



The Hon. Scott Morrison MP

Prime Minister

MEDIA RELEASE

Tuesday 17 September 2019

JOINT PARLIAMENTARY INQUIRY INTO FAMILY LAW AND CHILD SUPPORT

The Prime Minister has announced the Government will undertake a Joint Parliamentary Committee of both the House and the Senate to conduct a wide-ranging inquiry into the family law system.

Prime Minister Scott Morrison said the review would look at whether the current system, which is intended to support parents and children during the end of a relationship, is fit for purpose.

“We want to ensure families can resolve issues as quickly and fairly as possible, so everyone can move on with their lives,” the Prime Minister said.

“This inquiry will allow the Parliament to hear directly from families and listen to them as they give their accounts of how the family law system has been impacting them and how it interacts with the child support system.

“This is a serious issue that has been raised by Members and Senators across the Parliament and I look forward to the Parliament working together through this Committee to bring forward recommendations that look at how the system can be improved.”

The inquiry will have broad terms of reference and be led by the Hon Kevin Andrews MP, who has considerable experience as both an MP and Minister in dealing with these issues.

The Government has already proposed substantial reform in some relevant family law structures, such as the merger of the two courts that primarily deal with family law matters – the Family Court of Australia and the Federal Circuit Court. This reform, which will be re-introduced before the end of 2019, is focused on helping parents resolve issues at the end of their relationship as simply, quickly and cheaply as possible.

The Government is also considering the recommendations of the Australian Law Reform Commission report into family law which was released in April this year and will respond in full to all of those recommendations relating to the design of multiple important provisions in the Family Law Act 1974.

Attorney-General and Minister for Industrial Relations the Hon Christian Porter MP said the Select Committee's focus would be on specific areas where there may be scope for improvement in the family law system, the courts or other policy areas such as child support.

It will also look at how the family law system, state and territory child protection systems and family and domestic violence jurisdictions can communicate better.

"Amongst other issues, it will address important operational issues of enforcement of court orders and legal costs to families of family law proceedings, with a particular focus on instances where legal fees are disproportionate to the total asset pool or issues in dispute," said the Attorney-General and Minister for Industrial Relations.

"Importantly for older Australians who find themselves taking on the parental role for grandchildren, the Committee will have a particular focus on issues affecting grandparent carers in family law matters and family court proceedings."

A motion to establish the Joint Parliamentary Select Committee will today be considered by the Senate.

The proposed Terms of Reference, to be considered by the Senate this afternoon, are attached.

[ENDS]

Contacts: Press Office, (02) 6277 7744

The Hon. Scott Morrison MP, Sydney

Joint Select Committee on Australia's Family Law System - Terms of reference

Inquire and report by 7 October 2020 on the following matters:

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems and family and domestic violence jurisdictions; including:
 - i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders; and
 - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;
- b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;
- c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;
- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning "disappointment fees", and:
 - i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters; and
 - ii. any mechanisms to improve the timely, efficient, and effective resolution of property disputes in family law proceedings;
- e. the effectiveness of the delivery of family law support services and family dispute resolution processes;
- f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;
- g. any issues arising for grandparent carers in family law matters and family law court proceedings;
- h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;

- i. any improvements to the interaction between the family law system and the child support system; and
- j. the potential usage of pre-nuptial agreement and their enforceability to minimise future property disputes; and
- k. any related matters.