

Sophie Dunstone  
Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Via Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

25 October 2024

Dear Sophie,

Thank you for the opportunity to review the proof transcript for evidence given at the Legal and Constitutional Affairs Legislation Committee's inquiry into the *Family Law Amendment Bill 2024* public hearing in Canberra on 18 October 2024. I have no amendments to make to the transcript.

I took a question on notice from Senator Scarr regarding the recommendations of the submission from the Law Council of Australia, along with the other organisations appearing at the hearing. My response to the recommendations is as follows.

#### **Recommendation 1**

NLA strongly supports the recommendation that the Bill's passage must be supported by urgent additional resourcing and funding to the family law system and legal assistance sector. The NLA submission similarly recommended that increased funding for LACs be provided in response to any increase in workloads for legal representatives resulting from the Bill.

#### **Recommendation 2**

NLA supports the recommendation to conduct a further review of the operation of the Family Violence and Cross-Examination of Parties Scheme.

#### **Recommendation 3**

NLA supports the recommendation that all amendments should apply to every matter heard after a single commencement date upon passage of the Bill in principle, noting that the court should retain a level of discretion to ensure effective implementation. For example, NLA would suggest that this not apply if final hearings have already commenced at the date of the Bill's passage.

#### **Recommendation 4**

NLA supports the recommendation to redraft subsection 4AB(2A) subparagraph (a)(iv) to include the word consent after knowledge of. NLA does not support the recommendation to redraft 4AB(2A) paragraph (d) to clarify that it only relates to circumstances where there is a dowry, as this may be unnecessarily limiting the provision that should be applied to the dowry abuse type behaviour rather than the specific cultural practice of a dowry.

**Recommendation 5**

NLA does not support the recommendation that more consideration of the provisions related to companion animals is required. NLA would instead note that the implementation of these provisions should be considered in the review of all of the amendments included in the Bill within 3 to 5 years that was recommended in our submission.

**Recommendation 6**

NLA supports the recommendation relating to the less adversarial trial approach in principle, noting that in the experience of the Legal Aid Commissions (LACs) the issues that the recommendations are attempting to address are rare. NLA notes that the court should maintain the ability to exercise its discretion where needed.

**Recommendation 7**

NLA does not support the recommendation regarding the codification of the duty of financial disclosure, as it is of the view that the proposed amendments may be too prescriptive and may restrict the court's ability to exercise discretion where needed.

**Recommendations 8 and 9**

NLA supports the recommended amendment to ensure consistency.

**Recommendation 10**

NLA agrees that the provisions of subsection 114UB may be inconsistent and/or contradictory. NLA recommends that the entire subsection be reviewed and amended to ensure it is consistent.

Thank you for the opportunity to answer this question. Please feel free to contact me if you have any questions.

Kind regards,

Katherine McKernan  
Executive Director  
National Legal Aid