

# RECOMMENDATIONS

## Recommendation 1

**3.36** The Committee recommends that there be a definition of 'equal shared parental responsibility' inserted in the bill.

## Recommendation 2

**3.58** The relationship between the considerations in proposed subsections 60CC(2) and (3) be clarified in the bill.

## Recommendation 3

**3.62** Subsections 60CC(4) and (4A) should be amended to make it clear that a court should consider a parent's pre- and post-separation conduct and circumstances. The revised provisions should use appropriate terminology for the pre-separation conduct and considerations, and avoid using post-separation terminology such as 'the parent's obligation to maintain the child'. The revised provisions should also direct the court that while pre-separation considerations are important, the focus should be on determining the child's best interests in relation to a parent's present and future conduct and circumstances.

## Recommendation 4

**3.64** That the Government undertake a review of the application of provisions which may operate to exclude the Court's consideration in situations where consent orders are lodged by the parties.

## Recommendation 5

**3.111** The proposed definition of family violence should be redrafted to clarify that the test is the 'reasonable person in the shoes of the individual and whether they would fear or have an apprehension of violence'.

## Recommendation 6

**3.112** The Government should use the results of the Australian Institute of Family Studies research it has commissioned into family violence and, if necessary, review definitions of family violence across all State and Territory jurisdictions as soon as possible.

## Recommendation 7

**3.129** Proposed subsection 117AB should be removed from the bill pending any relevant results of the Australian Institute of Family Studies research into the prevalence of false allegations of family violence in family law proceedings.

## Recommendation 8

**3.154** That the Government undertake the necessary consultation with service providers in rural, regional, remote and very remote areas to ensure that adequate funds are allocated for the provision of dispute resolution services in those areas. Further, where videolink or telecommunications are to be used to provide dispute resolution services, the Government is to ensure that adequate

funds are provided so that parties are given the opportunity to have an initial face-to-face outreach service.

#### **Recommendation 9**

**3.155** Where parties are in a location which prevents them from attending an FRC, the first three hours of dispute resolution is provided to those parties free of charge, regardless of who provides the dispute resolution service.

#### **Recommendation 10**

**3.174** That the Department immediately undertake a comprehensive analysis of the cost implications on current litigants, future litigants and the courts on maintaining two regimes for a period of three years for the determination of Part VII applications.

#### **Recommendation 11**

**3.175** That the Attorney-General's Department develop and implement a comprehensive public information campaign to inform people of the impact of the amendments in the bill on existing parenting orders.

#### **Recommendation 12**

**3.176** In the event of an increase of applications to the court to vary existing parenting orders once the amendments in the bill commence, that the Government provide the court with sufficient resources to adequately address the increase in applications.

#### **Recommendation 13**

**3.191** That the Attorney-General's Department consult with the relevant State and Territory departments and agencies in relation to the operation of section 69ZW.

#### **Recommendation 14**

**3.199** That the Department consult with National Legal Aid to ensure that the necessary resources are made available to meet any increased demand for children's lawyers.

#### **Recommendation 15**

**3.217** The section 68R be reviewed to ensure the considerations to be taken into account are clear to all readers, and similarly the weighting to be given to each consideration, by the Court when exercising its powers under the section must also be clear.

#### **Recommendation 16**

**3.218** The Committee recommends that subject to the preceding recommendations the bill proceed.