

26 May 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee

By email: legcon.sen@aph.gov.au

The tagline 'creating a better life for children and young people in care' is written in a blue, sans-serif font. The word 'creating' is in a smaller font size than the rest of the tagline. The tagline is positioned below the CREATE Foundation logo.

Inquiry into the Family Law Amendment (Information Sharing) Bill 2023

CREATE Foundation is the national consumer body representing the voices of children and young people with an out-of-home care experience. We provide programs and services to children and young people with a statutory care experience and develop policy and research to advocate for a better care system.

CREATE Foundation welcomes the Family Law Amendment (Information Sharing) Bill 2023, which amends the *Family Law Act 1975* to operationalise key aspects of the National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems (National Framework) and to establish an enhanced court-led information sharing framework for certain information in parenting proceedings.

Court data shows that family violence was alleged in 80% of matters filed in the Federal Circuit and Family Court during 2021-22, with a significant number of those matters involving disclosures of child abuse.¹ The introduction of enhanced and legislated information sharing arrangements between family law courts and child protection, policing and other agencies, while long overdue, should enable earlier identification of child and family safety risks and support more informed decision-making in matters that may involve child abuse, neglect or family violence.

CREATE Foundation is also pleased to see, in recognition of the complex nature of family violence and child abuse, that this Bill is not restricted to information relating specifically to the child concerned in the proceeding, but rather provides the Court with access to any relevant information relating to persons connected to the proceedings. This approach better protects the interests and safety of the child.

We support the suggestion made by Relationships Australia in their submission (22 May 2023) to amend section 67ZBL of the Bill to provide for ongoing reviews of the operation and effectiveness of the amendments in achieving the objectives of the National Framework, and for the review reports to be tabled in Parliament to ensure public transparency.

The Commonwealth Government should continue working with state and territory governments to expedite the broader reforms required for improved information sharing between the states and territories, to better protect the safety and wellbeing of children experiencing abuse and neglect.

¹ Federal Circuit and Family Court of Australia (Division 1) and Federal Circuit and Family Court of Australia (Division 2) Annual Reports FY2021-2022, p.15.



Further, and outside the scope of this Bill, CREATE Foundation requests that the Government provides an update on the establishment of the Family Law Council's Children and Young People's Advisory Board, as announced in February 2022. The Australian Law Reform Commission recommended the establishment of this Board to provide advice on children's experiences of the family law system back in 2021 as part of its Inquiry into the Family Law System. CREATE would like to know whether this Board has been established and whether children and young people were asked to provide input into the formulation of this Bill.

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