

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FAMILY COURT OF AUSTRALIA

Question No. 19

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

How can the protocol agreed between the Chief Justice of the Family Court and Chief Federal Magistrate not fetter individual judicial discretion in contested transfer matters?

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

The protocol is not a legislative instrument and has no binding effect. It is intended to provide guidance on the most appropriate jurisdiction in which to commence proceedings or have proceedings determined.