

Thursday, 18 July 2019

Put children first, abandon flawed family court merger

A coalition of domestic violence service providers, specialist family law and child protection legal assistance providers, academics and legal practitioners are urging the Federal Government not to reintroduce the flawed family court merger bills in the 46th Parliament, warning the merger would hurt – not help – children and families.

In a joint statement today, Women's Legal Services Australia (WLSA), Rape & Domestic Violence Services Australia, 3 academics of the UTS Faculty of Law and the Law Council of Australia called on the Government to abandon the merger proposal and instead explore holistic alternatives for reform.

"Our organisations represent different sectors of the community but we are united by grave concerns that the merger will only hurt families and children already at their most vulnerable, not solve the problems plaguing the family law system," WLSA spokesperson, Angela Lynch AM, said today.

"Each day our members see first-hand the system's impacts on Australians in need of specialist family law assistance. We must pursue reform that is best for children, families and victims of domestic violence and not one that is solely driven by economics," Ms Lynch said.

"Successive governments have failed to do what must be done to improve the system: provide adequate funding and sufficient resourcing of the courts, and legal aid and the legal assistance sector; and a coherent structure to stop children and victims of family violence falling through the cracks. The merger will not address these matters and could result in the potential loss of specialisation," Executive Officer – Rape & Domestic Violence Services Australia, Karen Willis, said.

"More Australians come into contact with the family law system than any other part of our justice system. There is no doubt the family law system is overworked, under-funded and in need of reform. But Government must go about family law reform the right way, putting children and domestic violence victims first and considering all options on the table in consultation with community," said Miranda Kaye, Dr Tracey Booth and Dr Jane Wangmann, law academics at the UTS Faculty of Law.

"The Government has acknowledged that the merger proposal was only a 'short term fix' but it is not even that. Families need real, long-term solutions that will improve the cost, length and accessibility of justice, not mirages or band-aid fixes that increase confusion and complexity. The merger was not passed by the 45th Parliament with good reason, and should not be passed now," said Law Council President, Arthur Moses SC.

"The Australian Law Reform Commission's recent review of the family law system raises prospects of alternate reform and holistic structural change that differ significantly from the merger and deserve careful consideration, as do other proposals including the model proposed by the Semple Report," Mr Moses said.

The organisations are jointly calling on the Parliament to:

- Refuse to reinstate the flawed merger proposal;
- Consider and consult on alternative models of structural, holistic reform to benefit children, families and victims of family violence; and
- Invest further funds and resources in legal assistance, the Family Court and Federal Circuit Court.

Last year each organisation made submissions to the Senate Legal and Constitutional Affairs inquiry into the merger bills, highlighting further concerns about the proposal. These are available [here](#).