



1038-1523

ATTORNEY-GENERAL

CANBERRA

MC15-000502



Dr Dennis Jensen MP
Chair
Standing Committee on Petitions
PO Box 6021
House of Representative, Parliament House
CANBERRA ACT 2600

13 AUG 2015

Dear Dr Jensen

Thank you for your letter dated 25 May 2015 bringing to my attention a petition submitted to the Standing Committee on Petitions from Ms Gail Ann Kelly, seeking a review of all laws and accountability measures relating to family law.

The Government believes that the family law system must provide the best possible care to families, particularly children. The family law system plays an important role in helping to identify families at risk and protect them from harm. A number of reviews and changes to the family law system have occurred in recent years, with a view to improving the way it meets the needs of Australian families.

In 2006, the Howard Government introduced significant reforms to the Family Law Act that put the best interests of children back at the heart of family law. The Act was amended to prioritise the rights of children and focus on the responsibility that each parent has towards their children. In particular, a presumption of equal shared parental responsibility was included to ensure that, in the absence of factors such as violence or abuse, children can enjoy a meaningful relationship with each of their parents, and are protected from harm. These reforms are referred to as shared parenting and the Coalition Government stands by these landmark changes.

In 2012, the Family Law Act was amended to prioritise the safety of children in parenting matters by giving greater weight to the protection from harm when determining what is in a child's best interests. These amendments included changed definitions of family violence and abuse, to reflect a contemporary understanding of what family violence and abuse is, including physical and emotional abuse and the exposure of children to family violence.

The amendments retained the substance of the landmark shared parenting laws introduced in 2006 by the Howard Government.

The Government recognises that shared parenting arrangements can work well for many families. The Government's approach to family law continues to be based on the central premise that the best interests of children should be paramount and it supports a child's right to a meaningful relationship with both parents where this is safe. My Department has commissioned the Australian Institute of Family Studies (AIFS) to undertake research to examine the impact of the 2012 family violence amendments. Further information about this research may be found at the AIFS website: <<http://www.aifs.gov.au/efva/index.html>>.

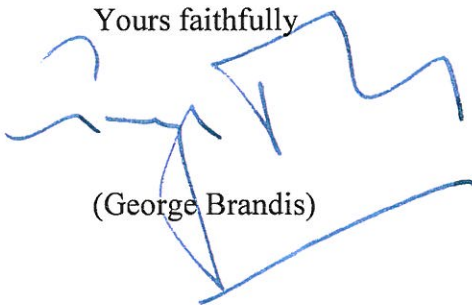
In addition to this research, I have asked the Family Law Council to consider opportunities and possibilities for greater interaction between the family law and relevant state and territory systems, services and courts, including child protection. The Family Law Council is a body established to advise the Attorney-General on matters relating to family law. The Council has been asked to provide an interim report to me by 30 June 2015. Further information about the terms of reference and the Council is available on its webpage: <www.ag.gov.au/flc>.

This builds on work by my Department, the family law courts and the states and territories to improve the interface between the family law system and the state and territory child protection systems. The purpose of this work is to promote the best interests of children and protect them from harm. Further information can be found on my Department's website: <<http://www.ag.gov.au/FamiliesAndMarriage/Families/Pages/Familylawandchildprotectioncollaboration.aspx>>.

These initiatives demonstrate that review of the family law system is an important and ongoing priority for this Government. The Coalition Government remains determined to get the balance right when it comes to family law reform and we are always open to proposals that improve the fairness and efficiency of the system. Correspondence from individuals, including through the petitions process, provides a very personal context in which to consider significant issues affecting Australian families and to inform policy decisions on how the system can be improved.

Thank you again for writing on this matter.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'George Brandis', written over a blue rectangular stamp.

(George Brandis)