

MEDIA RELEASE

FAMILY LAW REFORM MUST BE CONSULTATIVE, CONSIDERED AND COHERENT



NEW SOUTH WALES
BAR ASSOCIATION

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The Federal Government has a unique opportunity to consider long term and effective structural reform in our family law system necessary to deliver timely and proper justice for Australian families, the President of the New South Wales Bar Association Tim Game SC said today.

The Commonwealth Attorney-General the Hon Christian Porter MP has announced that structural reform of the family law courts will be his highest priority now that the Federal Government has been returned.

“The Bar Association welcomes the Attorney-General’s prioritisation of reform in this crucial area. The family law system and its courts are a critical piece of social justice infrastructure which have been neglected for far too long” Mr Game said.

“However, the Attorney-General must not simply seek to press on with the fundamentally flawed Bills presented to Parliament before the election. Australian families deserve much better” Mr Game also said.

Since the introduction of the Attorney-General’s proposed family court amalgamation Bills before the election, the Australian Law Reform Commission has published the first root and branch review of the *Family Law Act 1975* in more than forty years.

“The Attorney-General’s existing plan, which was devised without the benefit of the ALRC report and recommendations, seeks to abolish the stand-alone, specialised Family Court. There has been widespread agreement amongst the legal profession and domestic violence service providers that the Bills are not the solution and should not be passed. The Bills have no regard to the recommendations of the ALRC and provide no response to the issues that its report identified and do not address widespread concerns from multiple sectors. There remains a real risk that the Bills, if enacted, will only further increase costs and delays, which in turn will impact on families and children” said Mr Game.

“The Government needs to take this opportunity to undertake a considered discussion in the light of the ALRC’s recommendations which demand a rethink of the Government’s approach. The Association also notes other proposals such as the Western Australian model involving joint commissions for judicial officers and the Semple report regarding Future Governance Options for Federal Family Law Courts.

The New South Wales Bar Association joins the call for a thorough reconsideration of the Government’s plan, involving broad consultation with affected groups, an open discussion of all options available to reform this most important of systems and investment of further funds in legal assistance, the Family Court and the Federal Circuit Court.”

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