

Submission to the Standing Committees on Legal and Constitutional Inquiry into *Family Law Amendment Bill 2023*

Joel MacKay

I appreciate the opportunity provide this submission as the Senate scrutinises the *Family Law Amendment Bill 2023* (the bill).

As someone who was raised by divorced parents support the bill for a number of reasons.:

1. Refining the 'best interests' factors: The refinement of the 'best interests' factors in the parenting order framework can provide more clarity and guidance to judges and legal professionals involved in family law cases. This can help ensure that decisions regarding parenting arrangements prioritise the well-being and best interests of the child. Clearer guidelines can reduce ambiguity and promote consistency in decision-making, leading to more effective outcomes for children and families.
2. Inclusive definitions of 'family': By amending the definitions of 'family' to be more inclusive of Aboriginal and Torres Strait Islander culture and traditions, the proposed changes recognize and respect the diverse cultural backgrounds and practices within the Australian society. This acknowledgement can contribute to better understanding and appreciation of the unique needs and experiences of Indigenous families involved in family law proceedings.
3. Appointment of Independent Children's Lawyers (ICLs): Allowing the appointment of ICLs in matters brought under the Hague Convention provides an additional layer of protection for children involved in international child abduction cases. ICLs can act as advocates for the child's interests and ensure their voice is heard during legal proceedings. This representation can help safeguard the child's well-being and provide a balanced perspective in complex cross-border custody disputes.
4. Clearer restrictions on communication of identifiable information: The proposed clarifications regarding the restrictions on communicating identifiable information in family proceedings address privacy concerns and protect the sensitive personal information of individuals involved. By providing clearer guidelines, the amendments can enhance privacy protection and maintain confidentiality, which is crucial in safeguarding the privacy and security of families going through legal processes.
5. Standards for professionals preparing family reports: Prescribing standards and requirements for professionals who prepare family reports can improve the quality, consistency, and reliability of these reports. Establishing clear expectations for professionals conducting assessments and providing recommendations enhances the credibility of the reports in court proceedings. Consistency in the assessment process can contribute to more equitable and informed decision-making, benefiting the children and families involved.

Thank you for the opportunity.