



**Family Law**  
**PATHWAYS**  
**NETWORK**

**WESTERN**  
**AUSTRALIA**

KEEPING YOU IN TOUCH WITH NEWS & OPPORTUNITIES IN WA FAMILY LAW

NOVEMBER 2021

## Greetings from the Chairs

by Mark O'Hare & Robyn King

Hello from WAFLPN!

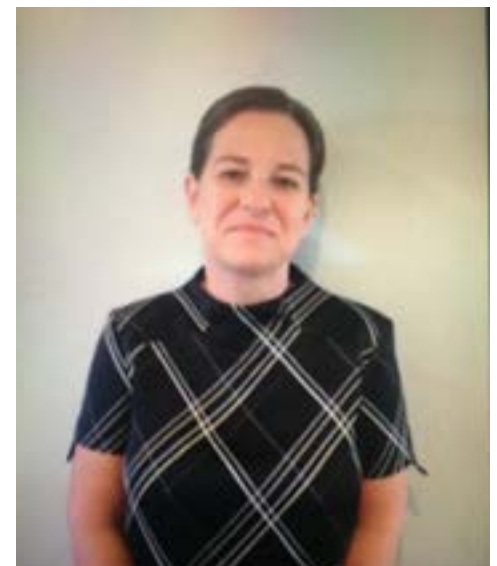
It certainly has been a period of transitions for us here at WAFLPN. This month we farewelled both our Network Development Officer Sofia Kouznetsova and Events & Admin Officer Kristen Soon and welcomed in Annette Marie as the Network Development Officer.



At our recent Steering Committee meeting we embraced the changes in the team and reflected on the symbolism of the peacock which represent, re-growth, rejuvenation, royalty, respect, honour and integrity. Combined with beauty, love and passion. On behalf of all of us, we wish Sofia and Kristen the very best in their respective career journeys and to Annette a big cheery welcome.



We are also very pleased to announce both Mark O'Hare (Stopping Family Violence) and Robyn King (Centrecare) have been elected as co-Chairs of the Steering Committee. Marnie Williams our Kalgoorlie Regional Representative from Aboriginal Family Legal Services is re-elected as Deputy Chair.



*Working Together  
in the  
Family Law System*

wafipn.org.au



WESTERN  
AUSTRALIA

REVIEW OF WAFLPN EVENTS

**Family Relationship Centre  
- Geraldton**

On 12 October FRC hosted the Children’s Matters Stakeholder Forum, in partnership with the WA Family



Law Pathways Network.

**Ms Rebecca Denison & FC Magistrate Anderson**

Ms Rebecca Dennison, Senior Solicitor for the Family Advocacy & Support Service operated by Legal Aid, gave an informative presentation on the Family Violence and Cross Examination of Parties scheme.

The scheme was implemented to protect family and domestic violence survivors from being directly cross examined in court by the perpetrator.

Direct cross examination by a self-representing perpetrator can potentially expose victims to being retraumatised and affect their ability to give clear evidence. The topic was requested by one of RAW’s lawyers, who was interested in how the scheme is being applied practically in the Court.

Magistrate Anderson participated directly in conversation about the subject matter of the presentation and was engaging and open with his knowledge.

The Forum was well attended, with VIP guests including Family Court Magistrate Anderson, Ms Margaret Kerr and Ms Tracey Rassum from the Department of Social Services.



**Left: Margaret, Tracey, Julie and Anthea**

It was lovely to welcome Margaret and Tracey to the region through this networking event, which provided an opportunity to have informal chats with them both.



**Anthea, Carole-Anne, Kristy, Alison (RAW)**

As always, Nicola coordinated the event beautifully, with assistance from FRC staff.



**Julie-Anne and Gillian Kelly (RAW)**

The food was catered by Design Catering was fantastic and included an amazing chocolate platter (**below**).



## RESEARCH &amp; PRACTICE

## The latest contributions to evidence-based practice in family law

If you are undertaking research in the field of family law that you think may be of interest to WAFLPN members, please contact us to have it included in our eBulletin.

[WA.FamilyPathwayNetwork@relationships.wa.org.au](mailto:WA.FamilyPathwayNetwork@relationships.wa.org.au)

## Fathering programs in the context of domestic and family violence

This paper from the Australian Institute of Family Studies examines how men's behaviour change programs, domestic and family violence specific fathering programs, and Aboriginal men's healing programs and address fathering issues for men who use violence.

It presents findings from a scoping review of Australian and international literature to highlight similarities, differences and gaps in programs and explores how these programs could be more inclusive of fathering in the context of domestic and family violence.

[Read full article.](#)

Chung, D., Humphreys, C., Campbell, A., Diemer, K., Gallant, D. & Spiteri-Staines, A. (2020). Fathering programs in the context of domestic and family violence. CFCA Paper No. 56. Australian Institute of Family Studies.

## COVID-19, Technology and Family Dispute Resolution

The COVID-19 pandemic has caused unparalleled disruption to the Australian legal system, particularly in the family law domain.

Those commencing or considering commencing the separation process are experiencing heightened levels of financial and emotional disruption.

In a bid to support and facilitate family dispute resolution (FDR) during the pandemic period, Online Dispute Resolution (ODR) methods have been viewed as potential supportive solutions.

The authors of this article argue that two principal ODR innovations have emerged at the forefront of enabling FDR processes to adapt appropriately to the impacts of the pandemic, viz videoconferencing technology and justice apps.

This article explores the advantages and disadvantages of employing such technologies to facilitate FDR given traditional modes of face-to-face dispute resolution are unavailable. In addition, there is a focus on how the recent growth in justice apps may support more viable forms of ODR both during the pandemic and into the future.

[Read abstract or purchase article.](#)

Sourdin, T., Li, B., Simm, S. & Connolly, A. (2020). COVID-19, Technology and Family Dispute Resolution. *Australian Dispute Resolution Journal*, 30(4), 270-283.

## Child protection in the time of COVID-19

Child protection services aim to protect children from abuse and neglect

in family settings. The COVID-19 pandemic has affected daily life, potentially limiting opportunities for child abuse to be detected.

This report from the Australian Institute of Health and Welfare presents child protection data from March to September 2020 (covering the 'first wave' of COVID-19 restrictions for Australia, and part of the 'second wave' of restrictions for Victoria) with comparisons to the same period in 2019.

Selected information is also

presented on a number of risk factors for child abuse and neglect, including income and housing stress, parental mental health and substance use, and domestic violence.

This report compliments the regular annual national reporting on child protection, for example, *Child protection Australia 2019–20* (AIHW forthcoming 2021).

[Read research summary or download full report.](#)

Australian Institute of Health and Welfare (2021). *Child Protection in the time of COVID-19*. Cat. no. CWS 76. Canberra: AIHW.

## The Attorney Generals Department

Currently funds 64 Children's Contact Services (CCSs) across Australia.

In 2022-23, up to 20 new CCSs will be established around Australia, to meet the needs of children whose parents are separating or separated and who cannot manage contact arrangements.

A methodology has been developed based on estimating demand for new CCS locations by Statistical Level Area Level 4 (SA4s) which considers a series of factors and uses several relevant national data sets.

Consultation documents can be found at [this link](#) to provide further information on the methodology.

Please note that expressions of interest or applications for funding will not be considered as part of this consultation process. Applications for funding to provide services in select locations will be sought through a grants selection process in early 2022.

## WHAT'S NEW

## Communicare

with Tucker Christou

### Communicare will be delivering the new Respecting Boundaries Program that is part of the Shuttle Conferencing Model.

Shuttle conferencing is a form of registrar-facilitated dispute resolution which involves a Magistrates Court registrar “shuttling” between two separate rooms within the courthouse in an attempt to finalise the Family Violence Restraining Order (FVRO) proceedings without the need for a contested court hearing.

Respecting Boundaries is an innovative behaviour change program to support and meet the needs of FVRO Respondents. The program is a brief intervention program which aims to provide information, strategies, and techniques to increase awareness of problematic behaviours, impact of these behaviours on others together with a greater understanding of the FVRO process.

The program will support individuals to create safer and healthier family relationships and taking realistic and achievable steps towards reaching their goals.

Respecting Boundaries is consistent with best practices that promote safety for children and families utilising solution focused brief therapy and in line with National Outcome Standards for Perpetrator Intervention (NOSPI).

This will be achieved with increased skills, tools and insights to problematic behaviours and how to manage these.

The sessions run for 12 weeks with a combination of online modules, individual and group therapy sessions. It uses solutions and strengths-based approaches underpinned from positive psychology and solution-focused brief therapy to develop and support change.

Respondents eligible to engage with the program will be Low to Medium risk patterns of abusive behaviour. The program is inclusive, working with all members of the community regardless of gender, age, sexual orientation or cultural background and be 18 years or older.

Program Referrals and queries can be directed to the following:

Email: [respectingboundaries@communicare.org.au](mailto:respectingboundaries@communicare.org.au)

Telephone: (08) 6370 0616

M: 0478 167 766

**Family Safety Services Lead:** Tucker Christou

Email: [tchristou@communicare.org.au](mailto:tchristou@communicare.org.au)

**Respecting Boundaries Coordinator:** Aarti Gupta

M: 0401 920 823

Email: [agupta@communicare.org.au](mailto:agupta@communicare.org.au)

## Free Lunchtime Webinar



Christmas time is a significant and challenging time for many of us, and it is usually a time when we need to make important choices. Saying no can be hard, especially at Christmas time, but it's a bold and necessary step for you and your family to enjoy a fulfilling festive season.

In this free lunchtime webinar, we will discuss the power of saying 'No' and give you strategies to help you focus on what is important to you, allowing you to uphold personal boundaries and enjoy a fulfilling festive period.

The webinar runs for 45 minutes.

Scan the QR code to register

or

[register here](#)



## Legal Aid WA

with Colleen Brown

### What is happening at Legal Aid WA (LAWA) in the family law space?

LAWA has experienced a period of program growth over the last couple of years in family law. There are currently four specifically funded family law programs running:

#### 1. **Strength to Strength**

The Strength to Strength project commences this month. This program involves the expansion of the current LAWA DR program.

These additional DR conferences are largely for women experiencing a range of disadvantage (mental health, violence, CALD, aboriginal, disability, homeless, literacy, drug and alcohol issues etc) and also include funding for the other party to be advised and attend the conference.

In addition, LAWA has recently employed several Child and Family Experts to conduct reportable family therapy and produce Single Expert Reports in complex matters and those involving an ICL.

These reports will be made available to the Family Court of WA and are aimed at early identification of issues and early resolution of litigation in the best interests of children.

These experts will also be available to attend the DR conferences. The DR conferences involve both children and property issues.

This program is not means tested and enquiries can be made through [strengthtostrength@legalaid.wa.gov.au](mailto:strengthtostrength@legalaid.wa.gov.au)

#### 2. **Stronger Women**

This project is targeted at regional women requiring legal assistance with respect to Family Violence Restraining Order proceedings, Protection and Care applications, minor assistance and drafting of documents for Family Law matters in the Family Court of WA at regional centres.

The regional areas selected are Broome, Bunbury, Albany and Kalgoorlie.

Commencing in early December 2021, LAWA will send three newly recruited duty lawyers to represent and advise clients at regional FVRO listings and will take appointments for office advice sessions on a rotating basis in these regional centres.

Anyone requiring assistance can contact the local LAWA office in these areas to make appointments. A much improved level of funding for matters involving FVROs and Protection and Care is now available, and people should be heavily encouraged to approach the lawyers to assist.

Initial advice/representation is not means tested and enquiries can be made through

[StrongerWomen@legalaid.wa.gov.au](mailto:StrongerWomen@legalaid.wa.gov.au)

### 3. **(Family Violence) Cross Examination of Parties Scheme**

This Scheme was established in September 2019.

Funding under the Scheme is available to anyone who is subject to a "banning notification" made by the Family Court of WA (a notification that bans cross examination without legal representation).

The banning notification is made pursuant to s102NA of the Family Law Act and will be made only in circumstances where a party is not legally represented. The ban will apply automatically if

- either party has been convicted of, or is charged with, an offence involving violence, or a threat of violence, to the other party;
- a family violence order (other than an interim order) applies to both parties;
- an injunction for the personal protection of either party is directed against the other party under sections 68B or 114 of the Family Law Act.

The Court may make an order to ban personal cross examination even if these circumstances do not apply.

That is, the Court may make a discretionary banning order. Banning notifications are sent by the Court to LAWA and parties may then apply directly to LAWA for assistance under the Scheme. Alternatively, they can obtain private representation. If they remain unrepresented, no cross examination will occur.

LAWA will make an initial grant to assess the suitability of DR and what is required to get the matter ready for trial. Funding is not usually available for interim or interlocutory applications but is made available to prepare trial documents and represent parties and conduct cross examination at trial.

This program is not means tested and enquiries can be made through [xemscheme@legalaid.wa.gov.au](mailto:xemscheme@legalaid.wa.gov.au)



## Legal Aid WA

with Colleen Brown

continued...

### 4. The DR Property Pilot

This project involves funding of parties to DR to resolve division of property. To qualify, the net asset pool must not exceed \$500,000 exclusive of superannuation.

Representation is available in many cases for both parties. This project has recently been extended to December 2023 and is currently being evaluated by the Australian Institute of Family Studies.

LAWA has currently held 57 conferences under this pilot and have many more booked for the coming months.

Applications and enquiries for this program can be made via

[DRPropertyReferrals@legalaid.wa.gov.au](mailto:DRPropertyReferrals@legalaid.wa.gov.au)

### Upcoming training and networking opportunities

If you are running a training event and would like it included in our next eBulletin please contact

[WA.FamilyPathwayNetwork@relationships.org.au](mailto:WA.FamilyPathwayNetwork@relationships.org.au)

#### More Training and Events

Check out the 'Resources' section on our website for more relevant training and events.

[WAFLPN](#)

#### Disclaimer

Content included in this eBulletin originates from a range of sources including contributors from the wider community. The opinions and viewpoints contained do not necessarily reflect those of WAFLPN or its affiliates.

### Walk in Their Shoes Tours

Next Tour will take place 23 February 2022

Check in [here](#) to register at the beginning of February.



### How is your family faring in 2021?

Complete the Families in Australia Survey.

Open to anyone over 18 years of age in every type of family.

Your participation will help improve FIA understanding of how families are experiencing the impact of COVID-19 on

- your relationships,
- the help you give
- and support you receive,
- work and finances
- and how you fit it all in.

Closing Monday, 13th December

[Take the Survey](#)



### WAFPLN Annual Conference

24 & 25 May 2022



### What's happening around town

If you or your organisation has something to announce, pin it on the board! Submit an article for the notice board by emailing:

[WA.FamilyPathwayNetwork@relationships.org.au](mailto:WA.FamilyPathwayNetwork@relationships.org.au)

#### Service Wait Times

Find waiting periods for WA Family law services on our website [here](#)

#### Feedback

If you have any suggestions on how to improve our ebulletin, please email them to [annette.marie@relationships.org.au](mailto:annette.marie@relationships.org.au)

#### Unsubscribe?

If you would like to stop receiving the WAFLPN monthly eBulletin please send an email with the subject "unsubscribe" to [WA.FamilyPathwayNetwork@relationships.org.au](mailto:WA.FamilyPathwayNetwork@relationships.org.au)