

The Senate Legal and Constitutional Affairs Committee

Parliament House

Canberra

Dear Senators

***The Family Law Amalgamation Bill 2018***

I like the main Bill and make 2 suggestions to improve it:

***1. Benchmark rulings initiated by The Attorney General that address the most common scenarios: 50% reduction in queues***

Benchmark judgements work well in other areas where judges have discretion- such as sentencing. Standards from which variance was tolerated, but not encouraged, would deliver enormous value for taxpayers and will resolve so many more disputes across the board. Public learning's are thus provided in return for public funding of courts. This also reduces the problems of negligent legal advice (my ex got told 80%, she got 53% which was 2% less than my original offer, I got told equal time was "was likely" but fat chance). I would suggest that Mr Porter have a power for a case stated or declaratory judgment (I did a law degree but never used it and am a little rusty). Parliamentary counsel to the rescue!

***2. Lawyers at risk: the Nicholas Taleb insight: 20% queue reduction***

If you made lawyers co share in the delays that would encourage them not to delay. Those citizens whose home equity is below \$ 200,000 get Legal Aid anyway. So I would say 65% of payments to lawyers must be back ended as soon as a couple file. The current system- a priority for lawyers, none for citizens- is perverse, and is a leading cause of delays. It is, quite frankly, a disgrace that this is allowed by judges today. If this is "too hard " (and you do face a very concerted lobby group of lawyers) then staged payments WHEN clients are paid-ie encourage release of funds..

Thoughts only. Also well done Mr Porter for making an effort. The last thing needed is more delays about delay !!

Kind Regards

KPM