



2022-23 Commonwealth Budget provides \$71.5 million to the Federal Circuit and Family Court of Australia for world-leading innovations

Substantial funding announced last night as part of the 2022-23 Budget has been welcomed by the Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2) (the Courts).

The funding provides \$63.75 million of additional resources (over the four years to 2025-26) for the broad expansion of the Lighthouse model to address family violence and the appointment of a number of Indigenous Family Liaison Officers. A further \$7.7 million is provided for ongoing funding for the expansion of the Fair Work small claims jurisdiction.

The Chief Justice of the Courts, the Hon Will Alstergren AO, said that the Courts' number one priority has been to shine a light on the scourge of family violence, improve the outcome of matters involving family violence, and to keep vulnerable parties and children safe.

“The Government is to be commended for committing to the provision of funding and prioritising the Courts' aim to reduce family violence and risk in our society. The funding enables the Courts to expand the Lighthouse model which has demonstrated significant improvement in the risk screening, triage and assessment of family law matters. The funding, provided through the National Plan to End Violence Against Women and Children, demonstrates an ongoing commitment to the prevention of family violence in Australia.”

Lighthouse Expansion

The Lighthouse Project is a world-leading innovation in the risk screening, triage and assessment of family law matters. The project has been widely supported by the legal and family violence prevention sectors and has been successfully piloted in the Adelaide, Brisbane and Parramatta registries since late 2020. The additional resources now allows the Lighthouse model to be expanded from 3 family law registries to 15 family law registries nationally, which includes, Adelaide, Brisbane, Cairns, Canberra, Dandenong, Darwin, Hobart, Launceston, Melbourne, Newcastle, Parramatta, Rockhampton, Sydney, Townsville and Wollongong. The funding also allows for a significantly broader cohort of parenting cases to be screened and supported.

From 28 November 2022, the new model will be embedded into the Courts' family law case management pathway, and will better identify risks to parties and children from the very beginning of a case. Litigants who screen as high risk are referred to targeted support services. Those matters with the highest level of risk will also be referred to the Courts' specialist Evatt List. Those matters with lower risk profiles will be supported with highly effective dispute resolution.

“This funding is very good news for the Australian public as it allows the Courts to transform the way in which risk can be identified and how the Courts can respond to cases involving family violence and

other family safety risks to vulnerable parties and children involved in family law disputes,” Chief Justice Alstergren said.

“Importantly, greater assistance will be extended to many families living in rural and regional locations.

“Data from the Lighthouse Project has shown that between 60-65% of litigants are screening as high risk, and of those matters, 76% indicate they have experienced family violence. Following assessment by a specialist family counsellor, 50% of the high risk matters are found to have four or more major risk factors including family violence, child abuse, drug or alcohol abuse, or mental ill health.”

The Courts’ Chief Executive Officer and Principal Registrar, Mr David Pringle, said that, “the funding recognises the need for specialised and skilled resources to tackle the complex nature of the family law caseload and the high prevalence of family violence and other family safety risks. The funding also acknowledges the need for many rural and regional areas to have the critical support that the Lighthouse model can provide.”

Support for Aboriginal and Torres Strait Islander Families

The Federal Circuit and Family Court of Australia (Division 2) currently runs a specialised Indigenous List or modified case management processes to enhance access to the Courts for Aboriginal and Torres Strait Islander litigants in 8 locations: Adelaide, Alice Springs, Brisbane, Cairns, Darwin, Melbourne, Sydney and Townsville. Indigenous Family Liaison Officers assist with the effective running of Indigenous lists and other court events, and assist Aboriginal and Torres Strait Islander families in accessing legal, health and other support services.

Chief Justice Alstergren said that, “this funding will also ensure that the Courts can provide greater access to justice for family law litigants who identify as Aboriginal or Torres Strait Islander. Funding for the additional Indigenous Family Liaison Officers is crucial to assist with specialised Indigenous lists and other parts of the Courts’ case management pathway. The Indigenous Family Liaison Officers undertake a vital role in building relationships between the Courts, local communities and support services.”

Expansion of Small Claims Fair Work jurisdiction (Division 2)

In relation to the small claims jurisdiction, \$7.7 million of additional resources over the forward estimates provides an additional Judge, four Registrars and support staff to enable more Australians to access the informal and cheaper small claims court processes to recover unpaid entitlements. This coincides with a planned increase in the limit on the amount the Court can award in small claims matters from \$20,000 to \$100,000.

Chief Justice Alstergren noted that the small claims process offers a ‘one stop shop’ for Australians seeking to recover employment entitlements such as underpayments of wages, leave or overtime, with a quick, informal process facilitated by the Court’s highly experienced general federal law Judges and Registrars.

Together, the newly announced and recent funding allows for:

- **Expansion of the Lighthouse Model (family law):** A comprehensive funding package for family law officers to support the expansion of the Lighthouse model to 15 registries in the Courts. It also includes funding from 1 July 2022, equivalent to 71 family law positions including Senior Judicial Registrars, Judicial Registrars, Court Child Experts, Triage Counsellors and support staff for registrars and Court Child Experts. This equates to \$54.9m in funding over the forward estimates, including \$2.461m in capital.
- **Enhance culturally responsive support funding (family law):** Funding from 1 July 2022 for staffing to support the expansion of Indigenous Family Liaison Officers in the Courts. This equates to \$8.85m in funding over the forward estimates. It provides funding from 1 July 2022, equivalent to 16 family law positions including Indigenous Family Liaison Officers, a registrar, a Court Child Expert and support staff.
- **Expand small claims process in Fair Work matters (general federal law):** Funding from 1 January 2023 for a National Small Claims Officer and Business Applications Developer to plan and support the increase of the small claims cap from \$20,000 to \$100,000, including process and IT system changes; and 1 Judge plus two support staff, 4 Registrars plus two support staff from 1 April 2023, to resource the expanded small claims jurisdiction, equating to \$7.7m over the forward estimates.

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Denise Healy

Director – Media & Public Affairs, Federal Circuit and Family Court of Australia
m. 0409743 695 e. denise.healy@fcfcoa.gov.au