



JOINT SELECT COMMITTEE ON AUSTRALIA'S FAMILY LAW SYSTEM

Individual witness submission

To ensure accuracy, please PRINT all information. Your personal contact details will **not** be published

CONTACT DETAILS

Title
 Mr Ms Mrs Dr None Other (please specify):

First name:

Last name:

Mobile:

Work number:

Email:

SUBMISSIONS

Would you like your submission to be confidential?¹

Yes
 No

Would you like your submission to be name withheld?²

Yes
 No

PUBLIC HEARINGS

Please indicate whether you would like to appear as a witness at a public hearing

Please note that it is a committee decision to determine who will be invited to appear as witnesses at a public hearing

Yes
 No

Please indicate whether you have any safety concerns about appearing at a public hearing

The secretariat can make special arrangements for you to appear as a witness if you have safety concerns

Yes
 No

FAMILY DISPUTE RESOLUTION

Please indicate whether you have engaged in family dispute resolution, and not proceeded with a court application

Yes
 No

Please indicate whether you have been issued with a section 60I certificate by a family dispute resolution practitioner under the *Family Law Act 1975* (Cth)

Yes
 No

RELEVANT DOCUMENTATION

Please indicate whether you have any relevant documentation to share with the committee.

Please do not provide this documentation with your submission. The committee will contact you if it requires this documentation.

Yes
 No

¹ Confidential submissions are only read by members of the committee and the secretariat.

² Name withheld submissions are published on the committee's website with all personal information redacted.

Issues	
<i>Please indicate which issues from the committee's Terms of Reference are relevant to your submission</i>	
a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including: <ul style="list-style-type: none"> i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings; 	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and: <ul style="list-style-type: none"> i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings; 	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. the effectiveness of the delivery of family law support services and family dispute resolution processes;	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. any issues arising for grandparent carers in family law matters and family law court proceedings;	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. any improvements to the interaction between the family law system and the child support system;	<input type="checkbox"/> Yes <input type="checkbox"/> No
j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes; and	<input type="checkbox"/> Yes <input type="checkbox"/> No
k. any related matters	<input type="checkbox"/> Yes <input type="checkbox"/> No

Your submission

Please provide a brief summary of your experience and any relevant issues. Your submission should respond to one or more of the committee's Terms of Reference

If there is insufficient room above to summarise your experience and relevant issues, please attach an additional page to this submission.

Proposed solutions

Please indicate any proposed solutions you may have that correspond to the committee's Terms of Reference

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:
 - i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and*
 - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;**
- b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;*
- c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;*
- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and:
 - i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and*
 - ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;**
- e. the effectiveness of the delivery of family law support services and family dispute resolution processes;*

f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;

g. any issues arising for grandparent carers in family law matters and family law court proceedings;

h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;

i. any improvements to the interaction between the family law system and the child support system;

*j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes;
and*

k. any related matters

If there is insufficient room above to discuss your proposed solutions, please attach additional pages to this submission.