

Friday, 28 February 2020

## Legal funding welcome but underscores crisis

The Law Council has welcomed the announcement of additional Commonwealth funding for legal representation, so that victims of family violence are not cross-examined personally by their alleged abusers.

The national legal peak body is warning, however, that urgent action is needed to fix the broader family court funding crisis.

The announcement comes after a hearing in the Family Court in Brisbane was cancelled due to a lack of funding under the scheme. In Queensland, 35 trials have been affected by the funding shortfall.

New laws came into effect in September that prevent the cross-examination of a witness personally by a former partner in cases that involve family violence.

Law Council President Pauline Wright said the new funding emphasised the sheer number of cases in the system involving family violence.

“The legal profession greatly appreciates that when alerted to the problem yesterday, Attorney-General Christian Porter moved swiftly to top up the scheme,” Ms Wright said.

“Unfortunately, it will not address deeper problems in the family law system arising from a long-term underfunding of legal aid and too few judges, registrars and court counsellors.

“A significant number of families in the Family Court and Federal Circuit Court remain unrepresented throughout all stages of proceedings because of a lack of funding for legal aid.

“As part of negotiations for a new legal assistance funding agreement between states, territories and the Commonwealth, all governments need to urgently address the underfunding of legal assistance. There is also a need to retain a specialist stand-alone Family Court, particularly in cases involving allegations of domestic violence.

“Today’s crisis is the results of a failure by successive governments to provide sufficient resourcing to the courts, to legal aid, and to the legal assistance sector.

“More Australians come into contact with the family law system than any other part of our justice system. Families need real, long-term solutions that will improve the cost, length and accessibility of justice.”

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