



Family Law

The Federal Magistrates Court of Australia (the Court) is the nation's largest court dealing with both family law and general federal law matters. The Court's rules and procedures are generally less formal, making the Court accessible to the community. The Court's procedures provide for cases to be completed in a timely and cost efficient manner.

Jurisdiction

In family law, the Court shares jurisdiction with the Family Court of Australia (the Family Court). The Court can hear most types of family law matters, and deals with the majority of divorce applications (with the exception of Western Australia). The Court's family law jurisdiction covers:

- **Parenting** – an order regarding the child/ren of a marriage or de facto relationship that has broken down.
- **Financial** – an order relating to the division of property or payment of maintenance following the breakdown of a marriage or eligible de facto relationship.
- **Divorce** – all applications for divorce, except orders relating to nullity and validity of marriage and divorce.
- **Child Support** – certain applications and appeals. For more information, see the brochure 'Child Support Applications'.
- **Child Maintenance** – an order for child maintenance in special circumstances.
- **Parentage declarations and testing** – an order declaring that a person is a parent of a child/ren or to assist in determining the parentage of a child/ren.
- **Contravention** – an application alleging a breach of a court order.
- **Injunctions** – an application for an injunction in a current or pending matter.
- **Location and recovery** – an order for information or the ability to publish information about a child/ren's location or the return of a child/ren to a party.

Dispute Resolution

The Court encourages parties to use dispute resolution services to resolve their disputes. Dispute resolution provides parties with an opportunity to reach an agreement without the need for a court order. Dispute resolution services include family counselling, family dispute resolution and conciliation. For more information, see the fact sheet 'Dispute Resolution in Family Law Proceedings'.

Before filing an application for a parenting order, a party (the applicant) must obtain a certificate from a family dispute resolution practitioner. There are, however, certain exceptions which are outlined in the brochure 'Compulsory Family Dispute Resolution – court procedures and requirements'. If the applicant does not file a certificate or fall within one of the exceptions, the Court cannot accept the application.

Forms

To apply for orders in the Court, the applicant must file:

- Initiating Application
- Affidavit
- Financial Statement (if the matter relates to a financial matter).

A party (the respondent) who wants to respond to an order should file:

- Response
- Affidavit
- Financial Statement (if the matter relates to a financial matter).

Note – different forms are required for divorce and contravention applications.

The Court's forms are available at www.fmc.gov.au (under Forms) or call 1300 352 000 to request the forms.

This fact sheet provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Federal Magistrates Court of Australia cannot provide legal advice.

Fees

The Court's fees are set by Federal Government regulations. The Court's fees are listed at www.fmc.gov.au (under Fees) or call 1300 352 000 for details. In some cases fees do not apply; for example, if a person holds certain government concession cards or can demonstrate financial hardship.

Rules

The rules of the Court are set out in the *Federal Magistrates Court Rules 2001* (the Rules). The Rules reflect the Court's less formal approach to matters. It is intended the practice and procedure of the Court is governed principally by these Rules. To view the Rules go to www.comlaw.gov.au.

Costs

Generally, parties who are involved in family law matters pay their own legal costs; see section 117 of the *Family Law Act 1975*. There are certain exceptions to this provision. The Court may order one party to pay the legal costs of another party (known as party-party costs). The rules about party-party costs are set out in Part 21 of the Rules.

The Court is not responsible for overseeing private fee arrangements between a lawyer and client (known as solicitor-client costs). If a client wants to dispute the fees charged by their lawyer, they need to contact the Legal Services Commissioner/Ombudsman in their State or Territory.

Appeals

If a party wants to appeal a decision of a federal magistrate, they must lodge their appeal in the Family Court within 28 days of the decision. An appeal is not a re-hearing of the original dispute, it is an examination of whether a federal magistrate made an error of law. For more information about appeals, see the Family Court brochure 'Appeal procedures – from decision of Federal Magistrates'.

Working in regional locations

The Court is committed to providing accessible and timely justice to all Australians irrespective of geographical location. To this end, the Court sits regularly (circuits) in many regional and rural areas across Australia. The Court's circuit schedule is available at www.fmc.gov.au (under Circuit Schedules) or call 1300 352 000 for details.

Location and contacts

The Court shares its registry and telephone information services with the Family Court (known as the Family Law Courts).

National Enquiry Centre – 1300 352 000

ACT

- Cnr University Ave & Childers St
Canberra ACT 2600

NSW

- 463 Kiewa St Albury NSW 2640
- Cnr Macquarie & Wingewarra Sts Dubbo NSW 2830
- 29-31 Molesworth St Lismore NSW 2480
- 61 Bolton St Newcastle NSW 2150
- 1-3 George St Parramatta NSW 2150
- 97-99 Goulburn St Sydney NSW 2000
- 43 Burelli St Wollongong NSW 2500

NT

- Centrepoint Building Hartley St Alice Springs NT 0870
- 80 Mitchell St Darwin NT 0800

QLD

- 119 North Quay, Brisbane Qld 4000
- 104 Grafton St Cairns Qld 4870
- 46 East St (cnr Fitzroy St) Rockhampton Qld 4700
- 143 Walker St Townsville Qld 4810

SA

- 3 Angas St Adelaide SA 5000

TAS

- 39-41 Davey St Hobart Tas 7000
- Cnr Brisbane & George Sts Launceston Tas 7250

VIC

- 53-55 Robinson St Dandenong Vic 3175
- 305 William St Melbourne Vic 3000