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Parliamentary inquiry into a better family law system to support and protect those affected by family violence

Issue date: 7 December 2017

Committee calls for major overhaul of the family law system to address family violence

The Australian Parliament's Social Policy and Legal Affairs Committee today called for swift and urgent improvements to the family law system to better support and protect those affected by family violence.

The Committee's report, presented to the House of Representatives today, sets out the findings from the inquiry into a better family law system to support and protect those affected by family violence. The report examines key concerns regarding the family law system's approach to family violence, and finds that the current system is frequently and in many ways failing to support and protect families affected by family violence. Key concerns discussed in the report include the adversarial nature of the family law system, inappropriate responses to reports of family violence, and the disconnect between state, territory and federal jurisdictions.

Committee Chair, [Sarah Henderson MP](#), said "it is clear that the family law system is not providing adequate support to and protection of families experiencing family violence. In many cases, the safety of families, particularly children, is being compromised.

"Our inquiry was underpinned by the strong message that 'your voice matters.' We have listened to thousands of everyday Australians affected by family violence who have with courage told us about their experiences with the family law system. The Committee thanks all those who took the time to tell us their stories. We appreciate that this would not have been easy.

"We are confident that the reforms we have suggested in this report will help families, confronting the turmoil and trauma of family violence, better navigate the family law system and receive the justice they deserve," Ms Henderson said.

The Committee's report focuses on shorter-term reforms to the family law system, and leaves a broader analysis of the family law system to the Australian Law Reform Commission's [review of the family law system](#). The report acknowledges that, as part of that review, the Australian Law Reform Commission will explore alternatives to the current adversarial system.

The Committee's report provides a vision for a new family law system that is accessible, equitable and responsive and prioritises the safety of those affected by family violence. It makes 33 recommendations to help achieve this vision. These include recommendations for:

- establishing stronger early identification and response processes to family violence matters;



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- the adoption of a single point of entry to the federal family courts so that applications can be triaged and actively case managed to their resolution;
- the establishment of formal and expedited referral pathways between state courts and the federal courts and improved information sharing between those jurisdictions;
- the earliest possible determination of family violence allegations to enable the courts to make informed decisions about parenting and property matters;
- trials of specialist state and territory family violence courts which exercise federal family law jurisdictions, including a trial in a location with a high Indigenous population;
- the urgent introduction of legislation to prohibit perpetrators of family violence from cross examining the other party;
- the removal of the presumption of equal shared parental responsibility in the Family Law Act;
- the incorporation of a child safety service within the courts and the introduction of multi-disciplinary panels to interview children in child abuse cases;
- the abolition of private family consultants, with these roles only being engaged and administered by the Court itself, and a new accreditation and monitoring regime to ensure professional standards are maintained;
- legislative amendments enabling express consideration of family violence in property settlements when assessing both parties' contributions, as well as early resolution of small claim property matters and superannuation splitting orders;
- better support for families with additional needs;
- improvements in training for family law professionals; and
- additional resources be provided for the federal family courts to assist with addressing the increasing backlog of cases currently before those courts.

A full copy of the Committee's report can be obtained from the Committee's website at www.aph.gov.au/fvlawreform.

Please be aware that the Committee is unable to intervene or provide advice in relation to individual circumstances. If you are in immediate danger, please contact 000. If you are experiencing distress or would like to speak with someone about your situation, the following support services are available:

- 1800RESPECT national helpline: 1800 737 732
- Women's Crisis Line: 1800 811 811
- Men's Referral Service: 1300 766 491
- Lifeline: 131 114
- Relationships Australia: 1300 364 277
- Kids Helpline: 1800 55 1800

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