

# SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

## BUDGET ESTIMATES 2017

### Attorney General's Department

#### Program: 1.4 Justice Services

#### Question No. BE17-188

#### Senator Pratt asked the following question on 28 August 2017:

1. In the 2016 annual report for the Family Court, judicial services met only one out of four of its KPIs thanks to extensive delays in the court system. Do you agree this is a problem, Senator Brandis?
2. In the 2016 annual report of the Family Court, Chief Justice Bryant said that “the federal government needed to provide additional funding to the courts dealing with family law, in order to enable them to better assist in the management of cases involving family violence.” In the July 2016 Family Court Bulletin Chief Justice Bryant said the Family Court needed an immediate injection of \$6 million. There has been no allocation of additional funding for the Family Court or the Federal Circuit Court in the 2017 Budget. Why have you not responded to Chief Justice Bryant's request?
3. The 2016 Family Court annual report says that so-called ‘Magellan trials’ which deal with sexual abuse or serious physical abuse of children are being impacted by the “lack of adequate resources for the Court”. Protocols require these cases to be dealt with within 6 months of allegations being raised. Do you agree this is a problem and what are you doing about it?
4. In the July 2014 Family Court Bulletin, Chief Justice Bryant said that “the courts are awaiting the Government's plans for future funding and resourcing for the courts in its response to the KPMG Review of the Federal Courts funding”. Why has the KPMG Review of the Federal Courts' funding still not been publicly released? When will it be?

#### The response to the senator's question is as follows:

1. The Government is strongly focused on the ability of the family courts to resolve family disputes with minimal delay. Measures introduced in the 2017-18 Budget will improve the ability of the courts to make faster and higher quality decisions.

These measures include \$12.7 million to establish Parent Management hearings, a new forum for resolving less complex family law disputes between self-represented parties. A key aim of the Parenting Management Hearings is to divert less complex parenting cases away from the family law courts, to ease the caseload burden on the courts and allow judicial resources to be concentrated on the resolution of the most complex cases.

Additional funding of \$14 million over three years will also be provided from the Public Service Modernisation Fund to transform and digitise court processes for the federal courts, including lodgement and case management.

On 27 September 2017, I commissioned the Australian Law Reform Commission to undertake the first comprehensive review of the family law system since the commencement of the *Family Law Act 1975* (Cth). In the terms of reference for that review, I asked the ALRC to give particular consideration to what reforms to the family law system and Family Law Act could assist with the appropriate, early and cost-effective resolution of all family disputes. Professor Helen Rhoades has been appointed to lead this historic and important work. The review commenced on 1 October 2017 and will report by 31 March 2019.

2. In addition to the measures outlined above, the 2017-18 Budget introduced a number of measures to assist the family courts in the management of cases involving family violence, which includes \$10.7 million for the family courts to engage more family consultants to assist with complex parenting matters, and additional funding of \$14 million over three years from the Public Service Modernisation Fund to transform and digitise court processes.

I have had regular discussions with the former Chief Justice of the Family Court of Australia, the Hon Diana Bryant AO QC, about the court and will continue to have regular discussions with Chief Justice John Pascoe AC CVO and Chief Judge William Alstergren of the Federal Circuit Court of Australia.

3. The Magellan protocol is a case management model developed by the Family Court of Australia. The federal courts are each responsible for their own operation and management consistent with their independence from the executive arm of government.
4. This is a matter for Government.