

Committee Secretary
Legal and Constitutional Affairs
Legislation Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

23 November 2018

Re: Federal Circuit and Family Court of Australia Bill 2018, Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018

The Centre for Excellence in Family Welfare ('the Centre') is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 Community Service Organisations ('CSOs'), students and individuals throughout Victoria working across the spectrum of child and family services, from prevention and early intervention to the provision of out-of-home care.

The Centre believes in the right of all children to grow up in a safe and nurturing environment as a part of a family, and emphasises the importance of child-centered practice in decision making affecting children. This must be a focus on what is considered 'in the best interests' of the child. We know from our members that a large proportion of children and families assisted by CSOs are involved, or have been involved, in family law proceedings.

We welcome reforms that will make accessing the family law system easier to navigate and understand for Australian children and their families. We support in principle the merging of the family law jurisdictions of the Federal Circuit Courts and the Family Court of Australia, However we suggest that there is one specialist family court which specialises exclusively in family law. This court should have a trauma-informed and child-centered mandate.

We strongly recommend that any legislative changes to the family law system be delayed until the ALRC has completed its current review. The ALRC Discussion paper suggests a public health approach to reforming the family law system, with the overarching aim to simplify the process and focus on the best interests of the child. Substantive legislative reform should be informed by this review process.

It is not in the best interests of Australian children to rush through these changes. Greater consideration of the role of the family courts in light of the ALRC review is essential.

Sincerely,

Deb Tsorbaris

CEO