



Commissioner for Children and Young People
Western Australia

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Hon Kevin Andrews MP
Chair
Joint Select Committee on Australia's Family Law System
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Hon Kevin Andrews MP

Submission – Inquiry into Australia's Family Law System

As Commissioner for Children and Young People in Western Australia I have a statutory responsibility under the *Commissioner for Children and Young People Act 2006 (WA)* to monitor and review written laws, draft laws, policies, practices and services affecting the wellbeing of children and young people under the age of 18 years. It is also a statutory function of my office to advocate for the views of children and young people to be heard in decision making that affects them. In undertaking these responsibilities I must give priority to Aboriginal children and young people and those who are vulnerable or disadvantaged for any reason. I must also have regard for the United Nations Convention on the Rights of the Child (the UNCRC).

It is within the context of my role as an independent, statutory office and the functions outlined above that I provide this submission to the Joint Select Committee on Australia's Family Law System. My submission addresses the following Terms of Reference:

- (c) beyond the proposed merger of the Family Court and the Federal Circuit Court, any other reforms that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court.
- (f) the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in proceedings.

In April 2019 I released the report *Speaking Out About Family Separation – the views of children and young people with experience of separation and the family law system in WA*. Twelve young people participated in the consultation for this report. Despite having a separate family court in WA, the issues they raised are similar to those expressed by young people in consultations conducted in other states.

In undertaking this Inquiry, I ask that the Committee consider how to ensure the family law system strengthens the information and support mechanisms for children and young people, as well as oversight and accountability mechanisms within the system to ensure new strategies or practices are positive for children and young people, and that the system is attentive to their needs and best interests into the future. As previously submitted to the Australian Law Reform Commission's review of the family law system, and to the Chief Judge of the Family Court of Western Australia, I recommend the following:

- Professionals within the family law system are appropriately trained to work with children and young people.
- Children and young people are provided with information about separation, support services and the family law system in ways that are accessible and easily understood by them.
- Establishment of advisory boards and mechanisms by which children and young people can provide feedback, raise concerns and contribute to high-level policy development and practice review.
- Children and young people are involved in the design of children's advocate roles and any other targeted service models or enhancements for their participation in the system.
- Child-friendly complaints processes are introduced and become a core component of the various services within and connected to the family law system so children and young people can seek immediate resolution of issues of concern and provide feedback on services to inform a continuous improvement focus across the system.

Please find attached a copy of the *Speaking Out About Family Separation Report* for the consideration of the Committee in conducting this Inquiry.

Yours sincerely



COLIN PETTIT

Commissioner for Children and Young People WA

18 February 2020