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Family Safety Information Sharing Team
Family and Community Safety Branch
Attorney-General's Department

Lodged by email: FSIS@ag.gov.au

Statutory Review and Exposure Draft – Information sharing legislation

Thank you for the opportunity to contribute to the statutory review of the Information Sharing Act and Regulations, and to comment on an Exposure Draft of the Family Law Amendment (Information Sharing) Bill 2026. We note that the omission of Relationships Australia National Office from the original circulation list was inadvertent; we would be most grateful if you could please update your distribution lists to include ntebbey@relationships.org.au. We can then engage with our State and Territory members on matters of national interest to ensure a comprehensive response. Thank you, too, for allowing us an extended time to consider the consultation paper and associated documents, in view of our late receipt of these materials.

Relationships Australia continues to recommend and support reforms to:

- lift from families the burdens of navigating related but siloed systems
- deny perpetrators opportunities to exploit siloed systems with a view of exercising control and perpetuating abuse
- centre the safety of adults and children who are victim survivors of all forms of domestic and family violence and child maltreatment
- simplify and clarify the *Family Law Act 1975* (Cth) and subordinate instruments
- enable courts to make timely and well-informed decisions that centre safety, and
- support all professionals across family law, family violence and child protection systems by the provision of accessible and timely training and education.

Accordingly, Relationships Australia welcomes proposals to expand the reach of the information sharing architecture.

Safety concerns among our clients – prevalence of domestic and family violence among Relationships Australia clients

Domestic and family violence remains a serious and highly prevalent problem among Relationships Australia clients. A national study of family dispute resolution ('FDR') outcomes conducted by Relationships Australia involved approximately 1700 participants, of whom nearly a quarter (23%) presented with high levels of psychological distress, and 68% reported experiencing at least one form of abuse, with verbal abuse being the most common (64%).¹ A

¹ See Heard & Bickerdike, 2021a; Heard & Bickerdike, 2021b; Heard, Bickerdike & Lee, 2021.

large proportion (72%) of parenting participants in the Study also reported significant child exposure to verbal conflict between parents, including yelling, insulting and swearing.² These findings accord with broader research findings demonstrating that DFV is endemic to families who seek professional assistance when they are separating or separated (Kaspiew et al, 2015). Further, practice observation and research consistently demonstrate that DFV is not a discrete phenomenon, but is generally accompanied by a constellation of interacting challenges, including harmful use of alcohol and other drugs, mental health challenges and personality disorders.³

This means not only that DFV is core business for Relationships Australia, but that it is an ethical imperative to identify and respond to DFV, supporting victim survivors and perpetrators. Relationships Australia member organisations are funded to provide specialist services for families experiencing DFV, such as Children's Contact Services and Parenting Orders Programs (funded by the Commonwealth Attorney-General's Department), the Specialised Family Violence Service (funded by the Department of Social Services) and Men's Behaviour Change Programs (funded in some States and Territories).

Like general practitioners, service providers like Relationships Australia are often first points of contact by people seeking help when they are worried about, or feel unsafe in, their relationships. DFV may not be identified by our clients as their primary concern; clients may instead approach us through our alcohol and other drugs, gambling help or mental health services. However, through use of screening tools such as DOORS,⁴ and as relationships of trust are built, DFV is often disclosed.

The burden and harms of fragmentation

Almost every submission from Relationships Australia National Office over the past eight years has identified fragmentation as one of the principal barriers to authentic accessibility – in getting the right interventions to the right people at the right time and at the right dosage. Forcing service users to shoulder the burden of fragmentation is the opposite of trauma informed and person-centred, and undermines human rights.

Our commitment to accessibility underpins our advocacy for systems and processes that lift from the shoulders of those least equipped to bear them the burdens of fragmented, siloed, complex and duplicative laws, policies, programmes, and administering entities. It also underpins our advocacy for frameworks that confer greater legal certainty about rights and obligations.

² The *Family Law Act 1975* recognises that such exposure is a form of family violence in its own right, of which children are direct victims, reflecting increased understanding of the impact of DFV on children, as well as reflecting increased acknowledgement of children as rights bearers: see subsections 4AB(3) and 4AB(4); see also the Australian Child Maltreatment Study, especially Higgins, Mathews et al, 2023; Hameed, 2019.

³ See Family Law Council, 2015, 2016.

⁴ McIntosh & Ralfs, 2012; McIntosh, Wells & Lee, 2016; Wells et al, 2018.

Meeting diverse needs in a fragmented funding and jurisdictional landscape

Multiple inquiries and reviews have all found that people experiencing family law, family violence and relationship challenges are adversely impacted by service fragmentation. The drivers of gender-based violence, intimate partner violence, abuse and neglect of older people, and child maltreatment are each multi-factorial;⁵ so too must be the mechanisms by which we seek to prevent them and meet the needs of those affected. Only governments can solve these issues because, at the most fundamental level, they are innate artefacts of our federated system.

Accordingly, Relationships Australia advocates for reforms that lift from the shoulders of those least equipped to bear them the financial, emotional and logistical burdens of fragmented, siloed, complex and duplicative laws, policies, programmes, and administering entities. The complex multiple morbidities and intersectionalities experienced by many of our clients⁶ can limit their capacity to navigate the multiple services and agencies with which they are brought into contact. For example, in considering the service response needs of women experiencing or escaping 'domestic financial abuse' in the United States of America, Canada and the UK, Glenn cautioned that policy makers, service providers and financial institutions need to have an:

...[u]nderstanding that system complexity and lack of cognitive bandwidth means many survivors can't or don't access the limited support available ...and should be working to simplify systems and processes and improve access to resources.⁷

Outsourcing management of fragmentation to people needing services is neither person-centred nor trauma-informed.

Clients seek multiple services to navigate key transitions

Chronically under-funded service providers of diverse disciplines work hard to develop networks and collaborations to ameliorate the impact of silos on our clients. For example, research about clients considering or experiencing family separation shows that:

- people experiencing physical violence in relationships use at least four wellbeing or family law services before or during separation (Kaspiew et al, 2015), and
- separating and separated parents accessed an average of eight different services when finalising parenting disputes under the Family Law Act. (Carson et al, 2018)

Our practice experience is consistent with these findings, and underlines the importance of timely, effective and secure information sharing to ensure high quality responses to risk as well as trauma-informed practice.

⁵ See, eg, Rapid Review, 2024; Qu et al, 2021; Higgins et al, 2023 (and other research from the Australian Child Maltreatment Study, accessible at <https://www.acms.au/>).

⁶ See, eg, ALRC, 2018, Discussion Paper 86 (esp Chapters 1 and 4); Family Law Council reports, 2015 and 2016.

⁷ Glenn, 2019, p 53.

Subpoenae still being used to perpetuate systems abuse

Relationships Australia members continue to report that, despite recent amendments to limit opportunities for systems abuse, subpoenae continue to be used for such purposes by parties to family law proceedings, including proceedings brought pursuant to Part VII of the Act. This remains the case notwithstanding the new information sharing provisions. Our organisations are then in the position of having to expend time responding to the subpoenae, which are often impermissibly broad. Even when challenges succeed, the harassing aim of the party issuing the subpoena has been served.

Opportunities to use subpoenae persist, too, because of ambiguities around the extent of confidentiality protections for a range of (relatively) recently emerging services including Men's Behaviour Change Programs (MBCP). While perhaps beyond the scope of this consultation, Relationships Australia welcomes the opportunity to **recommend** that the confidentiality and inadmissibility provisions contained in Part II of the Family Law Act be extended to include counselling conducted within DFV services, MBCP and other therapeutic services.

(Recommendation 1) Such protections would serve the dual purpose of encouraging help-seeking and limiting the misuse of subpoena to inflict systems abuse.

Detailed comments on the Consultation Paper

Relationships Australia has welcomed the '...shift away from party-driven subpoenas toward a more efficient and court-led process.' (Consultation paper, p 3) This, together with a range of other family law reforms, has been an important step in making the *Family Law Act 1975* more DFV-informed, including by reducing opportunities for systems abuse, and supporting the family law courts (other than the Family Court of Western Australia) to deal with DFV allegations as early as possible in proceedings. These reforms are consistent with recommendations made by Relationships Australia across numerous family law and family violence consultations over the past eight years.

Relationships Australia also supported the reforms to the *Family Law Act 1975* to enable the family law courts (other than the Family Court of Western Australia) to take into account the effects of DFV in making orders in relation to property.

Accordingly, we **support** the proposal to enable the family law courts to use the National Framework to seek information when they are dealing with property-only matters, as well as proceedings brought under Part VII of the Act (proceedings relating to children). The Consultation Paper identifies the policy rationale for this extension as being related to the codification and expansion of *Kennon v Kennon* [1997] FamCA 27. This is welcomed. We consider, however, that there is a further rationale.

In our practice experience, the initiation of property matters, even when a parenting plan, agreement or order has been operating effectively, can re-enliven conflict. Where agencies including police, child protection and firearms licensing agencies have safety-relevant information, family law courts will be supported in their functions by having access to it.

Extension of the National Framework to incoming matters under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention)

Relationships Australia **supports** the proposed extension of the National Framework to incoming matters under the 1980 Convention on international child abduction. In responding to Question 3, we would, however, **recommend** that the National Framework be extended to outgoing matters; in particular, those in which a ‘grave risk’ exception is alleged under Article 13(1)(b) of the Convention. Such allegations may more frequently arise in contexts where the agencies with information may be in overseas jurisdictions to which the Framework could not extend. Nevertheless, circumstances do arise where Australian agencies may have relevant information about conduct of the applicant parent. In the event of that being the case, it would be desirable for the Court to be able to access that information using the National Framework. Such an inclusion would align with the amendments, passed under the previous Albanese Government, to ensure that Australia’s actions as a Central Authority are DFV-informed and better align with the Convention on the Rights of the Child. (**Recommendation 2**)

Extension of protection of children to be protected under the National Framework

In our 2023 submission on the Exposure Draft of *the Family Law Amendment (Information Sharing) Regulations 2023*, Relationships Australia observed that it would be optimal to ensure that attention be paid to risks of any child who, while not named in particular proceedings, may nevertheless be part of a household or family grouping and so directly affected by orders made pursuant to proceedings under the Act. We did acknowledge that there might be Constitutional barriers to this occurring. We would be most grateful for an opportunity to discuss with the Department the options to safeguard all children who might be exposed to risk through the operation of the National Framework.

Conclusion

Thank you again for the opportunity to participate in this consultation. Given the high prevalence of safety concerns among our clients, we would value future opportunities for engagement as the statutory review and legislative amendments progress. Of course, we are available at your convenience should you wish to discuss any aspects of our work.

Kind regards



Nick Tebbey
National Executive Officer

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