



November 13, 2018

RESPONSE TO THE ALRC FAMILY LAW SYSTEM REVIEW DISCUSSION PAPER

Thank you for the opportunity to respond to the Australian Law Reform Commission Family Law System Review Discussion Paper.

Rainbow Families Victoria is pleased to see that some of our contributions to the Issues Paper have been incorporated into several key proposals within the Discussion Paper. The emphasis on LGBTIQ+ inclusive in decision making, focus groups, reference groups, user testing, advisory groups and consultations should be commended.

However, the experiences of LGBTIQ+ parented, and especially multi-parented families, needs further consideration throughout the proposal's raised by the Discussion Paper. The assumption of including just two-parented or coupled families, through use of the term "both parents" presupposes that LGBTIQ+ families do not have more than two people taking on parenting roles and responsibilities. We remain concerned that the needs of our rainbow families with LGBTIQ+ parents, including multi-parented families, are being considered often in the same grouping as other diverse or different family forms.

We implore the Commission to remember that many of us live intersectional lives – we are people with disabilities, we are Aboriginal, we are from multi-faith and multi-cultural communities. When you consider making further recommendations on education and awareness campaigns (Proposal 2-2) and the family law information package (Proposal 2-6 to 2-8) please keep in mind that there needs to be cross-representation amongst each diverse group to ensure accurate representation of the diverse and specific needs of each population group. This goes for all other proposals referring to LGBTIQ people and our families as well.

In regards to Proposal 10 specifically we believe that the requirement for improving the overall education and training of the family law system workforce cannot be underestimated. The need for cultural competency awareness and a deep understanding of the complexities of our rainbow families is of utmost importance to the success of a renewed or reformed family law system in Australia. The Discussion Paper tends to refer to LGBTIQ people rather than LGBTIQ people who parent or who are part of multi-parent families. We respectfully remind the Commission that when we refer to rainbow families we mean families that may include one, two, three, four or more LGBTIQ parents, co-parents or carers who care and nurture the children in their family. Family forms can include, but are not limited to: step parented families, separated families, children who are fostered, in permanent care or adopted, children conceived through assisted reproductive technology, children living across two or more primary homes as part of their parenting arrangement, families with donors and/or surrogates who helped create them, either through altruistic surrogacy or through international surrogacy arrangements.

We also request that specific attention be provided to the intersex community – the 'I' in LGBTIQ. Rainbow Families Victoria would like to remind the Commission of some of the key recommendations made by Intersex Human Rights Australia in their submission to the Issues Paper including their summary that reads in part "*The best interests of the child has been interpreted through a narrow lens manipulated to facilitate experimental treatments that, contrary to Article 3 of the convention of the rights of the Child, conflict with the child's human dignity and right to physical integrity*". We strongly recommend further discussion with IHRA on their submission and would like to see more concentrated effort to incorporate their concerns and recommendations.

We support the inclusion of a focus on the impact of family violence on children and families. We agree with the proposal to amend s60CA to read "safety and best interests". We implore the Commission to also read or refer to the new and emerging body of work being produced in regards to LGBTIQ family violence. We suggest looking at the work of Family Safety Victoria in relation to LGBTIQ family violence and intimate partner violence as well as community organisations such as queerspace at drummond street services, Thorne Harbour health, Switchboard and Transgender Victoria.

We welcome an invitation to be part of any further consultation groups or in fact to be invited to be members of any groups or advisory bodies established as a result of this enquiry. As a community organisation founded in 2006 we have a unique ability to represent a diverse range of family forms within the LGBTIQ communities, and in collaboration with groups such as Rainbow Families NSW and Rainbow Families Queensland, we would appreciate a seat at the table.

We look forward to being part of further discussions and welcome any future opportunities to discuss our submissions to both the issues paper and the discussion paper with you.

Yours sincerely

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