

Wednesday, 27 September 2017

Major family law review welcome, but significant funding required for meaningful reform

The Law Council today strongly welcomed the wholesale review of the family law system, but said that meaningful and lasting reform will require significant court and legal assistance funding.

The Australian Law Reform Commission (ALRC) was today requested by Attorney-General Senator George Brandis QC to undertake the review.

Law Council of Australia President, Fiona McLeod SC, said the Law Council looked forward to contributing to the review, which will cover a range of issues that have been of serious concern to the legal profession for many years.

“The Law Council has long been warning that our family law system is in crisis, primarily due to a lack of funding and resourcing,” Ms McLeod said.

“For that reason we welcome this review and especially the selection of the ALRC to oversee it. It is also very pleasing to see the ‘pressures (including, in particular, financial pressures)’ on the courts included in the terms of reference.

“While the number and complexity of family law cases has increased sharply in recent years, resourcing has not adequately increased to compensate.

“Those on the frontline of our family law system have been sounding the alarms for years. So ‘the appropriate, early and cost-effective resolution of all family law disputes’ is a very appropriate focus of recommendations in this review.

“The current lack of resources has meant that families facing the most serious family law issues are waiting for up to three years or more before a final trial.

“The Law Council looks forward to contributing to this review, however we note that any significant recommendations for reform will not be able to implemented without corresponding funding.

“Of course, properly funding the court system also means properly funding legal assistance services, which are still chronically underfunded according to the Productivity Commission. For this reason we are pleased to see that this review’s scope also includes instructions to consider existing reports relevant to ‘access to justice’,” Ms McLeod said.

Ms McLeod also applauded the choice of Professor Helen Rhoades to lead the review saying Professor Rhoades is eminently qualified with extensive knowledge of family law.

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