



**ATTORNEY-GENERAL  
HON ROBERT McCLELLAND MP**

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**MEDIA RELEASE**

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**RUDD GOVERNMENT TO REFORM FEDERAL COURTS**

Attorney-General, Robert McClelland, today announced a restructure of Federal Courts to more effectively deliver legal and justice services to the community.

“Ensuring the courts are structured and administered to deliver an efficient and cost-effective service to the Australian community is a key element in improving access to justice,” Mr McClelland said.

Currently, matters under Commonwealth law are heard by the Federal Magistrates Court, the Family Court or the Federal Court. Both the Family Court and Federal Magistrates Court can hear family law matters and the Federal Court and Federal Magistrates Court also share jurisdiction in some general federal law matters.

These arrangements have led to confusion amongst litigants, inefficiencies in funding and administration and impeded access to justice for the community.

The Rudd Government will restructure the Federal Courts system by:

- merging the Federal Magistrates Court into the Family Court and Federal Court;
- consolidating all family law matters under the Family Court; and
- consolidating all general federal law matters under the Federal Court.

Within each court, all matters will be dealt with at the most appropriate level, saving people time and money.

“The reforms will effectively create a one-stop-shop in family and other federal law matters, ensuring an integrated and accessible system that focuses on dispute resolution.”

The restructure will occur in conjunction with work already being undertaken by the Courts to simplify rules and procedures.

“The restructure forms part of the Government’s broader commitment to reduce the cost of litigation and facilitate the faster resolution of disputes. In doing so, it will enable our Federal Courts to focus on assisting people, particularly those involved in family law matters.”

Mr McClelland said that the Federal Court is already undertaking important work in this area, such as the ‘rocket docket’, to ensure that cases are dealt with in a timely manner.

Today's announcement represents the culmination of extensive consultation with the Courts, legal professional bodies, key stakeholders and the public following recommendations contained in the Government's 2008 discussion paper, 'Future Governance Options for Federal Family Law Courts in Australia'.

A fact sheet outlining the proposed restructure is attached.

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## **FACT SHEET**

- In November 2008, the Government released the report, 'Future Governance Options for Federal Family Law Courts in Australia', which found that current arrangements are:
  - financially unsustainable;
  - leading to confusion amongst litigants, conflict over resources and inefficiencies in administration; and
  - impeding access to justice and the delivery of family law services to Australians.
- Among the report's key recommendations was the creation of a single federal Family Law Court by combining the Family Court and the Federal Magistrates Court and a single Federal Law Court by combining the Federal Court and the Federal Magistrates Court.
- Following the release of this report, the Government issued a discussion paper inviting public comment on its recommendations.
- The proposed restructure will reduce duplication of court administrative structures and corporate services by merging the existing Federal Magistrates Court into new, lower divisions of the Family Court and the Federal Court.
- The Family Court will be the single court dealing with all family law matters:
  - The restructured Family Court will have two tiers;
  - Family law matters will generally be heard initially in the second tier, with appeals and other complex matters being redirected to the first tier;
  - Existing judges of the Family Court will operate in the first tier;
  - Federal Magistrates will operate in the second tier;
  - Federal Magistrates integrated into the Family Court will be renamed 'judges'.
- The Federal Court will be the single court dealing with all general federal law matters:
  - The restructured Federal Court will have two tiers;
  - Appeals and other complex work will generally be heard in the first tier, with shorter, less complex matters redirected to the second tier;
  - Existing judges of the Federal Court will operate in the first tier;
  - Federal Magistrates will operate in the second tier;
  - Upper and lower level Fair Work Divisions, which will hear matters under the Government's new workplace relations system, will be maintained and provide a one stop shop for employers and employees;
  - Federal Magistrates appointed to the Federal Court will have expertise in general federal law matters and will continue to be named 'magistrates'.
- The restructure will produce savings of \$7.8 million over four years by reducing duplicated administration costs.
  - \$1.5 million over four years of these savings will be reinvested to enable enhanced support for families and assist them to resolve disputes in a non-adversarial manner including through access to Family Consultant services.
- The Government will continue its consultations with all three courts in finalising the restructure process.
- Further information is available on the Attorney-General's Department website at: [www.ag.gov.au](http://www.ag.gov.au).