



ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

Opening Address
Inaugural Family Law System Conference
Parliament House, Canberra
Thursday 19 February 2009, 9.30am

CHECK AGAINST DELIVERY

[Acknowledgements]

- **First, may I acknowledge the traditional owners of the land we meet on – and pay my respects to their elders, both past and present.**

[Other Acknowledgements]

- **Thank you Ian Govey, Deputy Secretary
Attorney-General's Department**
- **Distinguished guests**
- **Ladies and gentlemen**

[Introduction]

1. Good morning.

It is with great pleasure that I welcome you here today.

This is a significant and important event.

2. In this room is the collective experience of all the stakeholders involved in the family law system.

This provides us with an unprecedented opportunity to work together to draw on that experience of lessons learnt to improve outcomes for families who access the family law system.

3. While there have been a number of positive changes made to the family law system recently, I think that the recent tragic death of Darcey Freeman reminds us that we can never be complacent about reviewing what can be done better.

4. My vision for the family law system is one that is fair, simple, affordable and accessible by all.

A system in which all the elements work seamlessly together.

A system that addresses the often complex needs of families and is able to respond to different circumstances such as family violence, child abuse, mental health issues, drug and alcohol abuse.

And a system that ensures that the best interests of children are paramount.

- 5. My vision can only be achieved by all of us having a common goal and working together as a unified family law system.**
- 6. In these difficult economic times it is more important than ever that our justice system be accessible and effective not only to deal with an increased number of financial disputes - including an increase in personal insolvency and consumer credit and debt - but also to deal with the inevitable increased stress on families and increase in family breakdown.**

- 7. Well targeted legal assistance programs are also a key part of ensuring families, especially disadvantaged and vulnerable families, are able to get legal assistance to understand their rights and responsibilities – and help them resolve their family law matters.**

[Conference Theme]

- 8. I am pleased that the theme of the conference is focused on achieving better access to justice.**
- 9. Access to justice is not only about the courts and the legal system, it extends to the many ways people try to make sense of the laws that relate to them in daily life, and the situations where they may feel their rights are being affected.**
- 10. It's about ensuring our legal system provides sufficient flexibility so that people have a range of options available, from formal alternative dispute resolution processes to informal negotiations.**

- 11. But it is not just about dispute resolution.**
People must be able to understand the law if it is to be effective.
A key component of a proper approach to enhancing access to justice of all Australians should include increasing individuals' capacity to access and understand information.
- 12. The current civil courts system is achieving good results for many Australian families.**
However, it can and must do better for all Australian families.
- 13. We need to keep looking for innovative ways to improve the family law system to ensure that it is fair, simple, affordable and accessible by all.**
- 14. In other areas of law, the government is also taking action to improve access to justice including to address the cost of justice.**

[Integrated Family Law System]

- 15. We need to focus on strengthening services and strengthening relationships in the family law system.**
- 16. Enhancing communication and professional links is essential in this.**
- 17. That is why in July last year I convened a roundtable, with representatives from key organisations in the family law system, to identify ways to improve integration in the system and better manage entrenched conflict.**
- 18. The outcomes from the roundtable have formed the agenda for this conference.**
- 19. A key aim for the next two days is to look at ways to build an integrated family law system that encompasses the courts, legal aid commissions, community legal centres, private practitioners, government-funded family relationship services and government agencies.**
- 20. To achieve this, the conference will explore the development of an agreed national blueprint to**

identify clear client pathways and ensure that clients exit the system with the best possible outcome, regardless of the entry point.

[Family Violence and Child Abuse]

- 21. It is critically important that in developing this blueprint we focus on improving outcomes for children in high conflict disputes.**
- 22. It is an unacceptable statistic that violence, abuse and assault afflict one in three Australian women and their families.
Most of you would be aware that the Australian Government is working together to address these issues.**
- 23. The Rudd Government is currently developing a national plan to reduce violence against women and their children, and a national child protection framework.**
- 24. These strategies will, in part, deal with improving the way cases involving family violence and child abuse are managed and**

ensure that the family law system is effective in handling such cases.

- 25. The family law system already plays an integral role identifying children at risk and helping to protect people, but more could be done.**
- 26. We all have a responsibility to be vigilant in screening and identifying, at the earliest possible stage, at-risk families and taking steps to ensure that they are supported through the system.**
- 27. We must also find better ways of working across Commonwealth and State jurisdictions.
This means ensuring family court judges have all information available about risks to children at the earliest opportunity.**
- 28. We must make sure that the Commonwealth and the States are not spending time creating more work for each other, instead of focusing on the best interests of children.
And this means the system must be flexible enough to enable the courts to consider all options for children.**

- 29. So we're looking for solutions where access is easier, where delivery is more effective and timely, and where children can receive better outcomes.**
- 30. There will be sessions on family violence and child protection tomorrow, where the key aims are to identify what more can be done by the family courts, family lawyers and the service sector to improve coordination across services and enhance information sharing.**

[Courts]

- 31. We also need to develop a framework to help people who are unable to agree on arrangements for their children to resolve conflicts fairly, simply and effectively.**
- 32. To help achieve this, I am considering a broad range of options to make our federal courts more flexible, and to minimise the costs of litigation.**

- 33. My view is that separating families and children should not have to work through their issues alone, but should be able to access services to assist them through the process.**
- 34. Where they are unable to resolve differences, court resources and services should be available to ensure issues in dispute are identified early and resolved.**
- 35. Last year my Department, assisted by consultant Des Semple, conducted a review of family law services provided by the federal courts.**
- 36. A report was released in November, along with a consultation paper, seeking further public comment on the review's recommendations and proposed initiatives to streamline procedures in family law matters.**
- 37. The consultation finished earlier this month and I'm now considering the submissions that have been made.**

- 38. And I'd like to thank those of you here today who provided input or suggestions on these matters.**
- 39. It's important that we get right any reforms to the court system.**
- 40. It's also of critical importance to the community that we have effective and timely delivery of justice.**

[Alternatives to Courts]

- 41. One matter you will have the opportunity to debate tomorrow is whether court should be the only option when parents can't agree.**
- 42. Currently, litigation is the only arena for those families unable to reach agreement through dispute resolution services.**
- 43. Tomorrow's session will explore whether there is room for greater flexibility in the way disputes are handled, and decision-making in children and property matters.**

I look forward to hearing your views on this issue.

[Legal Assistance]

- 44. Legal assistance services are also integral to an effective family law system.
Without them, disadvantaged and vulnerable people would have only limited access to justice.**
- 45. These services play an important role in delivering the Government's social inclusion agenda. Such assistance provides people with information about their lawful rights, responsibilities, and the consequences of their actions.**
- 46. Early legal assistance can help to ensure legal problems can be resolved early before they escalate or contribute to entrenched disadvantage.**
- 47. For these reasons, the Commonwealth and State governments invest heavily in legal aid.**

48. For example, last financial year the Commonwealth provided legal aid, Indigenous-specific and community legal assistance services, and other statutory and non-statutory financial assistance programs with \$297 million.

A significant part – about 82 per cent – of all Commonwealth legal assistance services is focused on prevention and early intervention through community legal education, advice and mediation services.

49. I have asked my Department to develop a strategic framework, taking a holistic approach to the management of Commonwealth legal assistance programs.

50. The framework will be aimed at improving access to justice for the most disadvantaged families by building links between programs, facilitating resource sharing and delivering services collaboratively.

51. I will also be working with my counterparts in the States and Territories to develop a whole of government approach to achieve collaboration in the delivery of legal assistance services, to achieve real benefits for vulnerable families.

52. The family law system also needs to be sensitive to the family relationship issues experienced by Indigenous and culturally and linguistically diverse people.

We need to consider innovations to the justice system more broadly that better engage Indigenous Australians and break cycles of crime and violence in Indigenous families and communities.

53. Tomorrow there will also be sessions on tailoring services to meet the needs of Indigenous and culturally and linguistically diverse clients.

[Conclusion]

- 54. About 40 per cent of Australians will be affected in one way or another by family law.**
- 55. It is not an area in which we can be complacent about the way we are doing things.**
- 56. It is essential that we have a family law system which can deliver the right services to those who need them.**
- 57. I have addressed a number of areas where, throughout the next two days, you will be asked to identify further improvements that could be made.**

For example, making access to justice equitable, making the court system more flexible, considering alternatives to court, addressing family violence and protecting children.

- 58. This conference offers an opportunity to focus on how the system can be improved.**

I encourage each of you to think creatively and act collaboratively.

**59. It's now my pleasure to officially open the
Inaugural Family Law System Conference.**