



Notice to the Profession

This notice is to advise changes to forms in light of the commencement, on 1 March 2009, of the substantive provisions of the *Family Law Act 1975* which confer de facto property jurisdiction on the Court.

The Family Law Court's prescribed brochure, *Marriage, Families and Separation* has been amended slightly for de facto changes. This and all other new and amended forms and publications will be available at www.familylawcourts.gov.au on, or before, 1 March 2009. Printed forms and publications will be available to order from the warehouse soon after this date.

The Attorney-General's Department have an online fact sheet *Property division when de facto relationships break down - new Commonwealth law for separating de facto couples* available at www.familyrelationships.gov.au.

Family Court of Australia

As of 1 March 2009 the forms **Application for Final Orders** and **Response to Application for Final Orders** will become obsolete. Replacing these forms will be new versions of the **Initiating Application** and **Response to Initiating Application**.

The existing **Initiating Application**, **Response to Initiating Application**, **Application for Final Orders** and **Response to Application for Final Orders** can be used within the Family Court jurisdiction only until 1 March 2009. From this date the new **Initiating Application** and **Response to Initiating Application** must be used.

The **Application for Consent Orders** has also undergone substantial revision. The Family Court will allow a 3 month period of grace for the filing of the current approved form until 1 June 2009.

There are smaller changes to the following forms; however both the current and new versions of these forms will be accepted until such time as the Family Court directs otherwise. These forms include: Service Kit, Application in a Case, Reply, Notice of Discontinuance, Acknowledgment of Service, Affidavit of Service, Affidavit – non-filing of compulsory family dispute resolution certificate, Affidavit for interim parenting cases – Applicant, and Affidavit for interim parenting cases – Respondent.

The formal provisions and Schedules 1 and 2 of the *Family Law Amendment Rules 2009 (No.1)* commence on 1 March 2009. Amendments include:

- Amendments to support the trial and case management pathway and docket system
- De facto relationship amendments, and
- Amendments to introduce the Initiating Application (Family Law) and Response to Initiating Application (Family Law).

Federal Magistrates Court of Australia

Initiating Application

The combined **Initiating Application form** approved pursuant to Rule 2.04(1A) for commencing most family law applications in the Federal Magistrates Court, has been reviewed by both Courts in light of the conferral of de facto jurisdiction. The amended form includes a new Part H: De facto relationship jurisdiction – financial causes containing questions to establish the courts jurisdiction to determine the applicant's case. There is consequential re-lettering of the Parts of the form thereafter.

The **Initiating Application** has been approved for use in both the Federal Magistrates Court and the Family Court.

From **1 March 2009**, litigants will be required to use the revised **Initiating Application**. However, to avoid any hardship, the Federal Magistrates Court will allow a 3 month period of grace for the filing of the currently approved form of Initiating Application till 1 June 2009.

Response

The Federal Magistrates Court will continue to use the currently approved response form which has not been revised and is attached. Litigants are being encouraged to file the response as approved for use in the Court.

Rules - Federal Magistrates Court Rules 2001

There are draft consequential amendments to the *Federal Magistrate Court Rules 2001* in light of changes to provisions of the Family Law Act 1975 following amendments to that Act as a result of the conferral of de facto jurisdiction. These amendments will be placed before Federal Magistrates for approval together with other miscellaneous amendments to the Rules.

The legal committee has recommended that there be no substantive changes to the rules in following conferral of the de facto regime. It is expected that such proceedings will be conducted in the same manner as financial proceedings are currently conducted.