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Submission to the Australian Government
“A new family law system”
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This response to the Government’s *New Family Law System* argues:

1. that compelling broken families to engage in informal dispute resolution, soon after separation, will endanger many women and children and jeopardise the justice of post-separation arrangements;
2. that the proposed new approach will fail to protect or promote the best interests of children by putting them, as well as their primary care-givers, at risk through informal outcomes reached without the guidance of legal normative principles;
3. that compelling highly conflicted, positioned parties to negotiate in informal interest-based environments without assistance reflects a severe misunderstanding of fundamental principles of, and conditions for, appropriate consensus bargaining;
4. that screening processes are inadequate in terms of ensuring victims of violence and abuse are not compelled to participate. This means many victims will participate without appropriate protections;
5. that, in any event, if screened out of informal processes many victims of violence will not have other dispute resolution options;
6. that therefore lawyers must be involved in informal dispute resolution as it is practised in the Family Relationship Centres, particularly for victims of violence who would like to participate but need to be protected. This is required if the new family law system is to allow for just outcomes for separated families.

Please refer to my earlier submission to the Discussion Paper for further detail on these arguments.

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