

legcon.sen@aph.gov.au

6 October 2018

The Senate Legal and Constitutional Affairs Committee

Parliament House
Canberra ACT 2600

Dear Senators

We are a community group writing to you about The Family Law Bill. The Bill is primarily designed to signal that at least someone in Canberra is listening to widespread public concerns about the broken-down family law system.

Good. A Royal Commission with Mary Gaudron, Judith Sloan, Hetty Johnson, Julia Gillard and John Howard would have been a much better start. But better than doing what Canberra usually does-nothing.

Why we have such a mess: and everyone is to blame

There are lots of reasons for the delays.

In part it's the fault of judges. They allow too much time to be spent on matters relating to money and don't prioritise domestic violence. They are paid to produce legal precedents and hold people to them - but have chosen to decide one case at a time. What a waste of space.

Secondly males and females become more angry and irrational with all the delay. Lawyers are very happy to take advantage of angry middle-aged men and menopausal women, and call what they do "legal advice" when they really mean "lucrative ambit claims".

Thirdly, lack of leadership from Canberra. You have mistaken tinkering for reform.

Why we are disillusioned with all politicians.

We are a Western Sydney book group. All 16 of us are women, voting Labor and Liberal. A "sort of green" and one who has already decided to deface the ballot paper this time around. No men, but men are also ripped off by the system. Payment delays hurt women most.

Politicians have lost community respect because you show no leadership. There are lots of reform reports and no public debate or action. This is supposed to be an area you co-operate on. If politics is broken at this level, its surely broken everywhere else. Restoring confidence in politicians is now time critical. Family law is the area to start that healing process.

Divorce delay is the biggest women's issue in Australia right now. Not quotas for 44 female MPs. Not Me Too. Not super. Not GST on tampons. Not disrespect for Julie Bishop. Not child care.

Voters are now being offered this Bill as a stop gap measure. George Brandis made sure that there can't be real change until lawyers have exercised their veto via their law commission. No politician wants to take on the law society.

Except for Christian Porter. He is changing the name of the court. Merging a few things. Helping 1200 families by streamlining. Putting a few judges noses out of joint just to send them a message about doing their job. It's something. But it's hardly visionary.

What else can be done while career politicians force us to wait?

We debated , his Bill at length in our book club, with acknowledgement that a room of middle aged and middle-class white women don't reflect all community views. But we are the type of women who get dragged into courts because our families have money. And that is so often what it's all about- milking the system, ignoring the importance of early rehabilitation, and the greedy crowding out the needy.

We think the Bill needs to deliver further management gains, pending real change. The additional, things that should make the existing system work better, whatever system is finally adopted are:

1. Pay what's not in dispute. That shrinks most disputes to 10%, Before you go to court or mediation just pay what you claim the other spouse now should have. In a month. Or put the house on the market.
2. In the remote number of cases it's not down to 10% then two thirds of a private sector lawyers' fees must be paid last. For those who then choose to self-represent pay half up front now into a joint account . Just to show you are serious and not wasting your wife (or husbands) time. Cap lawyers' fees until you reform the law. See how much lawyers like delays then.
3. Put \$ 200 million into the courts. When Team Canberra finally adopts one of the many existing reports, only then take the money out of the system. If you won't pay then deliver us a simpler system. Now. But as there is a cost to all the political dithering, you should pay that price. Lets face it, both mainstream parties are going to pay a much bigger price electorally anyway in 9 months.

Please deliver real women real outcomes, not more talkathons. Whoever delivers first, gets everyone's votes.

Yours faithfully

Western Sydney's Best Ever Book Club