

FAR NORTH COAST FAMILY LAW PRACTITIONERS' ASSOCIATION

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The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001

Via email to familylaw@alrc.gov.au

Dear Executive Director

**RE: REVIEW OF THE FAMILY LAW SYSTEM
BY THE AUSTRALIAN LAW REFORM COMMISSION**

I write this letter to you as Chair of our Association.

It is the Association's view that the judicial workload in Lismore as defined by the number of Family Law Files and Applications is sufficient to justify the appointment of a Judge to the Federal Circuit Court in Lismore on a permanent basis. Access to justice in regional areas should, with respect, be a focus of any review of the Family Law System.

The many tragic set of circumstances in country areas and including Northern New South Wales and the Gold Coast would, in our respectful submission, support the need for a permanent presence. A Judge in Lismore could support not just the Lismore and Coffs Harbour areas but also, west to Tamworth/Armidale and north to the southern end of the Gold Coast taking in at least the Tweed area.

The ability of fractured families to have access to justice early in the stages of separation is we believe a valid point in support of having a permanent presence as it would reduce delays and hopefully reduce the frustration that clients of the Court feel surrounding separation and delay in access to the Court.

The publicity that the area has had regarding what has been described by some as "an Ice epidemic" also lends itself to a need for a permanent judicial presence.

As always, we acknowledge the close connection that this area has to the Brisbane Registry of the Family Court of Australia and the Federal Circuit Court of Australia. The relationship is important and is fully supported by our Association.

Whilst we do not have access to all relevant data we maintain our view that the workload of the Judges in the Brisbane Registry of the Federal Circuit Court is demanding and including when compared with other Registries in Australia. Further, we understand that the Brisbane Registry most likely cannot afford to “lose” a Judge to Lismore but rather what is needed are new appointments of Judges and one to be located permanently at Lismore (but to retain links with the Court in Brisbane).

We believe that a Judge in Lismore would result in further matters being filed in Lismore being matters that are otherwise commenced in one of the Local Courts such as Ballina or Byron Bay (Family Law Applications are not able to be filed in the Lismore Local Court).

Leaving aside the statistics and data generally, we note the following:

1. We have a purpose built Court dedicated to Family Law, that is a Registry and staff ready to go.
2. Many interim and urgent Applications filed in Local Courts (other than Lismore) would be filed in the Federal Circuit Court Registry.
3. It is the strongly held view of our members that it is preferable for any urgent and interim Applications which may be dealt with in the Local Court to be determined in a specialist Family Court rather than in the Local Court where the Judges have a myriad of jurisdictions to deal with and therefore more often than not, not able to specialise and keep completely abreast of the Family Law Jurisdiction.
4. The appointment of a Judge to Lismore would lead to the drawing of work not only from the North Coast area but also adjoining areas including Tenterfield, Grafton, Tweed Heads, southern end of the Gold Coast and Coffs Harbour.
5. The Judge could circuit other rural (and remote) areas as required.
6. Whilst we are confident that a permanent Federal Circuit Court Judge would be kept extremely busy doing Family Law Matters, such a Judge could also deal with general federal judicial matters.

7. The appointment of a Judge would also reduce the substantial workload of Judges in Brisbane (it is sometimes the case that various of our members and clients of the Court generally feel that they are required to commence proceedings in Brisbane in the hope that their matters may be dealt with more quickly in that Registry).
8. Access to justice, particularly where there is a risk to a child and domestic violence issues generally would be enhanced by a permanent appointment.
9. Further to Applications otherwise being filed in Brisbane, a permanent Judge would render unnecessary the need for clients to travel to Brisbane which is in itself a difficult task both from a cost and time point of view because of the lack of efficient public transport between Lismore (and the North Coast generally) and Brisbane, indeed there is really no public transport system other than a private bus and otherwise people having to travel by motor vehicle.

To summarise the accessibility of the Family Law System can be improved for people living in this region by the appointment of a Judicial Officer on a permanent basis, with the engagement of appropriate support staff and experts who can undertake “short” and “long” Family Reports.

The delay in obtaining a Court date leads to further injustice for those already at a disadvantage financially and generally.


There are other factors/needs to also be taken into account when considering a review of the Family Law system, including:

1. Better availability to appear by telephone/audio visual link – either through the use of Local Court facilities, Legal Aid/Aboriginal Legal Service (“ALS”), webcam, Skype and so on where a client may be in an especially remote or isolated location.
2. Better funding of Legal Aid/Community Legal Centres/ALS to increase rates paid to private lawyers undertaking Legal Aid work, recognition in grants funding of distances that often need to be travelled to see clients, meet children, attend Court, mediation, greater ability to better service regions either through Regional Outreach Clinic Programs, in-house, duty services on so on.
3. Better funding of regional and remote services that offer programs – including parenting courses and information sessions about property settlements and so on – online, via Skype, videolink, telephone.

4. Online courses/information sessions availability – similar to Family Court of Western Australia where there are short videos for parents and separating families that explain the family law process and the steps that need to be followed.
5. Introduction of the Court Ordered Mediation Programs into regional circuit locations – where mediation can be provided onsite during a Court week by a registered provider.
6. Better accessibility/availability of Reg7 Consultants at regional registries especially during circuit weeks to provide short reports to the Court and lawyers while the matter is before the Court and especially where there are allegations of risk.
7. Establishment of Indigenous Lists in communities where it is identified as needed to better respond to the needs of local Aboriginal communities.

Thank you for considering this submission.

Yours faithfully

A large black rectangular redaction box covering the signature area.

JENNIFER COOK
CHAIR