



FAMILY COURT OF AUSTRALIA

**SUBMISSION FROM THE CHIEF JUSTICE OF
THE FAMILY COURT OF AUSTRALIA TO
THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE IN RELATION TO THE CIVIL LAW AND
JUSTICE LEGISLATION AMENDMENT BILL 2017 (CTH)**

13 APRIL 2017

INTRODUCTION

1. The Family Court of Australia ('the Family Court' or 'the Court') thanks the Senate Legal and Constitutional Affairs Committee for the invitation to make a submission in relation to the Civil Law and Justice Legislation Amendment Bill 2017 (Cth) ('the Bill').
2. I make this submission in my capacity as Chief Justice of the Family Court. The views expressed herein, which have been developed in consultation with Justice Strickland, the Judge responsible for advising me on matters of law reform, do not purport to represent those of the other Judges of the Family Court or the Court as a whole.

THE BILL

3. I am generally supportive of the amendments contained in Schedule 3 (pertaining to the *Bankruptcy Act 1966* (Cth)) and Schedule 6 (pertaining to the *Family Law Act 1975* (Cth)) of the Bill. There is one exception to my support, which concerns s 65L, to be discussed below.
4. I have no comment in relation to Schedules 1–2, 4–5 and 7–10 of the Bill.

SECTION 65L

5. I have altered my position in relation to the proposed amendments to s 65L, as contained in items 19–20 of the Bill. Although those amendments were

previously agreed to by me, subsequent circumstances have led me to reconsider my position.

6. The lack of appropriate resourcing to the family courts over the past two years in particular has caused me to think about how the courts can better deal with cases without the appointment of more Judges. One of the matters I have been considering is an effort to reduce the number of parenting order contravention applications being heard by Judges. One method of achieving this may be to introduce a kind of triage system, whereby such applications are resolved by a team comprised of a Family Consultant acting under s 65L (as it currently stands) and a Registrar exercising delegated powers.
7. I am also seeking funding for the appointment of more Family Consultants and Registrars.
8. These two factors together have persuaded me that it is no longer appropriate to support the proposed amendment.