

Friday, 23 February 2018

## Law Council calls for proposed Parenting Management Hearings to be abolished

The Law Council of Australia today told a [Parliamentary hearing](#) that the proposed Parenting Management Hearings should be scrapped and the funds re-invested to reduce the unacceptable waiting times in the Family and Federal Courts.

The \$12.7 million family law measure was announced by former Attorney-General George Brandis in the 2017 Budget without consultation with the legal profession. Under the measure, a pilot program will be initially rolled-out in Parramatta to allow self-represented litigants to resolve their disputes. [A Bill](#) to enable the measure is currently before the Senate.

President of the Law Council of Australia, Morry Bailes, said the proposed panel represents a 'radical departure' from the established position under Australian law as well as adding another layer of complexity in what is already a complex system.

"The making of decisions about matters such as where a child lives, with whom a child spends time, and how a child communicates with a parent, let alone questions of parental responsibility, are matters that are, and should remain, within the remit of judicial decision-making power of judges," Mr Bailes said.

"The panel also creates yet another layer of complexity to the navigation of the family law legal system, and increases, rather than reduces, the risk to children and adults involved in family law disputes.

"The changes proposed by the Bill, and the radical steps they seek to implement, must be viewed with even greater concern, in the context of the ongoing Australian Law Reform Commission [Review of the Family Law System](#)," Mr Bailes said.

Mr Bailes said that the \$12.7 million to establish and operate the panel could achieve a far better outcome for children and parents involved in family law disputes by instead allocating the funding to improve resourcing of the existing court system, as well as counselling and support services, such as contact centres.

"Funding of this magnitude could make a significant improvement to the capacity of the Family Court and the Federal Circuit Court to triage and hear cases more quickly," Mr Bailes said.

"If the aim of the proposal is to respond more quickly to the needs of unrepresented litigants with less complex disputes, then both Courts would be in a position to respond appropriately to those needs by, for instance, funding for the recruitment of registrars."

Opening statement to the Parliamentary committee can be [accessed here](#). The Law Council's submission can be [accessed here](#).

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**Patrick Pantano: Public Affairs**  
P 02 6246 3715  
E Patrick.Pantano@lawcouncil.asn.au

**Sonia Byrnes: Communications**  
P 0437 078 850  
E Sonia.Byrnes@lawcouncil.asn.au