

- 1. What should be the role and objectives of the modern family law system?** To protect children from psychological and physical harm and to make parents responsible for their actions, parental conflict and ongoing harm post separation. There is a significant increase of safety concerns for children that are not been adequately addressed within the current system.
- 2. What principles should guide any redevelopment of the family law system?** The voice of children need to be heard more loudly and there needs to be harsher penalties for parents that continue to harm children through DV, parental conflict including but not limited to physical and psychological harm. Making the family court system more accessible to families that can't afford it, Family lawyers should have a cap on what they charge each client to encourage resolution rather than protracted conflict. The implementation of collaborative law would be a non-adversarial approach. Addressing the balance of power within the court process whereby the most financially resourced party wins. Culturally aware responses to ATSI, CALD, LBGTQI, rural, remote and disability families. The excessive legal costs and protracted cases make the family court system inaccessible to the majority of families from these disadvantaged groups. The adversarial nature of family court proceedings, the extensive delays in reaching an outcome for children and their families, the lack of collaboration across child protection, police, schools, family support, lawyers, family court system in addressing safety concerns for children. The lack of ethics and training in an adversarial family law system. The fact that families need ongoing support and engagement in services that address their ongoing conflict through parenting coordinators/navigators and dispute resolution as opposed to the current adversarial system. To make it compulsory that parents address their presenting needs ie. mental health assessments and ongoing treatment, drug tests, drug rehab, counselling for depression anxiety, self-harm, domestic violence, identifying their individual and collective contribution to parental conflict and how it significantly harms children. Mandatory attendance by parents in parenting programs to educate parents on how to protect children from conflict, develop secure attachment with each parent and address ongoing family violence post separation. More collaboration between services, particularly the child protection system, police, schools, family support services. More training for doctors, therapists, school counsellors, teachers, police, lawyers in DV pre and post separation. Compulsory attendance by parents once they have been referred to services.
- 3. In what ways could access to information about family law and family law related services, including family violence services, be improved?** Streamline services and information across all family support services, including doctors, police, schools, lawyers, child protection, courts based on where parents and children reside. Implement the use of case worker such as a neighbourhood Justice Officer or a Family Safety Practitioner that manages a family in accessing services and making sure parents complete or continue ongoing engagement in services. The use of technology for safety DV matters and disadvantaged families. Mandatory training in trauma informed and DV for all family lawyers, judges and doctors so they can refer clients to relevant services for case management.
- 4. How can the accessibility of the family law system be improved for people with a range of diverse needs?** Consider Aboriginal and Torres Strait islander people, culturally and linguistically diverse communities, people with disability, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people and people living in rural, regional and remote areas of Australia. More of these types of people employed and trained within the family court system as liaison officers, therapists, mediators, lawyers etc Work within and in conjunction with these

diverse groups incorporating their belief and value systems into family law outcomes that address their needs which are obviously different and more complex than mainstream families. Greater use and incorporation of culturally aware practices, cultural healing, trauma recovery approaches, community education about family law rights, responsibilities, services, engagement and collaboration with these culturally diverse groups in the development, delivery and evaluation of services and outcomes. Support workers/case workers working alongside these families from start to finish when they engage in family services. The recognition of non-biological parents and family members as been equally important as biological parents in having their voice heard and their rights secured in these diverse family groups through family court judgements. More cost effective and access to supervised contact centres for culturally diverse, including rural remote families.

5. 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? The significant emotional and financial stresses of the family court system is why the majority of families continue to put up with ongoing DV post separation and avoid engaging in the family law system. Family lawyers should have a cap on what they charge clients to encourage resolution rather than protracted conflict ie compulsory collaborative law practice. In addition extensive court delays, non-compliance of court orders, the imbalance of power by a party that has significantly more advantage financially than the other party in funding ongoing court applications, appeals, abuse of process by DV perpetrators making false allegations, more cost effective and access to supervised contact centres. Family Relationship Centres should prioritise low income families to reduce waiting times and urgent access to services. Medicare ability for private mediators and child consultants. Both parties should qualify for legal aid if they are both financially disadvantaged. But both parents must attend to parenting courses and programs based on their presenting needs. Parenting coordinators/ case workers/ Family Safety Practitioner any label you want to call it that manages these families from start to finish to make sure parents are addressing their presenting needs and ultimately protecting children from ongoing parental conflict including harm and safety concerns.
6. What changes can be made to court procedures to improve their accessibility for litigants who are not legally represented? Simplifying the legislative framework and drafting it in plain English including court forms, access to forms making family court website user friendly and how to lodge them properly. The misuse of power by DV perpetrators would be minimised if perpetrators were not allowed to cross examine victims in court process. Free legal advice and guidance about court procedures and processes.
7. **What other changes are needed to support people who do not have legal representation to resolve their family law problems?** Case workers to help clients gain access to family support services Family dispute resolution for property matters not just parenting matters in Family Relationship Centres.
8. 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? More safety rooms, access for people with disabilities, more security staffing, cameras, separate entry and exit for applicants and respondents, remote witness facilities, child friendly court spaces, spaces outside so clients can still hear when their matter will be heard.

9. What changes to the provisions in Part VII of the *Family Law Act* could be made to produce the best outcomes for children? A second mandatory tier between FDR and family court litigation should exist such as compulsory collaborative law practice when family dispute resolution has not been successful. This collaborative practice model should have the ability to report to the court should it too not be successful in resolving parental disputes. Enable mediators and lawyers the capacity to refer clients to family services based on their presenting needs. ie mental health, drug use, DV etc. Submission of parenting plans in court applications making parents justify why they shouldn't honour them to prove whether they made a genuine effort in mediation as opposed to pretending to make a genuine effort. This would have to be carefully evaluated in the misuse of power by DV perpetrators. The right of children to have a meaningful relationship with both parents does not address the ongoing DV that commonly occurs post separation through the children to get to the other parent. Equal shared care or regular shared care should not be so easily given to parents that continue to engage in ongoing conflict that harms children. There is no monitoring of the extensive psychological harm done by parents in their ongoing conflict, there is no redress and currently there is inadequate consequences for parents in regard to the damage these parents do to their children post separation. Hence why they must be made to attend and engage in ongoing parenting programs, anger management, and have limited contact until these issues are addressed and managed adequately by the current system and the parents themselves. Parents are not taking responsibility for their poor behaviour and role modelling, this is creating trauma and mental health problems for the next generation of children that grow up and repeat their parents appalling behaviour and parental conflict hence the cycle continues. Sadly sometimes parents are too often motivated for equal shared care so they don't have to pay for child support, so they can revenge against the other parent, so they can continue tormenting and perpetrating DV against the other parent through the children. There also needs to be increased capacity for the child protections system (DOCS/FACS) to address psychological harm by parents. Compulsory co-parenting education programs for all separated parents to attend and keep attending until they can recognise their own abysmal behaviour. Children's voices need to be factored more into decisions, school education programs should be nationwide on acceptable parenting behaviour, respectful communication and behaviour in relationships, education in unacceptable behaviour in DV for both parents and children. Parent alienation, parental coaching and bullying against the other parent through the children, all aspects of psychological harm by parents, false allegations, mental health, drug use, DV control, coercion and power imbalance by DV perpetrators post separation through FDR and family court process are all not adequately addressed. None of these complex needs and safety concerns are in the best interests of children as the focus has been too heavily on shared care and the ongoing relationship of both parents with their children to the detriment of children's wellbeing. If parents are behaving poorly there needs to be structures, consequences and programs in place to make parents to address these issues. Every person is responsible for their behavior and reactions hence they should be made accountable as such. Many require ongoing counselling, rehab, parenting programs to address their own trauma, mental health otherwise nothing will change and the cycle repeats itself yet again.
10. 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? The current system is not adequately addressing the safety concerns of children. It is in epidemic proportions. There is no recourse for the psychological harm that parents inflict on their children. The presumption of equal shared parental responsibility has been misunderstood and as such has been taken advantage of by both lawyers and clients to the detriment of children. Many parents wouldn't even know or be aware of what secure attachment is and what it means to the development and wellbeing of their children. The misuse of process is not recognised as a form of abuse and should be formally recognised. Psychological abuse of children is in epidemic proportions and not just within the family court system but across society generally, education of parents, professionals, children and the follow up in addressing this type of detrimental harm needs to be a focal point. DV is not just physical harm but coercive and controlling behaviour towards children post separation. Include abuse of process as part of the definition of DV. Remove the presumption of equal shared parental responsibility and the association of equal shared time. Listen to the voices of children and take into consideration more of their wishes and presenting needs when making decisions. Amend the definition of best interests of children to include the term to the protection of children from psychological harm as equally important at physical harm. Prioritise interim orders based on DV concerns. Make DV allegations a priority and engage case workers to assess risk and ongoing safety concerns. If both parents are making allegations of DV, then both parents need to attend parenting courses to recognise their own personal contribution to the ongoing parental conflict and it seriously impacts their children.

11. 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? Recognise and incorporate guardians and caregivers of children other than their biological parents within their family structure. It takes a community not just a mother and father to raise healthy well adjust children. This is particularly relevant in ATSI, CALD and LGBTQI families.
12. What changes could be made to the provisions of the *Family Law Act* governing property division to improve the clarity and comprehensibility of the law for parties and to promote fair outcomes? Families that have experienced DV are commonly disadvantaged and have poor financial outcomes from property settlements. Legislative provisions for married and unmarried couples should be merged and any inconsistencies resolved. Superannuation splitting simplified. Adoption of a community of property regime ie. property acquired prior to or after the relationship is solely the party that owns it. Property acquired when together is fairly divided. Property mediation should be compulsory. Retrospective property adjustment once DV has been proven and established to support children and victims in a more equitable property division.
13. 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? Greater consideration for spousal maintenance in DV matters.
14. 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? Provisions allowing courts to set aside BFA's if there has been a change in circumstances, DV, duress to sign the BFA through an imbalance of power or fraud. Drafted in plain English as opposed to legal speak.

15. What changes to court processes could be made to facilitate the timely and cost-effective resolution of family law disputes? Standardised interim developmentally appropriate care arrangements to be implemented at point of separation whilst a family wait for a mediation or legal process to commence. This would exclude parents where safety or capacity were in question. DV matters prioritised. Interim orders prioritised. Financial costs and delays addressed and reduced as these significantly contribute and compound DV, parental conflict and safety concerns including the psychological wellbeing of children. Informal hearings with registrars, parenting coordinators/case workers/mediators/lawyers to get some interim orders in place and engagement of parents in services to address parental conflict and other presenting needs that arise. Cap on lawyer fees. Collaborative law approach in family law matters.
16. How can 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? Mandatory engagement of parents to courses, therapies, rehab, family support services, parenting programs based on their presenting needs. Child inclusive mediation should be mandatory as part of the dispute resolution process. Prioritise urgent matters, safety concerns, streamline services, refer to family support services, have family consultants, registrars, mediators, lawyers, case workers streamline and manage cases in a time effective manner. Judges to address and penalise lawyers misuse process to delay matters, cap costs for clients, order parents to attend parenting programs, family support services.
17. How can current dispute resolution processes be modified to provide effective low-cost options for resolving small property matters? Compulsory property mediation and prioritise low income families. Arbitration process for small property claims to unclog family court system.
18. How can parties who have experienced family violence or abuse be better supported at court? Increase dispute resolution services, set up safer room in court rooms, restrict cross examination of victims in the court room by allowing clients to present their response and evidence in an informal process through dispute resolution. Trauma informed training for all judicial officers. Engage specialist DV case workers to provide evidence and support to victims in the court process. Mandatory engagement in services, parenting programs, therapy based on presenting needs. This would address clients that are assessed as not suitable for mediation because of mental health, drug use, anxiety, DV, or lack of capacity to mediate/negotiate.
19. How should legally-assisted family dispute resolution processes play a greater role in the resolution of disputes involving family violence or abuse? Increase the use of lawyer assisted mediations in FRC's so that both parties are represented. The use of technology so that clients and professionals can participate regardless of distance and remoteness.
20. How should the family law system address misuse of process as a form of abuse in family law matters? Include the misuse of power and its definition of family violence in the family law act defining examples listed in research conducted by the Australian Institute of Family Studies ie. instigating and re-instigating legal proceedings in multiple courts, prolonging court proceedings by seeking constant adjournments, challenging interim orders and procedural determinations with the intent of exhausting legal funding, approaching multiple legal practitioners to limit the other party access to legal advice especially in remote rural areas, making cross applications for personal protection orders, using family court processes to gain evidence relevant to criminal matter, self-represented clients cross examining the other party over sensitive DV allegations, using more subpoenas to gather sensitive information about a parties personal therapeutic

counselling records, making multiple notifications to child protection authorities, welfare checks by police, challenging and appealing child support decisions, deliberately not engaging or delaying the dispute resolution process, non-disclosure of income and assets in property matters. Not only a definition of misuse of power be included and defined within the family law act but tougher penalties, including financial, limited contact with children and mandatory attendance to parenting programs to address poor parenting behaviour through the misuse of power. More power to the family court to dismiss applications without merit.

21. 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? More legally assisted mediations for both property and parenting matters in FRC's. Fear of complaints made by high conflict parties through FRC's impede the dispute resolution process as organisations are too scared to reality test these clients because an obsession with customer service as opposed to safety concerns and the damage parental conflict does to children. Too many matters are assessed as unsuitable because of parents incapacity to reflect on their own parental conflict and behaviour, because of their presenting needs ie DV, drugs, mental health, parental alienation, helicopter parents, anxiety, self-harm, abuse of process and power. These parents either end up constantly in the family court system or do not engage in the family court system at all. Subsequently they put up with continuing DV or inequitable circumstances because of the emotional and financial delay and stress of engaging in the family court system in the first place and the incapacity of the other party to address their presenting needs. More after hours services, more use of technology so that parents can engage in services, more online parenting programs. More mandatory attendance to engage in family support services based on their presenting needs. Collaborative law practice for all property and parenting matters should family dispute resolution be unsuccessful. Enable FRC's to provide initial family law advice based on their matter so that they are well informed before participating in dispute resolution. All parents should be educated and advised about their rights and responsibilities under the family law act. Parenting plans must be submitted if parents reached an agreement in mediation then decide to initiate family court proceedings. This would indicate whether a genuine effort was made and highlight where and why the parenting plan has not been able to be followed .ie DV, presenting needs of parents, identifying ongoing parental conflict. Extra options and information subtly included in Section 60I Certificates to indicate safety concerns, presenting needs of one or both parents.
22. To what extent is there scope to increase the use of arbitration in family disputes? How could this be done? Small property matters through arbitration and tribunals to free up the family court system for more complex and serious matters.
23. Should online dispute 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 but only if clients have the capacity to read, write and utilise technology effectively. However the assistance of neighbourhood justice officer/ Family Safety Practitioners/ Case workers through family support services and FRC's would improve access to these types of clients including been able to greatly assist parties in using technology both after hours and remotely.

24. 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? Parents must be made to engage in family support services based on their presenting needs ie drug addiction, mental health, trauma, DV, anxiety, depression etc as they will not engage in services of their own accord. This is particularly so when parents are not able to reflect on their own contribution to parental conflict. Limited contact in the interim until parents address their underlying issues will help to minimise the adversarial approach and focus more on a resolution approach. However if there continues to be lengthy delays, then that could also compound parental conflict. If both parents are making allegations against each other then both parents should be required to attend to relevant therapies, parenting programs etc based on not only their presenting needs but also on the parental conflict so that there is not a perceived imbalance of power by either victims or perpetrators. Psychological damage by parents is not been addressed nor are reports made by police, schools, parents and other relevant authorities. More liaison between child protection, family support services, counselling, mediators and lawyers. Privacy and confidentiality should be overridden when there are risks to children. Mandatory reporting should actually be followed up by case workers/ parenting coordinators in relation to safety and risks concerns for children. The proposed Parenting Management Hearing Panel would be a good start with professionals trained in family law, mediation and trauma informed DV.
25. Should family inclusive decision-making processes be incorporated into the family law system? How could this be done? Family led decision making should be first and foremost with ATSI families, CALD and other disadvantaged family groups. This requires the inclusion of significant family members/carers that should be part of the decision making process.
26. How can children's experiences of participation in court processes be improved? When children are interviewed by police, mediators, therapists, psychologists, child protection etc these interviews should be audio recorded so children do not have to continually recount their traumatic experiences. Children's views and voices need to be heard more and children need ongoing therapy and support if they have been exposed to serious risk and or ongoing parental conflict. They should be educated and counselled on what is acceptable parental behaviour and what is not in relation to their own personal experience and how they can feel empowered to develop and implement their own safety plans when at risk. Part of this would require education in schools, referrals made by school counsellors, including more child inclusive mediations. Too many children are groomed and coached into saying what their parent/s allege and want. Children need to have their confidentiality protected should they divulge information that puts them at risk of parental reactions. Nonetheless, children's views and comments should remain confidential but still be factored into all decision making and final judgments.
27. What changes are needed to ensure children are informed about the outcome of court processes that affect them? Ongoing support, therapy, explanation and interaction of the court process and outcome. Reassurance that their confidentiality is protected and if they disclose any consequences from expressing their views from either parent, that tool will be factored into parenting consent orders and judgment.
28. What mechanisms are best adapted to ensure children's views are heard in court proceedings? Keep children out of the court room, have their interviews and responses pre-recorded, support and encourage children to speak directly to judicial officers, therapist,

professionals about their needs, views, experiences. In addition allow children to speak to parents indirectly through these professionals about the impact their parents individual and collective conflict has had on them so parents have to look at their own behaviour and how it has personally harmed their children. Protect their confidentiality from any consequences by the ongoing parental conflict.

29. How can children be supported to participate in family dispute resolution processes? Compulsory ongoing therapy and child inclusive mediations should be first and foremost in Family Relationship Centres.
30. Are there risks to children from involving them in decision-making or dispute resolution processes? How should these risks be managed? Parents that lack the capacity to reflect on their own contribution to parental conflict including their presenting needs may place children at further risk. Welfare checks should not be the exclusive domain of child protection and the police. If there was a parenting coordinator/case worker/ Family Safety Practitioner/ Neighbourhood Justice Officers that could regularly assess and check on the safety of children via their school, home and other therapeutic services then children's views and their safety could be effectively managed. Children are at risk regardless so their views and safety should be incorporated, monitored and managed throughout the family court, dispute resolution and child protection processes.
31. 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 judicial officers, private lawyers, private mediators, family, family report writers etc should all be extensively trained in the family law act, child protection assessment, DV, trauma informed, parental conflict, presenting needs of clients and have the training and capacity to do warm referrals or make orders for clients to attend relevant agencies. Annual or ongoing training. Peer to peer information sharing and training.
32. How should concerns about professional practices that exacerbate conflict be addressed? Family lawyers must be trained and practice collaborative law, be trauma informed, refer clients based on their presenting needs, have a cap on what they can charge clients. Family lawyers should be heavily penalised and/or have their practicing certificate either permanently or temporarily removed if they advise clients to make false allegations ie insinuate DV, sexual assault and or safety concerns for children in order to limit contact of the other parent, revengeful vexatious motivations, misuse of power and process to continue ongoing parental conflict and DV. Bully clients and bully lawyers should be reprimanded for their approach in court processes, for making false allegations or insinuations, purposely delaying or adjourning court cases and withholding important evidence and information in both property and parenting matters.
33. What approaches are needed to promote the wellbeing of family law system professionals and judicial officers? Better pay, work part time, access to subsidised counselling/therapy, medicare rebates for private mediators. National and ongoing conversations about family conflict, DV, how it impacts children and how to protect children from harm so that all our hard work becomes part of our cultural discussion, identity and priority.
34. What other comments do you have? There needs to be more collaboration, coordination and integration between the family court system and other Commonwealth, State and Territory systems, including family support services, family violence, child protection systems, schools,

police, private mediators, therapists, and lawyers. This is particularly so with DV, and other parental behaviour that puts children at risk. Parents experiencing separation and/or DV trauma are required to navigate through a myriad of family support and legal services that do not sufficiently share information between agencies requiring clients to constantly having to repeat their situation and story to multiple agencies hence why many families give up on accessing services as they find the whole process to be exhausting stressful and confusing. The fact that the family law system, family violence and child protection systems act independently of each other allows children and families to be consistently exposed to ongoing DV, serious ongoing risk, compounding and re-traumatising families and disengagement in services due to the frustration of been refereed to multiple services that have lengthy waiting lists and inadequate powers to address parental conflict and children at risk. All these systems and agencies need to be working together more on cases and clients to address the safety risks and underling parental conflict. Hence why confidentiality and privacy need to be minimised to enable these services and systems to work together and case manage these families both individually and collectively. FRC's are currently under utilised and Family Safety Practitioners/Case Workers should be employed to refer clients to services and follow up on their compliance with engaging in services and agencies relevant to their situation. I cannot overstate the importance of making it compulsory for parents to attend therapies and engage in parenting programs based on their presenting needs this is critical in protecting children from ongoing parental conflict otherwise nothing will fundamentally change or improve within family dynamics which is directly associated with the increase in DV, mental health , drug addiction, self-harm and trauma. In addition the multiple and independent jurisdictions in family law child protection and family violence requires a major overhaul whereby federal judicial officers must have dual commission, streamlining and developing a national family and child protection system including a national database, incorporating digital hearing processes to reduce the need for families to attend court physically thereby limiting exposure of victims to perpetrators. Information sharing and collaborative approach with agencies and relevant authorities working together to prioritise children at risk.

The proposed Bill to incorporate Parenting Management Hearing Panels would greatly assist high conflict families in managing and addressing their ongoing parental conflict as long as there were penalties and mandatory attendance to parenting programs in order for disputing parenting to tackle their personal agendas and conflict.