

Law Council Family Law Section

Merger Bills – How FLS members can help

The Law Council and its Family Law Section remain strongly opposed to the proposed merger of the Family Court and the Federal Circuit Court. This is despite the recommended changes to the Bills suggested by the recent Senate Majority Report.

The Federal Courts Restructure Bills are listed again before the Senate in early April. There are only a handful of sitting days left before an election is due to be called. We have not yet seen the form any amended Bills might take.

The ALRC will deliver its report to the Attorney-General on 29 March. Time will be needed, after the report is released, to examine this first major review of the family law system in 40 years.

President of the Law Council, Arthur Moses SC, has said that in the lead up to the election the Law Council will advocate for policies that advance the administration of justice and the rule of law as tenaciously as it will oppose those that do not, regardless of whether the policy's proponent is the Government, Opposition or Cross-bench.

The Law Council and its Family Law Section cannot support these Bills as with or without amendment, these Bills will result in the end of the stand-alone, specialist Family Court of Australia as we know it and in effect dismantle specialist appellate jurisdiction. Rebadging or renaming the Courts will not solve any of the problems in the current family law system. This will only hurt families and children who are already at their most vulnerable.

Major concerns

- Rushing the Bills through Parliament will not deliver any immediate nor tangible benefit for Australian families and children in need of family law assistance;
- The Bills will not deliver the time, cost and efficiency dividends proposed but will have adverse impacts;
- The proposed amendments do not properly address the chronic underfunding of the system;
- Reform of the system must be a holistic undertaking, informed by best-practice research and advice.

Position of the Law Council and its Family Law Section

The Law Council calls on the Australian Parliament to:

- oppose the passage of the Bills;
- consult with the ALRC, the community, the courts and the legal profession;
- work towards meaningful reform and a comprehensive policy response that will offer an effective family law system for Australian children and families;
- provide an immediate funding and resourcing commitment; and
- use existing rule-making powers to progress a consistent single set of court rules.

This will deliver greater, more immediate benefits for families and children without requiring legislation of the magnitude, risks and disruption that the Bills may bring.

How our members can help

We are continuing our efforts to oppose the Bills but we need your help to share your concerns and professional insights with Parliamentarians.

We invite concerned practitioners to voice your opinions about the proposed changes to our family law system before it is too late, by writing to your local Member of Parliament, your local Senator and members of the Cross-bench in your state or territory who will have the casting vote in each chamber.

Family law is too important to leave to chance.

Find your local Member's and Senator's contact details [here](#).

Contact the Cross-bench [here](#).