



Quarterly Essay 17 'Kangaroo Court': Family Law in Australia

John Hirst

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The Family Court was a progressive reform of the 1970s. Now it is perhaps the most hated institution in Australia. In the first Quarterly Essay of 2005, John Hirst investigates what went wrong.

This is a measured yet unsparing appraisal which interleaves individual cases with compelling legal and moral argument. Hirst takes us deep into the workings of the Court and the domestic apocalypses it sees every day.

He explores the Court's fervour to uphold the best interests of the child no matter what and traces its chilling consequence: a court where malicious allegations regularly go unpunished. He notes the Court's enormous power over individual lives, as well as its self-proclaimed status as a 'caring court', and wonders at its ability to overlook the defiance of its own authority. In closing, he considers how to reform an institution that has bred antagonism and extremism and too often entrenched paranoia and despair. Lucid and urgent, *'Kangaroo Court'* is a cautionary tale about the perils of high-mindedness when it comes to dealing with the breakdown of families.

"When Family Court judges talk piously of the 'caring court', I wish they could hear the roar of pain that their piety has caused." —John Hirst, *'Kangaroo Court'*

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