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Put safety first in family law, abandon flawed family court merger

The safety of children and adult survivors of family violence should not be put at risk by the abolition of a stand-alone specialist family court.

In an Open Letter a diverse group of organisations are calling on the Attorney-General to abandon the Government's proposed family court merger and instead strengthen specialisation in family law and family violence.

"Any reform should strengthen a system, not lead to the diminution of specialisation. If the Government's proposed reforms proceed, we will lose a stand-alone specialist superior family court," says Mr Nassim Arrage, CEO of Community Legal Centres Australia.

"Government commissioned inquiry after inquiry has recommended increasing specialisation in both family law and family violence, including the recent Australian Law Reform Commission Review of the Family Law System. The safety of children and adult victims-survivors of family violence in the family law system must be a Government priority and must come first," says Ms Angela Lynch AM, Women's Legal Services Australia spokesperson.

"The proposed merger would further compound current issues with the family law system, leading to poorer outcomes for Aboriginal and Torres Strait Islander children and their families. Based on the experience of Aboriginal Legal Services across the country, these reforms will lead to a range of unintended consequences including a reduced number of specialist family law judges, poorer decisions and increased costs for litigants. Most unfortunately, these reforms will disproportionately impact the most vulnerable including Aboriginal and Torres Strait Islander children and families who need the most support," says Ms Nerita Waight, Co-Chair, National Aboriginal and Torres Strait Islander Legal Services.

"We question the emphasis on achieving efficiencies in what is already a chronically under-funded system. Instead, the emphasis should be on the reforms that can best deliver safety for children and adult victims/survivors of family violence," says Dr Merrindah Andrew, Australian Women Against Violence Alliance Program Manager.

"The proposed merger fails to alleviate the fundamental problems plaguing the system, including the risk of victims of family violence falling through the cracks. We urge the Government to retain and properly resource a specialist, stand alone family court. Greater resourcing, funding and investment in the system is critical and would make a tangible difference to the quality of justice clients experience," says Law Council President, Arthur Moses SC.

The joint Open Letter to the Attorney General is available [here](#).

Signatories to the Open Letter include sexual, domestic and family violence service providers and peaks, specialist family law and child protection legal assistance providers, academics and legal practitioners. Signatories are also calling on the Government to consult on alternative models of structural, holistic reform to benefit children, families and victims-survivors of family violence.

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