

15 October 2015

Family Law Council Secretariat
c/o Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear Family Law Council Secretariat,

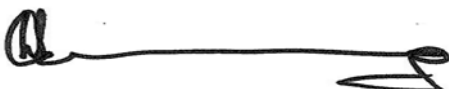
Please accept this submission to the Families with Complex Needs & the Intersection of the Family Law and Child Protection Systems.

The Aboriginal Family Law Service provides legal representation and education to Aboriginal communities in Western Australia in the context of family and sexual violence. This document contains information acquired by experience and supported by secondary research to support recommendations for assisting families with multifaceted issues who require the interventions of the family law and child protection systems. This submission addresses Terms of Reference 3 and 4:

3. The opportunities for enhancing collaboration and information sharing within the family law system, such as between the family courts and family relationship services.
4. The opportunities for enhancing collaboration and information sharing between the family law system and other relevant support services such as child protection, mental health, family violence, drug and alcohol, Aboriginal and Torres Strait Islander and migrant settlement services.

The Aboriginal Family Law Services (WA) welcome the opportunity to provide further information as required.

Yours sincerely



Mary Cowley
Chief Executive Officer

Helping to prevent family violence for a safer community.

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Submission to the Family Law Council

Families with Complex Needs & the Intersection of the Family Law and Child Protection Systems

October 2015

1. About Aboriginal Family Law Services (WA)

The Aboriginal Family Law Services (WA) is committed to being a leader in the provision of family violence legal services, support and education for Aboriginal and Torres Strait Islander people in Western Australia (WA) who have experienced, or, who are experiencing family and sexual violence. (**Please note:** The term Aboriginal is used herein to refer to both Aboriginal and Torres Strait Islander people wherever relevant.)

Funded by the Department of the Prime Minister and Cabinet (DPMC) under the national Family Violence Prevention Legal Service (FVPLS) Program, we are the largest FVPLS provider in Australia. The FVPLS program provides specialist legal services in the area of family violence matters. It aims to 'prevent, reduce and respond to incidents of family violence and sexual assault among Aboriginal people'.¹ Fourteen services are funded nationally to provide these services to 31 rural and remote locations.

Services are delivered in six regions across WA covering the West Kimberley, East Kimberley, Gascoyne, Midwest, Goldfields, and Pilbara regions. Forty seven per cent of the state's Aboriginal population resides in these regions.²

Offices are located in Broome, Carnarvon, Geraldton, Kalgoorlie, Kununurra, and Port Hedland. From these locations outreach services extend to over 30 remote townships and Aboriginal communities. The corporate services office located in Perth provides strategic and management support to all regional offices including finance, human resources, administration, quality assurance and compliance functions.

2. Introduction

The Aboriginal Family Law Services (WA) welcomes the opportunity to have input into the Family Law Council consultation on Families with Complex Needs & the Intersection of the Family Law and Child Protection Systems.

Aboriginal Family Law Services (WA) provides professional legal assistance to Aboriginal peoples that have experienced or are experiencing domestic or sexual violence. This submission on Families with Complex Needs & the Intersection of the Family Law and Child Protection Systems will address questions 3 and 4 in the terms of reference (questions 2 to 7 from the discussion paper).

The Aboriginal Family Law Services (WA) would be pleased to provide further information additional to this submission if required.

¹ Productivity Commission (2014) Access to Justice Arrangements Draft Report, p 29

² Aboriginal and Torres Islander Census counts 2011 – Australian Bureau of Statistics
<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2075.0main+features32011>

Terms of Reference

1. How can the exchange of information between the family courts and family relationship services (such as family dispute resolution services, counselling services and parenting order programs) be improved and facilitated in a way that maintains the integrity of therapeutic service provision?

No comments.

2. What opportunities exist for ensuring the early assessment of risk to children in family law matters?

Across the family law system, there are many opportunities for ensuring early assessment of risk to children in family law matters. As pointed out in the discussion paper, there are numerous pathways into the family law system including through services and organisations. These services and organisations are commonly engaged to assist in matters relevant to family law matters such as separation and child care and residency arrangements.

The core service areas of these services and organisations may vary greatly from the provision of legal services to counselling and family support. Further, they may have specific areas of focus according to their funding and governance arrangements determining the client group they service. For example, they may be funded to provide housing and family support services to CALD clients in a specific geographical catchment area. When approached by a family requiring assistance with family law matters involving children due to separation, it should not be assumed that a risk identification tool such as the DOORS (Detection of Overall Risk Screen) tool would be automatically implemented. Individual services may have their own methods of assessing risk, both formal and informal.

Depending on client consent, this information may be communicated to services via referral discussions, meaning there is no guarantee it will reach the court. A further complication is that due to the nature of family and domestic violence, it may not be disclosed at all, or denied. This obviously makes safety issues difficult to address in a voluntary context, and can create issues for the court where relevant information is not present.

The immediate relevance of a tool such as DOORS to most individual services is not known. Although useful, it is unlikely that such a tool would be applied at the individual service level. There is some evidence of the challenges of implementing a common assessment framework on a voluntary basis in the WA community services sector with the CRARMF (Common Risk Assessment and Risk Management Framework) designed by the Department for Child Protection and Family Support (CPFS).

The CRARMF was initially released in 2011 for voluntary use by services dealing with clients who were experiencing family and domestic violence in the child protection and family arena.³ The rationale for the framework was to provide services with a tool with which to assess peoples risk of family and domestic violence, but also gave professionals shared language to describe the level of risk. The uptake of the tool has not been widely successful, and the tool has been revised and relaunched by CPFS as part of the *Freedom from Fear Action Plan 2015*.

³ Department for Child Protection (2011). The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework, Perth Western Australia: Western Australian Government

The question of whether the family courts should hold some investigatory role in assessing safety and risk to children in family law cases has been raised again in the context of this consultation. This has been raised to address situations where the threshold for statutory intervention is not met. For family courts this provides significant challenges where there is significant risk of harm to children and where there are no alternative viable carers available to care for them.

While the Aboriginal Family Law Services (WA) agrees that the statutory threshold for harm may still leave children in unsafe home environments, our concern would be for families who may risk having children removed through this mechanism. Aboriginal children currently constitute 51.5% of all children in the care of the CEO in WA.⁴ The Department for Child Protection and Family Support are unable to state how many children are in the CEO's care due to family and domestic violence, as they do not currently specifically capture and report on this data, however they estimate this to be between 70-90%. In their 2013-14 Annual Report they state that "Violence in the home, predominantly against women and children, is a major underlying factor in many child protection cases. Other common issues that lead to children being at risk of harm include parental drug and alcohol misuse, mental health issues and financial problems".⁵

Statistically Aboriginal women fare much worse compared to non-Aboriginal women in relation to the prevalence and impact of family and domestic violence:

- Aboriginal women experience domestic violence more often and more severely than their non-Aboriginal counterparts do;
- There is a higher use of restraining orders compared to the non-Aboriginal population, with a higher level of violence in these situations;
- Aboriginal women are statistically more prone to hospitalization and death as a result of family and domestic violence (35⁶ times and 10⁷ times respectively);
- Children who experience family violence or have been in care are more likely to use legal aid as adults.⁸

We do not object to the investigatory function being introduced, however recommend that it be designed with consideration for Aboriginal child rearing, kinship and cultural practices. We also recommend that whether it is staffed by court staff or contracted to an external service, that Aboriginal staff be employed to deliver culturally secure assessments and court reports. We recommend that non-Aboriginal staff receive cultural awareness and competence training on an ongoing basis. We also recommend that staff of this service and related court staff, including the judiciary, receive ongoing education on family and domestic violence.

We recommend that the family law system advocate for more culturally secure family violence services, and services which are closely related including out of home care services, intensive family support services, drug and alcohol services, mental health services, and housing and accommodation services. The removal of a child from one family and placement with another does not necessarily reduce risk in the long term. Support services need to be implemented to support viable carers to ensure these placements are sustainable, as well as support the parents whose children have been removed due to their issues.

⁴ Department for Child Protection and Family Support, 30 June 2015

⁵ Department for Child Protection and Family Support (2014) Annual Report 2013-14

⁶ Australian Institute of Health and Welfare (2006) Family violence among Aboriginal and Torres Strait Islander peoples <http://www.aihw.gov.au/workarea/downloadasset.aspx?id=6442458606>

⁷ Family Violence Prevention Legal Services – Research and Needs Analysis Report, 16 July 2013, Nous Group

⁸ Productivity Commission (2014) *Access to Justice Arrangements*, Inquiry Report No. 72, p 777

3. How can services such as child protection departments, mental health, family violence, and drug and alcohol services make relevant information available to the courts to support decision making in cases where families have complex needs?

In the current context, the most practical way for an external service to inform the courts in cases where families have complex needs is for the court to request a report. The standard report would require predetermined areas of a family's situation to be disclosed. Ideally, the service would be provided to the client in the full knowledge that the court could request this information, and that the clients consent is required to progress full disclosure.

Such an arrangement for government and non-government may be possible through a memorandum of understanding, with capacity for organisations to join on an ongoing basis. Coordination of this arrangement will be necessary through a steering group for oversight, and working groups formed either on a case by case basis or on a triage system, depending on demand. On a case by case basis a case coordination process would be followed to ensure that court based parties have opportunities to share information, with the option of inviting external organisational representatives to case conferences for the same purpose, as well as to coordinate and monitor follow up actions. The coordinator of the working group would be court based, and would be staffed by Aboriginal workers for Aboriginal clients. This group would include the family wherever possible. See the CPFS Strong Families model for more information.⁹

Depending on demand, a triage system would operate, where membership of the group included court officers (including judiciary, Victim Support Service, Family Consultant etc), and child protection officer. Cases flagged (either internally or externally) for family and domestic violence or child abuse are presented to the group for decision making around report to child protection. Referrals to family support services may be recognised here.

Ideally a combination of the two would be in play to identify the statutory threshold cases from those requiring action, support and case coordination. A case coordination function may allow the court to defer decisions on child harm in cases where family supports are required to build protection particularly in cases of family and domestic violence.

4. What services are needed to support families and children who use the family law system where child safety concerns are identified?

The types of services required to support families and children who use the family law system where child safety concerns are identified already exist. These include family relationship centres, legal services, child contact centres, counselling services (family and domestic violence, drug and alcohol, behaviour change, children's, mental health etc) and various family support services.

New services may be created but are not typically associated with family law. These include services to research family or viable carers for families, who maybe assessed as not reaching the statutory threshold, are not suitable caregivers for their child, and may not have local connections such as migrants. If this is the case, it has the potential to create the need for a more formalised foster, adoption and associated support services that are outside the current child protection framework.

⁹ <http://www.strongfamilies.wa.gov.au/>

There are however a number of changes that would occur if the recommendations of this consultation are implemented. For example, if a family and domestic violence-screening tool is implemented for family law services, then there will most likely be an increase in demand for those specialist services. In addition, with the increased attention this issue is receiving generally, these services will start to develop unreasonable waiting lists. The family law system will need to contribute to and advocate for increased resources to this sector in order to affect the outcomes for families experiencing violence or abuse.

In order to address this resource issue, the family courts may consider a more structured and centralised approach to support services for families. For example, using the secondary service hub model implemented by CPFS the courts could consider creating a hub of services – either actual (i.e. based at the court) or virtual (i.e. central kiosk contact point with referral to suitable service). This could be an extension to the Family Pathways Network where the strategic aspect of this project been achieved, with some more detailed coordination work to be completed. The Kiosk would still act as a referral point. Resourcing would be the issue for the Networks to ensure success of a hub model.

The insertion of some more generalised support into the system may be a welcome change for families accessing what is a procedural and intimidating environment. Feedback from our regionally based legal practitioners for the purposes of this submission was that there are issues of accessibility and excessive procedures. Specifically the difficulty faced getting through on the Family Court of WA (FCWA) information phone line and fax number. Both professionals and the public share the information phone line. This makes high traffic times difficult for lawyers attempting to get information, or fax forms through. For example, in Carnarvon there is no FCWA facility requiring matters to go directly via electronic means to the Family Court in Perth. While some urgent matters in other areas are heard in the local Magistrates Court, they are then transferred to Perth either in person or by phone. For every appearance by phone, an application needs to be submitted by fax. This lawyer questioned why one application to appear by phone would not cover the entire matter.

The recommendation is for a line dedicated to regional callers and be resourced. It was also requested for applications to appear by phone be required once per lawyer per matter.

5. How can there be enhanced interaction between the family courts and relevant services, including child protection departments, family violence, mental health services, drug and alcohol services and support services for Aboriginal and Torres Strait Islander families?

The Aboriginal Family Law Services (WA) supports Recommendations 5 and 6 of the Family Law Council's *Interim Report to the Attorney-General*¹⁰, which outlines various strategies to enhance inter-jurisdictional collaboration, as well as provision for Aboriginal specific court support staff.

Some consideration is due here for the help seeking behaviours of women who experience family and domestic violence. In a 2012, there was a study into women's experience with legal support in rural, regional and remote areas, four influencing factors to women's ability to seek help were identified as follows:

- Financial dependency
- Previous familiarity with and experience of court processes
- Access to and response from the police
- Access to and effective use of violence restraining orders.¹¹

¹⁰ Family Law Council's (2013) Interim Report to the Attorney-General: In response to the first two terms of reference on Families with Complex Needs and the intersection of the Family Law and Child Protection Systems, June, p.106-107

This study further noted that 61% of women did not seek out legal support (e.g. mediation, lawyers, court) due to cost, lack of knowledge, threat of future abuse, as well as the “lack of comfort with contacting formal authority figures”.¹²

For Aboriginal people experiencing family violence, various other factors impact on their ability to access services, includes the lasting impacts of colonisation. Obstacles include fear of retaliation and repercussions, and pressure from family to maintain family and cultural ties. Distrust of the police, the justice system and government agencies can deter people from seeking help from the police and welfare agencies. If family and domestic violence is disclosed, there is a real fear that the child/ren will be removed from the family, given many families experience of historical as well as contemporary Stolen Generations.

The first attempt to seek help is usually by reporting an incident to the police and for that reason, the handling of this response is crucial. With recognition for the specific policing conditions in rural, regional and remote areas including under resourcing, distances, isolation, higher likelihood of personal relationships with residents, challenges represented may differ compared to metropolitan policing. A number of studies¹³, including surveys undertaken by the Aboriginal Family Law Services (WA), have found that many women have found police responses inadequate at best. These studies have shown how the information women are receiving at that first point of contact is inaccurate and misleading. Also there were examples of women being pressured into “delaying serving interim orders”.

For the purposes of a separate submission, the Aboriginal Family Law Services (WA) staff was asked to provide feedback on the perceptions of victim-survivors of how police respond to family and domestic violence. The first theme of the feedback we received is that in the experience of clients – who are mostly female – police response is at best inadequate and they do not care about their situation. The inadequacy of the police responses covers a myriad of criticisms including the time it takes to respond to complaints, lack of trust in the police to assist victim-survivors, lack of services in remote locations, and perceived issues related to Aboriginality. A number of staff commented that police do not attend “until after the fighting is over”, and are delayed in attending to reports of domestic violence including breaches of VROs.¹⁴

“We assisted a client to apply successfully for a VRO. She called to ask if this VRO should stop the other party from making threatening gestures and threatening texts. When she went to the police station to report this breach, she was told by the Sergeant that ‘no, as long as he is 20 feet from her he is ok’. She said there were two other officers there that looked doubtful but weren’t willing to correct their Sergeant. I asked her to come in to the office and we could see them with her however she didn’t come in. Victims here very rarely make formal complaints about services or their treatment. They will complain to us, however when we encourage them to make a complaint they just drop it.”

– *Aboriginal Family Law Services staff member*

“I helped a friend once who had been assaulted by her partner. I drove in to her drive way to pick her up as we were going out and she was standing there with a lump on her head and blouse all ripped, holding it

¹¹ Sarah Wendt, Donna Chung, Alison Elder, Lia Bryant (2015) Seeking help for domestic violence: Exploring rural women’s coping experiences, Sydney: ANROWS, p. 26

¹² Ibid, p. 26

¹³ Ibid, p. 26

¹⁴ Aboriginal Family Law Services (WA) (2015) Community Development and Justice Standing Committee Inquiry into Methods of Evaluating WA Police Performance.

closed, sobbing, and jumped in the car. I took her straight to the police station however once there she didn't want to "get him in to any trouble" and so wouldn't answer all the questions. This frustrated the police officer and he gave her an angry lecture about wasting his time and "you can't come in here and not expect us to prosecute him etc" I basically felt really bad that I had brought her there, however at 6pm there are no counselling services and she didn't feel comfortable going to the women's refuge. He did pass the information on to the DV officer who followed up the next day with her and was very supportive."

– Aboriginal Family Law Services staff member

"One woman told me that on sometimes when police were called to a house to stop a domestic violence incident, where alcohol was involved, the police told them that they can't do anything about it because all community members are aware of the community by-laws (no alcohol) so it's their responsibility when violence happens at their place, and the police wouldn't get involved."

– Aboriginal Family Law Services staff member

"A client rang for advice about getting a VRO as she split with her partner 1 ½ months ago and he has been harassing and threatening her since. I asked if she had reported any of this to the police and she said only one time. She asked them about getting a VRO and they told her not to as they had kids together and by getting a VRO that would mean he couldn't see the kids which was not fair on him and it wouldn't work out."

– Aboriginal Family Law Services staff member

Feedback was provided about the priority that family and domestic violence was given by police officers. This not only related to time taken to respond to incidents, but also to resource issues related to recovery orders. Although difficult enough to coordinate in the metropolitan area where transport options are more abundant, in regional and remote areas where distance is also an issue, the arrangements for recovery orders have been highly problematic. The Aboriginal Family Law Services (WA) provides consideration for the demographic population that it services, the experience of disadvantage and marginalization is all too common. For most transport is communal and means of communication often complicated. In one example provided for the purposes of this submission, the mother of the child recovered had no phone and no transport. Our staff member was acting as both the provider of the transport and the conduit for communication. When the police were available, everybody else had to be ready to go or else lose this opportunity and wait for their next availability. Staff felt that it was "made obvious" to them that the recovery order was an "inconvenient extra duty" added to the police officer's day. We are not sure the mother seeking out the safety of her children from their violent father would have appreciated this sentiment.¹⁵

The Aboriginal Family Law Services (WA) recommends that the family courts continue to work on their relationship with the police departments both on strategic as well as operational levels. Training to frontline police regarding provision of accurate information to victim-survivors of family and domestic violence is vital if the family courts expect victim-survivors to develop trust in court officers and processes.

¹⁵ Aboriginal Family Law Services (WA) (2015) Community Development and Justice Standing Committee Inquiry into Methods of Evaluating WA Police Performance.

Services such as the Aboriginal Family Law Services (WA) work with the WA Police in each service delivery area in order to raise the awareness of our availability as a legal assistance service for people experiencing family and domestic violence. Support to the community is vital to the prevention of violence in the community, in partnership with various organisations, including the police. This community development approach has led to partnerships with the police to target groups responsible for higher incidences of violence.

Other recommendations to facilitate the integration between family courts and services include the implementation of a case management system, and implementation of culturally secure practices and tools in the court, and ongoing professional development for all magistrates and other relevant court staff (including rural and regional courts).

6. What opportunities exist for developing integrated responses to families with complex needs who use the family law system?

Suggestions provided by Aboriginal Family Law Services (WA) legal staff included better and broader utilisation of the Independent Child Lawyer. Discussion was had about the under utilisation of the family dispute resolution services by Aboriginal people and that access to training – particular for Aboriginal people wanting to access this was problematic as it is only available in Victoria. Concerns were also raised about the capacity of mainstream family dispute resolution (FDR) to deal with family violence issues. The development of specialist family violence FDR programs are recommended, with services for Aboriginal families to be delivered by practitioners situated in Aboriginal organisations. This would also fit with the Family Law Council's recommendation to locate Commonwealth funded "Indigenous Family Consultants and Indigenous Family Liaison Officers"¹⁶ with Aboriginal organisations.

The positioning of family court officers in Aboriginal organisations is an example of collaborative responses to families with complex needs. This kind of approach has the potential to improve the use of family law system by Aboriginal families. For example, if these positions were located with a service such as the Aboriginal Family Law Services (WA), and situated in each branch, then considerable exposure could be achieved. With our existing professional networks, both regional centre and remote community coverage would be substantial. The capacity for raising awareness through community legal education, as well as the actual service delivery potential makes it an interesting hypothetical.

These arrangements, underwritten by memoranda of understanding, could become part of the infrastructure required by the family court system in order to make it more responsive to families and communities. Being community-based would not only work for Aboriginal officers, but presumably for non-Aboriginal officers in regional and remote areas, as well as metro. Some of the barriers to information sharing may be the insular nature of the court staffing. Certainly if there were an investigative function introduced to the family court system there would need to be staff capable of home visiting and community liaison.

As stated in the first submission to the Family Law Council to terms of reference 1 and 2, the Aboriginal Family Law Services (WA) supports the 'one court' principle¹⁷. Whatever is done to streamline processes between courts and Commonwealth and state jurisdictions would be progressed to enable a better seamless experience for the court user. Subjecting the victim-

¹⁶ Ibid, p. 107

¹⁷ Professor Richard Chisholm AM (2013) Information-Sharing In Family Law And Child Protection – Enhancing Collaboration, p 59

survivors of family and domestic violence to prolonged and confusing court processes is counter intuitive to working effectively with those who have experienced trauma. Court environments can be intimidating for professionals let alone for those who are required to engage with them to resolve their legal issues. If courts were allowed to diversify outside their normal areas of law to facilitate a smoother passage for someone who requires a violence restraining order, a recovery order and a parenting order, and providing them the infrastructure and training to do so, seems the sensible approach to take.

The Practice Directions^{18 19} implemented in late 2014 by the Childrens Court of WA (CCWA) and the FCWA sought to achieve improved information sharing protocols and some of the seamlessness in the experience of the court user. Based on the 'one court' principle it aims to avoid duplication of many processes including reports when families move between the FCWA and CCWA. Where the family is engaged with the court which is most appropriate, and that court has available to it the relevant information (i.e. child related orders, restraining orders, historical information pertinent to capacity to care for children etc.), one court can request the reports it requires to make accurate and timely decisions about a child's residency and parental contact.

7. How could the approach taken to families with complex needs by the family courts be improved?

In the final paragraph of the Family Law Council's *Interim Report to the Attorney-General*²⁰, it states that other than jurisdictional problems siloing the courts, another problem exists which suggests that for those families with complex needs, parenting disputes edge away from family law and towards the child protection arena in terms of the support is required. This service would tend to agree with this assertion. Although the legal solutions may fall mostly within the family law area, this area appears ill equipped to deal with the personal issues with which families are presenting.

The FCWA could take some instruction from CPFS in WA as to how to set up the appropriate infrastructure, or more sensibly tap into the existing one, which currently services families with multifaceted needs. The Aboriginal Family Law Services (WA) recommends the FCWA progress this issue by looking to the existing experts in the field and avoids reinventing the wheel, and the equivalent would apply across the various states.

To meet the needs of Aboriginal families, recognition of the reasons why the cohort does not access the family law system in large numbers is required. Research and analysis of future trends and potential changes due to population increases, demographic changes and other factors are also worthwhile projects. The obstacles that face Aboriginal people generally in accessing legal assistance services apply here. Further, costs both actual and assumed, of family court proceedings present as substantial barriers.

Legal assistance services such as the Aboriginal Family Law Services (WA), and other Family Violence Prevention Legal Services, are not funded, to provide extensive support through family court processes. Clients need to apply for legal aid funding, and if they are not successful, they may be successful in attracting the services of a pro bono lawyer. However, without these options, many will abandon ongoing court action, often before it really begins. The question of how the family courts approaches to families with complex needs are to be improved becomes even more complicated.

¹⁸ Children's Court of Western Australia (2015) Practice Direction 1 of 2015: Use Of Children's Court Documents In The Family Court Of Western Australia

¹⁹ Children's Court of Western Australia (2015) Practice Direction 2 of 2015: Protection Applications – Updated Procedures

²⁰ Family Law Council's (2013) Interim Report to the Attorney-General: In response to the first two terms of reference on Families with Complex Needs and the intersection of the Family Law and Child Protection Systems, June, p.107

Dedicating resourcing to a client-focused approach may well see family law delivered from a more therapeutic standpoint, but will it improve its accessibility? Representation is still a key requirement for court users, particularly to navigate what will no doubt remain a convoluted system of courts and service options (voluntary or otherwise). And whether terminology and assessment frameworks are common across jurisdictions and professions, what impact will this have on the ability of the court user to understand the process they are party to?

The Aboriginal Family Law Services (WA) recommends that the family courts in any reform undertaken, consider the effects of these reforms on the regional courts and communities. An example of one difficulty encountered on working remotely mentioned earlier in this submission. It is also worthwhile mentioning that any services, which run out of the FCWA (or metro area in any other state), need to be replicated or have an equivalent available in major regional centres, including FDR services. These need to be delivered by Aboriginal organisations wherever viable. Any reform which results from this consultation should avoid being urban-centric in its implementation.

Support from the family law system is required to strengthen responses to family violence in terms of not only family law matters, but also criminal law matters. The Aboriginal Family Law Services (WA) appreciates the Family Law Council's support for the development of a national court order database. The issues of cross border movement and victimisation are one which technology can provide a relatively simple solution. The use of this kind of technology will be vital to the safety of women and children in a country of differing jurisdictions with varying family violence and family law legislation.

Advocacy for and reinforcement of stronger bail conditions and sentencing options is required for perpetrators of family violence to act as a deterrent. The availability of behaviour change programs, which for WA is alarmingly low, is also required to redress men's behaviour in a non-punitive way. The Aboriginal Family Law Services (WA) recommend that the Family Law Council specifically recommend support services for men in any recommendations it makes about family violence services working collaboratively with the family courts, which may also mean funding or advocating for funding for expanding existing services or creating new ones.

RECOMMENDATIONS

1. Contribute to and advocate for increased resources in response to greater awareness, demand, and response to families experiencing violence or abuse.
2. A review of resources to rural, regional and remote users of the family court information lines (especially FCWA).
3. Reduced red tape for practitioners including applications to appear by phone be required once per lawyer per matter (especially FCWA).
4. To facilitate the integration between family courts and services, the application of a case management system, and implementation of culturally secure practices and tools in the court, and ongoing professional development for all magistrates and other relevant court staff (including rural and regional courts).
5. To assist in the development of specialist family violence FDR programs, with services for Aboriginal families to be delivered by practitioners situated in Aboriginal organisations.
6. Community liaison and home visiting capacity incorporated into any investigative function introduced to the family court system to ensure holistic family assessment.

7. A 'one court' approach implemented across jurisdictions wherever possible in order to streamline processes and facilitate a seamless user experience.
8. Review the existing infrastructure for support sectors for complex families such as child protection and family support for services to support family court users.
9. That any reform undertaken gives due consideration for the particularities of their application in rural and regional courts and communities.
10. To support the development of a national database of relevant court orders accessible by each court.
11. Work inclusively with men's behaviour change services, and advocate for expanding these services or creating new ones where none exist.