

Snapshot 2: Accessibility and affordability in the legal system

18 September 2017

The inquiry's questionnaire has been completed by almost 5,300 people who have shared their personal experiences of family violence and the family legal system. Ninety-two per cent of respondents identified that they have experience with family violence and 60 per cent identified as having appeared before a court in relation to a family violence matter. This snapshot focuses on how families use the family law system, focussing on accessibility and affordability.

Attending proceedings in court

Significantly, when attending proceedings in court, 36 per cent of respondents report having been self represented, 39 per cent were represented by legal aid or a court appointed legal representative, and 36 per cent had a private legal representatives. Some respondents explained the reasons for their representation:

- » *I represented myself once because I ran out of money.*
- » *Women's legal services, ran out of funding to help me, I could not afford community lawyers or anyone else, I could not find out information to help me represent myself against a professional lawyer.*

Self-represented

Of those who were self-represented, almost 50 per cent were unsatisfied or very unsatisfied with the assistance provided by the court, and 50 per cent were unsatisfied or very unsatisfied with the support services offered during their court appearance.

Some respondents wrote longer responses regarding the assistance provided by the courts and support services:

- » *Assistance provided from the court was insufficient, they were unable to explain to me how my evidence would be used.*
- » *I was incapable of working full time, keeping myself and kid safe AND trying to figure out legal and financial issues. I needed a case manager to cut through everything. Instead I was sent from pillar to post.*
- » *I was not listened to.*
- » *Were only self represented for a short period... unaware of what help is available and no one tells you about help available.*
- » *As a DV victim, I do not have the financial resources to level the playing field with the perpetrator and these services are critical to succeeding as well as not giving up part way through.*
- » *I was my own support on the day I went to court.*
- » *The only assistance provided was to steer respondents to consent, this is hardly effective assistance.*

PARLIAMENTARY INQUIRY INTO A BETTER FAMILY LAW SYSTEM TO
SUPPORT AND PROTECT THOSE AFFECTED BY FAMILY VIOLENCE

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Duration of matters

For many, the accessibility and affordability of the family law system is exacerbated by the length of time it took for their matters to be resolved. Some respondents commented:

- » *It took one year.*
- » *Six months in court and it still isn't resolved.*
- » *It took five years and... the outcome of the proceeding was very poor.*
- » *Almost seven years, usually about 12-18 months for each matter.*
- » *9 years all up.*

Equity issues

A number of respondents also wrote about the equity issues they faced in accessing the family law system. A key theme in these responses was affordability:

- » *Making more readily available to those with financial hardships to DECENT family lawyers. So that no one feels as if they will miss out as these lawyers are not affordable to everyone.*
- » *To have more access to support services and court support in remote and rural areas of Australia.*
- » *My daughter lives in the country... we have helped her out with legal costs, but these are now around \$30,000. Property settlement will only cover \$20,000 of this. She is now having to seek legal aid as she cannot afford these costs and we cannot keep it up either. This may prove to be a disadvantage to her now.*
- » *Make the law easier to read. There is too much grey area with no actual precise law that civilians can understand.*
- » *Money was very difficult. Money should never be a hindrance to protecting children. I know there is legal aid however I couldn't use this as I had a mortgage and wasn't prepared to sacrifice my children being able to have a roof over their head.*
- » *Cost. Family Law is biased towards those who are represented by professionals.*
- » *Legal costs are ridiculous. My family law case cost me in excess of \$90k. It cost me a further \$10k to fight false allegations of domestic violence in the magistrates court.*
- » *The waiting time for the procedure is unbearable. Make court process faster, make legal aid especially to women less bureaucratic and faceless, and make legal aid more compassionate.*

The Committee thanks everyone who completed the questionnaire and took the time to share their personal experiences. We will publish further snapshots online in the coming months. For inquiry information, and to complete the questionnaire, please visit our website: www.aph.gov.au/fvlawreform

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