

Saturday, 1 February 2020

## Family courts need urgent funding injection, says Law Council

New figures from the Productivity Commission show delays across the family law system are reaching alarming levels, according to the Law Council of Australia.

Statistics in the [Report on Government Services](#) released this week reveal the backlog of family law cases between 2012-13 and 2018-19:

- In the Family Court has grown by 34 per cent; and
- In the Federal Circuit Court<sup>1</sup> has grown by 63 per cent.

Law Council of Australia President Pauline Wright said a real concern was the increase in the number of cases more than a year-old waiting to be heard.

The number of non-appeal matters in the Family Court that have been in the system more than 24 months has increased dramatically – by 44 percent over the last year. In the Federal Circuit Court the number of cases over 12 months awaiting hearing has increased by 17 per cent.

“Justice delayed is justice denied, particularly when some of these cases involve some of the most vulnerable in our community and allegations of domestic violence. An urgent injection of funds into the family law system is required,” Ms Wright said.

The proposed merger of the Family Court and the Federal Circuit Court was not the solution to this problem and could make the situation worse, she said. Further, the failure to appoint a separate dedicated Chief Justice for each Court for 2 years is reflected in the decline in the management and performance of each Court.

“We need a stand alone, specialist court which understands the complexities involved in family matters. Any merger will diminish this vast expertise and lead to worse outcomes for parents and children across Australia.”

“We have been warning for years that the system is under strain and that backlogs are increasing. More funding should not be made contingent upon the courts’ merger going ahead. Our family law courts are overwhelmed and in urgent need of additional funding. The stress and pain that families go through because of these delays is unthinkable. Many of these cases are of course complex and lengthy but we should not be seeing such a jump in delays over a period of just 12 months.”

Ms Wright said the backlog has been caused by chronic under-funding over several decades and delays in replacing judicial officers.

“The delays and backlogs are unacceptable. Fund these courts appropriately and we will see delays and backlogs decrease. We can take away the enormous burden being placed on too many families and the relatively small number of judges on whom this huge workload falls.”

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