



FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

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CHAMBERS OF THE CHIEF JUSTICE

24 August 2023

Presidents of each of the Bars and the Law Societies
of the Australian legal profession, and
Family Law Section of the Law Council of Australia
(Schedule Attached)

Dear Presidents,

We are pleased to advise that the Federal Circuit and Family Court of Australia (Division 1) (**FCFCOA (Division 1)**) and the Federal Circuit and Family Court of Australia (Division 2) (**FCFCOA (Division 2)**) (together, **the Courts**) have implemented an updated Magellan List definition and criteria, upon recommendation by the Courts' Family Violence Committee. These updates reflect the Courts' ongoing commitment to responding appropriately to risk in family law proceedings.

This builds upon a number of initiatives the Courts' have launched this week, including the Updated Family Violence Plan and Family Violence Best Practice Principles, and three new short films on the following topics:

- What is family violence? [What is family violence? | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)
- How the voice of the child is heard? [How the voice of the child is heard? | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)
- How the Court process works for parenting cases [How the Court process works for parenting cases | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)

The updated Family Violence Plan and Family Violence Best Practice Principles are available on the Courts' website via the following links:

- [Family Violence Plan | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](https://www.fcfcoa.gov.au/family-violence-plan)
- [Family Violence Best Practice Principles | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](https://www.fcfcoa.gov.au/family-violence-best-practice-principles)

The Magellan List is a long-standing specialist list designed to ensure that proceedings involving the most vulnerable children and requiring the most resources are appropriately triaged, and dealt with as effectively and efficiently as possible.

From 21 August 2023, the identification of a Magellan matter and criteria for transfer in to the Magellan List will require notifications or allegations of the following (generally within the preceding 12-month period):

- (a) sexual abuse of a child; and/or
- (b) serious physical abuse of a child; and/or
- (c) fresh allegations of historical sexual or physical abuse of a child which had never previously been disclosed; and/or
- (d) activity by a party to the proceedings or a relevant adult (such as a step parent or relative) which:
 - i. poses a risk of direct or indirect sexual abuse to the child, including activity directed towards children who are the subject of the proceedings or any other child/ren; and/or
 - ii. involves an allegation, charge or conviction for offences related to the production, possession and distribution of Child Exploitation Material (CEM), whether or not the images relate to children the subject of the proceedings; and/or
- (e) serious or escalating physical abuse of a subject child of the proceedings.

The Magellan List provides a tightly administered case-management pathway for proceedings involving sexual abuse and/or serious physical abuse of a child, which is supported by a dedicated multi-disciplinary team of Judges, Registrars and Court Child Experts. The Magellan List and updated definition will operate in all Federal Circuit and Family Court of Australia registries nationally from 21 August 2023.

Information about the Magellan List can be found on the Federal Circuit and Family Court of Australia website here: [Magellan List | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](https://www.fcfcoa.gov.au/magellan-list)

I ask that you distribute this letter to your members. Please do not hesitate to contact my Chambers if you have any queries.

Yours sincerely,



The Honourable Justice Alstergren AO

Chief Justice

Federal Circuit and Family Court of Australia (Division 1)

Chief Judge

Federal Circuit and Family Court of Australia (Division 2)