



FEDERAL CIRCUIT
AND FAMILY COURT
OF AUSTRALIA

Family law

The Federal Circuit and Family Court of Australia is the nation's largest court dealing with both family law and general federal law matters. The Court's rules and procedures are generally less formal, making the Court accessible to the community. The Court's procedures provide for cases to be completed in a timely and cost efficient manner



Jurisdiction

The Federal Circuit and Family Court (the Court) can hear most types of family law matters, and deals with the majority of divorce applications (with the exception of Western Australia). The Court's family law jurisdiction covers:

- **Parenting** – an order regarding the child/ren of a marriage or de facto relationship that has broken down.
- **Financial** – an order relating to the division of property or payment of maintenance following the breakdown of a marriage or eligible de facto relationship.
- **Divorce** – all applications for divorce, except orders relating to nullity and validity of marriage and divorce.
- **Child Support** – certain applications and appeals. For more information, see the brochure [Child Support Applications](#).
- **Child Maintenance** – an order for child maintenance in special circumstances.
- **Parentage declarations and testing** – an order declaring that a person is a parent of a child/ren or to assist in determining the parentage of a child/ren.
- **Contravention** – an application alleging a breach of a court order.
- **Injunctions** – an application for an injunction in a current or pending matter.
- **Location and recovery** – an order for information or the ability to publish information about a child/ren's location or the return of a child/ren to a party.

Dispute resolution

The Court encourages parties to use dispute resolution services to resolve their disputes. Dispute resolution provides parties with an opportunity to reach an agreement without the need for a court order. Dispute resolution services include family counselling, family dispute resolution and conciliation. For more information, see the fact sheet [Dispute Resolution in Family Law Proceedings](#).

Before filing an application for a parenting order, a party (the applicant) must obtain a certificate from a family dispute resolution practitioner. There are, however, certain exceptions which are outlined in the brochure [Compulsory pre-filing Family Dispute Resolution – court procedures and requirements](#). If the applicant does not file a certificate or fall within one of the exceptions, the Court cannot accept the application.

Forms

Each type of proceeding has its own Practice Direction, detailing the requirements for commencing proceedings and responding to applications. Parties should refer to each Practice Direction for more information as to what documents must be filed.

To apply for orders in the Court, the applicant must typically file:

- [Initiating Application](#)
- [Affidavit](#) (in certain circumstances)
- [Parenting Questionnaire](#) and/or [Financial Questionnaire](#) (unless they file an affidavit)
- [Genuine Steps Certificate](#)
- [Financial Statement](#) (if the matter relates to a financial matter)
- [Notice of child abuse, family violence or risk](#) (if the matter relates to a parenting matter).

A party (the respondent) who wants to consent to or oppose an order, or seek their own orders must typically file:

- [Response to Initiating Application](#)
- [Affidavit](#) (in certain circumstances)
- [Parenting Questionnaire](#) and/or [Financial Questionnaire](#) (unless they file an affidavit)
- [Genuine Steps Certificate](#)
- [Financial Statement](#) (if the matter relates to a financial matter)
- [Notice of child abuse, family violence or risk](#) (if the matter relates to a parenting matter).

Note – different forms are required for divorce and contravention applications.

For more information about what to file visit www.fccoa.gov.au.

Fees



The Court's fees are set by Federal Government regulations. The Court's fees are listed at www.fccoa.gov.au (under **Fees**). In some cases a reduced fee may be sought for divorce applications, or decree of nullity, or in respect of other fees, an exemption if you hold certain government concession cards or you can demonstrate financial hardship.

Rules

The rules of the Court are set out in the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* (the Rules). The Rules reflect the Court's less formal approach to matters. It is intended the practice and procedure of the Court is governed principally by these Rules. To view the Rules go to www.legislation.gov.au.

Costs

Generally, parties who are involved in family law matters pay their own legal costs; see section 117 of the *Family Law Act 1975*. There are certain exceptions to this provision. The Court may order one party to pay the legal costs of another party (known as party-party costs). The rules about costs are set out in Chapter 12 of the Rules.

The Court is not responsible for overseeing private fee arrangements between a lawyer and client (known as solicitor-client costs). If a client wants to dispute the fees charged by their lawyer, they need to contact the Legal Services Commissioner/Ombudsman in their State or Territory.

Appeals

If a party wants to appeal a decision of a judge, they must lodge their appeal in the National Appeal Registry within 28 days of the decision. An appeal is not a re-hearing of the original dispute, it is an examination of whether a judge made an error of law. For more information about appeals, see the Court brochure [Appeal procedures](#).

Working in regional locations



The Court is committed to providing accessible and timely justice to all Australians irrespective of geographical location. To this end, the Court sits regularly (circuits) in many regional and rural areas across Australia. The Court's circuit schedule for each location is available at www.fccoa.gov.au/daily-court-lists or call **1300 352 000** for details.

Location and contacts

For more information, including access to any legislation, forms or publications listed in this fact sheet:

- live chat at www.fccoa.gov.au
- call **1300 352 000**

 Live Chat

Court locations

For court locations see www.fccoa.gov.au/court-locations