

## **Objectives and principles**

**Question 1** What should be the role and objectives of the modern family law system?

The objectives of the modern family law system should include:

- Recognising all parties to a separation from a gender neutral basis so as to eliminate bias and discrimination.
- Recognising all parties to a separation include extended families such as grandparents, uncles, aunts, cousins and alike.
- Implementing parenting plans/orders that unite or reunite children from non-residential parents and their extended family as soon as practical.
- Protecting children from all forms of domestic violence, including psychological and/or physical violence.
- Protecting children from any significant and/or unjust change to their lifestyle and/or childhood.
- Protecting separated parents and extended family from false allegations and any attempts to manipulate the legal system for favour of disgruntled ex-partners.
- Protecting children from step-parents or new partners of separated parents.
- Implementation of an inter-government arrangement to ensure immediate and real action can be taken by federal, state, and if necessary, local government agencies.

**Question 2** What principles should guide any redevelopment of the family law system?

### **Principles:**

- The benefit to children of having a meaningful relationship with both parents and their extended families.
- To protect the child from physical and/or psychological harm and from being subjected to, or exposed to, abuse, substance abuse, neglect, violence and family violence.
- The Court is required to give greater weight to the consideration of the need to protect children from physical and/or psychological harm.
- Where physical and/or psychological harm is not evident the Court should give greater weight to the consideration of the need to provide the children with opportunities and experiences of a normal childhood.
- Where physical and/or psychological harm is not evident the Court should deal with the matter in a timely manner so as to make orders that will remove the need to return to the Court.
- The Court should aim to be proactive in preventing situations that may escalate into denying access to children, violence and family violence.

### **Additional considerations:**

- The child's views and factors that might affect those views, such as the child's maturity, level of understanding and influences by parents.
- The child's relationship with each parent and other people, including grandparents and other relatives.
- The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child, the other parent and their extended families.

- The likely effect on the child of changed circumstances, including separation from a parent or person with whom the child has been living, including a grandparent or other relatives.
- Each parent's ability (and that of any other person) to provide for the child's needs.
- The maturity, sex, lifestyle and background of the child and of either of the child's parents, and any other characteristics of the child that the Court thinks are relevant.
- The right of any child to enjoy his or her culture and the impact a proposed parenting order may have on that right.
- The attitude of each parent to the child and to the responsibilities of parenthood.
- Any family violence involving the child or a member of the child's family.
- Any false allegations made by either parent, extended family member or person closely associated with a parent in an attempt to influence the Court.
- Whether it would be preferable to make the order that would be least likely to lead to further court applications and hearings in relation to the child.
- Any other fact or circumstance that will or may have a negative impact on the child and that the Court thinks is relevant.
- The extent to which each parent has or has not previously met their parental responsibilities.
- The extent to which either parent has attempted to limit the other parent's and/or their extended families involvement in the children's life.
- If the child's parents have separated, a court must consider events and circumstances that led to the separation and since the separation.

## **Access and engagement**

**Question 3** In what ways could access to information about family law and family law related services, including family violence services, be improved?

The Family Law Court should implement an interactive website that provides information via a multitude of communication methods and mediums to advise parents and grand-parents on their responsibilities to the children of a separation and how the Family Law Court will make decisions. This interactive website could further provide parents and/or grandparents with all Court documentation, instruction on how to complete said documentation, details of the required evidence to support their documentation and examples of documentation that addresses a variety of family separation situations so as to support self-representation.

The Family Law Court should permit partners who are planning to have children or expecting parents to lodge predetermined parenting plans that upon request and confirmation that family violence is not evident in the family relationship prior to separation will become Family Court Orders prior to the conception or birth of a child.

**Question 4** How might people with family law related needs be assisted to navigate the family law system?

In addition to the interactive website the Family Law Court could provide information sessions (weekdays, week nights and weekends) that are purely designed to inform all interested parties on the family law system and how it works. This service could be provided on a fee for service basis as the number of people would dramatically reduce the costs to individual circumstances.

**Question 5** How can the accessibility of the family law system be improved for Aboriginal and Torres Strait Islander people?

The Family Law Court should ensure the provision of the interactive website; information sessions and legal awareness programs are resourced with Aboriginal and Torres Strait Islander people and the ability to register their cultural background so as to direct their legal needs to the appropriate culturally aware personnel.

**Question 6** How can the accessibility of the family law system be improved for people from culturally and linguistically diverse communities?

The Family Law Court should ensure the provision of the interactive website; information session and legal awareness programs are resourced with a range of people from diverse cultural and linguistic backgrounds and the ability to register their cultural background so as to direct their legal needs to the appropriate culturally aware personnel.

**Question 7** How can the accessibility of the family law system be improved for people with disability?

The Family Law Court should ensure the provision of the interactive website; information sessions and legal awareness programs are resourced with a range of people with varying disabilities and the ability to register their specific disability so as to direct their legal needs to the appropriate personnel.

**Question 8** How can the accessibility of the family law system be improved for lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people?

The Family Law Court should ensure the provision of the interactive website; information sessions and legal awareness programs are resourced with personnel the recognise themselves as LGBTIQ and the ability to register their recognition as LGBTIQ so as to direct their legal needs to the appropriate personnel.

**Question 9** How can the accessibility of the family law system be improved for people living in rural, regional and remote areas of Australia?

The Family Law Court should ensure the provision of the interactive website; information sessions and legal awareness programs are resourced with personnel whom understand the difficulties of living in rural, regional and remote areas of Australia and the ability to register their connection with rural, regional and remote areas of Australia so as to direct their legal needs to the appropriate personnel.

**Question 10** What changes could be made to the family law system, including to the provision of legal services and private reports, to reduce the cost to clients of resolving family disputes?

Where physical and/or psychological harm is not evident, via evidence of a recent and relevant Police Report, the Family Court will issue predetermined temporary Family Court Orders upon the application by either parent. The predetermined temporary Family Court Orders should be developed for all children on the basis of: zero (0) to two (2) years of age; two (2) to four (4) years of age; four (4) to eight (8) years of age; eight (8) to twelve (12)

years of age; and twelve (12) to adulthood. The progression to permanent Family Court Orders should be on the basis that both parties contribute to and participate in Alternate Dispute Resolution methods. No party should be subject to having to obtain an I60 Certificate on the basis that the other party has contravened the Family Court Orders.

The Family Law Court should permit partners who are planning to have children or expecting parents to lodge predetermined parenting plans that upon request and confirmation that family violence is not evident in the family relationship prior to separation will become Family Court Orders prior to the conception or birth of a child.

Legislation could be enacted to enable state, and if necessary local, government agencies to aid the enforcement of Family Court Orders. For example, to prevent situation that may escalate into family violence, in the event that Parent A arrives to collect children and Parent B refuses access a call to state police to assist in the changeover process will reduce the chance of violence occurring. This may increase workload initially; however, if the state police can have the capacity to lodging this situation with the Family Law Court (identifying the perpetrator if possible) the Family Law Court could then take proactive action to have this person attend a support service to assist in identifying and resolving the matter. More importantly it will prevent children be denied a relationship with both parents.

**Question 11** What changes can be made to court procedures to improve their accessibility for litigants who are not legally represented?

The Family Court should implement an interactive website the provided information via a multitude of communication methods and mediums to advise parents and extended parents on their responsibilities and how the Family Court will make decisions. This interactive website could further provide parents and/or grandparents with all Court documentation, instruction on how to complete said documentation, details of the required evidence to support their documentation and examples of documentation that addresses a variety of family separation situations.

Judges should aim to resolve in the matter with limited hearings of the Court. If there is no historic evidence of physical and/or psychological harm, via evidence of a recent and relevant Police Report, and the child does not have any special needs then the Family Court should be able to order that the predetermined / pre-lodged / or accompanying proposed orders be made permanent orders up until the next period of time that a child may require altered orders to meet their age specific requirements. Extended support service reports, written with limited interaction, currently have the capacity to be influenced based on the circumstances of the separation and this rarely has a significant impact on the children of the relationship without influence from a parent.

**Question 12** What other changes are needed to support people who do not have legal representation to resolve their family law problems?

The Family Law Court could provide an online service to support the proof reading and/or legal awareness program that would review all completed legal documentation so as to inform these parties of the possible legal consequences that may stem from the matter should the person continue without modification of their legal documentation. This process could work on a scheduled system where each job is lodged in order, and upon being received an

acknowledgement of its lodgement with an expected response time would be provided. This service could be provided on a fee for service basis.

**Question 13** What improvements could be made to the physical design of the family courts to make them more accessible and responsive to the needs of clients, particularly for clients who have security concerns for their children or themselves?

The Family Law Court could be designed in a manner that would allow applicants and respondents separate entrances into the Court House and each Court Room without the need to come into contact with the other party. This would also prevent the horse trading that goes on between legal representatives prior to going into the Court Room.

## **Legal principles in relation to parenting and property**

**Question 14** What changes to the provisions in Part VII of the *Family Law Act* could be made to produce the best outcomes for children?

### **Recommended amendments:**

- Alter the object and principles to include grandparents, particularly in circumstances where the parent is not available to the child. I.e. due to incarceration, military service, fly-in/fly-out work arrangements, death or disablement of a parent and lack of interest from the parent.
- Inclusion of a requirement for children to be able to receive the support of their grandparents.
- A requirement for the immediate issuing of temporary Family Court Orders in the event there is no realistic threat to the child or children. An opposing parent should be provided with a four (4) week duration to have, and pay for, an independent Court Appointed person evaluate if the temporary Family Court Orders are in the best interest for the child. This may also include the provision of written evidence from independent people who have concerns for the child. Independent to mean: teachers, coaches, scout or brownie leaders and alike. This process should ensure that there is at least two independent people who share the concern of the respondent parent.
- The views of the child should also be expressed in a non-verbal manner such as their established interests and extra-curricular activities and requests of support of independent people who can submit, on behalf of the child's confidential information provided to them by the child.
- Informing the Court of family violence should be an anonymous process so as to prevent retaliatory action by the parent or extended family member that the parent has concerns about.
- Risk of family violence must also be the controlling nature of either parent on the child and towards the relationship with the other parent.
- Family alternate dispute resolution should not be required by either parent that is seeking relief for a contravention application nor an application in a case (recovery orders).
- Family alternate dispute resolution should also include a requirement to genuinely be consolatory in the process through the provision of a proposal and/or counter proposals that demonstrate compromise, either in the original proposal or the counter proposal.

- Family alternate dispute resolution should not be a requirement if a party can demonstrate a protracted refusal to communicate with the other party.
- Family alternate dispute resolution should require equal contribution by both parties so as to provide real incentive to the process. It should also enable a party to request a specific service provider based on financial consideration even if this delays the process. Should the other party not wish to wait for this service provider they can opt to cover the full cost in order to expedite the matter.
- Parenting plans should be removed as their contravention is not enforceable. All parenting plans should be submitted to the Family Court for the parenting plan to be made into Consent Orders to ensure enforceability. This will have no impact on parents that agree and continue to agree on how to co-parent but it will prevent those parent that agree to a parenting plan with no real intention of upholding such plan.
- Inclusion of the Court's ability to issue predetermined temporary Family Court Orders upon the application of a parent without the need to attend Court on the basis that there is no real evidence that this action is not in the child's best interest. These predetermined Family Court Orders should include the ability for grandparents to request time with the child.
- Section 65F should include the ability to override this requirement on the basis that the other party is non-communicative. Guidelines need to be established on the definition of non-communicative and there should be consequences for a party that demonstrates they have been non-communicative.
- Section 65ZD should be expanded to enable state laws to be passed to support state authorities to support the application of Family Court Orders. These state laws should also be able to authorise, if necessary, local government authorities to support the application of Family Court Orders.
- Part 7, Child maintenance orders should include the ability for any parent who it is assumed has a responsibility to maintain a child taking any action necessary to confirm that the child is there child. This should include the ability for the Court to suspend child maintenance until such time as this can be confirmed. Additionally if it is confirmed that a parent has been maintaining a child under false pretences by the other parent orders can be made for that parent to reimburse the non-parent of the child for all maintenance paid under this false pretence.
- Step parents should only have a responsibility for maintenance if they have consented to the support of the child when they demonstrate actions that they have consciously chosen to support the child.
- Section 67R should include the ability for state authorities to affect Family Court Orders without the express requirement of the order being recovery orders.
- Section 67Z should include details of what is considered normal and appropriate punishment of a child and what is considered child abuse. State police are very reluctant to take action as child abuse on the basis that it could be considered suitable punishment.
- Division 11 Family Violence should also include provisions for false and misleading accusations of family violence.

**Question 15** What changes could be made to the definition of family violence, or other provisions regarding family violence, in the *Family Law Act* to better support decision making about the safety of children and their families?

**Inclusion of:**

- Coaching - the deliberate and repeated coaching of a child to have opinions or thoughts inconsistent with a child of that age.
- Manipulation - the influencing of a child through emotional pressure that uses a parental bond with the child to obtain a desired outcome by that parent.
- Inaccurate information - the use of inaccurate information that is designed to be misleading in order to prevent the other parent from enacting their own free will with the child on matters that are not of a long-term nature.

**Question 16** What changes could be made to Part VII of the *Family Law Act* to enable it to apply consistently to all children irrespective of their family structure?

As noted in response to question 14

**Question 17** What changes could be made to the provisions in the *Family Law Act* governing property division to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

I have no response to this issue as I am not concerned with such material matters.

**Question 18** What changes could be made to the provisions in the *Family Law Act* governing spousal maintenance to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

Spousal maintenance should only be available to a spouse that has taken long-term action to remove them from the workplace in order to support the family unit as part of a collaborative decision to do so.

**Question 19** What changes could be made to the provisions in the *Family Law Act* governing binding financial agreements to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes?

I have no response to this issue as I am not concerned with material matters, though parent paying maintenance that have significant evidence that the maintenance is not being used to support the child should be able to request a review of the situation. This should be aimed at responding to issues where ex-partners have developed a substance abuse issue or other financial matter such as gambling. In this event the Court should be able to provide orders that support the proper expenditure of maintenance for the best interest of the child.

**Question 20** What changes to court processes could be made to facilitate the timely and cost-effective resolution of family law disputes?

The Family Court should implement an interactive website the provided information via a multitude of communication methods and mediums to advise parents and extended parents on their responsibilities and how the Family Court will make decisions. This interactive website could further provide parents and/or grandparents with all Court documentation, instruction on how to complete said documentation, details of the required evidence to support their documentation and examples of documentation that addresses a variety of family separation situations.

Judges should aim to resolve in the matter with limited hearings of the Court. If there is no historic evidence of physical and/or psychological harm, via evidence of a recent and relevant Police Report, and the child does not have any special needs then the Family Court should be able to order that the predetermined / pre-lodged / or accompanying proposed orders be made permanent orders up until the next period of time that a child may require altered orders to meet their age specific requirements. Extended support service reports, written with limited interaction, currently have the capacity to be influenced based on the circumstances of the separation and this rarely has a significant impact on the children of the relationship without influence from a parent.

Legislation could be enacted to enable state, and if necessary local, government agencies to aid the enforcement of Family Court Orders. This immediate response to contraventions is likely to prevent repeated contraventions and reduce long-term costs. If in the event this was a fee for service arrangement with the fee being charged to the person who has contravened the Family Court Orders and the state police can report this matters directly to the Family Court all parent will quickly become aware that their actions are being closely monitored.

**Question 21** Should courts provide greater opportunities for parties involved in litigation to be diverted to other dispute resolution processes or services to facilitate earlier resolution of disputes?

**Question 22** How can current dispute resolution processes be modified to provide effective low-cost options for resolving small property matters?

The Family Court (and via other technology based communication methods) could offer mediation services. These services would work on a first in first serve basis (unless there is a urgent need determined by a Registrar) and the mediation would then be scheduled accordingly. If this operates in collaboration with predetermined temporary Court Orders this will limit the impact on children and support a more costly and timely resolution. This could be done as a fee for service with alternate service providers details provided to parents should their mediation include property matters or they would prefer a more timely resolution.

**Question 23** How can parties who have experienced family violence or abuse be better supported at court?

This is a double edge sword as mere allegation and lack of evidence also results in alleged offenders being falsely accused. This is compounded when these alleged offenders cannot afford legal representation and they accept the terms of a protection order. In cases where domestic violence is genuine or perceived the person could request a support person to be with them during the hearing. These matters could also be flagged to the Family Court and prioritised for an early hearing. This in collaboration with my response to Question 13 will provide significant protection for all parties.

**Question 24** Should legally-assisted family dispute resolution processes play a greater role in the resolution of disputes involving family violence or abuse?

The move to alternate dispute resolution methods was initiated due to the increasing costs of legal action and the manner in which many solicitors aim to extrapolate the process on the basis of increasing their financial return. This should only be considered on the basis that the parties can come to agreement of at least 50% of matters and rules to deter time delays.



**Question 25** How should the family law system address misuse of process as a form of abuse in family law matters?

Yes, yes and yes. I am aware of this being used extensively by lawyers, particularly from state government Legal Aid service provided to wear down a parent so they run out of time, money and patience. This is a major issue for children and is often the cause of children losing touch with a parent and that parent's extended family.

This matter should be a two part process:

1. Minor misuse - which is proved on the basis of probability and may result in initial warnings. Though three minor incidents should then equate to a major misuse.
2. Major misuse - which is proved on the basis of beyond reasonable doubt and without a jury and will result in a criminal conviction.

**Question 26** In what ways could non-adjudicative dispute resolution processes, such as family dispute resolution and conciliation, be developed or expanded to better support families to resolve disputes in a timely and cost-effective way?

Part of the extensive cost in this matter is the required training of the person providing the alternate dispute resolution procedure. I.e. it requires a full law degree and additional training in mediation and/or arbitration. A new qualification (Associate Degree - AQF Level 6) of two year duration (16 units) could be developed to train people in a specialised field for non-property related mediation. My current law degree only has two units that relate to Family Law and Alternate Dispute Resolution and one of these is an elective. A specialised qualification would also allow for practitioners to be trained in the fundamentals of psychology and relationship management.

**Question 27** Is there scope to increase the use of arbitration in family disputes? How could this be done?

Part of the extensive cost in this matter is the required training of the person providing the alternate dispute resolution procedure. I.e. it requires a full law degree and additional training in mediation and/or arbitration. A new qualification (Associate Degree - AQF Level 6) of two year duration (16 units) could be developed to train people in a specialised field of property related arbitration. This process should also only be permitted to proceed on the grounds that the non-property related mediation has concluded to prevent children being used as trading tools. My current law degree only has two units that relate to Family Law and Alternate Dispute Resolution and one of these is an elective. A specialised qualification would also allow for practitioners to be trained matters specific to arbitration on property and the long-term impact on separated parties. For example the impact of long-term superannuation needs.

**Question 28** Should online dispute resolution processes play a greater role in helping people to resolve family law matters in Australia? If so, how can these processes be best supported, and what safeguards should be incorporated into their development?

Yes, though this should not become the norm and the locations used for online dispute resolution needs to be controlled so that external parties are not negatively influencing the alternate dispute resolution process. In the event that the agreement must be signed in front of a lawyer then service provided such as state Legal Aid could aid this process.

**Question 29** Is there scope for problem solving decision-making processes to be developed within the family law system to help manage risk to children in families with complex needs? How could this be done?

When a child has complex special needs, the parent that has dominantly cared for the child can respond to these issues from a very emotional perspective, and often refuses to acknowledge the other parent has the capability to care for the child. This is also a genuine reason behind the breakdown of the relationship in the first place.

This is an area that predetermined temporary Court Orders and/or pre-lodged Court Orders should not be initiated. In these situation I recommend that this process be extended to one that includes the involvement of extended family members on both sides so that it is a collaborative approach to the decision making process but more importantly all participants can be registered within the Court Orders to support the child.

**Question 30** Should family inclusive decision-making processes be incorporated into the family law system? How could this be done?

Yes, the concept that grandparents have to sit on the sideline (mostly just pay for the legal representation) and not have the capacity to be considered as a meaningful relationship for children is ridiculous. Additionally, the Court Orders can then provide meaningful time and participation from all relevant family members to the children. Too many children are removed by a parent to prevent the other parent and that parent's extended family from participating in the child's life. This is particularly important in situations where the non-residential parent is incarceration, is undertaking military service, works on a fly-in/fly-out basis, dies or becomes disabled or there is just a lack of interest from this parent.

## **Integration and collaboration**

**Question 31** How can integrated services approaches be better used to assist client families with complex needs? How can these approaches be better supported?

Mental health is a major issue for many people and in many family situation, yet the current process requires a person to file a Notice of Risk form which is then served on the person that the other person alleges mental health as an issue, yet this process occurs months before the matter is heard in Court. This process needs an alternate approach to prevent negative or poor responses by the person with the alleged mental health issue. In situation of this the matter has to be incorporated so as not to draw attention to the matter and prevent the children being exposed to this situation.

**Question 32** What changes should be made to reduce the need for families to engage with more than one court to address safety concerns for children?

Clients families that have complex needs should be dealt with via a special court that can have all services available to them on the day the matter is in Court and all parties can register their concerns and have them assessed at the time. The extensive time delays and exposure of children to these people often result in matters not being raised.

**Question 33** How can collaboration and information sharing between the family courts and state and territory child protection and family violence systems be improved?

It must extend beyond Courts to all services. For example, parents who are denied access to their children often respond from an emotional perspective, displaying behaviour that is not normal for the person. On this basis state police will be called to respond to a domestic violence situation. Instead of being reactive if we alter the process and become proactive and allow the parent denied access to call police and have the children handed over to them the parents withholding children will become aware there is an instant consequence, not one delayed by months if one can afford legal representation, and this will prevent the need to respond to so many domestic violence situations. In addition to this the benefit to the children is observing a controlled handover with no element of violence or an instant consequence for said violence.

Additionally, legal aid should be made available to all persons who are eligible not just first in first served. Legal aid in all states have strict guidelines for all lawyers who are engaged on this basis and therefore there should not be any conflict of interest.

## **Children's experiences and perspectives**

**Question 34** How can children's experiences of participation in court processes be improved?

Attendance at Court should be an absolute last resort. In the situation where children are required they should be supported through specialist services in the Court House but never in a Court Room. Judges should be required to interview (chat) with children whilst they are in the care of the support services and children of an appropriate age should be provided with support services after their court appearance, particularly as one of their parents may emotionally abuse the child based on the outcome of the case.

**Question 35** What changes are needed to ensure children are informed about the outcome of court processes that affect them?

This process must again be independent of the parents. It is well recognised by research and the Court that it is generally only the problematic cases that appear in long-term Court hearings. This should be sufficient notification that the Court should not rely on the parents to provide untainted information to the children and advise them on how to deal with the information. I would suggest schools with specialist trained counsellors would be able to provide this service and relevant support.

**Question 36** What mechanisms are best adapted to ensure children's views are heard in court proceedings?

This process should move from one of the Court to one of support services. Children can be exposed to many professional people that have concerns and these people should be provided with the protection to support the children through the provision of recommendations. Should multiple professionals (such as teachers, tutors, coaches, doctors and alike) provide consistent anonymous notification to the Court that the child or children are expressing an opinion this could influence the Court. If for no other reason than to send the child to a support service that can get to the bottom of the issue without interference and coaching by parents.

**Question 37** How can children be supported to participate in family dispute resolution processes?

**Question 38** Are there risks to children from involving them in decision-making or dispute resolution processes? How should these risks be managed?

There are significant risks to children's psychological and physical well-being as parents attempt to coach or manipulate specific responses from children to support their claims.

At risk children need to have a child psychologist appointed so as to monitor their psychological and physical risks and keep the Family Court informed. This process should be of an ongoing nature with provisions to allow teachers or significant other responsible adults with the ability to refer the child to the child psychologist when they notice new and unusual behaviour.

**Question 39** What changes are needed to ensure that all children who wish to do so are able to participate in family law system processes in a way that is culturally safe and responsive to their particular needs?

Involvement needs to be of an independent nature so as to protect the children from influence from parents with alternate agendas. Utilising the appointed child psychologist from response to question 39 this will allow the children to submit their input without undue influence.

**Question 40** How can efforts to improve children's experiences in the family law system best learn from children and young people who have experience of its processes?

Utilising the appointed child psychologist, as suggested in question 39, this would allow the child psychologist to gain input from children and provide this back to the Family Court on a continuous improvement basis.

## **Professional skills and wellbeing**

**Question 41** What core competencies should be expected of professionals who work in the family law system? What measures are needed to ensure that family law system professionals have and maintain these competencies?

All professional need to have the capacity to remain neutral when assessing both sides of the separated relationship. These professionals should also be trained in how to determine if one or more parties are attempting to manipulate a particular outcome.

A quality assurance team should be established to routinely and periodically analyse different cases to ensure there is no evidence of preference being shown to one party. This team should be able to provide feedback on training and professional development requirements based on continued improvement. Additionally, this team should be employed on a basis of the team reflecting the diverse community. I.e. equal men and women and appropriate statistical reflection of the diverse cultures that makes up our community.

**Question 42** What core competencies should be expected of judicial officers who exercise family law jurisdiction? What measures are needed to ensure that judicial officers have and maintain these competencies?

There is significant discussion between clients and solicitors on which judicial officer that will be assigned to the case and the preference of these officers. This is a clear indication that

these judicial officers use bias in their decision making process and this is likely to affect one party negatively and the other positively. The issue with this is that it is the children who suffer from such bias.

The quality assurance team established to audit other professionals should have the authority to review judicial officers and their decision on the basis of providing feedback that is aimed at developing the right training and professional development for such officers.

**Question 43** How should concerns about professional practices that exacerbate conflict be addressed?

This is a major issue with many solicitors that are gaining huge incentives from continuing or exacerbating conflict. The quality assurance team could again be tasked with conducting audits of cases to determine if it is the parties or their solicitors that are continuing the conflict. This information could be used to instigate early intervention of additional support services for the parties or referral of the solicitors to the Legal Services Commission. Cases that appear to have no real reason for excessive conflict or repeated appearances in Court could be an indicator that the quality assurance team should undertake an audit of that matter.

**Question 44** What approaches are needed to promote the wellbeing of family law system professionals and judicial officers?

Support services are mostly offered on a basis of self-assessment and this can often be far to late. For professionals and judicial officers routine counsellor sessions could be established to ensure their well-being. These professionals should be able to report to senior management who could then take action to reduce the persons work commitments or take leave as required.

## **Governance and accountability**

**Question 45** Should s 121 of the *Family Law Act* be amended to allow parties to family law proceedings to publish information about their experiences of the proceedings? If so, what safeguards should be included to protect the privacy of families and children?

Yes, if the system is going to reduce cost and allow all members of the community to access the Family Court for the best interest of the children then this needs to be removed to enable parties to share their experiences. However, no party should be allowed to provide any details that would enable any person who is not already familiar with the case to be able to identify the case. This must include restricting details of the judicial officers and any other professionals whether Court appointed or not.

**Question 46** What other changes should be made to enhance the transparency of the family law system?

The quality assurance team should provide an annual report based on the audits that they undertake and the recommended action that stems from those audits. This annual report will assist the family court be more transparent and report on topics that the Family Law System has identified as requiring redress.

**Question 47** What changes should be made to the family law system's governance and regulatory processes to improve public confidence in the family law system?

The bias towards women must end and all parents must start to be recognised as parents and important to the children from the relationship regardless of whether the relationship was between a man and a woman, man and a man, or woman and a woman and not forgetting the possibility of transgender and other recognised genders.

Men are most likely to be the perpetrator of physical abuse though women regularly use psychological abuse and society often judges one as worse than the other. The simple fact is most people who commit suicide don't do it because they were physically abused but do as a consequence of psychological abuse, whether or not that stemmed from repeated and ongoing physical abuse. Treat people as people and improve gender equality through equal recognition of all genders.