

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

FAMILY COURT OF AUSTRALIA

**Question No. 18**

**Senator Brandis asked the following question at the hearing on 19 October 2009:**

How many Family Court and Federal Magistrates Court judges, respectively, were consulted prior to the protocol being agreed to?

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

Since the review of federal courts, undertaken by the Attorney-General's Department with the assistance of Des Semple and Associates the following has occurred:

1. The Family Law Courts Advisory Group (FLCAG) established a small sub-committee comprising a Judge and Federal Magistrate to consider the matters which could form the basis of a protocol for the division of work between the courts. If they could agree on matters they were to note the agreement, and they were to record matters raised but not agreed. The two members were to consult other judicial officers in each court so that the matters being considered were collective views and not those of the individuals.
2. On Tuesday 16 June 2009 the CFM tabled for discussion at the Court's Policy Advisory Committee meeting the report of the sub-committee on work distribution and transfers between the FCoA and FMC. The PAC noted the report including the issues yet to be resolved.
3. On 19 June 2009 at a monthly teleconference of all judges the Chief Justice advised judges of the progress and the Judge on the sub-committee spoke to the matter.
4. On 22 June 2009 the Chief Justice's Policy Advisory Committee discussed the final report which had been completed by the sub-committee.
5. On 17 July 2009 the Chief Justice reported to all judges at the monthly teleconference of the views of the Policy Advisory Committee.
6. On 13 July 2009 the FLCAG met and the Chief Justice and Chief Federal Magistrate resolved the outstanding issues.
7. On 11 August 2009, at the Federal Magistrates Policy Advisory Committee meeting, the basis for the transfer and division of work between the family law courts was discussed.
8. On 13 August 2009 the FLCAG met and further discussed the protocol for the division of work between the family law courts.
9. On 18 August 2009 the CFM and the Chief Justice wrote to their respective Court's stating that the FLCAG recommended the adoption of the protocols and the Chief Justice and CFM resolved to implement the protocol.

10. On 21 August 2009 at the Case Management Federal Magistrates meeting there was further discussion about the protocol for the division of work between the family law courts.
11. In addition to the above, the CFM discussed the protocol at various times with members of the Court to ascertain their views.
12. In addition to the above the Chief Justice has discussed implementation of the protocol in the various registries with case management judges and other members of the Court.
13. The protocol remains something under discussion and on 11 November 2009 the CFM wrote to all Federal Magistrates indicating that a Working Group would be established to refine and implement the guidelines.