

3 April 2020

Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au

Dear members of the Senate Legal and Constitutional Affairs Committee,

Inquiry on the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019

We are writing in response to the proposal to merge the Family Court of Australia and the Federal Circuit Court of Australia into a single generalised court: the Federal Circuit and Family Court of Australia.

As already stated in the [open letter](#) signed on by over 60 organisations on 19 November 2019, we would like to emphasise that any reform should strengthen a system, not lead to the diminution of specialisation. If the Government's proposed reforms proceed, we will lose an essential stand-alone specialist superior family court.

We continue to support the recommendations of the Women's Legal Services Australia and echo the call to implement them:

1. The Government's proposed model to merge the Family Court of Australia and the Federal Circuit Court of Australia into a single generalised court: the Federal Circuit and Family Court of Australia should not proceed.
2. If the family courts are to merge, it should be to a specialist family law and family violence court with increased specialisation in family law and family violence of judicial officers and other professionals working in the family law system. We support the model proposed by the New South Wales Bar Association and a legislative requirement of expertise of federal judicial officers presiding in family law matters to include family law and family violence.
3. Specialisation in appeals continues with appeals generally heard by Family Court Appeal Division Judges.



4. The current practice of an appeal generally being heard by “3 or more Judges of the Family Court sitting together, where a majority of those Judges are members of the Appeal Division” should continue.
5. The overarching purpose of any legislation, policies and procedures relating to the family law system must include the safety of children and adult victims-survivors of family violence.
6. Adequate consultation on proposed models, legislation, policies and procedures which involves those who would be impacted. It is important this includes the legal assistance sector and sexual and family violence experts. Consultation with people with disability, LGBTQ communities and people living in regional, rural and remote areas is also required.
7. Further action be taken immediately to strengthen the family violence response in the family law system consistent with Women’s Legal Services Australia’s Safety First in Family Law Plan.

We would welcome further consultations on alternative models of structural, holistic reform to benefit children, families and victims-survivors of family violence. We recommend that immediate action is taken to further increase family violence specialisation in the family law system.

Please contact us if you we can assist with further information.

Yours sincerely



Nassim Arrage
CEO