



GLOSSARY OF TERMS ■



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Appeal – A procedure which enables a person to challenge the orders a court has made in their case.

Appellant – The person who appeals a decision.

Case – The matter before a court.

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

Casetrack – The Family Law Court’s electronic case management computer system.

Child Dispute Services – Child dispute services are provided by family consultants who are trained in social work or psychology. These services aim to encourage parents and carers understand and focus on the needs of their children and to assist the Court to make decisions that are in their children’s best interests. In comparison with child dispute services provided in the community, the Family Court’s child dispute services are not confidential nor privileged and information provided to family consultants is admissible in Court proceedings.

Child responsive program – Most cases involving children go through this program to re-focus the parties (usually the parents) on the needs of the children and to minimise the level of conflict to which the children are exposed.

Consent orders – These may be made where the parties come to an agreement and lodge that agreement in writing (usually called ‘Terms of Settlement’ or ‘Minute of proposed consent orders’) for approval by the Court. Once approved, consent orders are enforceable as an order of the Court.

Conciliation conference – A conference convened by legally trained registrars in the Family Court. It is aimed at resolving disputes in financial cases and involves all parties and their lawyers.

Family consultant – An expert in assessing interpersonal relationships and the needs of children in high conflict families. Family consultants 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 (as distinct from the Family Court of Western Australia or the Federal Magistrates Court of Australia) unless otherwise specified.

Family Law Act 1975 – The primary Act which establishes the Family Court of Australia and sets out the law to be 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, independent perspective. Family reports are ordered by judicial officers and provided by Court-employed family consultants or approved private professionals.

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

Final orders – The orders of the Court that finally decide a case. Final orders can be made with the agreement of the parties (see ‘consent orders’ above) or after a determination by a judge.

Indigenous family liaison officer – An Indigenous worker who provides assistance regarding appropriate arrangements for children when one or both carers are Indigenous. They also advise family consultants and the Court on kinship and cultural matters in relation to Indigenous families. With the establishment of Family Relationship Centres and their role in providing primary dispute resolution services to local communities, Indigenous family liaison officers were no longer employed by the Family Court after 31 December 2007.

Interim application – An application for an order intended to continue only 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 exercises powers delegated under the Family Law Act and the judges of the Court. Those powers are similar to those of a judge, although judicial registrars cannot make final orders in parenting proceedings.

Less adversarial trial – A trial that is focused on the children and their future; is flexible; has active involvement by the parties and is less formal than a traditional trial.

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

Order – A command or direction issued by a court or tribunal. Orders are issued by courts in relation to, inter alia, court procedure, relief sought by parties, and legal costs. Courts usually have wide ranging powers to make orders to enforce their judgments.

Parties – The persons or organisations who commence or defend legal proceedings in the Family Court. 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 proceedings.

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

Pending cases inventory – An inventory of cases that have been filed but not yet finalised.

Practice Directions – Practice Directions are issued by the Chief Justice to assist clients and practitioners with the conduct of proceedings before the Court.

Registrar – A court lawyer with expertise in family law who exercises powers delegated under the Family Law Act by the judges of the Court.

Registry – An office of the Court where court documents are filed or accepted for filing.

Rules – The *Family Law Rules 2004*, sometimes referred to as the Rules of the Court, set out the parties' 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 of Australia 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 and having applied the law to the facts as found, the judicial officer will make orders to finalise the matter.

