



Australian
Bar Association

MEDIA RELEASE

10 September 2018

CORRECTION AND EFFECTIVE CONSULTATION REQUIRED BY ATTORNEY-GENERAL

The President of the Australian Bar Association (ABA), Mr Noel Hutley SC calls upon the Federal Attorney-General Christian Porter MP to correct the statement provided to The Australian newspaper today which states “two key stakeholders, the Law Council of Australia and Australian Bar Association, had been provided with early drafts of the legislation in mid-July to allow them time to consider it”.

Mr Hutley says “The ABA wishes to correct the record. The ABA was provided with just over two clear days to consider the draft *Federal Circuit and Family Court of Australia Bill 2018* comprising in excess of 600 pages. That consultation was confidential and limited to myself, the Chair of the ABA’s Family Law Committee, Dr Jacoba Brasch QC and the Chief Executive Officer of the ABA, Ms Cindy Penrose”.

Mr Hutley says “the Attorney-General was informed, that the ABA could not present a consensus position due to the restrictive terms of the consultation, preventing it consulting with the ABA Council or its expert Family Law Committee”.

Within those limitations, the ABA further informed the Attorney-General that whilst the ABA provided comment regarding the family law aspects proposed in the Bill and the Schedules, that the ABA could not be sure with certainty that all issues were addressed and reserved its position in respect of the version of the Bill when made public.

As Mr Hutley has previously said “the structure and implementation of any reform of the area can only be determined if all interested parties have access to and appropriate time to consider, the most up-to-date information available...”. <http://austbar.asn.au/news-media/australian-bar-association-calls-for-careful-parliamentary-scrutiny-of-the-family-courts-future>

The ABA requests a correction by the Attorney-General be issued to accurately illustrate the consultation limitations imposed upon the ABA in consideration of such important legislation.

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