



Australian Dispute Resolution Advisory Council Inc

www.adrac.org.au

14 January 2020

Ms Sophie Dunstone
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
Parliament of Australia

By email

Dear Ms Dunstone,

Thank you for your email of 11 December 2019 inviting ADRAC to make a submission in relation to the Committee's Inquiry into the *Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019*.

ADRAC supports the Bill, noting that:

- if enacted it will promote consistency in the law, across Australia, governing the splitting of superannuation and bankruptcy of separating de facto couples in Western Australia by, in effect, (i) bringing them within the same legal framework as applies to the rest of Australia; and (ii) enabling easier access by them to the applicable law on those topics (by confining relevant provisions to single place)
- if enacted it will reduce inequity, particularly for couples with low-value property where superannuation may be the only, or principal, asset
- if enacted it will reduce extant adverse effects upon a disadvantaged group – women (particularly women of lower socio-economic status) who, on average, accumulate less superannuation

In short, ADRAC considers that, if enacted, the Bill will promote access to justice and facilitate the resolution of disputes in a more timely and cohesive manner. It will also help reduce costs, confusion, inequity, and fragmentation within the legal system.

Thank you for the opportunity to comment upon the Bill.

Yours sincerely

The Honourable Ruth McColl AO SC

Chair, ADRAC