





GLOSSARY OF TERMS

Appeal – A procedure which enables a person to challenge the decision made about their case by the Court.

Appellant – The person who seeks an appeal.

Case – The matter before the Court.

Case Management Directions – A set of directions about how cases are managed by the Court to help parties achieve a just resolution of their dispute in a way which is prompt and economical.

Casetrack – The Court’s integrated case management system.

Child Dispute Services – Child Dispute Services are provided by family consultants who are trained in social work or psychology. These services aim to assist parents and carers understand the needs of their children and to assist the Court make decisions that are in the best interests of children. In keeping with the new family law framework, the services are not confidential or privileged and information obtained through interviews with children, parents and others is admissible in Court proceedings.

Consent orders – These may be made where the parties come to an agreement and lodge that agreement in writing (usually called ‘Terms of Settlement’) for approval by the Court.

Conciliation conference – A conference convened by legally trained registrars in the Family Court. It involves all parties and their lawyers, aiming to resolve disputes in financial cases.

Determination phase – Commences once the last resolution phase event has concluded without final resolution being achieved. It usually involves preparation for trial, and trial before the judge.

Family consultant – A professional trained in social work or psychology who is an expert in assessing inter-personal relationships and the needs of children in high conflict families. They provide assistance to disputing families and the Court.

Family Court (or ‘the Court’) – in the context of this report, this term refers to the Family Court of Australia unless otherwise specified (as distinct from the Family Court of Western Australia or the Federal Magistrates Court).

Family Law Act 1975 – The primary legislation which is applied in cases decided in the Family Court.

Family Report – A behavioural science assessment report that focuses on the best interests of children from a non-legal and independent perspective. Family Reports are ordered by judicial officers and provided by Court-employed family consultants or approved, private report writers.

Federal Magistrate – A judicial officer of the Federal Magistrates Court.

Final orders – means the order of the court that finally decides a case that is commenced by an Application for Final Orders (Form 1).

Full Court – A Full Court consists of three or more judges together hearing an appeal from a decision of another judicial officer. In respect of some appeals from the Federal Magistrates Court, a Full Court may consist of a single judge.

Indigenous family liaison officer – An Indigenous worker who provides assistance to Indigenous families, and family consultants, regarding appropriate arrangements for children when one or both parents or carers are Indigenous. They also advise family consultants and the Court on kinship and cultural matters in relation to Indigenous families.

Interim application – An application for an order intended to continue until a further order of the Court.

Judgment – A decision of a judge, judicial registrar or registrar at a hearing.

Judicial Registrar – A judicial officer who holds similar powers to a judge.

Legislation – Legislation cited in this report is Commonwealth legislation unless specified otherwise.

Magellan – A case management system designed to ensure that matters involving allegations of serious child abuse are dealt with as effectively and efficiently as possible.

Order – The Court has the power to order a person to do certain things. Judicial registrars and registrars can only make certain types of orders.

Parties – Both the applicant and respondent are parties to the proceeding. If a third party is joined or someone is given permission to intervene they also become parties to the proceeding.

Pending – Pending matters are filed cases that have not yet been finalised by judgment or otherwise.

Pending cases inventory – An inventory of cases filed but not yet disposed of or finalised make up the Court's pending caseload.

Practice Directions – Practice Directions are issued by the Chief Justice for the assistance of parties and practitioners about the conduct of proceedings before the Court.

Registrar – a court lawyer with expertise in family law who exercises powers delegated by the judges of the Court.

Registry – An office of the Court that files court documents or accepts court documents for filing.

Resolution phase – Covers the period from the commencement of proceedings by filing an application to the point at which it is decided that a case should be prepared for trial.

Rules – The Family Law Rules, sometimes referred to as the Rules of the Court, set out key obligations such as what forms must be used, when they must be filed and any other requirements of the Court. The Federal Magistrates Court has its own Rules.

Trial – The final hearing of a matter before a judge, federal magistrate, or judicial registrar. Having considered all the evidence presented, the judicial officer will make orders to finalise the matter.