



Australian Government  
Attorney-General's Department

## Family Law and Family Violence programs and reform measures

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

| Property matters   |   |  |
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| <b>Small claims property pilot</b>   |   | \$5.9 million over three years provided to family courts and the department to pilot and evaluate, from 2020 to 2021, a simpler and quicker process for distributing property pools of up to \$500,000. The pilot will reduce the cost to families of resolving small property disputes, leaving more in the property pool to be distributed.  |
| <b>Increased property mediation</b>  |   | \$13 million of new, ongoing funding from 1 July 2019 for Family Relationship Centres to undertake family law property mediation, to support families to reach agreement on property disputes through mediation and enable quicker financial recovery after separation.  |
| <b>Legally-assisted property mediation pilot</b>                                   |   | \$10.3 million over three years for Legal Aid Commissions in each state and territory and the department to pilot and evaluate, from 2020 to 2021, lawyer-assisted mediation for matters with a property pool of up to \$500,000. The pilot will support separating families who require legal advice to reach agreement on a property settlement without going to court.  |
| <b>Improving the visibility of superannuation assets in family law proceedings</b> |   | \$3.3 million provided to the ATO over three years to develop an electronic information sharing mechanism with the family courts to enable the swift, accurate and low-cost identification of superannuation assets held by parties to family law proceedings. The mechanism is due to commence operation from 1 July 2020.  |
| <b>WA superannuation splitting legislation</b>                                     |   | In November 2019, the Government introduced a bill to enable separating WA de facto couples to split superannuation as part of a property settlement. It also enables the Family Court of WA to hear bankruptcy and family law proceedings concurrently for separating de facto couples.   |
| <b>Online Dispute Resolution System</b>  |   | \$3.23 million since 2017 to support the Legal Services Commission of SA to develop and evaluate an innovative smartphone app to assist families to divide their property and develop parenting arrangements between themselves.   |
| Parenting matters  |   |  |
| <b>Additional resourcing for family consultants</b>                                |   | From July 2017, \$10.7 million ongoing funding provided over four years to 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 over four years to pilot (from July 2017 to June 2020) and evaluate legally-assisted and culturally-appropriate family dispute resolution services across eight Family Relationship Centres for Indigenous and Culturally and Linguistically Diverse families who have experienced family violence.  |
| Family violence  |   |  |
| <b>Information sharing</b>   | <b>National information-sharing framework</b>       | Commitment by the Council of Attorneys-General (CAG) to develop an information sharing regime so that family violence, child protection and family law orders, judgments and other relevant documentation are accessible at an early stage of investigations and court proceedings to support decision-making in the interest of children and families at risk of family violence or abuse.  |
|  | <b>Co-location of state and territory officials</b> | \$10.4 million provided over three years to co-locate state and territory child protection and policing officials in family law courts, to increase the quality and timeliness of information shared between systems about family safety risks.  |
|  | <b>Technological solution</b>                       | Funding committed to consideration of how technology could assist with sharing information about family violence between the family law courts and the family violence and child protection systems.   |
| <b>Risk screening, triage and specialist list</b>                                  |   | \$13.5 million provided over three years to the family law courts to pilot (from 2020 to 2022) a systematic approach to identifying and managing family safety risks in three registry locations (Adelaide, Brisbane and Parramatta, which together cover 42% of filings). Parenting matters will be screened for family safety risks upon filing and triaged according to the level of identified risk. The Federal Circuit Court will operate a specialist list to enable safe, quick resolution of cases assessed as at high risk of family violence. |

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| <b>Criminalisation of breaches of personal protection injunctions</b>                        | Commitment to introducing legislation which criminalises breaches of family law personal protection injunctions. The Government is working with state and territory police, justice and court officials through the National Personal Protection Injunction Working Group to determine how these offences could be enforced by state and territory police.  |
| <b>Family Advocacy and Support Services (FASS)</b>   | \$41.1 million provided over six years (from 2016 to 2022) to fund and evaluate the Family Advocacy and Support Services (FASS), an integrated duty lawyer and social support service available at the court for family law litigants affected by family violence. An additional \$7.8 million over three years has been provided to engage dedicated men's support workers in all FASS registry and circuit locations from October 2019.   |
| <b>Domestic Violence Units and Health Justice Partnerships</b>                               | \$31.8 million provided over three years for specialist domestic violence units (DVUs) and health justice partnerships (HJPs) in 21 locations, plus one online model in Victoria. DVUs provide legal assistance and other holistic support to people who have experienced family violence. Through HJPs, lawyers from DVUs work with hospitals and health centres to provide training to health professionals and legal assistance to victims of family violence.   |
| <b>Family Violence and Cross-examination of Parties Scheme</b>                               | In December 2018, the Government passed legislation which protects victims of family violence from being directly cross-examined or having to directly cross-examine their perpetrators in family law proceedings. Ongoing funding, initially \$7 million over three years, provided to Legal Aid Commissions to represent parties subject to the ban on direct cross-examination.  |
| <b>Family violence education and training</b>  | <p>Funding provided to improve family violence competency in the family law system including:</p> <ul style="list-style-type: none"> <li>• \$434,000 to develop the National Domestic and Family Violence Bench Book</li> <li>• \$830,000 for the National Judicial College of Australia to develop and deliver family violence training to federal, state and territory judicial officers</li> <li>• \$180,000 to improve training for family consultants, including about family violence</li> <li>• \$120,000 to redevelop the national training program for Independent Children's Lawyers, including family violence components.</li> </ul> <p>The CAG 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> | From 1 July 2020, the Australian Government is providing more than \$2.0 billion over five years for frontline legal assistance services under the National Legal Assistance Partnership 2020-25 (NLAP). The NLAP will include a number of Commonwealth funding streams for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services, including funding for the FASS and DVUs and/or HJPs. People experiencing, or at risk of, family violence will be a national priority client group. Of this funding, over the five years of the NLAP the Government is providing \$94.9 million for legal assistance dedicated to family law and/or family violence matters.  |
| <b>Court Reform</b>  |   |
| <b>Structural reform of the federal family law courts</b>                                    | The Government proposes to bring together the Family Court and the Federal Circuit Court to be known as the Federal Circuit and Family Court of Australia (FCFC). The FCFC will be a single point of entry into the federal family courts for family law disputes, enhancing efficiency, reducing court backlogs and driving faster, cheaper and more consistent dispute resolution.  |