

Wednesday, 12 May 2021

Significant funding for Federal Courts applauded

All comments to be attributed to Law Council President, Dr Jacoba Brasch QC.

“The increase in funding to the federal courts in the 2021-2022 Federal Budget is welcome by the Law Council of Australia.

In a [submission to the Treasury’s 2021-22 Pre-Budget consultation process \(February 2021\)](#) the Law Council recommended that the Australian Government should, in consultation with the federal judiciary, allocate additional resources to the federal courts including additional judges, registrars and other staff, in order to better meet the courts’ currently considerable workload and in light of long delays.

In response, the government has announced that it will provide \$123.8 million over four years to support the reform of the family law system and improve access and safety for children and families. This funding includes:

- \$60.8 million over four years from 2021-22 to reform family law case management processes;
- \$29.0 million over four years from 2021-22 to improve information sharing between the family law and the family violence and child protection systems;
- \$26.9 million over four years from 2021-22 for increased legal assistance funding for family law matters in South Australia and increased judicial and court resources in the South Australian family law registry; and
- \$6.3 million in 2021-22 to the Family Violence and Cross Examination of Parties Scheme.

Such measures will assist the pending and growing caseload and backlogs in the federal courts.

It will also improve the ability of the courts to process and resolve matters in a timely manner and reduce extreme personal pressure on judges as they try to meet demand.

The Law Council considers that further improvements to sustainable funding levels could be achieved through the Australian Government consulting closely with the federal courts and tribunals and the legal profession, in order to undertake a full review of the resourcing needs of the judicial system, incorporating the challenges and benefits that have been identified in the context of the COVID-19 pandemic.

The government has announced that it will provide \$54.8 million over four years from 2021-22 to address the backlog of cases within the Migration and Refugee Division (MRD) of the Administrative Appeals Tribunal (AAT).

However, this will come at a cost to the most vulnerable, with the measure being ‘partially met by an increase of the application fee payable for review of non-protection visa decisions in the MRD’. The government expects this measure to increase revenue by \$7.1 million over four years from 2021-22 from lodgment fees for appeals to the Federal Circuit of Australia and Federal Court of Australia.

The Law Council looks forward to continuing to work with the Australian Government to ensure adequate funding levels are achieved for the federal courts.”

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