

Thursday, 4 April 2019

## Rejection of ‘deeply flawed’ Family Court merger plan a win for Australian families

Australian families are better off with a stand-alone, specialised Family Court, said the Law Council of Australia, who applauded the Senate’s rejection of a court merger.

Since legislation was first touted in May 2018, the Law Council has fought hard to ensure that a merger of the Family Court and Federal Circuit Court of Australia did not occur.

Law Council President, Arthur Moses SC, said the deeply flawed model had the potential of putting vulnerable families and children at risk of inadequate legal outcomes.

“The Family Court is a vital cornerstone of our legal system. Its work is highly specialised and it deals with some of the most difficult and complex family law matters,” Mr Moses said.

“We applaud the crossbenchers who took the time to listen to our reasoning, considered this advice, and came to the decision that this was not the right way forward for Australian families and children.”

Mr Moses said the Government’s perseverance in trying to ram the merger through parliament was ill conceived.

“For the Government to proceed with this legislation despite the best advice of key stakeholders, and due consultation or consideration of the Australian Law Reform Commission’s (ALRC) as yet unreleased report into the family law system beggars belief,” Mr Moses said.

“Merging one court with another does not address significant underlying issues, including chronic underfunding and under-resourcing, which have led to crippling delays, pressures and costs.

“There is no doubt the family law system is in need of reform but this was not the way forward. Our courts need much more funding than they currently receive, and more judges, registrars and counselors must be appointed.

“We look forward to working with the Government in developing a suitable and practical solution to improving the family law system.”

The Law Council calls on the Government:

- to immediately release the ALRC’s report into the family law system;
- consult with the community and the legal profession;
- work towards meaningful reform and a comprehensive policy response that will offer an effective family law system for Australian children and families; and
- provide an immediate funding and resourcing commitment and use existing rule-making powers to progress a consistent single set of court rules.

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*The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.*