



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

**WESTERN**  
**AUSTRALIA**

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

OCTOBER 2018

## Greetings from the Chairs

by Neil Anderson & Rod West

Hello from WAFLPN! We may be approaching the year's end, but things are definitely not slowing down for us here at WAFLPN.

Coming off the heels of our recent Geraldton twilight networking session organised jointly by the Geraldton Family Relationship Centre and WAFLPN on 16 October is another twilight seminar, which will be held in Kalgoorlie on 23 October. Titled 'The Family Court – A Helping Court', this event will feature His Honour Family Law Magistrate Eric Martino and Senior Legal Aid Lawyer Brianna Lonnie.

WAFLPN is also partnering with Relationships Australia WA, Anglicare WA, Centrecare and Centacare Family Services to organise the first-ever FRC Training Day in Western Australia on 9 November 2018. This event will bring together family law professionals from all over WA under the theme of 'Working Together in Family Dispute Resolution'. More information, including the proposed schedule, can be found on page 4 of this eBulletin.

We acknowledge that a lot of the work done by WAFLPN would not be possible without the tireless efforts of many individuals. In this issue, we thank Magistrate Brian Gluestein, Kevin Hanavan and Antonia Grasso for their immense contributions to WAFLPN.

We also urge all WAFLPN members and supporters to complete the [anonymous survey](#) as part of the national evaluation of Family Law Pathways Networks.

As usual, head on to pages 6 and 7 of this eBulletin for updates on key developments in the family law sector, including the recent release of the 400-page ALRC Review of the Family Law System Discussion Paper (2 October). Happy reading!

- Neil & Rod



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in the  
Family Law System*

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## WAFPLN ANNOUNCEMENTS

## National Evaluation of the Family Law Pathways Network Program

The WA Family Law Pathways Network urges all members to complete an [anonymous survey](#) to provide feedback on the Family Law Pathways Network service. Your participation in this research project will be greatly appreciated as it could be very beneficial in securing ongoing funding for the network.

The WA Family Law Pathways Network is funded by the Commonwealth Attorney-General's Department. The current funding period ends on June 2019, after which further funding of the program is not guaranteed. In order to maximise the prospect that funding will be continued, the coordinators of Family Law Pathways Networks across Australia resolved to research the work of Pathways networks and determine how well networks fulfilled program requirements.

The Toowoomba Family Law Pathways Network has approached academics from the University of Southern Queensland to undertake national research on behalf of the 33 funded networks.

Associate Professor Pauline Collins from USQ's School of Law and Justice generously agreed to undertake the commissioned research and will be leading a team of three. Ethics approval H18REA190 is current.

### Research Methodology

#### 1. Phase 1 (September-December 2018)

An anonymous survey will be available via an online platform hosted by USQ. Access to the survey is via [this link](#).

A range of quantitative and qualitative data will be drawn from responses. Demographic information will include the option for participants to voluntarily self-identify geographic location, down to postcode detail. For participants, consent will be implied by hitting the submit button.

#### 2. Phase 2 (January-March 2019)

Once participants have completed the online survey, they are asked if they wish to participate in personalised interviews. These interviews will be conducted via Skype, Zoom or similar. The purpose of these interviews is to elicit rich information which is generally not available through survey responses alone. The research team will explore thematic information at the conclusion of this stage.

#### 3. Phase 3 (March-June 2019)

This phase will involve analysis and synthesis of the research data collected. It is anticipated that the results of the research will be available for a report to FLPNs and for use in funding submissions as well as future publications.

### RECOGNISING EXCEPTIONAL CONTRIBUTIONS TO WAFPLN

The WA Family Law Pathways Network Steering Committee would like to thank and recognise the immense voluntary contributions to WAFPLN by the following individuals:

**Magistrate Brian Gluestein** has spoken at three WAFPLN seminars this year: 'What is happening in Family Violence in Perth and Fremantle?' in Broome this February; 'Family Violence and the Magistrates Court – Is there a future?' in Mandurah in July; and 'Amendments to the Restraining Orders Act – What has changed in 12 Months?' in South Hedland just last month. WAFPLN would like to sincerely thank Magistrate Gluestein for being so generous with his time and knowledge.

**Kevin Hanavan** has not only been a valued member of the WAFPLN Steering Committee and Chair of our Conference/Seminar Sub-Committee, but he has also presented his 'Fathering & Attachment' seminar at our annual conference and multiple Family Court of WA Circuit networking events all over Western Australia. Kevin is also committed to continue presenting at future events in regional WA in the coming year. WAFPLN would like to thank Kevin for all his tireless contributions to the network.

**Antonia Grasso** has stepped down as WAFPLN Albany Regional Representative after years of active contribution to our network. Without our regional reps, we would be unable to adequately serve the regional areas of WA. Antonia has been instrumental in organising this year's workshop with Adah Sachs and countless seminars and other professional development events in Albany over the years. WAFPLN sincerely thanks Antonia for her many years of service and wishes her success in her future endeavours.

## 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@relationshi-pswa.org.au](mailto:WA.FamilyPathwayNetwork@relationshi-pswa.org.au)

## The Family Court - A Helping Court

Agencies and service providers from around the Goldfields are invited to join His Honour Family Law Magistrate Eric Martino and Senior Legal Aid Lawyer Brianna Lonnie for a late afternoon session to hear about these issues and to share knowledge, ideas and experiences from working in the areas of family law and family violence in and around the Goldfields region.

Attendees will hear about:

- Initiatives that are enabling legal services and social support services to work together, such as Legal Aid's FASS Service.
- A new model the Family Court is trying out to help Aboriginal people in regional WA access the Family Court more easily.
- How agencies and service providers including police, child protection and legal and social support services can help each other to better identify solutions for families.

23 October 2018  
5.00-7.00pm  
The Palace Hotel  
137 Hannan St, Kalgoorlie  
Free event, registration required

For more information and to register, visit the [WAFLPN website](#).

## FRC Training Day: Working Together in Family Dispute Resolution

All WA family law practitioners are invited to the FRC Training Day to share knowledge and experience of Family Dispute Resolution (FDR) and therapy. This event seeks to raise awareness of the services offered by Family Relations Centres (FRCs) throughout the WA family law sector.

9 November 2018  
9.00am-5.30pm  
Registrations at 8.30am  
Midland Family Relationship Centre  
45 Yelverton Drive, Midland  
Free event, registration required

More information is available on the flyer on the next page. Register your attendance at [www.trybooking.com/YYGF](http://www.trybooking.com/YYGF).

## 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.

2019 TOUR DATES TO BE ANNOUNCED  
<https://wafllpn.org.au/en/events/walk-in-their-shoes>

## Esperance Working with Complex Trauma Training

In response to the WACOSS [Regional Training Needs Survey](#), a Lotterywest-funded free *Working with Complex Trauma* workshop will be delivered in Northam. The one-day workshop will be delivered by WACOSS training partner SARC.

This interactive workshop provides a detailed overview of trauma information relevant to working with adult and adolescent clients who have experienced emotional trauma in their lives.

- The impact of emotional trauma experiences
- Importance of FDV concerns
- Working with risk and safety issues
- Building on trauma knowledge
- Vicarious trauma and self-care for workers

14 November 2018  
9.00am-2.30pm  
Esperance Lotteries House  
3 Forrest St, Esperance  
Free event, registration required

For more information and to register, visit the [WACOSS website](#).

## MORE TRAINING AND EVENTS

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

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



# FRC TRAINING DAY

## Working Together in FDR

Family Relationship Centres (FRCs) play an integral role within the family law system. Through the state network of FRCs, there is significant capacity to support clients with Family Dispute Resolution (FDR), parenting education, co-located supports and referrals to other support services.

Join us for the first FRC Training Day in Western Australia, which will bring together practitioners from all over WA to share their collective knowledge and experience of Family Dispute Resolution and therapy. The objective of this training day is to raise awareness throughout the family law sector of the services and supports offered by FRCs throughout WA, and for FRC practitioners to raise awareness of and share information on new research and best practice in Family Dispute Resolution, child-inclusive practice and client engagement.

Web streaming will be available for regional practitioners.

- WHEN:** 9 November 2018  
9.00am-5.30pm (Registrations at 8.30am)
- WHERE:** Midland Family Relationship Centre  
45 Yelverton Drive  
Midland WA 6056
- TICKETS:** Free of charge, catering provided. Registrations essential.  
Book your place at [www.trybooking.com/YYGF](http://www.trybooking.com/YYGF)

8.30am	Registrations	
9.00am	Opening and Welcome to Country	
9.30am	FRCs and the Family Court including relocation	
10.30am	Morning Tea	
11.00am	Supporting Parents to Transition Between FCWA and FRCs In Relation to Certificate 60I (a)   <i>Fran Willix (Family Court of WA)</i>	
12.00pm	Lunch	
12.30pm	Concurrent session: High Conflict	Concurrent session: Complex Cases
1.30pm	Concurrent session: CIP and Child Development   <i>Panel</i>	Concurrent session: Restorative Practice
2.30pm	Afternoon tea	
3.00pm	Concurrent session: Restorative Practice Workshop	Concurrent session: CIP workshop/ High Conflict workshop
4.00pm	Summary and Working Together	
4.30pm	Conclusion and Closing Remarks	
5.00pm	Drinks and Networking	

For more information, please contact [midland@centrecare.com.au](mailto:midland@centrecare.com.au)



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

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

### A voice or a choice? Children's views on participating in decisions about post-separation contact with domestically abusive fathers

The United Nations Convention on the Rights of the Child explicitly calls for children to be granted the right to participate in legal proceedings that affect them. Despite this legal obligation and an evolving consensus that recognises children as social and competent actors, this rhetoric has struggled to achieve translation into meaningful practice reality, particularly when decisions are being made about contact arrangements for children where there has been a prior history of domestic violence. Drawing on the narratives of children who participated in three separate research projects in Ireland between 2009 and 2015, this paper will consider the manner in which they were involved in the decision-making process and the extent to which their views were ascertained and their voices heard. This paper concludes by raising the key question of how the child's best interests can be served if the child's views are not sought, heard or considered.

[Read abstract or purchase article.](#)

Holt, S. (2018). A voice or a choice? Children's views on participating in decisions about post-separation contact with domestically abusive fathers. *Journal of Social Welfare and Family Law*, 40 (4), 459-476.

### Victim Empowerment, Safety, and Perpetrator Accountability Through Collaboration: A Crisis to Transformation Conceptual Model

This article describes the development of the Victim Empowerment, Safety, and Perpetrator Accountability through Collaboration (VESPAC) model based on a grounded theory analysis of congressionally mandated and permissible purpose areas for grants authorized by the Violence Against Women Act. These areas are reflective of ongoing and emerging needs of victims and agencies serving victims and are rooted in the expertise, insight, and concerns of those who work most closely with victims and perpetrators on a regular basis. Analysis resulted in five overarching and interconnected themes: Community Readiness, Victim Services, Justice Responses, Coordinated Community Responses, and Cultural Relevance. The final model emphasizes the centrality of coordinated community responses to ensure that the remaining components of the model work in tandem across time to achieve victim safety and perpetrator accountability in a culturally appropriate way. The model also may help agencies, coalitions, and communities think "big" and consider more strategically about where their strengths best fit in the vast scope of victim needs necessary to meet safety goals and where they might benefit most from the expertise of partners.

[Read abstract or purchase article.](#)

White, J. & Sienkiewicz, H. (2018) Victim Empowerment, Safety, and Perpetrator Accountability Through Collaboration: A Crisis to Transformation Conceptual Model. *Violence Against Women*, 24(14), 1678-1696.

### Are Immigrant Women Visible in Australian Domestic Violence Reports that Potentially Influence Policy?

Through an intersectional lens, this article explores whether immigrant women are represented in a sample of Australian government documents aimed at providing information about family violence in Australia, and discusses implications for policy development. The authors find that while these documents pay lip service to the special vulnerabilities of immigrant and refugee women; arguably, they do not engage with the complexities of the intersection of gender and other social categories. Given that the reports do not focus adequately on how race, ethnicity, culture and immigration status play a role in these women's experiences of domestic violence, this may limit the effect of policies that address the culturally and linguistically diverse (CALD) victims' needs and rights to protection. This article argues that a more intersectional approach is necessary to address CALD women's specific needs.

[Read full article.](#)

Ghafournia, N. & Easteal, P. (2018). Invisibility of immigrant women in domestic violence policy in Australia. *Laws*, 7(4).

## 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@relationshi  
pswa.org.au](mailto:WA.FamilyPathwayNetwork@relationshi<br/>pswa.org.au)

### Australian Law Reform Commission Review of the Family Law System eNews

On 9 May 2017, the Turnbull Government announced its intention to direct the ALRC to conduct the first comprehensive review into the family law system since the commencement of the Family Law Act in 1976, with a view to making necessary reforms to ensure the family law system meets the contemporary needs of families and effectively addresses family violence and child abuse.

Review of the Family Law System – Issues Paper 48 was released on 14 March 2018.

[View Issues Paper.](#)

[View public submissions in response to Issues Paper.](#)

On 23 August 2018, the WA Commissioner for Children and Young People, Colin Pettit, said that he wanted to ensure that the views of WA children and young people were included in the ALRC review of the family law system. Young people aged 12-21 (originally 12-18) with experience of the Family Court who are comfortable in sharing the views are encouraged to [provide confidential feedback](#) to the Commissioner.

[Read media release.](#)

Review of the Family Law System: Discussion Paper (DP 86) was released on 2 October 2018, putting forward 124 proposed changes to the family law system. Key proposals include supporting increased participation by children in the family law system; and the establishment of the Family Law Commission to oversee the operation of the family law system and provide accreditation to family law practitioners.

[View Discussion Paper.](#)

The ALRC invites submissions in response to the proposals, questions and analysis in the Discussion Paper by 13 November 2018, which can be emailed to [familylaw@alrc.gov.au](mailto:familylaw@alrc.gov.au).

[Read media release.](#)

You can keep up to date with the latest developments of the Review via the eNews on the Australian Law Reform Commission's website. WAFLPN will link to the [latest eNews](#) in our eBulletin each month and on our website <https://waflpn.org.au>.

### Federal Circuit and Family Court of Australia Legislation

The Hon. Christian Porter MP, Attorney-General announced in May that the Government was finalising legislation to establish a new, single Federal Circuit and Family Court of Australia (FCFC) to be established from 1 January 2019.

[Read full media release given by the Attorney-General on 17 August.](#)

On 23 August 2018, the legislation to merge the Federal Circuit Court

and the Family Court of Australia was introduced into Parliament.

The Senate referred the provisions of the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018, Federal Circuit and Family Court of Australia Bill 2018 to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 April 2019.

The committee has resolved that it will table its report by 26 November 2018.

The deadline for submissions to the inquiry is 23 November 2018.

To upload submissions or for more information, visit the [Parliament website](#).

### Amendments to Residential Tenancies Legislation

In December 2017, the WA State Government announced that the State Cabinet had approved amendments to the Residential Tenancies Act and the Residential Parks (Long-stay Tenants) Act, which will provide more options and greater support for those experiencing family and domestic violence (FDV) and their children.

[Read the Ministerial media statement from 19 December 2017.](#)

Key changes would enable victims of FDV to: exit a tenancy with 7 days' notice without going to court, remove a perpetrator from a lease by applying to the courts, change locks or increase security, handle disputes about property damage or unpaid rent, and have their name removed from a tenancy database blacklist.

The [Residential Tenancies Legislation Amendment \(Family Violence\) Bill 2018](#) was introduced into Parliament on 15 May 2018 and passed the Legislative Assembly (Lower House) on 27 June 2018.

On 17 October 2018, Standing Committee on Legislation commenced an inquiry into the Bill. The deadline to for submissions to the enquiry is 31 October 2018.

To upload submissions or for more information, visit the [WA Parliament website](#).

Tenancy WA, in conjunction with the Women's Council for Domestic and Family Violence Services WA, is providing training to refuge workers and women's health centre workers on the upcoming Residential Tenancies Legislation Amendment (Family Violence) Bill 2018.

[View full list of training dates.](#)

### Legislation on Non-consensual Sharing of Intimate Images

New legislation passed by the parliament gives the Office of the eSafety Commissioner a range of enforcement options to tackle image-based abuse and hold perpetrators accountable.

Under the [Enhancing Online Safety \(Non-consensual Sharing of Intimate Images\) Act 2018](#), individuals may be subject to civil penalties of up to \$105,000 if they do not comply with a request from the eSafety Commissioner to remove an intimate image. Perpetrators may also face penalties of imprisonment for up to five years, or seven years if they have already had three civil penalty orders made against them.

[Read full media release given by the Office of the eSafety Commission on 6 September.](#)

### Amendment to the Family Law Act: Family Violence and Cross-examination of Parties

The Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018 has passed the House of Representatives and is now before the Senate, pending the second reading (moved on 12 September 2018).

This Bill seeks to prevent abusive partners from cross-examining their alleged victims in court by amending the *Family Law Act 1975* to:

- prohibit personal cross-examination where there is an allegation of family violence between the parties to the proceedings and certain circumstances are satisfied;
- provide that if personal cross-examination is prohibited, cross-examination must be conducted by a legal representative;
- provide that, if there is an allegation of family violence and personal cross-examination is not prohibited, the court must ensure that there are appropriate protections for the party who is the alleged victim of the family violence.

For more information about this Bill, follow the news updates on the [WAFLPN website](#) or visit the [Parliament website](#).

#### FOLLOW US ON TWITTER

Follow [@FamilyPathwayWA](#) on twitter for the latest information and interesting articles relating to family law

### 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 commonly used 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.

Please note that from November onwards, the service wait times list will only include Family Law Services funded by the Attorney-General's Department.

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

#### UNSUBSCRIBE?

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#### FEEDBACK

If you have any suggestions on how we could improve this bulletin please email them to [sofia.kouznetsova@relationshipsqa.org.au](mailto:sofia.kouznetsova@relationshipsqa.org.au)