

Thursday, 23 August 2018

## As it stands, merging courts unlikely to alleviate family law crisis

The proposed merging of the Federal Circuit Court and the Family Court is unlikely to alleviate the crisis in the family law court system and may place significant extra pressure on already overburdened Federal Circuit Court Judges, the Law Council of Australia has warned.

*The Federal Circuit and Family Court of Australia Bill 2018 and Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018* has been introduced into the Australian Parliament today.

If passed, the bills will result in significant structural reform of Australia's family court system, by merging the current Federal Circuit Court of Australia and the Family Court of Australia into the new Federal Circuit and Family Court of Australia.

Law Council of Australia President, Morry Bailes, said that the peak body will now consider the bills in detail and provide a national response shortly, but in general terms, the legal profession held significant concerns with the proposal to merge the courts.

"It's critical that the family court process, and the broader family law system, is properly resourced, accessible, responsive, and efficiently doing justice according to law," Mr Bailes said.

"However, Australia's family court system today is in crisis. Chronic underfunding for more than a decade has led to a court system which continually struggles to meet the needs of the community.

"The funding of the court system has failed to keep pace with the growth in the number of Australians who need access to it. The breadth and complexity of the issues dealt with by the courts on a daily basis have also increased, including as a result of the proper recognition afforded to the prevalence and impact of family violence.

"As it stands, the measures introduced into parliament provide no extra funding for the chronically under-resourced court system or associated support services, which enable the court system to deal with cases more quickly.

"Our current understanding is the Australian Government will not make any new appointments of judges to the specialised Division 1 of the new court, meaning the quality of the family law justice system would reduce under this change. Australians may no longer have access to a court that specialises in family law."

The Law Council appreciated the government's release of the redacted [PWC report](#) late last week, however the report highlights the need for decisions to be made on the basis of accurate and complete information and in consultation with all stakeholders.

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