

Did Coalition do family court deal with Hanson, asks Women's Legal Services

Service provider expresses concern it was not consulted about changes and that Pauline Hanson has been taking credit



Women's Legal Services Australia is demanding to know whether the decision to merge the family court and the federal circuit court was a 'backroom deal' with Pauline Hanson. Photograph: April Fonti/AAP

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The national spokeswoman for Women's Legal Services Australia is demanding answers about whether the Turnbull government has done a backroom deal with Pauline Hanson on a plan to merge the family court and the federal circuit court from 2019.

Angela Lynch, the chief executive of Women's Legal Service Queensland and national spokeswoman for Women's Legal Services Australia, told Guardian Australia the attorney general, Christian Porter, had "serious questions to answer about whether there has been a backroom deal".

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"We don't know, we haven't been consulted. Has Hanson been consulted?" Lynch said. "Pauline Hanson has been arguing for many many years about getting rid of the family court, and quite frankly, she's claiming a great success, so it actually does raise an issue about what is going on here really.

"It's really a concern."

Lynch warned the overhaul would have significant consequences for vulnerable women attempting to navigate the legal system, and characterised Wednesday's announcement as "appalling".

The Turnbull government announced it would merge the two courts from 2019 in an effort to resolve up to 8,000 more family law matters every year. Under the plan the new court would resolve all family law matters without the need to move matters between the courts, as currently occurs in 1,200 cases a year.

Hanson immediately took credit for the overhaul, saying she was "proud" of the role her party had played in prompting the shift.

Lynch said the government had announced the overhaul without consulting legal specialists in the field, including groups working with the victims of domestic violence.

"There's a lot of communication from the attorney general that we are talking about family disputes when what we are actually talking about here is domestic violence," she said.

"At least 50% of the matters going through the family court at the moment ... deal with issues of domestic violence. To change the whole court structure without consulting the services that are dealing with some of the most vulnerable women in Australia ... beggars belief."

She said the government's proposal eliminated the specialisation of the family court. "The federal circuit court is dealing with a range of other issues - administrative law, bankruptcy, copyright, migration, trade practices and the like.

"We've got no guarantee [that judges] are always going to keep this specialisation. They could well appoint generalist judges to be dealing with family court matters.

"Women who are victims of domestic violence could be appearing before a generalist judge to determine their family court matter at a trial stage.

"These issues are complex and counter-intuitive and people with commercial legal experience don't have the knowledge around dealing with these issues.

"It will become a safety issue and it is a risk issue, and quite frankly it is really appalling. Women and children need this court, and they turn to this court for safety."

In outlining the overhaul on Wednesday Porter said the single entry point for family law matters "will help Australian families resolve their disputes faster by improving the efficiency of the existing split family law system, reducing the backlog of matters before the family law courts, and driving faster, cheaper and more consistent dispute resolution".

He said the new court would maintain two separate divisions - one to deal solely with family law and another that will consist of the current federal circuit court judges that hear a mix of matters.

A review of the family law system from the Australian Law Reform Commission (ALRC) is due to report in March next year. Porter said on Wednesday the heads of the federal, federal circuit and family courts had been consulted before the announcement.

"I have consulted, at exhaustive length, with the chief justice of the federal court, the chief judge of the federal circuit court, the chief justice of the family court," Porter said on Wednesday.

"We've gone through this forward and backwards. I mean, obviously, at the end of the day, it's the government's decision as to how to structure the courts, and the courts respond to that."

Asked whether the judges were on board, Porter said: “It’s not a matter of supporting or not supporting.

“The fact is that it’s just one of those things that the separation between the judiciary and executive means that it wouldn’t be appropriate for me as attorne general to talk about them supporting or not supporting”.

Lynch’s critique was echoed by the Labor MP Emma Husar, who has shared her experiences of domestic violence.

Husar characterised the changes as “right up [Hanson’s] alley”.

“This is exactly what she wanted, which is a step to demolishing and abolishing the family law court itself, which she has called for numerous times,” the Labor MP said.

“The issue around merging the two courts together, simply changing the letterhead, stationery and name of something, does not actually reduce any backlogs that are currently being experienced.”

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