

Terms of Reference

Review of legislation, practice and procedures relating to family violence in the Family Courts

Aim

To assess the appropriateness of the legislation, practices and procedures in relation to matters before the federal family courts where issues of family violence arise and to recommend any improvements considered necessary.

Reviewer

Professor Richard Chisholm AM

Review

The objectives of the review are to examine whether:

- the practices and procedures in the family courts encourage appropriate disclosure of family violence
- appropriate support is provided within the court system for families who have experienced or are at risk of violence
- information disclosed to the courts by litigants or their representatives is appropriately shared or made available within the courts
- the legislation and procedures support best practice for handling family violence matters, and
- appropriate legal representation is provided in such cases.

The review will take into account the case involving Darcey Freeman in considering recommendations for changes to improve responses to cases involving family violence.

In carrying out the review, Professor Chisholm will obtain expert input on the issue of family violence in the context of court processes and proceedings. He will also consult interested stakeholders, including the Attorney-General's Department, the Family Court of Australia and the Federal Magistrates Court.

The report of the review will be provided to the Attorney-General, the Chief Justice of the Family Court and the Chief Federal Magistrate within 4 months of its commencement.