

## 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.