



POWERS OF A REGISTRAR

Under the *Federal Court of Australia Act 1976* the Court or a Judge may direct that a registrar may exercise certain powers of the Court.

These powers include:

- the power to dispense with the service of any process of the Court;
- the power to make orders in relation to substituted service;
- the power to make orders in relation to discovery, inspection and production of documents in the possession, power or custody of a party to proceedings in the Court or of any other person;
- the power to make orders in relation to interrogatories;
- the power, in proceedings in the Court, to make an order adjourning the hearing of the proceedings;
- the power to make an order as to costs (only in relation to costs of or in connection with an application heard by a Registrar);
- the power to make an order exempting a party to proceedings in the Court from compliance with a provision of the Rules of Court;
- a power of the Court prescribed by and specifically enumerated in the Rules of Court.

A registrar may also be directed to exercise a power of the Court under the *Bankruptcy Act 1966*, *Corporations Act 2001*, *Australian Securities and Investments Commission Act 2001* or other legislation.

A complete list of the powers that registrars may exercise can be obtained from the District Registry.

Exercise of power

A registrar must exercise these powers according to law in a fair and impartial manner. A registrar is not subject to the direction or control of any body or person in relation to the manner in which the registrar exercises the power.

Reference to a Judge

An application that is to be dealt with by a registrar must be referred for hearing by a Judge if:

- a party to the proceeding makes an application to the registrar that the matter be determined by a Judge – such an application may be made orally to the registrar; or
- the registrar considers it is not appropriate for a registrar to determine the application.

Review of a registrar's decision

The Court may review a registrar's decision on its own motion or upon a party applying for a review.

Subject to any order by the Court, an application for review must be made by filing an interlocutory application in accordance with Form 35 in Schedule 2 to the Federal Court Rules 2011 within 21 days of the registrar's decision.

A party seeking a review must pay the fee prescribed by the *Federal Court of Australia Regulations 2004* unless the party qualifies for a fee reduction.

When reviewing a registrar's decision, the Court will rehear the application that led to the decision. This means the Court may hear all the evidence and submissions (including additional evidence and submissions that may not have been presented to the registrar).