



Australian Government

Australian Law Reform Commission

Media Release

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ALRC Family Law System Review – Final Report

The Australian Law Reform Commission report, *Family Law for the Future: An Inquiry into the Family Law System*, was tabled in Parliament today by the Attorney-General, the Hon Christian Porter MP.

The ALRC has made 60 recommendations for reform.

The ALRC recommends that the resolution of family law disputes be returned to the states and territories and that the federal family courts eventually be abolished. Under the current system, children fall through the gaps between the family law courts, the child protection systems and the state and territory responses to family violence. This can be remedied only by having a single court focused on the best interests of the child that is able to resolve all family law, child protection and family violence issues together.

In the federal family courts, family violence, child abuse or other complex factors now make up the majority of cases. However, there is no federal body with investigative powers akin to a child protection department and the family courts have no capacity to compel a child protection department to intervene in a family law case or to investigate the court's concerns.

More broadly, the ALRC's recommendations will ensure that the law provides a framework that assists families who are experiencing relationship breakdown to make arrangements for their children, property and financial affairs.

ALRC President, the Hon Justice Sarah Derrington, said, "These recommendations seek to ensure families have access to a dignified and efficient process that resolves disputes effectively and at the lowest cost financially, emotional and psychologically, while also giving primacy to the interests and safety of children affected by those disputes."

Implementing the 60 recommendations will:

- promote an integrated court response to family law matters, child protection matters and matters involving family violence, providing better protection to individual litigants and their children;
- assist separated couples and the courts to arrive at parenting orders that promote the best interests of the child;
- assist separated couples to understand and comply with parenting orders, reducing conflict thus contributing to the welfare of children;
- increase the proportion of separated couples who are able to resolve their parenting matters, and property and financial matters, outside the courts through a process that ensures fairness and reduces ongoing conflict;
- reduce acrimony, cost and delay in the adjudication of family law disputes through the courts and ensure family law matters are subject to rigorous case management by the courts to reduce delay and cost; and

- ensure that families who seek assistance from the family law system with legal and other support needs receive that support in a coordinated and efficient manner.

On 27 September 2017, the ALRC received Terms of Reference from the Attorney-General, the Hon Senator Brandis QC to conduct the first comprehensive review into the family law system. During the inquiry the ALRC held 179 consultations across Australia, including in all state and territory capitals as well as regional centres such as Townsville, Cairns, Alice Springs, Mt Gambier, Newcastle, Albury, and Wollongong. The ALRC received over 1200 written contributions, including 440 public submissions in response to an Issues Paper and a Discussion Paper.

Family Law for the Future: An Inquiry into the Family Law System (ALRC Report 135) and the Summary Report (ALRC 135 Summary) are available for viewing or free download at www.alrc.gov.au/publications.