



THE LAW SOCIETY
OF NEW SOUTH WALES

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28 October 2019

The Hon Christian Porter MP
Attorney-General
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

By email: Christian.Porter.MP@aph.gov.au

Dear Attorney,

Urgent resourcing of Family Court of Australia and Federal Circuit Court of Australia

The Law Society commends the Government for commencing the process of considering and implementing the recommendations arising from Australian Law Reform Commission's ("ALRC") Review of the Family Law System.

At the recent Attorney-General's Forum convened to discuss the Review, the Law Council of Australia highlighted the urgent need to increase resourcing of the Family Law Court and the Federal Circuit Court and called for an immediate increase in funding for this purpose. The Law Society reiterates this call in the strongest terms.

We are pleased that the Government is focused on the ability of the Courts to provide the Australian community with accessible services for the resolution of family disputes. We understand and support the need to give careful consideration to the ALRC recommendations in light of supporting evidence. Further, we understand the Government has appointed a Joint Select Committee on Australia's Family Law System, reporting on 7 October 2020.

However, in the meantime we remain concerned about the significant delays currently experienced in the Courts and the need for urgent measures to ease the burden upon current judges, Court staff and litigants. Immediate assistance is required, for example, for those litigants in the Sydney and Parramatta Registries whose matters can take in excess of three years from the time an initiating application is filed to reach a final hearing before a judge. We understand, for example, that at the Sydney Registry of the Federal Circuit Court the callover lists of most judges are already full to mid-2020.

We have identified a number of factors that we consider are contributing to the current delay in the Courts. These include:

- the complexity of matters filed in both Courts having increased over the last decade with many matters involving allegations of family violence;
- the excessive workloads of judges hearing family law matters in the Federal Circuit Court;

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- limits on the number of judges that may be appointed;
- inadequate court facilities, particularly in regional areas, which hamper the ability of parties to discuss and resolve matters informally;
- limited provision of resources for the regional sitting of the Courts, resulting in a lack of continuity for those matters; and
- limited financial resources for the Court's administration.

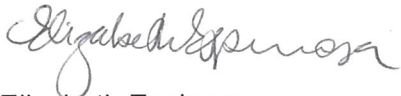
We consider the current workload of judges of the Courts and resulting delays indicate that the "full complement" is not sufficient.

Additionally, delays in appointing judges to positions that become vacant can have a significant ongoing impact on the operation of the Courts. A delay of even as little as two months can have a significant impact, particularly in Registries that already face substantial delays.

We call upon the Government to increase resources to be used for the appointment of judges in the Courts as a matter of urgency, and well before the delivery of the Report of the Joint Select Committee.

If you have any questions in relation to this letter, please contact Sue Hunt, Principal Policy Lawyer on (02) 9926 0218 or by email: sue.hunt@lawsociety.com.au.

Yours sincerely,



Elizabeth Espinosa
President