

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program:** 1.1 AGD Operating Expenses - Civil Justice and Legal Services

**Question No. BE16/014**

**Senator Madigan asked the following question at the hearing on 5 May 2016:**

Senator MADIGAN: Thank you, Attorney; I will keep moving as I am conscious of the time. The next issue I am going to move to is the Family Court. Attorney-General, I moved a motion on 2 February this year calling for a root and branch review of the family law system. I wrote to you on 10 March asking for an urgent update on this review, and I wrote again to you on 4 April. To date I have not received a response. Can you advise the Australian families out there who continue to struggle with the unacceptable failures of the family law system what you, as Attorney-General, are doing to help them?

Senator Brandis: Let me take that question in two parts. Let us talk about resourcing and let us talk about law reform. I am not sure if you were in the room before, Senator, when there was some discussion about the additional money that the government provided last year as part of the family violence package, and the further money—the \$100 million—that was provided in the budget to deal with that matter as well. That is part of a much larger budgetary allocation—some \$1.6 billion in legal assistance over the next five years, most of which will be spent one way or another in the family law system.

When it comes to law reform, there have been significant amendments to the Family Law Act, the details of which I can run through for you if you particularly want me to. I will just ask for a brief that sets them out in a comprehensive way so that I can take you through them one by one. However, your motion, which as you will recall we discussed, asked for, as you said, a root and branch review of the Family Law Act. I have thought very carefully about what you said to me in the course of that conversation, and I have thought very carefully and considered very respectfully the contributions you have made to this debate in the Senate. Reform of the family law system is always something that is on the mind of the government, and on my mind in particular as the Attorney.

Senator MADIGAN: It was actually the Senate that called for the root and branch review—

Senator Brandis: Well, I was giving credit where it was due, Senator—it was your motion.

Senator MADIGAN: I appreciate that, but I have not received a response in writing to date.

When can I expect to receive a response to that from the Attorney-General's Department—yourself—laying out what is actually being done so that people out there who are suffering, and most importantly the children, instead of us going around in a circle, can have something concrete?

Senator Brandis: We will have prepared for you—and will have it to you by tomorrow—a letter that sets out, in summary form, all the reforms we have made to the family law system. Now, that does not address your broader question of a root and branch review, but it will give you some indication as to what the government has done in the past 2½ years.

**The answer to the honourable senator's question is as follows:**

The Attorney-General, Senator the Honourable George Brandis QC, responded in writing to Senator Madigan's letters on 9 May 2016.