



FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

Welcome: Family Law Practitioners Association Queensland Conference

The Hon. Robert McClelland AO

Deputy Chief Justice

Deputy Chief Judge

14 June 2024



Welcome to Country

Introduction

- **Family violence is a pressing societal concern in Australia and abroad**
- **It impacts more than just the immediate victims**
- **Statistics:**
 - The rate of women killed by an intimate partner in Australia has increased by 28% in 2022-2023 compared to the previous year
 - 1 in 4 women and 1 in 7 men experience partner violence or abuse
 - One woman every week, one child every 11 days and one man a month dies from family violence
 - At the Federal Circuit and Family Court of Australia, our data shows that approximately 91% of parenting cases have one or more major risk factors alleged such as allegations of family violence, child abuse or serious mental health and substance abuse issues

The Role of the Court

- Intervene in unsafe situations
- Implement safeguards for victims
- Gather critical information about families and children involved in proceedings
- Implement case management and triage processes for efficient resolution
- Notify child protection agencies and request their intervention
- Make the Court accessible and safe for victims

The Court Reaches Out

- The Chief Justice and myself are dedicated to improving the Court's response to family violence
- New role established: Director of Family Violence, Access, Equity and Inclusion
- First Family Violence Symposium held in April 2024 – experts came together to exchange insights, share information and explore opportunities to work together

Family Law Case Management Pathway Reform

- **Significant reduction in average time from filing to finalisation of cases in the new pathway:**
 - The pending caseload has decreased by 25% or more than 5,400 cases, from 21,600 to 16,200
 - In calendar year 2023, the number of cases over 2 years old in the FCFCOA (Division 2) decreased by 37%
 - The average number of cases in each Judge's docket in the FCFCOA (Division 2) has decreased from 330 matters in early 2021 to 72 matters in early 2024
 - The average time from filing to finalisation of cases that have been through the new case management pathway, between 1 September 2021 and 9 April 2024, is 7.5 months
 - The average wait time for a Family Report prepared internally has decreased from 36 weeks in 2021 to 19 weeks in early 2024
 - The average time to finalise an appeal in family law has decreased from 6.7 months in FY2020-21 to 2.8 months presently

Family Law Courts' Lighthouse Initiative

- Initiative to address cases involving family violence, mental health, substance abuse, and child abuse
- Focus on risk screening, triage, and tailored case management
- Expansion to all major registries

Information Sharing

- **National Strategic Framework for Information Sharing between Family Law and Family Violence and Child Protection Systems**
- **Improved information sharing under recent legislative amendments**
- **Support for identifying and assessing risk, triaging cases, and making protective orders**

Priority Property Pools

- Expansion of the initiative to all major registry locations
- Aim: to provide a simplified way of resolving property disputes which will minimise risk, legal costs and preserve parties' assets
- Purpose achieved by:
 - Narrowing issues in dispute
 - Assisting parties to undertake dispute resolution at earliest opportunity
 - If dispute resolution is unsuccessful, provide an opportunity for a hearing "on the papers"

Aboriginal and Torres Strait Island Initiatives

- Introduction of Indigenous Family Liaison Officers
- Introduction of Specialist Indigenous Lists to address barriers for Aboriginal and Torres Strait Islander Peoples - 11 locations nationally:
 - Acknowledgement of Country
 - Attendance of Indigenous legal/socio-cultural services to attend Court
 - Informal
 - Family members attend and address Court
 - Indigenous Family Liaison Officers present

Critical Incident List

- Where no parent available to care for child/children
- Urgent orders are sought for parental responsibility
- To enable appropriate arrangements to be made for the child/children
- Usually in circumstances of death of parent (including homicide), critical injury or incarceration relating to/from family violence incident

Family Law Reforms and Updates

- Courts investing in training and education on family violence and related topics
- Establishment of a Cross-Agency Working Group for safety and accessibility
- Property improvement plan and updates to the Central Practice Direction
- Continued use of electronic hearings for access to justice
- Expectations for professionals to be informed and advocate for victims.

A word on our shared professional responsibility

Q & A



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Thank you

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