



Launch of a new National Contravention List to tackle issues of non-compliance with court orders in family law cases

To address a long-standing issue of non-compliance with court orders that are made in family law proceedings in the Family Court of Australia and the Federal Circuit Court of Australia, the Courts have created a dedicated national electronic court list that will deal, consistently and responsively, with contravention applications. Applications will be given a first return court date within 14 days of filing.

The creation of the National Contravention List follows a recommendation by the Joint Select Committee on Australia's Family Law System in its Second Interim Report released in March 2021 for such a List to be implemented in the Courts. The new National Contravention List will commence on 1 September 2021.

Also commencing on 1 September, is the Federal Circuit and Family Court of Australia (FCFCOA), following the passing of legislation to amalgamate the Family Court of Australia and the Federal Circuit Court of Australia.

The Chief Justice of the Family Court of Australia and the Chief Judge of the Federal Circuit Court of Australia, the Hon Will Alstergren said that compliance in family law has long been a problem for our system.

"Unfortunately it has been our experience that we have found a lack of compliance with court orders, and it is an issue that people often complain about.

"Notwithstanding the understanding that these disputes involve highly emotional and stressful situations, parties must comply with court orders unless a reasonable excuse, according to the law, can be demonstrated to the Court. For parenting cases in particular, the orders have been made in the best interest of the child. A lack of compliance not only diminishes confidence in our system of justice, it also leads to wasted time and costs, and prevents parties from exiting the court system and moving forward with their lives," Chief Justice Alstergren added.

"The Court understands however, that people's lives and circumstances may change and non-compliance with orders may be avoidable in some situations, particularly where safety is concerned. The National Contravention List provides an easier way for parties to access the Court for these types of matters and to have compliance issues dealt with expeditiously," the Chief Justice added.

The List will be administered by a team of highly-skilled registrars who will triage, assess, and where appropriate, allocate the matter to a Judge or Senior Judicial Registrar in a streamlined and timely manner.

Details of the National Contravention List are outlined as follows:

A National Contravention List will be introduced on 1 September 2021 to address the expectation that all parties will comply with orders of the Court, and that alleged breaches of court orders will be taken seriously and will be dealt with quickly. The key objectives of the National Contravention List are:



FAMILY COURT OF AUSTRALIA
FEDERAL CIRCUIT COURT OF AUSTRALIA

- a. to efficiently deal with Applications on a national basis in a timely, cost effective and safe way for all litigants,
- b. for Applications to be given a first return date within 14 days of filing,
- c. to ensure compliance with court orders by all parties,
- d. to impose appropriate penalties or sanctions where a contravention has been proved and where a party has failed to demonstrate they had a reasonable excuse for non-compliance with court orders,
- e. to proactively facilitate the resolution of underlying issues in disputes that lead to the filing of such applications,
- f. to triage appropriate matters to dispute resolution, and
- g. to be responsive to a party's wishes to resolve matters without recourse to additional litigation.

A new [Practice Direction](#) and [Application form](#) for the new Contravention List will accompany the commencement of the list.