



CHIEF JUSTICE'S CHAMBERS
FAMILY COURT OF AUSTRALIA
Owen Dixon Commonwealth Law Courts
305 William Street, Melbourne Vic 3000
Telephone: +61 3 8600 4355
Facsimile: +61 3 8600 4350

19 February 2021

Feminist Legal Clinic Inc.
PO Box 273
Summer Hill
NSW 2130

By email: anna@feministlegal.org

Dear Ms Kerr,

I refer to your letter dated 16 December 2020 on behalf of the Women's Court Support Service (WCSS) and the National Child Protection Alliance (NCPA) requesting a meeting to discuss concerns about women and children involved in the family law system.

I note that a number of the issues raised in your letter such as decisions made by police with respect to AVOs or the management of Independent Children's Lawyers are outside the purview of the Family Court of Australia and Federal Circuit Court of Australia (the Courts). Whilst I cannot comment on any particular case that has been before the Courts, I will address some of the concerns that you have raised with respect to reforms and practices of the Courts.

I assure you that the Courts are focused on prioritising the safety of litigants and their children, and ensuring that case management processes and procedures respond appropriate to the broad array of risk factors that may be present in family law proceedings.

Reforms and Court Initiatives

As you have noted, the Lighthouse Project has recently been implemented in the Courts, a world-first process in family law involving a sophisticated risk screening tool, assessment and triage process, focused on improving safety, providing service referral, and improving outcomes for families.

The Lighthouse Project forms part of the Courts' modernisation plan and is facilitated by funding from the Commonwealth Attorney-General's Department. While initially being piloted in the Federal Circuit Court (FCC) registries in Adelaide, Brisbane and Parramatta it is intended that the pilot will be extended to the Family Court of Australia (FCoA) this year and the goal is to secure additional funding for a national roll out.

Separately, the Courts have also been implementing other initiatives focused on risk and responsiveness, which are directly relevant to several of your concerns. For example:

- **The COVID-19 List** – in April 2020, the Courts implemented the COVID-19 Lists to respond to an increase in the filing of urgent family law applications, so that they would



be listed before a Judge or Registrar within 72 hours of being assessed by the National COVID-19 List Registrars.

- In January 2021, the COVID-19 List was expanded a result of its success throughout 2020 in handling the increase in urgent applications filed as a result of the pandemic. The list has been expanded to accommodate the changing nature of the impacts of COVID-19 and provide greater opportunities for litigants to seek urgent assistance from the Courts via the fast-track nature of the list.
- **Co-Located Police and Child Welfare Officials** – In early 2020, state and territory child welfare and police officials were co-located in the busiest family law registries of the Courts. This allows for a more cohesive response to identifying and managing family safety and child protection issues across the family law, family violence and child welfare systems. It can also provide a clearer picture of the nature, frequency and severity of violence or other risks to children occurring within a family. Police officials are now able to provide timely information in relation to current or previous family violence orders, firearms licences, criminal convictions or pending criminal proceedings, for example.
- **Family Violence Training for Judicial Officers** – In conjunction with the National Judicial College, the Courts are rolling out training options on the nature and dynamics of family violence. Training courses have also been developed and delivered specifically for family consultants and family law registrars.
- **Notice of Child Abuse, Family violence or Risk Form** – In November 2020 the Courts introduced a more comprehensive form to identify risk which is compulsory to file in all parenting proceedings and harmonised across both Courts. Not only does the form facilitate the disclosure of child abuse and family violence risks, it also asks questions about substance abuse, mental health, abduction, threats of harm and safety and wellbeing. This form will provide the Courts with more comprehensive information about risk at an earlier point in time in the proceedings, and also facilitate the collection of data to inform reforms to the case management pathway that are focused on risk assessment and risk management.

The Courts understand the importance of early risk identification and responsiveness to those risks present in family law matters. Each of these initiatives (in addition to the Lighthouse Project) are giving the Courts an increasingly better opportunity to do so.

In addition, in 2019 the Courts received funding as part of the Women's Economic Security Package to implement a property pilot for matters under \$500,000 – PPP500. The aim of the PPP500 is to provide a simplified way of resolving property disputes which will minimise risk and legal costs, and best preserve the parties' assets, in a short timeframe.

I emphasise that the Courts are committed to the safety of children and families, and to continuing to implement initiatives that respond to the needs of litigants. The Judges and Registrars of both the FCoA and FCC are highly skilled in family law, and the staff of the Courts are dedicated to assisting them to provide access to justice.



CHIEF JUSTICE'S CHAMBERS
FAMILY COURT OF AUSTRALIA
Owen Dixon Commonwealth Law Courts
305 William Street, Melbourne Vic 3000
Telephone: +61 3 8600 4355
Facsimile: +61 3 8600 4350

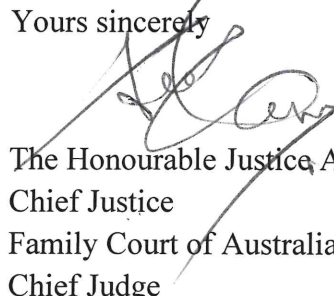
Future correspondence and meeting

I would welcome any further correspondence from you which provides any examples of solutions or changes to the Courts' processes and procedures which you believe would address the concerns raised.

In addition to consulting with the legal professional bodies, I am very keen to meet with a broad group of stakeholders such as legal aid, child welfare agencies, women's legal organisations and other stakeholder groups to ensure that I am hearing from those who are working at the coalface.

Whilst I am usually based in Melbourne, I will be in the Sydney Registry of the Court in the week of 2 March and could accommodate a meeting if a mutually agreeable time can be found. Otherwise, I am available for an electronic meeting. Please contact my Executive Assistant Renee Corcoran via renee.corcoran@familycourt.gov.au to arrange a time.

Yours sincerely



The Honourable Justice Alstergren
Chief Justice
Family Court of Australia
Chief Judge
Federal Circuit Court of Australia