



## **Family Court of Australia at child custody inquiry: Canberra public hearing, Friday 10 October**

The House of Representatives Family and Community Affairs Committee's inquiry into child custody arrangements will hold a public hearing in **Canberra** tomorrow, **Friday 10 October**.

Appearing will be representatives of the Family Court of Australia.

### **PUBLIC HEARING**

**Friday 10 October: 9am – 11am**

**Venue: House of Representatives Committee Room 2R1**

### **Program:**

#### **9.00 am Family Court of Australia**

The Hon Justice Alastair Nicholson, Chief Justice  
Justice Richard Chisholm  
Mr Richard Foster, CEO  
Ms Jennifer Cooke, General Manager Client Services  
Mr James Cotta, Acting Principal Mediator

### **Summary of Family Court submission:**

The Family Court submission (No. 751) is available on the inquiry website. The submission explains the major provisions, philosophy and effect of the changes made to the Family Law Act in 1995.

In particular it notes that the change of language (removing terms implying children as property) in that legislation has changed neither behaviour nor language in the community. It also is critical of the lack of clarity around the terms in the legislation and submits that this has exacerbated disputes between parents.

The submission provides information on several previous parliamentary considerations of the issues before the committee since the Family Law Act was first enacted, and discusses the diversity of clients who seek assistance from the Court and how this would relate to a 50/50 presumption in the best interest of the child. The submission explains the Court's approach to case management and resolution of disputes, interim applications, the voices of children and enforcement, including how the Court's non-judicial processes encourage on-going involvement of parents.

The Court itself is questioning the impact of the traditional adversarial model of litigation in disputes over children. It takes the position that the problem with the current family law system does not lie in the legislation but in the procedure. The submission refers to the possibility of increases in litigation from the proposed amendment (based on the experience of the impact of the 1995 reforms) and the need to manage disappointment when expectations are not met because of the complexity of family situations which do not fit the 50/50 template.

The Court will be providing information from a statistical survey of court files in order to provide the committee with more detailed information on outcomes, which is not generally available through published court data. The Court has undertaken a research project specifically for this purpose.

**For media comment from the Chair, please contact:**

Mrs Kay Hull, MP (Chair), via tel: (02) 6277 4723

**For further details on the inquiry**, contact the Committee Secretariat on (02) 6277 4566 or visit the inquiry website at [www.aph.gov.au/house/committee/fca/childcustody/](http://www.aph.gov.au/house/committee/fca/childcustody/)

## **CHILD CUSTODY INQUIRY TERMS OF REFERENCE**

The Committee is to investigate and make recommendations for action on the following matters:

(a) given that the best interests of the child are the paramount consideration:

- (i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and
- (ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

(c) with the Committee to report to the Parliament by 31 December 2003.

The Committee has been asked to have regard to the Government's recent response to the report of the Family Law Pathways Advisory Group. A link to this report is available on the inquiry website.

## **FAMILY AND COMMUNITY AFFAIRS COMMITTEE MEMBERSHIP**

Chairman            Mrs Kay Hull MP

Members            Hon Alan Cadman MP  
                          Ms Trish Draper MP  
                          Mr Peter Dutton MP  
                          Ms Jennie George MP  
                          Mrs Julia Irwin MP

Mr Chris Pearce MP  
Hon Roger Price MP  
Mr Harry Quick MP  
Mr Cameron Thompson MP