

5 March 2014

Your ref: Ms Maureen Schull

Our ref 339/77

Mr Martyn Hagan  
Secretary-General  
Law Council of Australia  
GPO Box 1989  
Canberra ACT 2601  
AUSTRALIA

By Post and Email: [REDACTED]

Dear Secretary-General

**Senate Community Affairs References Committee's inquiry into grandparents who take primary responsibility for raising their grandchildren**

Thank you for your email dated 5 February 2014, inviting the Queensland Law Society to provide comments for inclusion in the Law Council of Australia's submission to the Senate Community Affairs References Committee's inquiry into grandparents who take primary responsibility for raising their grandchildren. Our response has been compiled with the assistance of the Children's Law Committee.

We wish to comment on the following terms of reference.

- a) ***the barriers that grandparents raising their grandchildren face in acquiring legal recognition of their family arrangements, including Legal Aid entitlements for grandparents seeking to formalise their custodial arrangements through the Family Law Courts***

We note that there are differences in the provision of financial assistance for legal matters by the State of Queensland. If grandparents choose to seek custody of their grandchildren of their own volition, they are required to fund their own legal costs. If the

Department seeks to place children and/or young people with their grandparents, in the interests of child protection, then the State will meet the grandparents' legal costs. This raises the question of whether financially disadvantaged grandparents will have no choice but to wait for the Department to step in before they can seek custody of their grandchildren. This may have a negative and significantly detrimental effect on the child or young person and we suggest that this issue be reviewed as a matter of priority.

**b) other related matters**

Due to the significant impact of a child's home environment on their well-being and best interests, we suggest that time be taken to consider the point of view and interests of the child. We suggest that the Committee's Inquiry should be informed by these matters and by relevant child advocacy stakeholders, which would include the children's law committees of the state and territory based law societies.

Thank again you for the opportunity to provide our comments. We look forward to receiving a copy of your submission.

Yours faithfully



**Ian Brown**  
**President**