



Family Law PATHWAYS NETWORK

WESTERN AUSTRALIA

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

APRIL 2019

Greetings from the Chair

by Rod West



Hello from all of us at WAFLPN! I hope that everyone had a lovely Easter break and have come back to work feeling revitalised.

Here at WAFLPN, we are counting down the days until our Annual Conference on 30 May and Post-Conference Workshop on 31 May. If you have not registered yet, [grab your tickets now before it is too late!](#) We have also opened [livestream registrations](#) for our regional members who are unable to travel to Perth to attend the conference in person. Our regional rep superstar Alison Muller from Regional Alliance West has also organised livestreaming events in Geraldton and Carnarvon, so that professionals in these regions can come together to network and watch the conference livestream together.

We are also pleased to announce additional regional pre-conference events featuring our conference keynote speakers. Join Dr Margaret Spencer for a twilight session in Broome on 27 May, or sign up for a morning workshop with Rose Cuff in Geraldton on 28 May. Further information about these events and more available on the [next page](#).

This month has also been a big one for the family law sector in Western Australia, with the [final report of the ALRC Family Law Review](#) being released and several important law changes coming into effect.

On 15 April, the family violence-related changes to WA tenancy laws came into effect, giving tenants dealing with family violence more options on managing their tenancy and ensuring their own safety.

On the same day, revenge porn (image-based abuse) officially became a crime in WA, with offenders facing up to three years in prison or a fine of up to \$18,000.

Still on the horizon is the ban on Personal Cross-examination Family Law Proceedings with Family Violence Allegations, which will come into effect on 10 September 2019.

WAFLPN supports the recommendations made by the ALRC for reforming the family law system, and notes the vital role that the Family Law Pathways Networks can play in supporting these reforms and facilitating education and discussion around the proposed changes.

As usual, WAFLPN summarises these key happenings in WA family law in the [last section of the eBulletin](#). For the latest news and research findings, you can also follow us on twitter at [@FamilyPathwayWA](#).

That's all I have for now, can't wait to see everyone at the conference!



WA FAMILY LAW PATHWAYS NETWORK ANNUAL CONFERENCE

*No One Is Perfect:
Exploring the connection between parenting
capacity and children's wellbeing*

THURSDAY 30 MAY 2019

**ONE DAY WORKSHOP
FRIDAY 31 OF MAY 2019**

waflpn.org.au



WESTERN
AUSTRALIA

DATES FOR YOUR DIARY

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.wa.org.au

2019 WAFLPN Annual Conference & Post-Conference Workshop

Registrations are now open for the 2019 WAFLPN Annual Conference. Titled "No One is Perfect: Exploring the connection between parenting capacity and children's wellbeing", the conference will feature keynote speakers Rose Cuff, Statewide FaPMI (Families where a Parent has a Mental Illness) Coordinator at the Bouverie Centre; and Dr Margaret Spencer, University of Sydney lecturer with a research interest in Disability and Parenting.

Dr Margaret Spencer and Rose Cuff will also present a special one-day workshop on 31 May 2019, where they will delve deeper on the concepts discussed at the conference.

Regional livestream events have also been organised in Geraldton and Carnarvon to give members who are unable to travel to Perth an opportunity to learn and network with other professionals.

To view the conference program and to register for the conference and/or the post-conference workshop, visit [our conference website](#).

To register for a livestream or one of the livestream events, [click here](#).

Conference: 30 May 2019
9.00am-5.00pm
University Club of Western Australia, Crawley
Tickets: \$120

Workshop: 31 May 2019
9.00am-4.00pm
University Club of Western Australia, Crawley
Tickets: \$75

Geraldton Conference Livestream
30 May 2019
8.30am-5.00pm
Western Australian Centre for Rural Health (WACRH)
167 Fitzgerald Street, Geraldton

Carnarvon Conference Livestream
30 May 2019
8.30am-5.00pm
Regional Alliance West - Carnarvon
7 Stuart Street, Carnarvon

Engaging Parents with Cognitive Disabilities in Family Law Matters

Join us for an evening session with Dr Margaret Spencer to gain a better understanding of parents with cognitive disabilities and learn practical strategies to support and engage them in family law matters.

27 May 2019
4.30pm-7.00pm
The Mangrove Hotel
47 Carnarvon Street, Broome
Free event, registrations essential
www.trybooking.com/BCBYU

Making the Conversation Matter: Talking about parenting, children and family with parents who live with mental health challenges

This morning workshop with 2019 WAFLPN Annual Conference Keynote Speaker Rose Cuff will provide participants with practical strategies and resources to facilitate conversations that matter with parents with mental health challenges.

28 May 2019
9.00am-12.00pm
Western Australian Centre for Rural Health (WACRH)
167 Fitzgerald Street, Geraldton
Free event, registrations essential
www.trybooking.com/BBZXI

Geraldton Children's Matters Stakeholder Forum

Join the Geraldton FRC and WAFLPN for an informal discussion and networking session in conjunction with the Family Court of WA (FCWA) circuit, featuring a presentation by FCWA Family Consultant Fran Willix.

18 June 2019
5.00pm-7.00pm
Mary Ryan Centre
1 Maitland Street, Geraldton

Please RSVP to Nicola James at frcadmin@centacaregeraldton.org.au

Response-Based Practice with Dr Cathy Richardson

Exclusive training with University of Montreal Professor Dr Cathy Richardson/Kinewesquao.

30 May 2019
9.00am-3.30pm
City West Lotteries House, West Perth
Tickets from \$110

For more information and registration details, [view flyer](#).

WALK IN THEIR SHOES TOURS

WAFLPN's popular family court tours fill up fast! This is a fantastic opportunity to experience the pathways families take when attending the Family Court of WA.

<https://waflpn.org.au/en/events/walk-in-their-shoes>

MORE TRAINING AND EVENTS

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

<https://waflpn.org.au/FPNWA-Resources/Other-Relevant-Training-and-Events>

RESEARCH & 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 WAFPN members please contact us to have it included in our eBulletin

WA.FamilyPathwayNetwork@relationships.wa.org.au

Addressing family violence post separation – mothers and fathers' experiences from Australia

Following parental separation, child custody decisions continue to be made on the basis of the discretionary best interests of the child. The current study explored mothers and fathers (N=40) in family violence, or high conflict past two years post separation, and their experiences within the Australian family law system. A thematic analysis was conducted on the interviews of separated mothers and fathers. Results revealed that the experience of engaging with the Australian family law system caused considerable anxiety and distress for these separated parents. Principal themes related to: (a) gendered narratives; (b) parents' concerns not been taken seriously; (c) perceived inadequacies in knowledge or competence of experts and decision makers in relation to family violence; and (d) coercion from some professionals within the family law system. These cumulative experiences tentatively pointed to an aftermath of long-term emotional and psychological trauma, not only for separated mothers and fathers, but also children in their care.

[Read abstract or purchase article.](#)

Francia, L., Milliar, P., & Sharmon, R. (2019)., S. & Saini, M. (2019). Addressing family violence post separation – mothers and fathers' experiences from Australia. *Journal of Child Custody*. DOI: 10.1080/15379418.2019.1583151

Obtaining Expert Evidence in Child Protection Court Proceedings

Judicial officers use expert evidence in child protection court proceedings to inform decision-making about the welfare and best interests of children. There different jurisdictional arrangements for obtaining expert evidence in children's court matters. This qualitative study conducted in Queensland, Australia, found that it was considered vital for magistrates and judges to have access to information about child development, parenting capacity, and other factors relevant to care and protection decisions, but access to independent expert evidence was limited. Legislative provisions enabling the court to appoint experts with special knowledge or skills were rarely used, so parties to proceedings (representatives of parents, children, or the statutory agency) generally furnished expert reports. The findings raise questions about the availability and quality of expert evidence, the capacity of judicial officers to appraise such evidence, and the best arrangements for the court to obtain access to expertise.

[Read abstract or purchase article.](#)

Tilbury, C. (2019). Obtaining Expert Evidence in Child Protection Court Proceedings. *Australian Social Work*. DOI: 10.1080/0312407X.2018.1534129

For the Love of Fluffy: Respecting, Protecting, and Empowering Transitional Objects in the Context of High-Conflict Divorce

Transitional objects are those idiosyncratically determined, beloved blankies and stuffed animals that communicate an absent parent's affection. As such, transitional objects serve the short-term need to cope with separation, and the long-term need to move toward autonomy. This article discusses the value, use, and misuse of transitional objects in the context of coparental conflict. The concept of alienation-by-proxy is introduced. Specific recommendations are provided, including the therapeutic creation and empowerment of transitional objects to assist children experiencing separation anxiety, consideration of the role of transitional objects in child custody evaluations, and the court's responsibility to encourage litigating parents to respect the child's needs for transitional objects.

[Read abstract or purchase article.](#)

Garber, B. (2019). For the Love of Fluffy: Respecting, Protecting, and Empowering Transitional Objects in the Context of High-Conflict Divorce. *Journal of Divorce & Remarriage*. DOI: 10.1080/10502556.2019.1586370

NOTICE BOARD

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.wa.org.au

Final Report Released: Australian Law Reform Commission Review of the Family Law System

On 10 April 2019, The Australian Law Reform Commission (ALRC) report, Family Law for the Future: An Inquiry into the Family Law System, was tabled in Parliament by the Attorney-General, the Hon Christian Porter MP.

The ALRC has made 60 recommendations for reform.

The ALRC recommends that the resolution of family law disputes be returned to the states and territories and that the federal family courts eventually be abolished. Under the current system, children fall through the gaps between the family law courts, the child protection systems and the state and territory responses to family violence. This can be remedied only by having a single court focused on the best interests of the child that is able to resolve all family law, child protection and family violence issues together.

More broadly, the ALRC's recommendations will ensure that the law provides a framework that assists families who are experiencing relationship breakdown to make arrangements for their children, property, and financial affairs.

Implementing the 60 recommendations will:

- promote an integrated court response to family law matters, child protection matters and, matters involving family violence, providing better protection to individual litigants and their children;
- assist separated couples and the courts to arrive at parenting orders that promote the best interests of the child;
- assist separated couples to understand and comply with parenting orders, reducing conflict thus contributing to the welfare of children;
- increase the proportion of separated couples who are able to resolve their parenting matters, and property and financial matters, outside the courts through a process that ensures fairness and reduces ongoing conflict;
- reduce acrimony, cost, and delay in the adjudication of family law disputes through the courts and ensure family law matters are subject to rigorous case management by the courts to reduce delay and cost; and
- ensure that families who seek assistance from the family law system with legal and other support needs receive that support in a coordinated and efficient manner.

Family Law for the Future: An Inquiry into the Family Law System (ALRC Report 135) and the Summary Report (ALRC 135 Summary) are available for viewing or free download at <https://www.alrc.gov.au/inquiries/family-law-system>.

Tenancy Law Changes In Effect

The Residential Tenancies Legislation Amendment (Family Violence) Bill 2018 came into effect on 15 April 2019.

The amendments are aimed at giving the victim better choices, including whether to stay in the tenancy or move to safer accommodation, or remove tenancy-related concerns, which are barriers to leaving a violent relationship.

The new laws for victims include:

- Being able to terminate a tenancy agreement within seven days by providing the landlord with evidence of domestic violence, such as a restraining order or a letter from a medical professional, removing the need to go to Court;
- Being able to stay in the home if they choose - they will be able to apply to the Court to have the perpetrator's name removed from the tenancy agreement;
- Being able to change the locks immediately, without permission from their landlord; Being able to install CCTV security at their rental home, at their own cost; and
- Provisions to deal with property damage, unpaid rent and disbursement of the bond to ensure the victim does not carry the financial burden after a tenancy ends.

For more information, visit [the Safe Tenancy WA page \(Consumer Protection\)](#).

[View video footage from WAFLPN's Family Violence Amendments Training on 15 February 2019.](#)

Image-based Abuse (Revenge Porn) Now a Crime in WA

The Criminal Law Amendment (Intimate Images) Bill came into effect on 15 April 2019, making the non-consensual distribution of intimate images, or 'revenge porn', a crime which attracts jail time of either 18 months or three years and/or a fine of up to \$18,000.

The new law does not make it a criminal offence for consenting parties to exchange intimate images, only to circulating them further without the consent of the person depicted in the image.

It also empowers courts to make a rectification order requiring a person charged with the new offence to remove or destroy the images in question, and ensures that existing threat offences apply to a threat to distribute an intimate image.

Under the law, someone under 16 cannot legally consent to an image of themselves being shared.

The eSafety Commissioner recommends that victims of image-based abuse take the following steps:

1. Collect evidence by taking screenshots and recording the URL of the page/s on which the image appears.
2. If it is safe, contact the person with the image and ask them to take it offline.
3. Report the image to the website administrator or social media service it is posted on as shared without consent.
4. Report the image to the Office of the eSafety Commissioner and seek support and guidance on further steps to take.
5. Report the image-based abuse to the police.

For more information and to make a report, visit esafety.gov.au/iba

Personal Cross-examination Ban in Family Law Proceedings with Family Violence Allegations

From 10 September 2019, personal cross-examination will be banned in family law proceedings in certain circumstances where allegations of family violence have been raised.

If any of the following circumstances apply, the ban will apply automatically:

- 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 use its discretion to make an order to ban personal cross-examination even if those circumstances do not apply.

The court can decide to ban personal cross-examination itself, or following an application by either party, or an independent children's lawyer.

[Read info sheet produced by the Attorney-General's Department.](#)

[Read AIFS Report on direct cross-examination in family law matters.](#)

State Government commences consultation to reduce family and domestic violence

The Department of Communities has commenced State-wide consultation to inform development of a strategy to reduce family and domestic violence in the Western Australian community over the next 10 years.

There is a range of ways people can get involved and have their say including:

- an on-line survey;
- written responses to a consultation paper;
- a short 'Message to the Hon Simone McGurk, MLA Minister for Prevention of Family and Domestic Violence'; or
- face to face forums and workshops (dates and locations to be announced in early 2019).
- Tailored face to face engagement, and other on-line formats, will also be used to support access and engagement for people with disability, or from diverse cultural backgrounds or geographic locations.

For further information and to have your say, go to www.communities.wa.gov.au/fdv

If you have any questions please direct them to FDVStrategy@communities.wa.gov.au

Legal Assistance Reviews

In 2018, separate and concurrent reviews were undertaken by the Commonwealth and state of the National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA) and the Indigenous Legal Assistance Program (ILAP).

The reviews assessed the effectiveness, efficiency and appropriateness of the NPA and the ILAP as mechanisms for achieving their respective objectives and outcomes within available resources, and sought to identify best practice and opportunities for improvement.

The Reports of the Legal Assistance Reviews are now available on [the AGD website](#)

Invitation for Women to complete a National survey about the support they received from a Men's Behaviour Change Program

As part of the 'Prioritising women's safety in Australian perpetrator interventions: the purpose and practices of partner contact' project, Professor Donna Chung, Head of Social Work (Curtin University) and her research team are seeking assistance in finding women to complete a short, anonymous, on-line survey (20 to 25 minutes) about the support they received from a Men's Behaviour Change Program (MBCP).

The survey should be completed on a safe computer, in a safe location. Specifically, the researchers would like women whose (ex)partners have attended a MBCP in the last two years to participate (where it is safe to do so).

For more information and to access the survey, visit https://curtin.au1.qualtrics.com/jfe/form/SV_1MNOVDMUmRWHQwd

Seeking Participants: Research on self-represented litigants in Australian family law proceedings involving allegations of family violence

Dr Jane Wangmann, Dr Tracey Booth and Miranda Kaye from the University of Technology Sydney are seeking participants for their ANROWS-funded research project.

[View flyer.](#)

For more information or to be involved in the research project, call or text 0423 552 565 or email selfreps@uts.edu.au.

WAFLPN Service Directory Consultation

In order to best achieve our objective of 'promoting awareness of services', the WA Family Law Pathways Network is looking to develop a local directory of post-separation services and resources to aid with referrals in the family law system.

We are currently in the process of seeking feedback from our members so that we can create a resource that is best suited to the needs of service providers in Western Australia.

For more information about the project and to provide feedback via an anonymous online survey, please visit <https://www.surveymonkey.com/r/8FX6QBL>.

Service wait times

If you are often referring to clients to family law services in your role, you may find the WAFLPN compilation of service wait times useful.

Each month, WAFLPN collates the wait times for government-funded family law services in the Perth metropolitan area and some parts of regional WA.

In the document you can find up-to-date waiting periods for services like children's contact centres, family dispute resolution, parenting programs and men's behaviour change programs.

To view the current service wait times on the WAFLPN website visit <https://wafpln.org.au/Resources/Service-Wait-Times>



Working Together in the Family Law System

wafpln.org.au



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