

24 September 2015

Family Law Council Secretariat
c/o Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

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Family Law Council reference on *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations, and promoting issues on behalf of its constituency to government and the broader community. FECCA strives to ensure that the needs and aspirations of various cohorts of Australia's CALD population are heard by policy and decision makers, as well as the broader public.

The barriers to people from CALD backgrounds face when interacting with the legal system have been well identified. FECCA believes that better coordination would allow for better understanding and approaches to the intersection between family law and migration law.

FECCA acknowledges the Family Law Council made a number of recommendations to enhance service integration for CALD Australians in the February 2012 report, 'Improving the Family Law System for Clients from Culturally and Linguistically Diverse Backgrounds'.

The interplay between migration and family law is not well understood by the community. In particular, there is community concern about and how this interplay affects women and their children when family breakdown occurs. FECCA's consultations have revealed that many women in Australia on temporary visas fear that after a relationship breakdown or because they leave a relationship due to the domestic violence, they will be forced to leave the country and leave their children (who may have been born in Australia) with their ex-partner. The availability of migration law advice for individuals who are on temporary visas engaging with the family law system

FECCA recommends that enhancing information-sharing and collaboration with services outside of the family law system should be considered in view of the interventions under the *National Plan to Reduce Violence against Women and their Children* and the *National Framework for Protecting Australia's Children*.

FECCA further recommends consideration of the work undertaken by the Judicial Council on Cultural Diversity. The Judicial Council is an advisory body formed to assist Australian courts, judicial officers and administrators to positively respond to the diverse needs of individuals accessing the justice system. The Council aims to develop a framework to support procedural fairness and equality of treatment for all court users – regardless of their race, colour, religion, or national or ethnic origin.