

**HOM meeting with Koizumi Ryuji, Minister of Justice**  
**Time:** 4.00-4.30pm **Date:** 17 November **Venue:** Ministry of Justice

s22(1)(a)(ii)

**Attendees:** Minister of Justice Koizumi Ryuji, s33(a)(iii)

**Embassy:** HOM (Hayhurst), s22(1)(a)(ii) s47F(1)

s22(1)(a)(ii)

- Encouraged to see MOJ's outline on proposed **family law reform** included a model for joint custody
  - : would like to know more about your views on the proposal.
- Australia has recently undertaken its own family law reform, which puts the best interests of the child at the centre of our family law system
  - : two significant pieces of legislation were passed on 19 October to make Australia's family law system simpler, safer for all families
  - : the presumption of equal shared parental responsibility — which assumes both parents have an equal say over decisions affecting their child — has been removed
  - : this does not mean that we are moving away from shared custody; Australia believes children should be able to maintain relationships with both parents where it is safe to do so
  - : rather, we have integrated a number of practical steps to protect children and families
  - : We are keen to increase dialogue with your Ministry to share lessons.

s22(1)(a)(ii)

## Background

s22(1)(a)(ii)

s33(a)(iii)

### Australian Family Law Reform

On 30 January 2023, the federal government announced plans to revamp Australia's family law system. The 2019 Australian Law Reform Commission inquiry and the 2021 Parliamentary Joint Select Committee inquiry had both highlighted ongoing challenges facing the family law system, including the need to be more responsive to family violence, child abuse and neglect. The government's law reform package – which saw the passing of two pieces of legislation on 19 October 2023, the Family Law Amendment Bill 2023 and the Family Law Amendment (Information Sharing) Bill 2023 – ensures courts have access to the full picture of family safety risk in order to prioritise the safety of children and families, particularly in circumstances where there is risk of child abuse, neglect or family violence. This reform has seen the removal of the presumption that both parents should be considered to be on equal footing in parenting disagreements.

### Attachments:

1. s22(1)(a)(ii)
2. Opinion piece by Attorney General Dreyfus
3. AGD's media release
4. s33(a)(iii)
- 5.



## Opinion Piece – Improved outcomes ahead for children

The Hon Mark Dreyfus KC MP  
25 October 2023

Media Release

Last week, the Albanese Government passed two significant pieces of legislation to make Australia's family law system simpler and safer.

The long-overdue reforms put the best interests of children at the centre of all parenting disputes.

The changes will make what is an often-confusing and overly complex system easier to navigate for families going through a challenging period of their lives.

Significantly, the legislation makes it clear that the resolution of parenting disputes should always be based solely on what is in the best interests of the child.

This is what experts have been calling for over many years.

In the nine years the former government was in office there were more than two dozen reviews into the family law system, with hundreds of recommendations that were simply ignored.

In 2017, for example, a bipartisan parliamentary committee found that the existing laws in relation to parenting disputes were confusing, that they failed to prioritise the safety of children and that they were being improperly applied in a way that put children at risk.

These findings are consistent with the overwhelming consensus of family law experts.

The disappointing and difficult reality is that child abuse, or the risk of child abuse, is raised by one or more parties in 70% of matters before the courts.

The issue of a child experiencing family violence is raised by one or more parties in 74% of matters.

And around 76% of matters are mandatorily referred for consideration by a state or territory child welfare agency by the Federal Circuit and Family Court of Australia.

Numerous inquiries have highlighted that these statistics present a particular challenge to the family law system.

And for far too long, the system has created too many barriers for vulnerable people to resolve their matters safely.

The legislation passed last week not only makes the family law system safer for children – it also makes it simpler, and more accessible, for families.

As a result of the changes, courts will now have access to better information in all family law matters.

The changes will ensure the courts have access to a holistic picture of family safety risk in order to prioritise the safety of children and families, particularly in circumstances where there is risk of child abuse, neglect or family violence.

This will see more family law matters resolved quickly, safely and inexpensively without compromising the safety of family members.

The Albanese Government is committed to acting, where the former government failed to for so many years.

Families deserve a family law system that is simple, accessible and that puts children at the heart of every outcome.

*Opinion Piece was published in today's Daily Telegraph.*

## Passage of landmark family law reforms

The Hon Mark Dreyfus KC MP

19 October 2023

Media Release

The Parliament has today passed two significant pieces of legislation to make Australia's family law system simpler, safer and more accessible for separating families and their children.

### Family Law Amendment Bill

The Family Law Amendment Bill 2023 will ensure the best interests of children are at the centre of all parenting decisions made inside or outside the courtroom and will make the system easier to navigate.

Significantly, the amendments passed today repeal the presumption of 'equal shared parental responsibility' provisions in the *Family Law Act 1975*. In 2017, a bipartisan parliamentary committee found that these provisions were confusing, that they failed to prioritise the safety of children and that they were being improperly applied in a way that put children at risk. These findings are consistent with the overwhelming consensus of family law experts.

Under the new laws, parenting decisions will have to be based solely on what is in the best interests of the child.

The new laws also include:

- requiring Independent Children's Lawyers to meet directly with children;
- greater powers to protect parties and children from harmful effects of protracted and adversarial litigation;
- a definition of 'member of the family' in the Family Law Act that is inclusive of Aboriginal and Torres Strait Islander concepts of family and kinship;
- simplified compliance and enforcement provisions for child-related orders;
- powers to enable government to regulate family report writers;
- ensuring that children's voices are heard more easily in matters under the Hague Convention on the Civil Aspects of International Child Abduction.

These reforms are long overdue and will improve the lives of Australian families. In the nine years the former government was in office there were more than two dozen reviews into the family law system, with hundreds of recommendations that were simply ignored.

The Albanese Government is ensuring separating families are safer by acting where the former government failed to deliver for so many years.

### Family Law Amendment (Information Sharing) Bill 2023

The Family Law Amendment (Information Sharing) Bill 2023 will ensure courts have access to the full picture of family safety risk in order to prioritise the safety of children and families, particularly in circumstances where there is risk of child abuse, neglect or family violence.

This important change progresses the Government's commitment to ending gender-based violence in a generation.

The Bill:

- establishes two new information sharing orders to allow courts to directly and quickly seek information from police, child protection and firearms agencies about family violence, child abuse and neglect that could place children at risk;
- allows a court to make these orders at any point during proceedings so information is accurate and up-to-date; and
- will ensure sensitive information is only disclosed in a safe and appropriate manner.

This Bill is informed by the Australian Law Reform Commission's 2019 report *Family Law for the Future – An inquiry into the Family Law System* and reflects the Government Response to the Joint Select Committee on Australia's Family Law System.

The Government's legislation will see more family law matters resolved quickly, safely and inexpensively without compromising the safety of family members.

The Government recognises the advocacy of those with lived experiences of family and domestic violence. Their stories have been central to the development and passage of these important reforms and I thank them for their contributions.

These long-overdue reforms are significant but we know there is more work to be done. An exposure draft of a second Family Law Bill has already been released for consultation to further improve the family law system. [Read about these further reforms.](#)



