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SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 3523

Inquiry into the Provisions of the Family Law Amendment Bill 2004

Senator Kirk asked the following question at the hearing on 1 July 2004:

Is this an attempt to shift work from the Family Court to the Federal Magistrates Service? There could well be a consequence of this. Has that been considered?

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

The purpose of the proposal in relation to costs is to address a perceived culture of non-compliance with procedural mechanisms in the Family Court. It does not involve any attempt to shift work to the Federal Magistrates Court.

The proposed legislative amendments would facilitate the development by the Court of procedures which are appropriate to its own circumstances. This would not be inconsistent with the recommendation made in the Attorney-General Department's Federal Civil Justice System Paper that courts should continue to develop, where appropriate, uniform procedures for those areas of law in which the same jurisdiction could be exercised in more than one court.