



**ATTORNEY-GENERAL
HON ROBERT McCLELLAND MP**

MEDIA RELEASE

28 January 2010

RELEASE OF FAMILY LAW REVIEWS

Attorney-General, Robert McClelland, today released key reports examining the operation of the family law system and how the family law courts deal with cases involving family violence.

“The reports provide a comprehensive and objective analysis of the family law system against the aim of providing fair and sustainable solutions for families, while ensuring the safety and wellbeing of children,” Mr McClelland said.

The ‘*Evaluation of the 2006 Family Law Reforms*’ by the Australian Institute of Family Studies (AIFS) looks at the impact of changes which included:

- introducing a presumption of shared parental responsibility into the *Family Law Act 1975*;
- requiring separating parents to attend family dispute resolution before going to court, with some limited exceptions, including where there were issues relating to family violence; and
- establishing Family Relationship Centres to provide information, advice and assistance to families with relationship difficulties.

The AIFS evaluation finds that the principle of shared parental responsibility is widely supported, although it is often misconstrued as requiring equal shared care time and, according to AIFS, has led to unrealistic expectations among some parents.

The AIFS evaluation reports that the majority of parents in shared care arrangements believed they were working well, but there were concerns where ongoing fear of violence existed.

In addition, there has been a shift away from using the family law courts, with more separated parents using family dispute resolution services and consequently fewer disputes being resolved through litigation.

The ‘*Family Courts Violence Review*’, conducted by Professor Richard Chisholm AM, and ‘*Improving Responses to Family Violence in the Family Law System*’, conducted by the Family Law Council, examines the effectiveness of legislation as well as court practices and procedures in cases involving family violence.

Importantly, both the AIFS evaluation and these reviews find that the family law system has some way to go in effectively responding to issues relating to family violence.

The reports highlight issues relating to the screening and handling of family violence as well as legislative provisions that potentially deter the disclosure of allegations.

“The Government is committed to improving the family law system so that separated families can effectively access the help they need and disputes can be resolved in the best interests of children.”

The Government will carefully consider the findings and recommendations of these reports, as well as other associated research, before outlining its response in due course.

Copies of the reports are available on the Attorney-General's Department website at www.ag.gov.au.

Media Contact: Adam Siddique 0407 473 630