The Family Court Merger – Our Family Law Lawyers Outline What You Need to Know

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By Chloe Elkerton, Family Law Solicitor

Last week the Morrison Government passed a Bill that will undoubtedly result in the biggest overhaul of Australia's Family Court system since 1975.

Under our current Family Law structure, family law lawyers will tell you that matters proceed to hearing in one of either two Courts:

1. The Family Court of Australia – which deals with complex family law matters, and
2. The Federal Circuit Court of Australia – which deals with less complex family law matters and also other areas of law including migration, bankruptcy, human rights, industrial law and more.

The Family Court of Australia was established in 1976 as a stand-alone specialist Court. It recognised that many family law matters are complex and require specialised Judges and staff to support vulnerable Australian families.

The Federal Circuit Court was then established in 1999 to alleviate the workload of the Family Court by dealing with less-complex family matters. Approximately 90% of the matters in this Court are family law matters.

Last week, the Australian Federal Government passed a Bill through the Senate to combine both Courts into the singular Federal Circuit and Family Court of Australia known as the FCFC. As a consequence, the FCFC will be divided into two divisions, Division 1 being a continuation of the Family Court and Division 2 being a continuation of the Federal Circuit Court.

The Morrison Government claims that the new system will be more efficient for family law lawyers with a single entry point for family law matters and uniform rules that will govern both divisions. Attorney-General Porter claims that such reforms will help families settle matters more efficiently and reduce court costs. The Government also says that the change will improve access to the Court, for those families in rural areas of the country.

However, many stakeholders in the industry including family law lawyers have noted skepticism about the change suggesting that the effect is to abolish the Family Court and it's specialisation and potentially leaving vulnerable families with complex family law issues at risk and without the appropriate Court expertise to assist them.

For advice about our family law matter, please contact one of our family law lawyers on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.