hi Sue, From a NSW solicitor

just putting something together really quick

when the new system came into operation, it was promised to be quicker, better, cheaper and faster.

what I have found is the exact opposite

Prior to the merger”:

I was required to file 3 documents to commence or respond to an application - being Affidavit, Notice of Risk and application or response,

After the merger:

 we have to file 7 documents, Affidavit, Notice of Risk, application or response, parenting and/or financial questionnaire, Genuine steps, undertaking, plus fee payment.

The effect has been a prior fee of around $3500 rising to around $11,000 for the extra work (hourly rate stayed the same).

We are also undertaking a lot more work, for example, a interim hearing was relatively rare and required a few hours to prepare at most (oral submissions).

The new system has interim hearings in every matter, that require the filing of case outlines (taking 1 or 2 days up to 10 days to prepare), plus a minute of order, submissions, etc

it seems that a lot of the Court efficiencies have been achieved by the work being pushed onto lawyers, rather than the system actually becoming more efficient.

The subpoena process is a case in point. Prior to Covid, we were able to file a subpoena, have it sealed by the court and then send it out to the person or organisation that had the records. Once the material was returned to the Court, we were also able to organise to access the material and read it when it suited the solicitors.

The process now requires producing the subpoena, sending it to the court, providing a letter or form to explain that we are seeking and that it is within the 5 subpoena limit, if we have permission of the court, etc.

Once the material is produced, we then have to file a notice to inspect. The sole purpose of the notice to inspect appears to be data collection for the Court. We then have to file an undertaking for the available material, sometimes requiring multiple undertakings per matter, then we have to book an appointment of 1.5 hours to view the material. Each solicitor is limited to one appointment a day, but it must be within 4 weeks of an interim hearing or within 6 weeks for a final hearing.

Given the number of matters and number of solicitors, this makes accessing subpoena material almost impossible in most matters, especially given it takes longer to drive to and from the Court than I spend reading material.

I have also noticed a significant (almost triple) amount of paperwork and forms from what we had pre the change. What we need is a red tape busting broom through the whole thing.

In relation to the proposed amendments to the family law act. I see nothing but Chaos!

A lot of people who made false allegations against their ex's will be encouraged to relitigate matters, as the standard claim is the court didn't believe me, (case of Minshall for example 2014-2021).

I also see a lot of people taking the law into their own hands, especially those who have the means to do so, either through actual threats and violence or things like brainwashing of children. There is going to be a lot of extra work for lawyers, Police and support services... work we dont want or need!

it will be a case of first allegation wins, just not sure if the intention is to adopt a gendered approach to allegations - ie believe all women, but not accept that men are also victims and survivors of Domestic Violence.

There is a documentary about women abusing this sort of legislation in Israel <https://rtd.rt.com/films/no-woman-no-crime/>

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|  | [No Woman, No Crime](https://rtd.rt.com/films/no-woman-no-crime/)  Israeli men legally harassed by women  rtd.rt.com |

**Subject:** Points re Court Merger and Proposed Amendments to the FLA from a Queensland solicitor

Hi Sue

As previously discussed, my thoughts below.

Court Merger

* If a client has an urgent issue that they need determined, they now have the added step of convincing a Judicial Registrar that the issue is urgent enough to be re-listed at a later date before a Senior Judicial Registrar.
* The big problem seems to be that there are not enough Judges to meet the courts case load. I don’t know whether that is a funding problem or lack of qualified people to take those positions.
* The merger and new practice directions and rules that came with it, rather then getting people decisions sooner, keeps them pre-occupied with all the steps in the case management process.

Proposed Amendments

* They are unnecessary. The presumption of ESPR exists to meet the principles underling the objects Part VII of the FLA being:

(a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together; and

* (b)  children have a right to spend time on a regular basis with, and communicate on a regular basis with, both their parents and other people significant to their care, welfare and development (such as grandparents and other relatives); and
* (c)  parents jointly share duties and responsibilities concerning the care, welfare and development of their children; and
* (d)  parents should agree about the future parenting of their children; and
* (e)  children have a right to enjoy their culture (including the right to enjoy that culture with other people who share that culture).
* If the concern is the risk of family violence, the FLA already provides that the presumption does not apply where there is evidence of family violence.