

Telephone: [REDACTED]

Reference: [REDACTED]

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: [REDACTED]

Dear Committee Secretary

Thank you for the opportunity to contribute to the inquiry into the Family Law Amendment Bill 2024 (the Bill). The proposed amendments to the Bill represent important improvements to family law proceedings to support the safety and wellbeing of children, young people and families navigating separation. I acknowledge the work of the Henderson Inquiry¹, the Australian Law Reform Commission², and the Joint Select Committee³, and the intention of the proposed Bill to implement key recommendations from these Inquiries.

For your reference, in 2023 the Queensland Family and Child Commission (QFCC) provided a submission to the Exposure Draft of the *Family Law Amendment Bill 2023*⁴. This submission highlighted centring decision-making around the best interests of the child and engaging Independent Child Lawyers to mitigate the impacts of legal proceedings on children and young people. It further noted the longer-term implications for harmful proceedings orders where credibility of parents involved in custody and child caring arrangements is considered.

The Australian Institute of Family Studies⁵ reported the proportion of divorces involving children under 18 years was 48 per cent in 2021. It is important to note however that divorce statistics do not include separations of cohabiting couples with or without children, as such the rate of separations (including common law separations) involving children could be higher.

¹ Parliament of Australia (2017) Parliamentary inquiry into a better family law system to support and protect those affected by family violence. [Parliamentary inquiry into a better family law system to support and protect those affected by family violence – Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/Parliament_of_Australia)

² Australian Government – Australian Law reform Commission. (2019). Family Law for the Future: An Inquiry into the Family Law System. [ALRC – Final Report – Family Law for the Future.](#)

³ Parliament of Australia (2021). Joint Select Committee on Australia’s Family Law System. [Final report – Parliament of Australia \(aph.gov.au\)](#)

⁴ Queensland Government - Queensland Family and Child Commission (2023). Exposure draft of the Family Law Amendment Bill 2023. [QFCC Submission - Exposure Draft of the Family Law Amendment Bill 2023.PDF](#)

⁵ Australian Government - Australian Institute of Family Studies (2023). Divorces in Australia. [Divorces in Australia | Australian Institute of Family Studies \(aifs.gov.au\)](#)

Queensland has the highest divorce rate in the country, suggesting that a significant number of families – and by extension, children and young people – are navigating the often-challenging process of separation, custody, and visitation.

The Australian College of Mental Health Services (ACMS) highlighted that emotional harm can have long-term consequences, which is particularly relevant in the context of family disputes and divorces. Navigating the child support and family law system in its current form can unfortunately foster animosity between parents, making it harder for families to heal and move forward. For separating couples, especially those with children, clarity and accessibility of the family law process including the application of decision-making frameworks is imperative to providing a safe pathway to separation and resolution. While the voices of children are crucial in such matters, young people subjected to this lengthy and complex process can become involved in a legal process which can be deeply traumatic, with lasting effects on their well-being.

Through my work in the child protection system, I am aware of the risks when the various processes between family law, parenting and custody arrangements and child safety systems intersect including when child concern reports may be used and, at times, misused during family law proceedings. Additionally, the reporting obligations of child safety departments to the Family Court can be overly bureaucratic, requiring new assessments be completed by child safety services rather than seeking and utilising existing documentation. This creates unnecessary stress and delay for families and hinders effective and timely decision-making.

The application of the proposed amendments must improve the navigation of the family law process and must consider all intersections of relationship separation including custody and child support arrangements and must provide for appropriate safety and support for separating parties particularly in the context domestic and family violence. Streamlining the sharing of information and ensuring that the voices of children are heard without exposing them to trauma should be a priority in the implementation of the amendments.

If you have any queries in relation to this matter, please don't hesitate to contact me directly on [REDACTED] or via email at [REDACTED]

Yours sincerely

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Luke Twyford
Principal Commissioner
Queensland Family and Child Commission
October 2024

