

# Questions

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## Objectives and principles

**Question 1** What should be the role and objectives of the modern family law system?

**Question 2** What principles should guide any redevelopment of the family law system?

## Access and engagement

**Question 3** In what ways could access to information about family law and family law related services, including family violence services, be improved?

**Question 4** How might people with family law related needs be assisted to navigate the family law system?

**Question 5** How can the accessibility of the family law system be improved for Aboriginal and Torres Strait Islander people?

**Question 6** How can the accessibility of the family law system be improved for people from culturally and linguistically diverse communities?

**Question 7** How can the accessibility of the family law system be improved for people with disability?

**Question 8** How can the accessibility of the family law system be improved for lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people?

**Question 9** How can the accessibility of the family law system be improved for people living in rural, regional and remote areas of Australia?

**Question 10** What changes could be made to the family law system, including to the provision of legal services and private reports, to reduce the cost to clients of resolving family disputes?

**Question 11** What changes can be made to court procedures to improve their accessibility for litigants who are not legally represented?

**Question 12** What other changes are needed to support people who do not have legal representation to resolve their family law problems?

**Question 13** What improvements could be made to the physical design of the family courts to make them more accessible and responsive to the needs of clients, particularly for clients who have security concerns for their children or themselves?

## Legal principles in relation to parenting and property

**Question 14** What changes to the provisions in Part VII of the *Family Law Act* could be made to produce the best outcomes for children?

**Question 15** What changes could be made to the definition of family violence, or other provisions regarding family violence, in the *Family Law Act* to better support decision making about the safety of children and their families?

**Question 16** What changes could be made to Part VII of the *Family Law Act* to enable it to apply consistently to all children irrespective of their family structure?

**Question 17** What changes could be made to the provisions in the *Family Law Act* governing property division to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

**Question 18** What changes could be made to the provisions in the *Family Law Act* governing spousal maintenance to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

**Question 19** What changes could be made to the provisions in the *Family Law Act* governing binding financial agreements to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

## Resolution and adjudication processes

**Question 20** What changes to court processes could be made to facilitate the timely and cost-effective resolution of family law disputes?

**Question 21** Should courts provide greater opportunities for parties involved in litigation to be diverted to other dispute resolution processes or services to facilitate earlier resolution of disputes?

**Question 22** How can current dispute resolution processes be modified to provide effective low-cost options for resolving small property matters?

**Question 23** How can parties who have experienced family violence or abuse be better supported at court?

**Question 24** Should legally-assisted family dispute resolution processes play a greater role in the resolution of disputes involving family violence or abuse?

**Question 25** How should the family law system address misuse of process as a form of abuse in family law matters?

**Question 26** In what ways could non-adjudicative dispute resolution processes, such as family dispute resolution and conciliation, be developed or expanded to better support families to resolve disputes in a timely and cost-effective way?

**Question 27** Is there scope to increase the use of arbitration in family disputes? How could this be done?

**Question 28** Should online dispute resolution processes play a greater role in helping people to resolve family law matters in Australia? If so, how can these processes be best supported, and what safeguards should be incorporated into their development?

**Question 29** Is there scope for problem solving decision-making processes to be developed within the family law system to help manage risk to children in families with complex needs? How could this be done?

**Question 30** Should family inclusive decision-making processes be incorporated into the family law system? How could this be done?

## **Integration and collaboration**

**Question 31** How can integrated services approaches be better used to assist client families with complex needs? How can these approaches be better supported?

**Question 32** What changes should be made to reduce the need for families to engage with more than one court to address safety concerns for children?

**Question 33** How can collaboration and information sharing between the family courts and state and territory child protection and family violence systems be improved?

## **Children's experiences and perspectives**

**Question 34** How can children's experiences of participation in court processes be improved?

**Question 35** What changes are needed to ensure children are informed about the outcome of court processes that affect them?

**Question 36** What mechanisms are best adapted to ensure children's views are heard in court proceedings?

**Question 37** How can children be supported to participate in family dispute resolution processes?

**Question 38** Are there risks to children from involving them in decision-making or dispute resolution processes? How should these risks be managed?

**Question 39** What changes are needed to ensure that all children who wish to do so are able to participate in family law system processes in a way that is culturally safe and responsive to their particular needs?

**Question 40** How can efforts to improve children's experiences in the family law system best learn from children and young people who have experience of its processes?

## Professional skills and wellbeing

**Question 41** What core competencies should be expected of professionals who work in the family law system? What measures are needed to ensure that family law system professionals have and maintain these competencies?

**Question 42** What core competencies should be expected of judicial officers who exercise family law jurisdiction? What measures are needed to ensure that judicial officers have and maintain these competencies?

**Question 43** How should concerns about professional practices that exacerbate conflict be addressed?

**Question 44** What approaches are needed to promote the wellbeing of family law system professionals and judicial officers?

## Governance and accountability

**Question 45** Should s 121 of the *Family Law Act* be amended to allow parties to family law proceedings to publish information about their experiences of the proceedings? If so, what safeguards should be included to protect the privacy of families and children?

**Question 46** What other changes should be made to enhance the transparency of the family law system?

**Question 47** What changes should be made to the family law system's governance and regulatory processes to improve public confidence in the family law system?