

8 August 2025

Review of the *Federal Circuit and Family Court of Australia Act 2021*

National Legal Aid welcomes the tabling in Parliament of the Report of the Review of the *Federal Circuit and Family Court of Australia Act 2021* and the Review's Recommendations.

National Legal Aid supports the findings of the Review regarding the benefits of the Federal Circuit and Family Court of Australia case management pathway implemented in 2021 as part of the establishment of the Court, as well as the opportunities for improvement identified by the Review.

National Legal Aid notes that the report identifies challenges related to resourcing of legal assistance to support clients through the case management pathway:

Particular concern was expressed for clients relying on legal aid, with current funding models not able to keep up with the increased case management steps, and for some of the Courts' more vulnerable users, including self-represented and Indigenous parties.
(Para 3.109)

Legal Aids continue to be significantly impacted by the additional workloads created by the case management pathway (for example, through the creation of additional court events, and the need for additional preparation time). The complex circumstances of many legally aided clients make the rapid case processing intended by the case management model unrealistic - requiring more time, preparation and attention than Legal Aid Commissions are currently resourced to provide.

As a result, the capacity of Legal Aid Commissions to respond to demand for family law legal assistance and to retain family law legal practitioners continue to be impacted.

Legal Aid Commissions require an estimated \$20 million per annum to address the funding pressures resulting from these reforms. Funding was provided from 2021 - 2024 to address the impact of the reforms but was not continued.

Without additional funding, the aims of the 2021 reforms will be at risk, including for improving timeliness and reducing the detrimental impact on families and children within the family law system.

National Legal Aid looks forward to continuing to work closely with the Court and the Government to address the impact of these changes and improve efficiency and access to justice within the family law system.