



MEDIA RELEASE

Thursday 30th November 2023

Proposed Family Law Changes Should Help Address the Impact of Family Violence

Courts will be able to consider the impact of family violence when determining property settlements, under proposed changes to family law addressed in a new submission from Mallee Family Care (MFC).

MFC was providing feedback to the government on draft legislation which aim to improve the law for parties with family law property disputes, and in particular to expressly recognise family violence as part of a property settlement.

“As a provider of a Community Legal Centre, MFC welcomes the opportunity to provide feedback to the government on the draft legislation which addresses a number of different areas relating to family law,” says MFC CEO, Teresa Jayet.

“Family law, in its current state, can be overly complex and confusing which creates a barrier to vulnerable users of the system and results in community misperceptions about the law. Our support for this draft legislation aligns with the overarching goal of increasing transparency and accessibility in legal processes related to family law,” Ms Jayet said.

One important change from this legislation is granting courts the authority to consider the impact of family violence, economic or financial abuse when determining how property should be divided between parties after separation.

For example, deliberate damage or destruction of joint assets by a former partner during the relationship would be factored into the court's decision on property settlements.

Ms Jayet described how MFC has seen examples of this behaviour among clients and believes that the proposed changes will enable the courts to be more responsive to family violence, child abuse and neglect.

“We also support changes aiming to address hardship and financial burden caused by protracted and adversarial litigation, and non-compliance with disclosure obligations and property or financial orders. This is an issue which has caused significant harm to many of our clients and also takes up unnecessary court time and resources,” she said.

Another major change in the draft legislation is to allow Government to develop regulations which provide standards and requirements for children’s contact services (CCS) and enhance consistency across the sector. There are currently no mandated operating requirements for these services and there is variation in quality across states and regions.



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Ms Jayet said that MFC supports the aim of this measure, to ensure that safe and high quality CCS are provided across the entire sector, by both government-funded and private providers.

However, she also expressed concern about the impact that the increased requirements could have in regional areas, such as the Mallee which already has a shortage of CCS available.

“We have warned the government that if operating requirements increase, it may be even more difficult for families to find a CCS in their region, which could lead to unintended negative impacts on families.

“To avoid this occurring, we need to ensure there is ongoing consultation with community service organisations and providers of CCS’s. MFC would be happy to provide further input to government on these important family law changes from our perspective as a place-based provider of comprehensive child and family services in the Mallee region,” Ms Jayet said.

ENDS



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