

The Directions Hearing or Case Conference

The first step in court proceedings is the filing of an Initiating Application. You or your partner will need to file an Initiating Application in order to commence proceedings. The application will set out the orders that you seek, and may be of a financial nature, or relate to your children.

Your application will be filed in either the Family Court of Australia, or the Federal Magistrates Court of Australia. If your matter is filed in the Family Court of Australia, the first date will be either a directions hearing or a case conference. If your matter is filed in the Federal Magistrates Court, the first date will be known as a mention.

Directions hearings, case conferences and mentions

If your application has been filed in the Family Court, your directions hearing or case conference will be conducted by a Registrar of the Family Court (not a judge). If your proceedings are before the Federal Magistrates Court, your mention will be conducted by a Federal Magistrate.

On the first day, the Registrar or Federal Magistrate will:

- enquire whether all parties have filed all necessary initial documents in Court and make directions for the filing of any further documents, if necessary;
- enquire as to the status of negotiations between the parties and facilitate any settlement discussions; and
- make directions as to the progress of your matter in Court.

The nature of directions that can be made

On your first day in Court, the Registrar or Federal Magistrate may take many different directions for the ongoing conduct of your matter in Court, but typically will make directions that may include the following:

- A direction that yourself and your partner obtain and exchange market appraisals or valuations of any assets (for example, your home, other real estate, motor vehicles, furniture etc.).
- An order for further confidential counselling if the applications are for parenting orders.
- An order for the production of certain financial documents if the applications are for financial orders.
- An order directing the parties to amend any documents where necessary.
- An order allocating a date and a time for the holding of a conciliation conference to attempt to resolve your matter.
- Sometimes an order can be made directing the parties to attend mediation rather than attending a conciliation conference.

What happens in Court on the day?

- On the first day of Court, we will either meet you at Court, or travel with you from our office to the Court. Your matter will either proceed in a court room (if set down for a directions hearing or mention), or in a conference room (if set down for a case conference). Otherwise, the process is very similar; you will come into the Court or the conference room, and sit with us.
- It will be necessary for you to attend Court with us on the first day (although there are some limited exceptions to this rule).

Your First Day in Court



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LAWYERS

- The first day in Court usually takes between one to two hours in total, including time spent waiting at Court.
- There is no need for you to give any evidence or to say anything to the Court – we speak on your behalf.
- The Registrar or Federal Magistrate may ask us, or your partner’s solicitor to provide a background summary of the relevant matters in dispute in your matter and a general summary as to how negotiations in your matter have progressed.
- The Registrar or Federal Magistrate will then make the further directions or the ongoing management of your matter in Court and try to facilitate negotiations, if possible.
- On the day, we are required to advise you in writing of your legal costs leading up to the court event and also your likely future costs should your matter progress through the Court system.