



**ANDERSONS**  
S O L I C I T O R S

LawTalk Blog



## What's the difference between the Family Court and Federal Circuit Court?

**Date: Thursday December 3, 2015**

There are two courts in Australia which deal with [Family Law](#) matters; the Federal Circuit Court of Australia and the Family Court of Australia. Both Courts use the *Family Law Act 1975* when determining Family Law cases. Each court also has their own set of rules and regulations, however they are very similar.

### Federal Circuit Court

The jurisdiction of the Federal Circuit Court encompasses a broad range of legal areas including family law, bankruptcy, copyright, trade practices and migration, to name a few.

About 80% of [Family Law](#) matters are dealt with in the Federal Circuit Court. These matters include [parenting](#), financial, [divorce](#) and child support cases.

Generally family cases will be commenced in this court and if the court determines it is appropriate, the matter will be transferred to the Family Court. This is the same for matters in the Family Court; if the court determines it appropriate it will transfer a matter to the Federal Circuit Court.

### Family Court

The Family Court hears a small percentage of [Family Law](#) cases; the most complex parenting and financial cases. This court also deals with all applications for [Consents Orders](#), [marriage annulments](#) and appeals to previous Federal Circuit Court decisions.

The types of parenting cases which are heard by the Family Court include cases that deal with:

- Child welfare agencies allegations of sexual abuse or serious physical abuse (these types of case are referred to as Magellan cases);
- [Family violence](#);
- Complex mental health issues;
- International child abduction under [Hague Convention](#);
- International relocation;
- Large numbers of expert witnesses;
- Complex questions of law and/or jurisdiction.

In relation to financial cases, matters may be dealt with by the Family Court if they involve:

- more than two parties;
- complex valuations of trusts and corporate structures;
- large numbers of expert witnesses;
- complex questions of law and/or jurisdiction;
- complex superannuation issues.

If you have a family law problem and you think you need to apply to one of the Family Law Courts we recommend you get in touch with the [Family Law](#) team at Andersons.

---

*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*