

General Federal Law Matters

The Federal Magistrates Court of Australia (the Court) deals with a wide range of matters, sharing jurisdiction with the Federal Court of Australia and, in some cases, state courts. The Court's rules and procedures are simpler and less formal, and aim to reduce the cost and number of court appearances for clients.

The Court can hear and decide matters relating to administrative, admiralty, bankruptcy, copyright, migration, privacy, trade practices, unlawful discrimination and workplace relations law and any matter transferred from the Federal Court. Where the Court is given jurisdiction in relation to a matter, it also has jurisdiction to determine associated or inseverable claims which would otherwise not be within jurisdiction.

Administrative Law

- Matters under the *Administrative Decisions (Judicial Review) Act 1997*.
- Appeals from the Administrative Appeals Tribunal remitted from the Federal Court of Australia.

Admiralty

- *In personam* actions (claims against a specific person or company) such as freight claims, damage claims and seafarers' wages.
- *In rem* actions remitted by the Federal Court of Australia and state Supreme Courts.

Bankruptcy

- All civil claims and matters under the *Bankruptcy Act 1966*, except those requiring jury trials.

Consumer Law

- The Court has civil jurisdiction with respect to claims under the following provisions of the *Competition and Consumer Act 2010* (formerly the *Trade Practices Act 1974*):

- Section 46 (Misuse of Market Power)
- Section IVB (Industry Codes)
- Part XI (Application of the Australian Consumer Law as a law of the Commonwealth), and
- Schedule 2 (Australian Consumer Law).

The Court can provide injunctive relief and award damages up to \$750,000.

The Court also has civil jurisdiction with respect to claims under the *National Consumer Credit Protection Act 2009*.

There is provision in certain proceedings for a litigant to elect that an application for compensation be dealt with as a small claims proceeding.

Copyright

- Civil claims and matters under *Parts V, VAA, IX* and Section 248J of the *Copyright Act 1968*, such as claims for injunctions and damages for breach of copyright.

Human Rights

Federal unlawful discrimination matters under the *Australian Human Rights Commission Act 1986* relating to complaints under the:

Age Discrimination Act 2004

Disability Discrimination Act 1992

Racial Discrimination Act 1975, and

Sex Discrimination Act 1984.

Industrial Law

The *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* included miscellaneous amendments to the *Federal Magistrates Act 1999* to establish two divisions within the Federal Magistrates Court, a Fair Work division and a general division. As from 1 July 2009 proceedings in the Court must be instituted, heard and determined in one of these divisions.

The *Fair Work Act 2009* confers a general jurisdiction in certain matters arising under that Act and requires that jurisdiction to be exercised in the Fair Work division of the Court. The *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* and the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* respectively provide similarly in respect of matters arising under the continuing operation of the pre-July 2009 *Workplace Relations Act 1996* and the *Building and Construction Industry Improvement Act 2005*.

The Court also has jurisdiction in relation to certain civil matters under the *Independent Contractors Act 2006* and the *Work Health and Safety Act 2011*.

Small claim procedures

Section 548 of the *Fair Work Act 2009* makes provision for certain proceedings to be dealt with as small claims proceedings. An application may request that an application for compensation be dealt with under this division if the compensation is not more than \$20 000 and the compensation is for an entitlement mentioned in subsection 548(1A) of the *Fair Work Act 2009*. When dealing with a small claim application the Court is not bound by the rules of evidence but may inform itself of any matter in any manner as it thinks fit. A party to a small claims application may not be represented by a lawyer without the leave of the Court.

Rules in relation to the conduct of proceedings in the Fair Work division are found in Chapter 7 of the *Federal Magistrates Court Rules 2001*.

Migration

- Most first instance judicial reviews of visa-related decisions of the Migration Review Tribunal, Refugee Review Tribunal and the Administrative Appeals Tribunal. The Court does not have jurisdiction to undertake a merits review of these types of decisions.
- An Application by an offshore entry person following a recommendation of an Independent Protection Assessment Reviewer.

Privacy

- Enforcing determinations of the Privacy Commissioner and private sector adjudicators under the *Privacy Act 1988*.

MORE INFORMATION

For more information about the courts jurisdiction go to <https://www.fmc.gov.au/services/index.html>

DISPUTE RESOLUTION

The Court encourages people to reach an agreement. You may be able to do this by attending mediation or arbitration with the other party. The Court may order parties to attend mediation or arbitration.

For more information about dispute resolution go to www.fmc.gov.au or speak to staff at your nearest federal law registry.

APPLYING TO THE COURT

To make an application, you need to complete and file form/s with the Court. The form/s will depend on the area of law and the nature of your application. To can get court forms from www.fmc.gov.au or your nearest federal law registry.

LEGAL ADVICE

You should get legal advice before making a decision about what to do or applying to the Court. A lawyer can help you understand your legal rights and responsibilities and explain how the law applies to your case.

You can get legal advice from a:

- legal aid office
- community legal centre, or
- private law firm.

If you are an Aboriginal or Torres Strait Islander you can also contact your local Aboriginal or Torres Strait Islander legal service.

Court staff can help you with questions about court forms and the court process, but cannot give you legal advice.