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Best interests of children must be ongoing focus of family law

Reform of Australia's family law system must continue to place the best interests, safety and wellbeing of children at the centre of the decision-making process, according to the Law Council of Australia.

"In welcoming the introduction of the Family Law Amendment Bill 2023 (Cth) in Parliament today, the Law Council considers that the reforms will ensure that the best interests of the child should remain the paramount consideration, including protecting children's physical, emotional and mental health," Law Council of Australia President, Mr Luke Murphy said.

"Changes to our family law legislation must also make it easier for self-represented litigants and for separating couples who are negotiating their own parenting arrangements without litigation to understand the law even without the assistance of a family law professional."

"We must remember that matters which will come before a court are the most complex and difficult matters involving the most vulnerable children. The legislation must be able to appropriately respond to those cases, as well as being as accessible as possible to members of the public.

"To the extent that these intentions underpin the Bill and any amendments made, we wholeheartedly support reform of Australia's family law system to improve outcomes for those who interact with it.

"We remind the Commonwealth again though, that our family law system, particularly the Federal Circuit and Family Court of Australia and the legal assistance sector, needs a significant boost in funding, especially to meet their increased obligations arising from the proposed reforms. This is particularly the case for the resourcing of Independent Children's Lawyers. The release this week of the PWC report commissioned by National Legal Aid on *The benefits of providing access to justice* underlined the urgent need for such resourcing.

"If the proposed reforms pass, all those who may need to access the family law system must be kept informed and understand what has changed. The Law Council strongly recommends the development and implementation of targeted educational campaigns to ensure that the broader community understands the reforms and their potential consequences.

"The Law Council supports the Bill bringing forward the review of the Federal Circuit and Family Court of Australia (Family Law) Act 2021 to assess the merged court structure and ensure it is working to provide families with a safe, accessible and efficient resolution of their family law disputes. It looks forward to continuing to engage with the Government as these significant reforms progress."

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