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Australian National Audit Office
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Feedback on Draft Annual Audit Work Program

Feminist Legal Clinic Inc. is a community legal service based in Sydney that works to advance the human rights of women and girls. We welcome this opportunity to provide feedback on the Draft Annual Audit Work Program.

We request that your audit of the Attorney-General's Department prioritise an examination of client services in the Federal Circuit and Family Court of Australia (FCFCOA). We appreciate that there have been multiple inquiries and reviews into the family law system but the reforms to date (including the court merger and the Lighthouse Project) have failed to resolve what appear to be intractable problems in the fair and efficient delivery of this service to the public.

From July 2019 Feminist Legal Clinic Inc. stepped in to co-ordinate the non-legal volunteer Women's Court Support Service (WCSS) at the Sydney Family Court after the NSW Government had defunded it. While operating this longstanding domestic violence support service, we became aware of a serious pattern of infringements of women and children's human rights within the family court jurisdiction, which we raised with the Chief Justice and other senior court staff in person in March 2021 and in a string of correspondence. Copies of this correspondence is available [here](#).

Our observations were confirmed by research findings by Webb et al. in a journal article published in July 2021 titled *Allegations of child sexual abuse: An empirical analysis of published judgements from the Family Court of Australia 2012–2019* (<https://onlinelibrary.wiley.com/doi/full/10.1002/ajs4.171>). Despite this, our concerns were not adequately addressed and instead our tenancy was inexplicably terminated by the court in December 2023 and subsequently replaced by a funded support service for men. This decision by the court left women appearing in the Sydney FCFCOA with less domestic violence support services available to them than men.

In the absence of a Federal Judicial Commission and in view of the secrecy provisions contained in Part XIVB of the *Family Law Act*, it is essential that all whistle blower complaints received by the court are being reliably and transparently tracked, processed and reported to ensure accountability. This is needed so that there is an avenue by which systemic issues with court staff, judges, registrars, key legal practitioners, family consultants, single expert witnesses and any other professionals regularly involved in these proceedings can be identified and addressed.

Another impediment we encountered, while attempting to furnish examples to the Chief Justice to illustrate our concerns, was the expense of accessing transcripts and audio of proceedings to verify accounts provided to us by clients. In some cases, women also reported to us that transcripts of proceedings had been altered to remove key content.

The expense of family law proceedings continues to be a major impediment for women seeking justice in this jurisdiction, with many mothers self-represented by the time the matter reaches hearing. The cost of court transcripts is a significant contributor to this and an unjustifiable imposition in the modern age where transcripts once prepared for the court can be shared electronically with the parties without additional expense to the court.

The current crisis with VIQ Solutions Australia, the major transcription provider who has been exposed for committing security breaches and is now entering administration, demands an audit of this unconscionable system that impedes accountability and fails to serve the public interest. The FCFCOA appears to have been silent on the potential data breach by VIQ Solutions Australia, when we would expect a statement like that released by the Victorian Courts following their cyber security incident in 2024 (<https://courts.vic.gov.au/news/court-services-victoria-cyber-incident>).

In summary, we request that you conduct an audit in relation to:

- the adequacy and resourcing of non-legal support services for women at the FCFCOA (particularly at Sydney registry), and whether they are at least equal to the support services available to men;
- the handling and reporting of whistle blower style complaints received from users of the court and others (not being matters appropriately dealt with by an appeal);
- the provision of accurate and affordable transcripts of proceedings in keeping with facilitating access to justice;
- whether the FCFCOA is currently fulfilling its obligations to notify parties of the potential data breach by VIQ Solutions Australia, the major transcription provider.
- What the FCFCOA is doing to address evidence of systemic bias against mothers who have alleged domestic violence and child sexual abuse.

Please do not hesitate to contact us if you would like us to expand on any point raised.

Yours faithfully



Anna Kerr
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Feminist Legal Clinic Inc.
*Organization in Special Consultative Status with the Economic and Social Council
(ECOSOC) since 2023.*