

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 14

Senator Stott-Despoja tabled the following question at the hearing on 24 May 2007:

In the context of the significant investment of resources the Government has made to changes to the family law system, including the establishment of Family Relationship Centres, what financial commitment is the Government making to ensure child protection allegations made in family law matters are properly addressed?

The answer to the honourable senator's question is as follows:

The Australian Institute of Family Studies (AIFS) was funded to conduct independent research on how allegations and denials of family violence and child abuse were raised and addressed in the family law system prior to the 2006 reforms. Its report, *Allegations of family violence and child abuse in family law children's proceedings*, was released in May 2007.

A number of provisions in the *Family Law Act 1975* facilitate and extend the powers of courts to gain evidence relating to child abuse or family violence. Section 69ZW allow courts to make an order in a child-related proceeding requiring a State or Territory child welfare agency to provide documents that may be relevant to allegations of child abuse or family violence. Subsection 69ZW(5) requires a court to admit into evidence all documents and information on which it intends to rely.

Under section 67Z of the Act, if a party alleges that a child to whom the proceedings relate has been abused or is at risk of being abused, the party must file a notice in the Court and serve a copy of the notice upon the person who is alleged to have abused the child or from whom the child is alleged to be at risk of abuse. Where such a notice is filed, the Registrar must, as soon as is practicable, notify the relevant State or Territory child welfare authority.

The Act also provides for direct notification to the child welfare authority by a member of the court personnel, a family and child counsellor or a family and child mediator who suspects that a child has been abused or is at risk of being abused. Court personnel, counsellors and mediators may also notify the child welfare authority if they suspect that a child has been or is at risk of being ill treated, or has been or is at risk of being exposed or subjected to behaviour which psychologically harms the child (Section 67ZA.)

Section 60K of the Family Law Act requires courts to take prompt action in relation to allegations of child abuse or family violence. In particular the Section is designed to help ensure that the court receives adequate information so that appropriate orders can be made and protection provided. Action must be taken as soon as practicable after the document is filed and if it is appropriate in the circumstances within eight weeks after that time.

The Attorney-General is currently informing himself about issues relating to child abuse and family violence.