

Tuesday, 18 September 2018

Senate's further motion to ensure proper consultation on court merger bills praised

The Law Council today applauded the passing of a Senate motion ensuring that the public hearings into a proposed shake-up of the family court system will be held in a timely and appropriate manner – and crucially, after submissions have been received.

The Senate today directed the [Legal and Constitutional Affairs Legislation Committee](#) to conduct public hearings into the two merger bills after the close of submissions on 23 November 2018 and before 15 April 2019.

The motion, introduced by Senator Rex Patrick, followed an earlier motion last week to extend the submission deadline from barely a month to around three months.

Following the earlier motion, the government did not alter its tabling date and intended to hand down the final report the next business day after the close of submissions. The committee had also planned on holding public hearings ahead of the submission deadline.

[The bills](#) aim to merge the current Federal Circuit Court of Australia and the Family Court of Australia into the new Federal Circuit and Family Court of Australia, representing the biggest structural change to Australia's justice system in decades.

The Law Council of Australia President, Morry Bailes, applauded today's vote, saying that the peak body had advocated to parliamentarians for a more considered consultation process.

"Changes of this magnitude must not be rushed through the parliament without proper scrutiny and debate," Mr Bailes said.

"Further, the government's original intention to hear evidence prior to the close of submissions is clearly not as valuable as hearing evidence after the submission period.

"The Law Council commends the Senate for ensuring that public hearings are held following the close of submissions, and that ample time and space is allocated for them.

"The committee needs to not just hear from those who work in and around the system, but the mums and dads who have unfortunately been caught up in it.

"Australia's family court system is under immense pressure, but there is no practical reason to push this reform through parliament this year. We must get it right, not do it quick.

"Today's motion again provides the government with the opportunity to take into consideration the [Australian Law Reform Commission Review of the Family Law System](#), which will be delivered to government on 31 March 2019.

"We again submit that it is vital the ALRC's detailed findings are considered before the Senate committee reports and the bills inevitably go to a vote," Mr Bailes said.

Mr Bailes also noted that the measures in the bills provide no extra funding for the chronically under-resourced court system or associated support services.

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