

Jurisdiction of FCFCA

On 18 February 2021, the *Federal Circuit and Family Court of Australia Act 2021* and the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Arrangements) Act 2021* passed through Parliament. Under the legislation, the Family Court of Australia and the Federal Circuit Court of Australia were brought together into a unified administrative structure called the Federal Circuit and Family Court of Australia (FCFCA). These reforms received Royal Assent on 1 March 2021 and **commenced on 1 September 2021**.

In Australia, there is now a single court where jurisdiction under the Family Law Act 1975 (Cth) (FLA) is predominantly exercised: the Federal Circuit and Family Court of Australia (FCFCA). *State courts of summary jurisdiction (usually the relevant local court or magistrates' court) are also able to exercise jurisdiction under the FLA.* Prior to 2021 there were two federal courts exercising jurisdiction under the FLA, the Family Court of Australia and the Federal Circuit Court of Australia.

The former Family Court was a superior court of record which has original jurisdiction to hear family law matters. It is intended by the merger of the Family Court and the Federal Circuit Court that Division 1 of the FCFCA will be a continuation of the Family Court of Australia and Division 2 will be a continuation of the Federal Circuit Court of Australia.

Division 1 of the FCFCA deals with the most complex and intractable parenting disputes requiring substantial court time. These cases often involve allegations of physical or sexual abuse of children, family violence, mental health issues, and substance abuse. Other areas of family law affecting children that Division 1 deals with include domestic and international relocation, international child abduction and the Hague convention, as well as medical procedures requiring court authorisation. Division 1 also acts as an appeal court from decisions of single judges of Division 1 (and the former Family Court) and Division 2 (and the former FCCC). The number of cases that are now dealt with at first instance in the Division 1 (formerly the Family Court) represents a small percentage of all family law cases as the majority of parenting cases are now dealt with in Division 2.

Division 2 is also a court of record and of law and equity however it is not a superior court. Division 2 is considered the high-volume or trial court and deals with most divorce applications and the majority of first instance family law applications nationally (excluding Western Australia). On 12 April 2013 the name of the former FCCA was changed from the Federal Magistrates Court to the FCCA. Division 2 regularly conducts regional circuits and has judges based in all capital cities and some regional cities. Division 2 has jurisdiction in family law and child support though does not have jurisdiction to determine matters relating to adoption or applications for nullity or validity of marriage.

In Western Australia, family law cases are dealt with by the *Family Court of Western Australia*.