

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

Program 1.1

Question No. 3

Senator Brandis asked the following question at the hearing on 14 February 2012:

Senator BRANDIS: ... But, Minister, to come back to my long-foreshadowed question: given the good and positive story Mr Foster has to tell; given that neither the Federal Magistrates Court nor the Family Court want this merger to happen; given that because of the consolidation of the administrative things there appears to be no financial reason why it needs to happen; and, in particular, given that both the Chief Federal Magistrate and, we now learn this morning, the Chief Justice of the Family Court do not want it to happen, why on earth is the government proceeding with this?

Senator Ludwig: As indicated earlier, the timing of the legislation is rightly with the government... I think it is also appropriate that the new Attorney-General consult with all affected parties to gauge their views, particularly around the Federal Court system, because it is a view that we want to ensure is managed both efficiently and effectively. We need to ensure, of course—this is the primary driver—that the family law system provides people with access and assistance when they need it. The germane issue, of course, is always that the government is committed to ensuring that people can resolve their disputes before they reach court and be dealt with by the court efficiently and in as simple and cost-effective a way as possible... That is the position of government. You, like all others, will have to wait for anything further from the Attorney-General. I will pass the conversation back to the Attorney-General and see if she does want to provide any additional comment.

Senator BRANDIS: Thank you.

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

The Department cannot comment on matters of policy.

The Attorney-General has indicated that she is considering her position on the proposal to restructure the family law courts, taking into account changes since 2009 in the way that the Federal Magistrates Court and the Family Court run their administration more closely.