

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group 2**

**Program 1.1**

**Question No. 193**

**Senator Brandis asked the following question at the hearing on 24 February 2012:**

Referring to legislation passed in 2009 that gave the Family Court the power to deal with property and maintenance disputes between de facto couples, which the Government neglected to arrange for the Governor-General to proclaim a start date for the changes, and consequently resulted in the orders failing to take effect.

- a) How many orders were affected by the Government's mistake?
- b) How many litigants were required to obtain new orders as a result of this bungle?
- c) Why did it take so long to introduce the remedial legislation?

**The answer to the honourable senator's question is as follows:**

- a) There were 4,259 orders made in respect of de facto property and maintenance disputes in the Family Court of Australia or the Federal Magistrates Court between 1 March 2009 and 10 February 2012.
- b) No litigants were required to obtain new orders as the Family Law Legislation (Validation of Certain Orders and Other Measures) Act 2012 put affected persons in the same position they would have been had the Proclamation been made at the time the jurisdiction was conferred on the courts.
- c) Legislation was introduced and passed through the Parliament as soon as was practical.