

Monday, 16 December 2019

New funding for family violence victims is a drop in the ocean

The Law Council of Australia has welcomed new funding to support victims of domestic violence but expressed concern about ongoing delays in the family law system.

Responding to the announcement in the 2019-20 Mid-Year Economic and Fiscal Outlook, Law Council President, Arthur Moses SC, said the new funding would not address deep problems in the family law system arising from a lack of legal aid and too few judges, registrars and court counsellors.

He said today's announcement would have no impact on the significant wait times for family law cases to be heard.

In 2018-19, only 62 per cent of final order applications in the Federal Circuit Court were disposed of in 12 months, far below the target of 90 per cent for timely completion of cases. In the Family Court, the percentage of applications over 24 months old jumped from 16 to 22 per cent in 2018-19.

"We are still seeing devastating delays for families with some unable to obtain final hearing dates for 2 years, let alone any subsequent delays in judgments being delivered," Mr Moses SC said.

"The sad reality is that the delays taken from the date of filing to resolution of cases in family law matters is unacceptable. Families are suffering because of both courts being under resourced by the government. Lawyers are helping to resolve many cases out of court through mediation, but for those that need a judicial decision, the delays are unacceptable."

Mr Moses SC said the new funding of \$15.5 million over three years to support those affected by family violence in the family system was a small but positive step in the right direction.

"The law which prevents victims being cross-examined by their alleged abusers can only work if it is backed up by the government with ongoing support in future budgets for legal aid commissions. Legal aid commissions are at a breaking point and the lack of funding for this initiative should have been addressed much earlier."

"The Law Council has continuously called for more support for families as significant numbers 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. There is no point having rights if you cannot exercise them. Otherwise it is a cruel hoax," Mr Moses SC said.

Mr Moses SC also called upon the government to properly resource the Family Court and the Federal Circuit Court. No additional funding has been allocated for the recruitment of new judges. Funding has been deliberately withheld by the government unless the flawed merger of the Family and Federal Circuit Courts is passed by Parliament.

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

Media Release



“Families should not be used as political footballs for the government to have flawed legislation passed by the Parliament. The Law Council remains concerned that there are other serious issues in the family law system being left unaddressed by the Federal Government.

“The proposed merger fails to alleviate the fundamental problems plaguing the system, including serious underfunding of legal assistance and a lack of judges to hear cases, none of which have been properly addressed by today’s statement. We urge the government to retain and properly resource a specialist, stand-alone family court.”

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