notify the court of the correction; and

(b) subject to subregulation (11), the court is to correct its records accordingly.

(9) If an information sharing agency receives an order under section 162D or 162E relating to a matter and the information sharing agency does not have in its possession or control any documents or information relating to the matter then, subject to

subregulation (11), the information sharing agency is to destroy or redact its records relating to the order after responding to the order.

(10) If a person requests access to the shared material or to material that is purported to be shared material provided to the court and the court does not have the requested material in its possession or control then, subject to subregulation (11), the court is to destroy or redact its records relating to the request.

(11) Subregulations (8), (9) and (10) are subject to any record-keeping obligations imposed on the information sharing agency or the court by a law of the Commonwealth, a State or a Territory or an order of a court (whether of a kind referred to in section 8(a) or (b) or otherwise).

[Regulation 10C inserted: SL 2025/16 r. 5.]

11. Registration of court decision (Act s. 176(6))

Family Law Regulation 55 is adopted for the purposes of section 176(6).

[Regulation 11 inserted: Gazette 14 Jul 2006 p. 2562; amended: SL 2025/63 r. 7.]

*[**12.** Deleted: SL 2025/16 r. 6.]*

13. Third party expenses (Act s. 205ZLK)

Family Law Regulation 74 is adopted for the purposes of section 205ZLK.

[Regulation 13 inserted: Gazette 14 Jul 2006 p. 2562; amended: SL 2025/63 r. 8.]

*[**14, 14A-14E.** Deleted: Gazette 14 Jul 2006 p. 2561.]*

14F. Pensions, allowances, benefits prescribed (Act s. 205T)

Family Law Regulation 9 is adopted and applies for the purposes of the definition of ***income tested pension, allowance or benefit*** in section 205T.

[Regulation 14F inserted: Gazette 29 Nov 2002 p. 5665; amended: SL 2025/63 r. 9.]

15. Parentage testing procedures

(1) Family Law Regulation 59 is adopted and applies for the purposes of the definition of ***parentage testing procedure*** in section 5.

(2) Family Law Regulations 58 and 60 to 67 are adopted and apply to a parentage testing procedure that is required to be carried out on a person under a parentage testing order made by a court under section 195.

[Regulation 15 amended: SL 2025/63 r. 10.]

16. Parentage testing reports

(1) The Attorney General may appoint in writing a person or class of persons, being persons employed at a particular place, to prepare reports relating to the information obtained as the result of conducting parentage testing procedures.

(2) An instrument of appointment under subregulation (1) is to be published in the *Gazette*.

(3) Family Law Regulation 68 is adopted and applies for the purposes of section 200(b).

[Regulation 16 amended: SL 2025/63 r. 11.]

17. Registration in a court of orders etc. made by another court

(1) An order under the Act referred to in section 223 in paragraph (f) of the definition of ***order under this Act*** may be registered by filing a sealed copy of the order in the registry of

the first-mentioned court referred to in paragraph (g) of that definition.

[(2) deleted]

(3) A decree within the meaning of section 209A may be registered in any court by filing a sealed copy of the order in the court's registry.

[Regulation 17 amended: Gazette 29 Nov 2002 p. 5665; 14 Jul 2006 p. 2562.]

17A. Authorities prescribed (Act s. 236D(2)(c))

For the purposes of section 236D(2)(c), each of the following authorities of a State or Territory that has responsibilities relating to the welfare of children is prescribed —

(a) for New South Wales — the Department of Communities and Justice;

(b) for Victoria — the Department of Families, Fairness and Housing;

(c) for Queensland — the Department of Families, Seniors, Disability Services and Child Safety;

(d) for Western Australia — the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;

(e) for South Australia — the Department for Child Protection;

(f) for Tasmania — the Department for Education, Children and Young People;

(g) for the Australian Capital Territory — the Community Services Directorate;

(h) for the Northern Territory — the Department of Territory Families, Housing and Communities.

[Regulation 17A inserted: SL 2025/16 r. 7.]

Part 3 — Court fees

[Heading inserted: Gazette 14 Dec 2012 p. 6236.]

Division 1 — Preliminary

[Heading inserted: Gazette 14 Dec 2012 p. 6236.]

18. Terms used

In this Part —

business day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned;

conciliation conference means a conference —

(a) that is —

(i) attended by the parties to a proceeding and a registrar of the relevant court; or

(ii) attended by the parties to a proceeding and a family dispute resolution practitioner, and the parties are not required to pay any fees of the practitioner in relation to the conference;

and

(b) in which the parties try to reach agreement on the matters at issue in the proceeding;

conciliation conference fee means the fee mentioned in Schedule 1 item 11;

eligible financial or parenting proceedings means proceedings under Part 5 or 5A of the Act;

filing fee means a fee mentioned in Schedule 1 item 1, 4, 7, 8, 9 or 12;

hearing fee means a fee mentioned in Schedule 1 item 3 or 6;

interim order application includes —

(a) an application for an interlocutory or interim order; and

(b) an application for an order that will apply only for a specified period during a proceeding; and

(c) an application for an interim or partial property order under Part 5 or 5A of the Act; and

(d) an application for an interim order that is included in an application that also covers other matters,

but does not include an application for a procedural order;

liable person, in relation to a fee, means the person who is required to pay the fee under regulation 20;

relevant court, in relation to a proceeding, means the court in which the proceedings are held;

setting down fee means a fee mentioned in Schedule 1 item 2 or 5.

[Regulation 18 inserted: Gazette 14 Dec 2012 p. 6236-7; amended: Gazette 10 Jul 2015 p. 2780; 18 Aug 2015 p. 3299.]

Division 2 — Fees — general

[Heading inserted: Gazette 14 Dec 2012 p. 6237.]

19. Fees (Sch. 1)

(1) Schedule 1 sets out the fees payable for —

(a) the filing of a document; or

(b) a service in relation to a proceeding provided by —

(i) the relevant court; or

(ii) an officer of the relevant court; or

(iii) another person acting on behalf of the relevant court.

(2) If a document filed in a proceeding includes an interim order application and also covers another matter, the fee payable is the sum of —

(a) the fee mentioned in Schedule 1 item 8; and

(b) the fee mentioned in Schedule 1 for the filing of the document.

(3) If under regulation 20, a particular fee mentioned in Schedule 1 is payable by more than one person, the only fee that is payable in relation to that particular fee is the highest fee that applies to any of those persons.

[Regulation 19 inserted: Gazette 14 Dec 2012 p. 6237-8.]

Division 3 — Liability to pay fee

[Heading inserted: Gazette 14 Dec 2012 p. 6238.]

20. Persons liable to pay fee

(1) A fee mentioned in Schedule 1 is payable in relation to a proceeding (including an appeal) by —

(a) for the fee mentioned in Schedule 1 item 4 (filing a response to an application) or item 8 (filing an interim order application) — the person for whom the document is filed; and

(b) for the fee mentioned in Schedule 1 item 10 (issuing a subpoena) — the person who requests that the subpoena be issued; and

(c) in any other case — the person who commences the proceeding.

(2) However —

(a) any party to the proceeding may pay the fee; and

(b) the relevant court for the proceeding, or the Principal Registrar of that court, may order that another party to the proceeding is liable to pay the fee or part of the fee instead of the person mentioned in subregulation (1).

[Regulation 20 inserted: Gazette 14 Dec 2012 p. 6238-9.]

Division 4 — Exemptions from liability to pay fee

[Heading inserted: Gazette 14 Dec 2012 p. 6239.]

21A. Persons exempt from paying fee: general

(1) A person is exempt from paying a fee mentioned in Schedule 1 if, at the time the fee is payable, one or more of the following apply —

(a) the person has been granted legal aid under a legal aid scheme or service —

(i) established under a law of the Commonwealth or of a State or Territory; or

(ii) approved by the Attorney-General of the Commonwealth,

for the proceedings for which the fee would otherwise be payable;

(b) the person is the holder of any of the following cards issued by the Commonwealth —

(i) a health care card;

(ii) a pensioner concession card;

(iii) a Commonwealth seniors health card;

(iv) any other card that certifies the holder's entitlement to Commonwealth health concessions;

(c) the person is serving a sentence of imprisonment or is otherwise detained in a public institution;

(d) the person is younger than 18 years;

(e) the person is receiving youth allowance or Austudy payments under the *Social Security Act 1991* (Commonwealth) or benefits under the ABSTUDY Scheme.

(2) In subregulation (1)(b) —

holder, of a card, does not include a dependant of the person who is issued the card.

[Regulation 21A inserted: Gazette 14 Dec 2012 p. 6239-40.]

21B. Persons exempt from paying fee: financial hardship

(1) If —

(a) a fee mentioned in Schedule 1 is payable by an individual in relation to a proceeding; and

(b) in the opinion of a registrar or an authorised officer of the relevant court at the time the fee is payable, the payment of the fee would cause financial hardship to the individual,

the registrar or authorised officer may exempt the individual from paying the fee.

(2) In considering whether payment of a fee would cause financial hardship to an individual, the registrar or authorised officer must consider the individual's income, day-to-day living expenses, liabilities and assets.

[Regulation 21B inserted: Gazette 14 Dec 2012 p. 6240.]

Division 5 — When fee is not payable

[Heading inserted: Gazette 14 Dec 2012 p. 6241.]

21C. Fee not payable by liable person if already paid

A fee mentioned in Schedule 1 is not payable by the liable person if another person has paid the fee.

[Regulation 21C inserted: Gazette 14 Dec 2012 p. 6241.]

21D. Proceedings in which fee not payable

(1) A fee mentioned in Schedule 1 is not payable in relation to the following proceedings —

(a) a proceeding for which an international convention to which Australia is a party provides that no fee is to be payable;

(b) a proceeding under the *Family Law (Child Abduction Convention) Regulations 1986* (Commonwealth);

(c) an application by a person to set aside a subpoena.

(2) A fee mentioned in Schedule 1 is not payable in relation to an objection to a subpoenaed document being inspected or copied.

(3) A fee mentioned in Schedule 1 is not payable in relation to a proceeding under the Act about any of the following —

(a) a parenting plan;

(b) child maintenance;

(c) a recovery order;

(d) a custody order, residence order, or an order that a child lives with a person, made by an overseas court;

(e) a custody order, residence order, or an order that a child lives with a person, made by a court in Australia and enforceable overseas;

(f) a maintenance order made by an overseas court;

(g) a maintenance order made by a court in Australia and enforceable overseas;

(h) de facto partner maintenance;

(i) leave, under section 217 or 218, for a child to be examined;

(j) an application for enforcement of an order;

(k) contravention of an order;

(l) contempt of court;

(m) an application for an injunction under section 235A;

(n) costs;

(o) a procedural matter.

[Regulation 21D inserted: Gazette 14 Dec 2012 p. 6241-2.]

Division 6 — Payment of fees

[Heading inserted: Gazette 14 Dec 2012 p. 6242.]

21E. When fee must be paid

(1) A filing fee for a document must be paid before the document is filed.

(2) A setting down fee for a hearing in relation to a proceeding must be paid as follows —

(a) if the hearing day is within 28 days after the day when the hearing day is fixed — within the period, or at the time, approved by the registrar or authorised officer of the relevant court for the payment of that fee;

(b) in any other case — no later than 28 days before the hearing day.

(3) A hearing fee for a hearing in relation to a proceeding must be paid as follows —

(a) if the hearing day is more than 2 business days after the day when the hearing day is fixed — no later than close of business for the relevant court on the day that is 2 business days before the hearing day;

(b) in any other case — no later than 9.30 a.m. on the hearing day.

(4) A conciliation conference fee must be paid as follows —

(a) if the conciliation conference is within 28 days after the day when the conference is fixed — before the conference commences;

(b) in any other case — by 28 days before the day the conference will occur.

(5) A fee for a service —

(a) mentioned in an item in Schedule 1; and

(b) not otherwise mentioned in this regulation,

must be paid before the service is provided.

[Regulation 21E inserted: Gazette 14 Dec 2012 p. 6242-3.]

21F. Deferral of payment of fees

(1) Regulation 21E does not apply if a registrar or an authorised officer of the relevant court for a proceeding defers the payment of a fee mentioned in Schedule 1 in relation to the proceeding.

(2) The registrar or authorised officer may defer the payment of a fee under subregulation (1) if, in the opinion of the registrar or authorised officer —

(a) for a filing fee for a document (other than the fee mentioned in Schedule 1 item 4) — the need to file the document is so urgent that it overrides the requirement to pay the filing fee before the document is filed; or

(b) considering the financial circumstances of the person liable to pay the fee, it would be oppressive or otherwise unreasonable to require payment of the fee in accordance with regulation 21E.

(3) If payment of a fee is deferred, the fee must be paid —

(a) within 28 days after the day the payment is deferred; or

(b) within another period approved, in writing, by the registrar or authorised officer for the payment of that fee.

(4) A fee may be deferred more than once.

(5) The registrar or authorised officer may impose conditions on the deferral of the payment of a fee.

[Regulation 21F inserted: Gazette 14 Dec 2012 p. 6243-4.]

21G. What happens if fee not paid

(1) This regulation applies if the payment of a fee is not deferred under regulation 21F.

(2) If a person is required to pay a fee mentioned in Schedule 1 in relation to a proceeding before the filing of a document or the provision of a service for which the fee is payable, the document must not be filed or the service must not be provided until the whole fee is paid.

(3) However, the relevant court for the proceeding, or the principal registrar of that court, may allow the document to be filed or the service to be provided despite the fee, or part of the fee, not being paid.

(4) Subregulation (5) applies to a conciliation conference fee, a hearing fee and a setting down fee.

(5) If the fee, or part of the fee, is not paid in relation to a proceeding —

(a) the relevant court, or the principal registrar of that court, may order that no proceeding, or no proceeding other than a specified proceeding, is to take place except by leave; and

(b) a person other than the person liable to pay the fee may pay the fee without affecting any power of the relevant court, or the principal registrar of that court, to make an order for costs for the fee; and

(c) the relevant court, or the principal registrar of that court, may vacate the day scheduled for the hearing or conciliation conference.

[Regulation 21G inserted: Gazette 14 Dec 2012 p. 6244-5.]

Division 7 — Miscellaneous

[Heading inserted: Gazette 14 Dec 2012 p. 6245.]

21H. Refund of fee

(1) A person is entitled to a refund of an amount in relation to the payment of a fee mentioned in Schedule 1 if the person pays more than the person is required to pay for the fee under this regulation.

(2) The amount to be refunded is the difference between the amount paid by the person and the amount that the person is required to pay for the fee.

(3) A person is entitled to the refund of the amount paid by the person as a fee mentioned in Schedule 1 if —

(a) the fee had already been paid by another person; or

(b) the fee was not payable under these regulations.

(4) A person is not entitled to the refund of the amount paid by the person as a setting down fee for a hearing in relation to a proceeding if the first hearing day fixed by the setting down, or a hearing day fixed in place of the first hearing day, does not occur.

(5) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing that has not commenced in relation to a proceeding if —

(a) the person notifies the registrar or an authorised officer of the relevant court, in accordance with subregulation (6), that the hearing will not occur or will occur only for the purpose of making formal orders; and

(b) the hearing does not occur or occurs only for the purpose of making formal orders.

(6) The person must notify the registrar or authorised officer in writing —

(a) if the hearing day was fixed less than 10 business days before the hearing day — at least 2 business days before the hearing day; and

(b) in any other case — at least 10 business days before the hearing day.

(7) Despite subregulation (5), a registrar or authorised officer may refund a hearing fee for a hearing that has not commenced if —

(a) the person who paid the hearing fee has not notified the registrar or authorised officer in accordance with subregulations (5)(a) and (6); and

(b) the registrar or authorised officer is satisfied that the reason the person has not notified the registrar or authorised officer is not the fault of the person; and

(c) the hearing does not occur or occurs only for the purpose of making formal orders.

(8) In subregulations (5) and (7) —

formal orders means orders finalising the proceedings that were to be the subject of the hearing.

(9) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing day for a hearing that has commenced if —

(a) the proceeding is settled or discontinued before the hearing day; or

(b) the hearing day does not proceed for some other reason.

(10) A person is entitled to the refund of the amount paid by the person as a conciliation conference fee in relation to a proceeding if the proceeding is settled or discontinued before the conference is held.

[Regulation 21H inserted: Gazette 14 Dec 2012 p. 6245-7.]

*[**21I.** Deleted: SL 2021/137 r. 4.]*

21J. Recovery of fees due

Any fee mentioned in Schedule 1 that is not paid in accordance with this regulation is recoverable in a court of competent jurisdiction by the State as a debt due to the State.

[Regulation 21J inserted: Gazette 14 Dec 2012 p. 6249.]

Part 4 — Review

[Heading inserted: Gazette 13 May 2011 p. 1746.]

21. Review of decisions under these regulations

A decision made by a registrar or authorised officer under these regulations is reviewable under the *Family Court Rules 2021* rule 322 as if it were an order or direction made by the Principal Registrar, a registrar or a deputy registrar.

[Regulation 21 inserted: SL 2022/45 r. 7.]

Part 5 — Transitional provisions

[Heading inserted: Gazette 13 May 2011 p. 1746.]

22A. Terms used

A term has the same meaning in this Part as it has in regulation 18 unless the contrary intention appears.

[Regulation 22A inserted: Gazette 10 Jul 2015 p. 2780.]

22. Transitional provisions relating to *Family Court Amendment Regulations 2011*

(1) In this regulation —

commencement day means the day on which the *Family Court Amendment Regulations 2011* regulation 10 comes into operation.

(2) Regulation 18(7)(a) and (b) of these regulations as in force immediately before commencement day continues to apply to proceedings commenced before commencement day.

(3) Regulation 18(9) of these regulations as in force immediately before commencement day continues to apply to —

(a) a hearing fee paid before 1 July 2010; and

(b) a hearing fee, for the first day of hearing, paid before commencement day.

(4) Regulation 18(10), inserted by the *Family Court Amendment Regulations 2011* regulation 10(11), applies to a hearing fee for the second and subsequent days of a hearing, paid before commencement day.

[Regulation 22 inserted: Gazette 13 May 2011 p. 1746-7; amended: Gazette 10 Jul 2015 p. 2781.]

23. Transitional provisions relating to *Family Court Amendment Regulations 2012*

(1) These regulations, as in force immediately before 1 January 2013 (the ***old regulations***), continue to apply to and in relation to a service requested before 1 January 2013.

(2) However, regulation 18(9) of the old regulations continues to apply to a setting down requested before 1 January 2013 only if the setting down fee (within the meaning of the old regulations) was paid before 1 January 2013.

(3) If a service was requested before 1 January 2013 —

(a) payment for the fee for the service may be deferred under regulation 21F (regardless of whether the fee was also deferred before 1 January 2013); and

(b) regulation 21H(9) applies to any hearing days that were fixed for 1 January 2013 or after.

[Regulation 23 inserted: Gazette 14 Dec 2012 p. 6249-50.]

24. Transitional provisions relating to *Family Court Amendment Regulations (No. 3) 2015*

(1) In this regulation —

commencement day means the day on which the *Family Court Amendment Regulations (No. 3) 2015* regulation 6 comes into operation;

current fees means the fees payable under these regulations on commencement day;

refund period means the period —

(a) beginning at the time when the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015* (Commonwealth) was disallowed by the Commonwealth Senate; and

(b) ending immediately before commencement day.

(2) A person who paid a fee under these regulations during the refund period is entitled to a refund.

(3) The amount to be refunded is the difference between —

(a) the amount paid by the person; and

(b) the amount that the person would have been required to pay had the current fees been the fees payable during the refund period.

(4) The liability of a person to pay a fee that arose during the refund period is to be taken to be the same as it would have been had the current fees been the fees payable when the liability arose.

(5) This regulation applies despite the amendments effected by the *Family Court Amendment Regulations (No. 2) 2015*.

[Regulation 24 inserted: Gazette 18 Aug 2015 p. 3300.]

Schedule 1 — Fees

[Pt. 3]

[Heading inserted: SL 2026/107 r. 4.]

Item	Document or service	Fee
1.	Filing an application for final orders in eligible financial or parenting proceedings	$455
2.	Setting down for hearing in eligible financial or parenting proceedings, if defended, for final orders —	
	(a) for a hearing before a judge	$1 115
	(b) for a hearing before a magistrate	$820
3.	Hearing in eligible financial or parenting proceedings, if defended, for final orders — for each hearing day, or part of a hearing day, excluding the first hearing day —	
	(a) for a hearing before a judge	$1 115
	(b) for a hearing before a magistrate	$820
4.	Filing a response to an application for final orders in eligible financial or parenting proceedings	$455
5.	Setting down for hearing in an appeal under section 211 from a decree of the Magistrates Court, unless the fee mentioned in item 12 has been paid	$1 115
6.	Hearing in an appeal under section 211 from a decree of the Magistrates Court — for each hearing day, or part of a hearing day, excluding the first hearing day	$1 115
7.	Filing an application for a consent order	$215
8.	Filing an interim order application	$155

Item	Document or service	Fee
9.	Filing an application for both a final order under Part 5 of the Act and a final order under Part 5A Division 2 or 3 of the Act (other than for an order for the maintenance of a party to a de facto relationship)	$740
10.	For issuing a subpoena	$70
11.	For a conciliation conference	$510
12.	Filing an application for leave to appeal under section 211 from an interlocutory order of the Magistrates Court constituted by a family law magistrate	$1 775

[Schedule 1 inserted: SL 2026/107 r. 4.]

Notes

This is a compilation of the *Family Court Regulations 1998* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Family Court Regulations 1998	25 Sep 1998 p. 5303-9	26 Sep 1998 (see r. 2 and *Gazette* 25 Sep 1998 p. 5295)
Family Court Amendment Regulations 2002	29 Nov 2002 p. 5663-5	1 Dec 2002 (see r. 3 and *Gazette* 29 Nov 2002 p. 5651)
Family Court Amendment Regulations 2006	14 Jul 2006 p. 2560-3	15 Jul 2006 (see r. 2 and *Gazette* 14 Jul 2006 p. 2559)
Reprint 1: The *Family Court Regulations 1998* as at 9 Feb 2007 (includes amendments listed above)		
Family Court Amendment Regulations (No. 2) 2010	9 Nov 2010 p. 5628-9	r. 1 and 2: 9 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Nov 2010 (see r. 2(b)(ii))
Family Court Amendment Regulations 2011	13 May 2011 p. 1737-47	r. 1 and 2: 13 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 14 May 2011 (see r. 2(b))
Reprint 2: The *Family Court Regulations 1998* as at 2 Mar 2012 (includes amendments listed above)		
Family Court Amendment Regulations 2012	14 Dec 2012 p. 6235-51	r. 1 and 2: 14 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2013 (see r. 2(b))
Family Court Amendment Regulations 2015	30 Jun 2015 p. 2337-9	Repealed by the *Family Court Amendment Repeal Regulations 2015* r. 3 prior to commencement (see *Gazette* 30 Jun 2015 p. 2340)
Family Court Amendment Repeal Regulations 2015	30 Jun 2015 p. 2340	30 Jun 2015 (see r. 2 and *Gazette* 30 Jun 2015 p. 2337)

Citation	Published	Commencement
Family Court Amendment Regulations (No. 2) 2015	10 Jul 2015 p. 2779-83	r. 1 and 2: 10 Jul 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jul 2015 (see r. 2(b)(ii) and Cwlth Select Legislative Instrument No. 114 registered on 12 Jul 2015)
Family Court Amendment Regulations (No. 3) 2015	18 Aug 2015 p. 3299-301	r. 1 and 2: 18 Aug 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Aug 2015 (see r. 2(b))
Reprint 3: The *Family Court Regulations 1998* as at 15 Jan 2016 (includes amendments listed above)		
Family Court Amendment Regulations 2018	24 Aug 2018 p. 2971-2	r. 1 and 2: 24 Aug 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Aug 2018 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 8	28 Jun 2019 p. 2553-642	1 Jul 2019 (see r. 2(b))
Family Court Amendment Regulations 2021	SL 2021/19 2 Feb 2021	r. 1 and 2: 2 Feb 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Feb 2021 (see r. 2(b))
Family Court Amendment Regulations (No. 2) 2021	SL 2021/137 30 Jul 2021	r. 1 and 2: 30 Jul 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2021 (see r. 2(b))
Family Court Amendment Regulations 2022	SL 2022/45 8 Apr 2022	r. 1 and 2: 8 Apr 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Apr 2022 (see r. 2(b))
Family Court Amendment Regulations (No. 2) 2022	SL 2022/123 30 Jun 2022	r. 1 and 2: 30 Jun 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2022 (see r. 2(b))
Family Court Amendment Regulations 2023	SL 2023/88 30 Jun 2023	r. 1 and 2: 30 Jun 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2023 (see r. 2(b))

Citation	Published	Commencement
Family Court Amendment Regulations 2024	SL 2024/140 26 Jun 2024	r. 1 and 2: 26 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))
Family Court Amendment Regulations 2025	SL 2025/16 22 Jan 2025	r. 1 and 2: 22 Jan 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Feb 2025 (see r. 2(b))
Family Court Amendment Regulations (No. 2) 2025	SL 2025/63 30 Apr 2025	r. 1 and 2: 30 Apr 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2025 (see r. 2(b))
Family Court Amendment Regulations (No. 3) 2025	SL 2025/99 25 Jun 2025	r. 1 and 2: 25 Jun 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2025 (see r. 2(b))
Family Court Amendment Regulations 2026	SL 2026/107 24 Jun 2026	r. 1 and 2: 24 Jun 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2026 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
authorised officer	3(1)
business day	18
commencement day	22(1), 24(1)
conciliation conference	18
conciliation conference fee	18
court	3(1)
current fees	24(1)
eligible financial or parenting proceedings	18
equivalent action	6(1)
Family Law Regulations	3(1)
filing fee	18
formal orders	21H(8)
hearing fee	18
holder	21A(2)
interim order application	18
liable person	18
old regulations	23(1)
refund period	24(1)
relevant court	18
section	3(1)
setting down fee	18
shared material	10C(1)

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