



# Federal Magistrates Court Amendment Rules 2008 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2008 No. 10

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We, Federal Magistrates, make the following Rules of Court under the *Federal Magistrates Act 1999*.

Dated 27 February 2008

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BAUMANN FM  
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BURCHARDT FM  
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COAKES FM  
COATES FM  
CONNOLLY FM  
DONALD FM  
DRIVER FM  
HALLIGAN FM  
HARTNETT FM  
HENDERSON FM  
HUGHES FM  
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LAPTHORN FM  
LUCEV FM  
MEAD FM  
O'DWYER FM  
O'SULLIVAN FM  
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RIETHMULLER FM  
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Federal Magistrates

JOHN MATHIESON  
Chief Executive Officer

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**1 Name of Rules**

These Rules are the *Federal Magistrates Court Amendment Rules 2008 (No. 1)*.

**2 Commencement**

These Rules commence on 1 March 2008.

**3 Amendment of *Federal Magistrates Court Rules 2001***

Schedule 1 amends the *Federal Magistrates Court Rules 2001*.

**Schedule 1 Amendments**

(rule 3)

**[1] Subparagraphs 20.00A (1) (b) (ii) and (iii)**

*substitute*

- (ii) subsection 44 (1C) — to give leave for an application for a divorce order to be filed within 2 years after the date of marriage;
- (iii) subsection 55 (2) and section 55A — to make an order about when a divorce order takes effect;
- (iv) section 57 — to rescind a divorce order where the parties have become reconciled;
- (v) subsection 60I (9) — to decide if subsection 60I (7) applies to an application for a Part VII order about a child;
- (vi) subsection 60I (10) — to order that a person attend family dispute resolution;
- (vii) subsection 60J (2) — to decide if subsection 60J (1) applies to an application for a Part VII order about a child because of a risk of child abuse or family violence;

- (viii) section 98A — to make an order approving an undefended application for divorce without the parties being present.

**[2] Schedule 1, Part 1**

*omit*

**Stage 4: PDR litigation intervention**

*insert*

**Stage 4: Dispute resolution litigation intervention**

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.