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**Family Law Council**

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30 September 2024

Sophie Dunstone  
Committee Secretary  
Legal and Constitutional Affairs Legislation Committee

### **Inquiry into the Family Law Amendment Bill 2024**

Dear Committee Secretary

The Family Law Council is supportive of the proposed Legislative Reforms. We have been consulted during the development of the legislation and enclose for the Committee's Reference submissions that we have earlier made to the Attorney-General's Department that comment on specific provisions.

The Council's current Terms of Reference include a focus on the issue of family violence. The proposed legislation would introduce a number of measures that would enhance protections for victims of family violence and enable them to obtain redress for the financial impact of that violence. In that respect we refer, in particular to the following:

- **Recognition of Economic or Financial Abuse:** The bill amends the Family Law Act to explicitly include "economic or financial abuse" as a form of family violence. This encompasses behaviours such as denying financial autonomy, withholding financial support, and coercing individuals into financial agreements, including dowry-related coercion.
- **Impact of Family Violence on Contributions:** The bill requires courts to consider the effects of family violence when assessing contributions made by each party in property settlements. This includes evaluating how family violence has impacted a party's ability to contribute financially or non-financially to the relationship.
- **Consideration of Current and Future Circumstances:** Courts are mandated to take into account the impact of family violence on the current and future circumstances of the parties involved. This includes considerations such as the need for ongoing counselling and the financial implications of family violence.

- **Spousal Maintenance:** The bill introduces provisions that require courts to consider the effects of family violence when determining spousal maintenance, ensuring that the financial needs of victims are adequately addressed.
- **Less Adversarial Trial Processes:** The bill extends Less Adversarial Trial (LAT) processes to property proceedings, which aims to reduce the adversarial nature of family law proceedings, thereby providing a safer environment for victims of family violence. The bill would also empower the court to dispense with the rules of evidence in appropriate cases making it easier to prove the occurrence of family violence by, for instance the admission of hospital notes police reports and child welfare reports.
- **Duty of Disclosure:** The bill imposes a legislative duty on parties to disclose their financial interests in property proceedings, which is crucial for ensuring transparency and fairness, particularly in cases involving family violence.
- **Children’s Contact Services (CCS):** The bill enhances the regulation of CCS, which provide safe environments for children to maintain contact with parents in situations where family violence is a concern. It establishes accreditation requirements for CCS providers to ensure safety and quality of service.
- **Commonwealth Information Orders (CIOs):** The bill allows CIOs to include requests for violence-related information, thereby enabling courts to gather relevant data regarding safety concerns related to children and family members.
- **Protected Confidences:** The bill introduces protections for sensitive therapeutic information, preventing its disclosure in family law proceedings if it could cause harm. This is an important measure to prevent systems abuse where it is not uncommon for perpetrators of violence to seek to tender deeply personal information that has little if any forensic value in the proceedings.

These provisions collectively aim to enhance the legal framework surrounding family violence in family law matters, ensuring that the impact of such violence is recognised and appropriately addressed in legal proceedings.

Yours sincerely,

Deputy Chief Justice Robert McClelland AO,  
Chairperson, Family Law Council

E-mail: [familylawcouncil@ag.gov.au](mailto:familylawcouncil@ag.gov.au)