



Australian Government  
Attorney-General's Department

## Family Law and Family Violence programs and reform measures

In addition to providing on-going funding for family law services, legal assistance providers and family law courts, the Government has progressed measures to improve the family law system and the legal assistance sector. The Government has also implemented the following family law system **reforms and measures**:

MEASURE		DETAIL
<b>Property matters</b>		
<b>Small claims property pilot</b>		\$5.9 million over three years is being provided to the family courts and the department to conduct and evaluate a two year trial of a simpler and quicker process for distributing property of less than \$500,000 between parties following a relationship breakdown. The small claims property pilot will run from January 2020 to December 2021, and is aimed at reducing the cost to families of resolving small property disputes, leaving more in the asset pool to be distributed between the parties.
<b>Increased property mediation</b>		\$13 million of new on-going funding provided from 1 July 2019 for Family Relationship Centres to undertake family law property mediation. These mediation services will support families to reach agreement on their property disputes through mediation, helping them recover financially more quickly after separation.
<b>Legally-assisted property mediation pilot</b>		\$10.3 million provided over three years for Legal Aid Commissions in each state and territory to conduct a two year trial of lawyer-assisted property mediation for matters with a property pool of up to \$500,000, excluding debt. This trial will support separating families who require legal advice to mediate and reach agreement on a property settlement without going to court, and will run from January 2020 – December 2021.
<b>Improving the visibility of superannuation assets in family law proceedings</b>		This measure provides \$3.3 million over three years to the Australian Tax Office to develop an electronic information sharing mechanism with the family courts to allow the superannuation assets held by parties to family law proceedings to be identified swiftly, more accurately and at a lower cost to parties. This mechanism is due to commence operation from 1 July 2020.
<b>WA superannuation splitting legislation</b>		The government introduced a bill on 27 November 2019 to enable WA separating de facto couples to split their superannuation interests during family law proceedings. It also extends federal bankruptcy jurisdiction to the Family Court of Western Australia to hear bankruptcy proceedings concurrently with family law proceedings.
<b>Parenting matters</b>		
<b>Additional resourcing for family consultants</b>		\$10.7 million provided over four years ongoing, from July 2017 for the family law courts to engage up to 17 additional family consultants.
<b>Legally Assisted Family Dispute Resolution for CALD and ATSI families</b>		\$8.675 million was provided over four years to fund and evaluate pilots of legally-assisted and culturally-appropriate family dispute resolution services for Indigenous and Culturally and Linguistically Diverse families who have experienced family violence. These pilots run from 1 June 2017 to 30 June 2020 across eight locations.
<b>Family violence</b>		
<b>Information sharing</b>	<b>Developing a national information-sharing framework</b>	Australian Governments committed, through the Council of Attorneys-General, to developing an information sharing regime so that family violence, child protection and family law orders, judgments, transcripts and other relevant documentation are accessible at an early stage of investigations and court proceedings to support informed, efficient and effective decision-making in the best interests of children and families at risk of experiencing family violence or abuse.
	<b>Co-location of state and territory family safety officials in the family law courts</b>	\$10.4 million provided over three years to co-locate state and territory officers, such as child protection practitioners and policing officials, in family law courts across Australia. This measure will increase the quality and timeliness of information shared between systems, helping to ensure courts have the right information to support decision-making that promotes the best possible outcomes for children and a court system that is responsive to safety risks. This measure is expected to commence in January 2020.
	<b>Technological solution</b>	Funding committed to consider how technology could assist with sharing information about family violence between the family law courts and the family violence and child protection systems.

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<b>Criminalisation of breaches of personal protection injunctions</b>	The Australian Government is committed to introducing legislation that would criminalise breaches of family law personal protection injunctions. The Government is working with state and territory police, justice and courts officials through the National Personal Protection Injunction Working Group to identify and report on how these offences can be enforced by state and territory police.
<b>Family Advocacy and Support Services</b>	<p>\$41.1 million provided over six years to fund and evaluate the Family Advocacy and Support Services (FASS) from 1 July 2016 to 30 June 2022. The FASS is an integrated duty lawyer and social support service available at court for families affected by family violence with family law matters. This is a holistic service that helps clients achieve positive legal and social outcomes, by helping them to connect with social supports they would otherwise not have accessed.</p> <p>An additional \$7.84 million over three years has been provided to engage dedicated men's support workers in all FASS registry and circuit locations from October 2019.</p>
<b>Domestic Violence Units and Health Justice Partnerships</b>	\$31.8 million provided over three years, and ongoing, is being provided to run specialist domestic violence units and health justice partnerships in 21 locations plus one online model in Victoria. Specialist domestic violence units provide legal assistance and other holistic support, tailored to each client's circumstances. The units assist clients to access services such as financial counselling, tenancy assistance, trauma counselling, emergency accommodation, and employment services. Through health justice partnerships, lawyers are working at hospitals and health centres to provide training to health professionals and ensure women experiencing domestic violence can access legal assistance in a safe location.
<b>Family Violence and Cross-examination of Parties Scheme</b>	The government passed legislation in December 2018 which protects victims of family violence from being directly cross-examined, or having to directly cross-examine their perpetrators in family law proceedings. On-going funding, initially \$7 million over three years, has been provided to Legal Aid Commissions to legally represent parties subject to the ban on direct cross-examination.
<b>Family violence education and training</b>	<p>Funding provided for a range of measures to improve family violence competency in the family law system including:</p> <ul style="list-style-type: none"> <li>• \$434,000 to develop a National Domestic and Family Violence Bench Book to promote best practice in judicial decision making</li> <li>• \$830,000 for the National Judicial College of Australia to develop and deliver a family violence training program to federal, state and territory judicial officers</li> <li>• \$180,000 to improve training for family consultants, including family violence training, and</li> <li>• \$120,000 to redevelop the national training program for Independent Children's Lawyers, including family violence components.</li> </ul> <p>The Council of Attorneys-General Family Violence Working Group is considering options for improving the family violence competency of legal practitioners.</p>
<b>Legal Assistance</b>	
<b>Legal assistance services –funding for family law and family violence-related matters</b>	Under the proposed National Legal Assistance Partnership (NLAP), combatting violence against women and children remains a key priority for the Australian Government. From 1 July 2020, the Australian Government is providing more than \$2.0 billion over five years for frontline legal assistance services, in which people experiencing, or at risk of, family violence will continue to be a priority client group. Of this funding, a proportion of Commonwealth baseline funding for Community Legal Centres will be specifically defined for family law and/or family violence matters. Over the five years of the NLAP, the Australian Government is providing \$69 million for these specific services delivered by Community Legal Centres.
<b>Court Reform</b>	
<b>Structural reform of the federal family law courts</b>	The Government proposes to bring together the Family Court of Australia and the Federal Circuit Court of Australia to be known as the Federal Circuit and Family Court of Australia (FCFC). The FCFC will become a single point of entry into federal family law jurisdiction and create a consistent pathway for Australian families to have their family law disputes dealt with in the federal courts, enhancing efficiency of the system, reducing the backlog of cases and driving faster, cheaper and more consistency resolution of disputes.