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Mr Des Semple

ADDRESS

Dear Mr Semple

Following our telephone conversation on Friday 6 June, I am pleased to provide the following brief submission to your review of the Family Court and the Federal Magistrates Court.

The increase in the divorce rate represents one of the most spectacular family-related trends of the 20th century. Since the early 1980s, the crude divorce rate has fluctuated between 2.5 and 3.0, with a trough occurring in the mid-1980s. In recent years, the divorce rate has declined slightly (from 2.9 to 2.5 between 1996 and 2006).

From 1966 to 2006 the number of children under 18 years whose parents divorced increased from 12,950 to 48,396, although it is important to note that the *proportion* of all divorces involving parents of children of this age fell from 65% to 50%.

The complexity of many of the issues that attend separation and divorce require specialist skills from those involved with the family law system. The factors that led to the emergence of a distinct family law jurisdiction remain. However, the present existence of two courts, the Family Court of Australia and the Federal Magistrates Court, can lead to some lack of clarity among those who have contact with the family law system. It also raises questions concerning the extent of specialist family law capacity available in the FMC, given the need to manage a broader sweep of matters, although family law may be the bulk of many Federal Magistrates' work.

It would seem sensible having the family law capacity of the Family Magistrates Court in a more explicit synergy with the Family Court of Australia. This would overcome the current complexity of the system, avoid some of the scope for confusion and provide greater potential for an efficient and effective division of responsibilities within a single structure.

Yours sincerely

Professor Alan Hayes
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