



FEDERAL CIRCUIT  
AND FAMILY COURT  
OF AUSTRALIA

14 October 2021

## Media Release: Unrepresented litigants in Victoria navigating the family law system will benefit from pro-bono legal assistance scheme

The Federal Circuit and Family Court of Australia (the Court) and the Victorian Bar have established a referral scheme for pro bono legal assistance (the Scheme) to help unrepresented litigants involved in family law proceedings in the Court, in Victoria.

Many family law litigants cannot afford to pay for a lawyer and may not qualify for legal aid, or they may lack the ability to obtain legal assistance themselves. The Scheme recognises that where a party is otherwise unrepresented, it may promote the interests of the due administration of justice for that party to be assisted by a pro bono lawyer where one is available.

The Court may consider it to be in the interests of justice to refer a request for pro bono legal assistance to the Scheme in relation to a current or proposed family law proceeding.

The Chief Justice of the Federal Circuit and Family Court of Australia, the Hon Will Alstergren said that the Scheme is an example of how the legal profession and the Court can work collaboratively for the benefit of litigants who are facing financial hardship, or for other reasons, cannot obtain legal assistance.

“The importance of pro bono legal assistance in the administration of justice cannot be understated. Access to justice must not be reserved for those who have the financial means to access legal representation. This Scheme plays a relatively small but important part in providing assistance to those who are in need. I commend the generous support of the barristers of the Victorian Bar for their commitment to improving access to justice,” Chief Justice Alstergren added.

Geoff Dickson QC of the Family Law Bar Association at the Victorian Bar said, “Many litigants have the ability to secure paid legal representation from a wide variety of sources, including by meeting those expenses from their own resources, with family assistance, via litigation funders or with a grant of Legal Aid funding. The Bar’s participation in this Scheme is intended to supplement, rather than replace, those usual avenues of representation. The Scheme will seek assistance from the Bar on a voluntary basis for those cases assessed as having merit to them, and of being deserving of proper prosecution.”

The President of the Bar Council, Christopher Blanden QC, said “The new scheme extends the considerable community work currently provided by the Victorian Bar across a number of courts and is a further significant contribution by the Victorian Bar to access to justice for the community.”

## Criteria for the Scheme

In deciding whether to refer a request for pro bono assistance the Court may take into account any matter which it considers relevant in the administration of justice, including:

- the financial means of the party
- the capacity of the party to otherwise obtain legal assistance
- the nature, subject matter and complexity of the proceedings
- whether it is appropriate for a barrister to act for the client on a direct access basis or whether an instructing solicitor would be required, and
- whether the litigant involved is a person subject to a vexatious proceedings order under s 102QB of the *Family Law Act 1975* (Cth)(the FLA) or like legislation and any other matter the Court considers appropriate.

More information on the Scheme is available from the [Court's website](#).

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