

Wednesday, 30 May 2018

Family and Federal Circuit Court reform details awaited

The Law Council was today interested to learn of the Australian Government's plans to amalgamate the Federal Circuit Court of Australia and the Family Court of Australia, indicated by them as a necessary first-step toward resolving the crisis in our courts.

The amalgamation of the two courts, would see a single point of entry for all family law and general federal law matters through the newly created Federal Circuit and Family Court of Australia (FCFCA), with appeals to be heard by a single judge of the Federal Court.

Law Council President, Morry Bailes said it is understood the proposed changes are intended to see more cases being finalised, faster and at a significant cost saving to the benefit of children and Australian families, however warned greater detail was needed noting the Law Council would support any constitutionally valid reforms which have that effect.

"We have known for some time that the court system is in crisis, ultimately costing Australian families who have been denied access to justice," Mr Bailes said.

"Waiting times of up to three years in the Family Court to finalise cases which involve disputes around children and property and allegations of family violence is unacceptable.

"The long wait serves only to add undue stress to what is already an incredibly painful and difficult time for the families involved.

"We must provide faster access and better outcomes for the Australian families who rely on the court system to deliver fair and just outcomes in family law matters.

"Urgent reform has been needed to begin to get the system back on its feet, however decades of chronic underfunding of the court system and legal aid has largely contributed to the lengthy delays and backlogs experienced today.

"The increasing number of self-represented people appearing before the courts also contributes to the time that courts take to deal with matters and leads to unjust outcomes.

"Further investment in the courts and legal aid is still required to deliver the best outcomes for children and Australian families," Mr Bailes said.

The Law Council will consult with the profession regarding the proposal and work with the Australian Government throughout the implementation of the reforms. The Law Council will also continue to participate in the ongoing Australian Law Reform Commission's Review of the Family Law System.

Sonia Byrnes: Communications

P 0437 078 850

E Sonia.Byrnes@lawcouncil.asn.au

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