



# Family Law PATHWAYS NETWORK

# WESTERN AUSTRALIA

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

SEPTEMBER 2018

## Greetings from the Chairs

by Neil Anderson & Rod West

Hello from WAFLPN! We are very pleased to announce that we have a new Network Development Officer and a new organisational member of our Steering Committee.

Sofia Kouznetsova, previously the WAFLPN Administration and Events Officer, has been successfully appointed to the Network Development Officer position.

We would also like to welcome Stopping Family Violence, represented by Damian Green (CEO), to our Steering Committee. We look forward to the new perspective and valuable contributions that this organisation will no doubt bring to WAFLPN.

September has been an busy month for us, with National Child Protection Week (2-8 September), the first Family and Domestic Violence Conference organised by the Men's Behaviour Change Provider Network (10-11 September), our own Twilight Seminar with Magistrate Gluestein in South Hedland (13 September), and upcoming legislative changes within the family law sector.

This month's National Child Protection Week (2-8 September), with its key messages of "stronger communities, safer children" and "protecting children is everyone's business", saw the government, businesses and communities coming together to promote children's safety and wellbeing.

We also had the privilege of attending the first Family and Domestic Violence Conference presented by the Men's Behaviour Change Provider Network on 10 September, followed by an overview of the Safe & Together model on 11 September. The conference featured presentations by WAFLPN Steering Committee Members Rod West (Centrecare), Mary-Rose Tomeo (Communicare), Damian Green (Stopping Family Violence) and Kate Jeffries (Anglicare). A brief overview of the conference can be found on page 3 of this eBulletin.

Read on for an article by Neil Anderson on a new Family Court initiative (page 2) and summaries of various legislative changes that will impact the family law sector

(pages 6 and 7). This edition of the eBulletin includes updates about the ALRC Review of the Family Law System and the following pieces of legislation:

- Federal Circuit and Family Court of Australia Bill 2018;
- Amendments to the Residential Tenancies Act and the Residential Parks (Long-stay Tenants) Act.
- Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018;
- Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018;

We hope you enjoy this edition of the eBulletin. Until next month!

- Neil & Rod



# East Pilbara Family Court Initiative

article by Neil Anderson

In an Australian first, for a week commencing on 30 July 2018, the Family Court of Western Australia piloted a simplified and accessible family law service for Aboriginal people in the East Pilbara.

The initiative, named *Djidji Nyitti* (Martu words literally meaning “little children”, but referring to children of all ages), was based in Newman. In attendance from the Family Court were Hon. Chief Judge Stephen Thackray, Magistrate Eric Martino, and Family Consultant Sharon Pedley. The service was supported throughout the week by lawyers and support workers from Legal Aid WA, the Aboriginal Legal Service of WA, Aboriginal Family Law Services and the Pilbara Community Legal Service. The service also received local support and resources from Pilbara Disability Advocacy Service, and was assisted by a local interpreter fluent in languages used by people around the Pilbara and other desert areas of Western Australia.

Prior to the commencement of the initiative the Chief Judge had conducted consultation with elders, community members and supporting agencies in an effort to better inform the design of the service. Further, as part of connecting with the local community the Court staff and supporting lawyers and their colleagues attended meetings with the Shire of East Pilbara, Newman Women’s Refuge, and local police and child protection services, as well as holding a community forum to inform people about family law.

Important features of the initiative included no requirement for people to make appointments or to complete any paperwork, the holding of Court hearings in an informal ‘roundtable’ setting – with the judicial officer and lawyers in less formal attire – and clients ‘leading’ the proceedings, assisted by the interpreter, by telling their stories and being given the time they needed to do so, at their own pace.

Families who have been caring for children over long periods – where the parents are not available to care for the children and agreed informal care arrangements are in place – were in several cases able to obtain orders from the Court granting them parental responsibility for those children. Such orders can allow family carers to engage more easily with schools, medical providers, Centrelink and other agencies, where ordinarily a parent might need to provide consent in respect of the child. A further benefit – which gives effect to one of the major aims of the project – is that the risk of children going into the child protection system can often be reduced where Family Court orders are made, thereby allowing children to remain living safely within their family instead of being moved into general foster care, which often results in separation of children from family and country.

It is proposed that the initiative will continue with periodic visits to Newman, and it is also hoped that the model will eventually be made available in other locations in Western Australia. The next visit to Newman will occur the week commencing 26 November 2018.

Service providers in and around the East Pilbara should feel welcome to contact the legal services identified above, should they be assisting clients who wish to engage with, or may benefit from, the Court’s initiative.

[Read the article published in the National Indigenous Times, in the lead-up to the last visit.](#)



*Working Together  
in the  
Family Law System*

wafipn.org.au



WESTERN  
AUSTRALIA

# Family and Domestic Violence Conference

On 10 and 11 September 2018, the Men's Behaviour Change Provider Network held their first Family and Domestic Violence Conference. The objective of the conference was to provide a platform for a unified voice to share, network and collaborate on the challenges and successes of Men's Behaviour Change Work.

The focus of the first day was *Demystifying Men's Behaviour Change Programs*. The Network came together to share knowledge, insight and research on Men's Behaviour Change Programs (MBCPs). After a warm welcome by the Network Chair and a beautiful Welcome to Country, Rod West from Centrecare (WAFLPN Chair) opened with an overview of MBCPs and key issues. This was followed by a presentation on 'Accountability and MBCPs' by Noelene Iannello and Michael Sheehan from Relationships Australia WA.

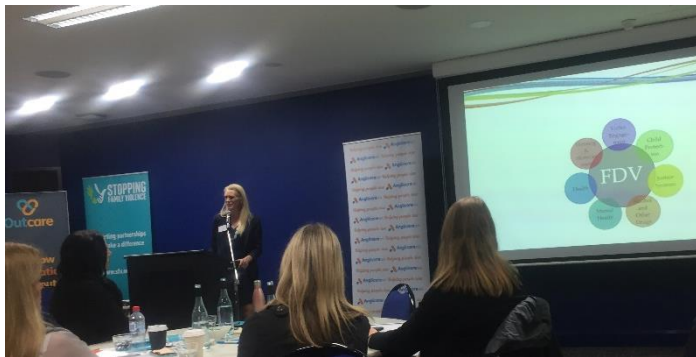
After a refreshing morning tea, the team from Outcare presented on 'Engaging Aboriginal Men in MBCPs'. Former WAFLPN Chair, Kate Jeffries from Anglicare, followed with a talk about intersectionality and the need for collaboration between MBC partner agencies.

The highlight of the conference was the launch of the [Outcomes Research Paper](#) by the Hon. Simone McGurk, Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services. Damian Green, CEO of Stopping Family Violence, then introduced and spoke to the key issues raised in the paper.

The sharing of new research continued with a presentation on the ANROWS-funded project on *Prioritising women's safety in Australian perpetrator interventions: The purpose and practices of partner contact*, the findings of which will be published in September 2019. Gaynor Hobbs then presented on the Evaluation Research Project conducted by the Department of Justice, which explored the conditions under which MBCPs worked and for whom.

Finally, Mary-Rose Tomeo of Communicare (WAFLPN Steering Committee member), brought the day to a close with an interactive discussion of MBCP case studies.

The second day featured a one-day workshop on the Safe & Together™ Model presented by Stopping Family Violence. Participants were introduced to the CORE principles and critical components of the Safe & Together™ Model, gaining practical skills to work more effectively with perpetrators and/or families impacted by FDV.



Left to Right: Rod West, Kate Jeffries and Mary-Rose Tomeo presenting at the Family and Domestic Violence Conference (10 September 2018)

## 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@relationshipswa.org.au](mailto:WA.FamilyPathwayNetwork@relationshipswa.org.au)

## No Place for Family Violence Stakeholder Event

Consumer Protection WA, in conjunction with the Northern Suburbs Community Legal Centre, is hosting a networking session and delivering a presentation outlining upcoming FDV related tenancy law changes – the [Residential Tenancies Legislation Amendment \(Family Violence\) Bill 2018](#).

Legal Aid WA will also present details of its exciting new communication resource called Blurred Borders, which includes a Family Violence Kit for community lawyers.

More information is available on the [event website](#).

21 September 2018

1.45-3.30pm  
Herb Graham Recreation Centre  
Mirrabooka  
Free event, RSVP required

Please email [alina.cavanagh@dmirs.wa.gov.au](mailto:alina.cavanagh@dmirs.wa.gov.au) to RSVP no later than 5pm on 20 September 2018.

## DFV Discussion with Dr Carol Kaplanian and Dr Lorraine Sheridan

The Women's Council for Domestic and Family Violence Services (WA) invites you to join the discussion with two outstanding speakers, each an expert in their field.

Dr Carol Kaplanian – Forced Marriage and Honour-Based Violence

Dr Lorraine Sheridan – Domestic & Family Violence and Stalking

27 September 2018

8.45am-12.30pm  
Conference Room 7  
City West Lotteries House  
2 Delhi St, West Perth  
Registration fee \$25

For more information or to register please contact [kedykristal@womenscouncil.com.au](mailto:kedykristal@womenscouncil.com.au) by 13 September 2018.

## Give children a bigger voice more of the time: Children's and young people's experiences of the family law system

Presented by Dr Rachel Carson and Norma Williams, this webinar will discuss recent research on young people's experiences of the family law system and its implications for child-inclusive practice.

This webinar will present findings of the [Children and young people in separated families study by the Australian Institute of Family Studies](#), which investigated the experiences and needs of young people whose parents had separated and had accessed the family law system.

It will also discuss implications for policy and practice, with a focus on developing child-inclusive practices in the area of family dispute resolution and the family law system more generally.

27 September 2018

1-2pm AEST/11am-12pm Perth Time Online

Free, registration required

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

## 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.

FIND DATES AND REGISTER TO ATTEND <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/Resources/Other-Relevant-Training-and-Events>



## 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@relationshipswa.org.au](mailto:WA.FamilyPathwayNetwork@relationshipswa.org.au)

### Trauma-informed services for children with incarcerated parents

Children of incarcerated parents have often experienced not only the trauma of family separation, but also other forms of adverse events. Social workers can improve service delivery to this population by incorporating SAMHSA's components of trauma-informed care (TIC). Translating TIC concepts into practice is an important but challenging goal for social work practitioners. The first half of this article reviews the literature about the effects of parental incarceration on attachment, stigma, physical and mental health, and intergenerational transmission of trauma. The latter half of the article applies principles of TIC by offering specific recommendations for conceptualizing cases through the lens of trauma and utilizing trauma-informed responses with these children.

[Read abstract or purchase article.](#)

Skinner-Osei, P. and Levenson, J.S. (2018). Trauma-informed services for children with incarcerated parents, *Journal of Family Social Work*. 2018; 1-17.

### "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care

Indigenous Australian children are overrepresented in the out-of-home care (OOHC) system, with numbers and rates on an upward trajectory. There is now serious concern that this overrepresentation is creating a second Stolen Generations in Australia, noted within policy campaigns such as Family Matters—Kids Safe in Culture, not in Care, and Grandmothers Against Removals. While placement in OOHC is designed to protect children's long-term safety and wellbeing, it threatens cultural connection, which is fundamental to Indigenous identity and wellbeing. This article highlights the vital importance of cultural connection for Indigenous child development, arguing that for Indigenous children, family connection strengthens cultural connection. It argues that family needs to be recognised as a critical component of cultural connection that is equally as important as placement stability in OOHC.

[Read abstract or purchase article.](#)

Krakouer, J., Wise, S. and Connolly, M. (2018). "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care. *Australian Social Work*, 71(3), 265-276.

### Child protection and fathering where there is domestic violence: Contradictions and consequences

Children live in different contexts of protection and vulnerability when exposed to domestic violence. The negative impacts for many children are consistent and widely acknowledged. However, the implication that this requires men who use violence to address their fathering has been slower to emerge. This article draws from 69 in-depth qualitative interviews with men, women, and workers across four men's behaviour change programmes in rural Victoria, Australia. Particular attention is given to men's attitudes to their fathering and the formal and informal consequences they experienced as a result of their violence and its impact on their fathering. Although most men came to recognize that their violence impacted their children, they failed to make the connection that the involvement of statutory child protection services in their lives was a direct consequence of their abusive behaviour. This article explores this disconnection by fathers who use violence, their attitude to the involvement of statutory child protection services, and identifies the implications for social work practitioners in addressing this issue

[Read abstract or purchase article.](#)

Smith, J. and Humphreys, C. (2018). Child protection and fathering where there is domestic violence: Contradictions and consequences. *Child & Family Social Work*. 2018; 1-8.

## 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@relationshipswa.org.au](mailto:WA.FamilyPathwayNetwork@relationshipswa.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.](#)

The ALRC received over 400 submissions in response to its Issues Paper released in March 2018. Public submissions are published online on the ALRC website.

[View public submissions.](#)

On 29 June, Dr Andrew Bickerdike was appointed as a part-time commissioner of the ALRC.

[Read media release.](#)

On 27 July 2018, Professor Helen Rhoades presented at the 2018 AIFS Conference

[Read speech.](#)

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 12-18 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.](#)

The Discussion Paper is due for release on 2 October 2018.

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 28 September 2018.

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

On 27 August 2018, the Law Council of Australia issued its own media release expressing significant concern about the truncated time-frame for the public to scrutinise the recently introduced court merger bills. The Law Council of Australia urged the government to reconsider the timeline and extend the reporting deadline to mid-April 2019, which would allow the Senate to consider the recommendations of the [Australian Law Reform Commission's Family Law Review](#) (final report due on 31 March 2019).

[Read full media release given by the Law Council of Australia on 27 August.](#)

WAFLPN will publish the latest developments regarding the legislation to merge the Family Court and the Federal Circuit Court into the Federal Circuit and Family Court of Australia (FCFC) in our monthly eBulletins and on our website <https://waflpn.org.au>.

## 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. The Bill will be debated in the Legislative Council (Upper House) in September 2018.

For more information regarding this Bill, check the news updates on the [WAFLPN website](#) or visit the [Consumer Protection website](#).

## 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 new updates on the [WAFLPN website](#) or visit the [Parliament website](#).

## 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.](#)

## 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.

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

## 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)

## UNSUBSCRIBE?

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