

Formal Motion

20 March 2018

That the Senate:

- (a) notes:
 - (i) the failure of the Government to adequately fund the Federal Circuit Court of Australia and the Family Court of Australia,
 - (ii) that the Government's neglect of the Family Court of Australia and the Federal Circuit Court of Australia means that families facing the most serious family law issues can wait up to three years before a final trial,
 - (iii) that the continued failure by the Government to adequately resource the family law system has served to create a snowballing effect, the social and economic cost of which will continue to be felt by the community for years to come,
 - (iv) that the Government has failed to consult with the courts and the legal profession to formulate a clear plan for the future,
 - (v) that, in March 2014, a report by KPMG, commissioned by the Attorney-General's Department, into the funding of federal courts was presented to the Government but has still not been released,
 - (vi) that the KPMG report, obtained by *The Australian* in 2014, warned of significant cuts to service and staffing levels potentially leading to increased delays in litigation, the closure of smaller registries and cutbacks to services in regional Australia,
 - (vii) that the warnings in the KPMG report appear to have gone unheeded by the Government,
 - (viii) that, in 2014-15, as part of the response to the KPMG report, the Attorney-General's Department undertook additional work with Ernst & Young to develop costings scenarios involving federal courts, and
 - (ix) that KPMG's comprehensive report confirming the financial crisis facing federal courts and proposing a range of possible solutions, along with the Ernst & Young costings in response to the KPMG report, should be released prior to the Senate voting on the Family Law Amendment (Parenting Management Hearings) Bill 2017; and
- (b) orders that there be laid on the table, by the Minister representing the Attorney-General, by 9 am on 22 March 2018:
 - (i) the KPMG report into the funding of federal courts, and
 - (ii) the Ernst & Young costings in response to the KPMG report. (*general business notice of motion no. 733*)