



**ATTORNEY-GENERAL
HON ROBERT McCLELLAND MP**

**10th ANNIVERSARY OF THE
FEDERAL MAGISTRATES COURT**

CHECK AGAINST DELIVERY

SYDNEY

FRIDAY, 9 JULY 2010

First, may I acknowledge the traditional owners of the land on which we meet – and pay my respects to their elders, both past and present.

- The Honourable Diana Bryant, Chief Justice of the Family Court of Australia and judges of the Family Court;
- Chief Federal Magistrate John Pascoe AO CVO and serving and former Federal Magistrates;
- His Honour Chief Magistrate Graeme Henson, Local Court of New South Wales;
- Mr Glenn Ferguson, President of the Law Council of Australia and other representatives of the legal profession; and
- Staff of the Federal Magistrates Court, the Federal Court and the Family Court.

I am very pleased to be here this morning to mark the 10th Anniversary of the Federal Magistrates Court. Today represents an opportunity to reflect on the achievements of the Court and to acknowledge the hard work and dedication of the Federal Magistrates who make up the Court. Those of you who have helped guide this Court through the last decade can be justifiably proud of its achievements.

When the Court commenced operations in July 2000 the then Chief Federal Magistrate Diana Bryant was appointed with nine other Federal Magistrates, many of whom are here today. The Federal Magistrates Court has been the fastest growing federal court. I note there are now 61 Federal Magistrates with an impressive diversity of background, skills and expertise.

Since its inception, the Court has developed innovative practices and procedures and has embraced more flexible approaches. I have been particularly impressed to hear about examples such as a case reported in the Australian Institute of Family Studies' Evaluation of the 2006 Family Law Reforms, which involved one of the parents having a history of intermittent drug use. The Federal Magistrate made a series of orders that allowed for a shared care arrangement for a child to be instituted three years after the proceedings if annual drug tests proved the parent had been drug free for that time.

The Federal Magistrates Court deserves its reputation as the hard working 'can do' court. I understand that the most recent figures show the Court finalised more than 79,000 family law applications and 6,600 general federal law applications in the 2008-09 financial year, and that around 80 per cent of all matters were finalised within six months.

The Court has also shown a strong commitment to providing Australians with access to justice, illustrated by the valuable service it provides in regional and rural communities. This includes, for example, Federal Magistrates undertaking circuit hearings in locations remote from the capital cities. The 'Dandenong Project' which I launched earlier this week, establishes new case management processes and brings together a range of professionals to ensure people get the advice and support they require, is another good example of the Court's commitment in this area.

The Need for Reform

While I congratulate the Court for its impressive record in this regard, the need for reform of our federal court system must also be acknowledged. As you are aware, last month I introduced legislation setting out the proposed future shape of the federal court system in order to ensure the most appropriate outcomes for parties who need the assistance of the federal courts.

The Government's decision in this area should in no way be taken as a reflection on those individuals who have made the Federal Magistrates Court what it is today. As you would be aware, there have been a number of independent reports that have recommended the need for reform of the system. The Report of the House Standing Committee on Family and Community Affairs, *'Every Picture Tells a Story'* as well as the Semple Report both found that there should be one federal court exercising family law jurisdiction.

Most recently, the report of the Australian Institute of Family Studies Evaluation of the 2006 Family Law Reforms also noted the concerns of both practitioners and judicial officers about the parallel operation of family law jurisdiction in the Federal Magistrates Court and the Family Court.

The Government is committed to ensuring our federal courts meet the needs of all Australians who deserve a simple, affordable and accessible family law system. So, consistent with advice, we believe the proposed new arrangements will improve the system for those who use it, and those who work within it.

Benefits of Court Restructure – Family Law

Restructuring the Family Court will provide a one stop shop for family law litigation and will ensure that people can access assistance when they need it. It will also make better use of resources provided to the courts and enable the seamless handling of family law matters.

Those Federal Magistrates who currently hear family law matters will be offered commissions as judges to the General Division of the restructured Family Court. This Division will deal with family law and child support cases, with the same jurisdiction as the Federal Magistrates Court currently has. This will ensure that family law disputes continue to be handled at the most appropriate level. First instance matters will be able to be transferred easily between the two Divisions to ensure flexibility and enable judges to manage their workload.

The new arrangements will also give Federal Magistrates the opportunity to shape the culture of the restructured Family Court and continue with innovative practices and procedures. Accordingly, the General Division will be given the authority to make its own rules in relation to specific case management procedures of the Division. The restructure will also achieve more effective use of family consultants and registrars, and enable more co-ordinated organisation of circuit work to rural and regional Australia.

While the Federal Magistrates Court has worked closely with the Family Court, having a single court for family law matters will enable judges of both Divisions to work even more closely together.

Benefits of Court Restructure – General Law

The general federal law focus of the restructured Federal Magistrates Court will continue to provide opportunities for Federal Magistrates to specialise, and there will be scope for the jurisdiction of the Court to increase over time. For example, those Magistrates with experience or knowledge of the Australian Defence Force may also choose to accept a dual commission to the Military Court of Australia.

The Government will also consider new areas of jurisdiction that may be provided to the Federal Magistrates Court, particularly drawing on its benefits of being a less formal environment with the objective of encouraging the resolution of disputes quickly and cheaply.

I recognise that structural reform of this magnitude will undoubtedly cause some uncertainty for judicial officers and staff. As such, I greatly appreciate the commitment and professionalism that the courts have shown throughout this process.

I also appreciate the commitment that has been demonstrated to identifying inefficiencies to reduce duplicated costs and administration. I am particularly impressed with reforms that have been cooperatively implemented to achieve joint administration between the Federal Magistrates Court and the Family Court.

The Future

All of us here today would agree that the interests of litigants should be front and centre.

It is therefore important that we get this right, and we will be working closely with each of you and other stakeholders including the Law Council of Australia to ensure a smooth transition. I particularly acknowledge the cooperative spirit and good work that both the Chief Justice of the Family Court, and the Chief Federal Magistrate have shown on this issue.

Legislation implementing the proposed restructure is currently being considered by the Senate Legal and Constitutional Affairs Committee. I encourage the Court to actively engage in this process.

I am committed to ensuring that the Federal Magistrates Court's successful service culture remains into the future and that Australians continue to receive quick, informal and efficient justice.

I once again congratulate the Federal Magistrates Court on its achievements over the past decade. This is a significant milestone, and I thank you for having me here to celebrate with you today.

Thank you.