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Question 1

such a system must be able to respond to the various needs of separating couples from different backgrounds, married or de-facto, hetero or homosexual with or without children. This response needs to be in a timely and affordable manner without unnecessarily delays. the response needs to ensure safety for each individual in participating in any of the process for parenting and/or financial arrangements between separated or separating couples regardless of age. referral to other services must be supported by low cost facilities by appropriately qualified personnel who receive appropriate salaries. For example at present FDRPs in Family Relationships Centres have to carry out case work eg following clients up, deal with them in between confidential mediation sessions as well as remain an independent, impartial facilitator of a mediation process according to the obligations and responsibilities at a comparative low salary in contrast of those mediators working in the Courts. FDRPs in community agencies should NOT have to do social work type case management as no doctor, dentist, lawyers does their own administration and deals with clients appointments and follow ups. FDRPs are as professionally trained with double qualification and should be treated as "specialists" who facilitate a mediation process as an independent and impartial expert! In a modern system, mediators or FDRPs should get appropriate remuneration. a Sydney bus driver gets 5 weeks holidays and 70,000 + salary pa and a first year graduate in Queensland gets \$45,000 pa. an FDRP is well below this.

couples should also be supported through being able to participate in Marital mediation, this is for couple having difficulties however they may not want to separate and or divorce. in mediation they can address their issues and learn to communicate more respectfully and problem solve how to live together with less disharmony , less stress and more rewards from being a couple in a Family environment. IF the couple decides during mediation that it is ultimately better to separate at least they do this with more insight in WHY and can plan for the HOW. eg as co-parents working together rather than is a competitive way due to a range of extreme emotions as a result of just one parent demanding a divorce or walking out on the family. Marital mediation ( see Fisher & Brandon Mediating with Families 4th edition , August 2018) is very different from counselling, it is short term, future focused and both participants have a more or less even negotiation opportunity like any other facilitative mediation process according to NMAS. marital mediation should be offered like counselling and be eligible through Medicare, just like any other service for physical and mental health.

FDRPs should be able to access mentors and supervisors. their job is stressful, so far there is no requirement for anyone working in this field (unless it is an in-house requirements of the organisation) for FDRPs to have supervision. This would assist in ongoing professional development and additional learning from challenging case work and minimise complaints, hopefully. There should be customer advocates for clients using FDR, either going through a court or through FDR in community organisations. many of us who are supervisors with at least 5 year experience could

support the practitioner and or the customer to avoid any complaint going too far as most of the complainst i have regularly worked with for memebrship organisations have nothing to do awith a FDRP breaching their obligations or responsibilities. the complainst are moer about clienst feeling not enough informed or due to extreme emotional reactions confusing what they have been told or what they subsequently have understood about FDR in community organisations or any a court system.

## Question 2

the redevelopment needs to mirror the health system, eg 5-10 counselling sessions bulk billed, why can't mediation for parenting matters be bulk billed? public and private services should be adequately supported by government rather than the rich can go to court and the people less well off go to community agencies. the rich pay outrageous costs to go to court and often argue over children and or finances and pay more than what they are arguing over. parents who pay \$70.000 dollars each for a parenting arrangement can no longer afford to look after their children. These parents would need adequate counselling, educations and support to stop fighting for the best interest of their children. and NOT be encouraged to keep taking each other to court. Similarly with property and financial settlements the cost of going to court are often more than the amount in dispute! training of all personnel working in all areas of dispute resolution under the FLA. The textbook by Fisher & Brandon, Mediating with Families (4th ed.Thomson Reuters, August 2018) has valuable information for all professional people who wants to work in this area. This is now THE textbook for FDRPs used by a range of universities and other training organisations and should be compulsory for all who attend training in FDR as it provide not only skills and techniques but also the context in which separation mediation (and other types of mediation) is provided.

the training of FDRPs needs to be affordable, the new 50 hours supervsied practice adds an additional cost which many CALD mediators cannot afford. supersvsied hours are also very difficult to arrange as not many private mediator want trainees and colleges and universities are not funded to provide additional supersvsied practice with real clients.

Trainers in FDR must be paid appropriately, \$1500 a day or more as thsi barely covers their years of experience and working may weekends a year. Most only get \$1000 to \$1200 per day, which I earned as a trainer in Canberra as a consultant to Government in the mid 1980's so it has not increased at all!!!! coaches for roleplays can charge or get between 60 and 85 dollars per hour. Supervsiors can only \$120 to \$160 per hour

## Question 3

there is already very good information available in many languages, however many separated or separating couples or their extended family have no idea where to find it online or where to access this in booklets and other hard copy information. information needs to be freely available in doctors surgeries, in schools, at sports events and any other venue where people may find it. it should also be up to dat culturally current booklets only mention Christmas for a parenting arrangement. as a multi cultural country this should be expanded as the child has the right to culture when their parents separate. Few lawyers, counsellors and FDRPs take this into account. lawyers need to be trained in how to manage family violence and assit in shuttle mediations to assit parents to make wise decsions in the best interests of

their children. Translators need to be available to help with people whose English is not their first language.

#### Question 4

It is vitally important that legal qualified people do not compete with those who prefer to use dispute resolution processes of various kinds. We now have national standards (NMAS) for a facilitative process in which the parties can talk with each other and with advice before, during or after can make wise decisions while remaining self-determined as to the outcome. Many legally qualified people train in the facilitative model never to practice it but to enhance their referral CV profile. All they tell me is that they will continue to offer a shuttle process in which the lawyers representing their clients have a voice, while the parties never or seldom have any say or can talk with each other respectfully in the same room. Shuttle is certainly appropriate for certain cases, however all of what some barristers and lawyers offer??? how can these parents and or grandparents learn to communicate with each other in the future???

Shared care is NOT 50-50 unless it is over 364 days of the year. Advising parties that they have the right to 50-50 parenting is absolutely NOT helpful for parents to base their developmental needs of their children on. We now see 3 years olds moving every 3 days between the parents. Who wants to sleep every 3 nights in a different bed???? There is now ample evidence that children and fathers benefit from shared care as fathers have more time, which in itself is beneficial for all. However, the research also shows that the conflict and abuse between the parents increases as the shared care was NOT based on the parents being able to communicate respectfully in the first place. The research regarding family violence post separation and or divorce is devastatingly serious. Not only for the parents but also for their children as these children do not get any role modelling of how to respectfully problem solve and or conduct difficult conversations without abuse, threats, mental and or physical violence. How can the next generation become better than their parents?? The textbook by Fisher & Brandon, *Mediating with Families* (4th ed. Thomson Reuters August 2018) has valuable information for all professional people who want to work in this area.

#### Question 5

LACA is one program that is extremely helpful, however many lawyers in NT and other areas where indigenous people seek mediation need to be educated in how to participate and allow indigenous people to talk with each other and not take over the discussion and create positional negotiations. There should be more scholarships for indigenous people to learn mediation or go to law school. Plus scholarships too attend the national mediation conference every 2 years for professional development. Qualified interpreters should be readily available for language other than English for indigenous peoples.

#### Question 6

All information being available in many languages and qualified interpreters being readily available to assist in dispute resolution processes, paid by the government. The textbook by Fisher & Brandon, *Mediating with Families* (4th ed. Thomson Reuters, August 2018) has valuable information for all professional people who want to work in this area. More trained mediators from diverse cultural backgrounds

would assist. scholarships for training, supervised practice, and professional development should be offered by the AG's.

#### Question 7

venues need to be accessible, no stairs no lifts. qualified interpreters for people with speech & hearing difficulties. the role of the support person needs to be clarified as often they interfere. perhaps a domiciliary service for those who cannot attend or telephone mediation especially for CALD and people with disabilities. mediators need to be specially trained to be able to do telephone dispute resolution and have supervision and ongoing training such as TDRS offers.

#### Question 8

promotion of information as well as trained lawyers and mediators who can respect diversity in its many forms. scholarships for training, suppression and professional development for LGBTIQ people, may attract more to this type of work, that needs to be remunerated appropriately. The textbook by Fisher & Brandon, *Mediating with Families* (4th ed. Thomson Reuters, August 2018) has valuable information for all professional people who want to work in this area.

#### Question 9

appropriate funding for telephone and online mediations. funding for training FDRPs and lawyers to be able to do this. proper salaries for people doing distance dispute resolution. funding remote, rural and regional parents to participate in mediation online or over the phone. many apparent lives in other States or Territories many miles away or one of the lives overseas. the cost of mediation and or visiting their children is often far too costly.

#### Question 10

have the funding under Medicare and/or private health insurance. avoid waiting list and long drawn out court cases, there should be short term, review and longer term arrangements. as drawn out cases do not help parents, grandparents or children. more education for parents and grandparentst as well as organisations with enough staff to deal with all the levels of assistance that needs to be provided. these people should also be paid adequately as people outside the court system have much lower salaries than the people working within the court system plus they have additional benefits as public servants eg % contributions to their superannuation, which professionals in FRCs do not receive an equivalent salary even and may be much more qualified or have more experience.

#### Question 11

Dispute resolution trained lawyers, judges and magistrates counsellors, domestic violence workers and/or trained mediators as conflict coaches and or support people

#### Question 12

free counselling to deal with their emotions, parenting courses, family violence education, anger management, conflict coaches, consultations with FDR dispute resolution people. get rid of certificates as these create a huge issue for FDRP as well as for the parties who complain about party B and or Party 2 not turning up or cannot be contacted in a timely manner. short term and longer term options to make agreements or a parenting plan that can be reviewed. a 3 hour mediation must be able to be followed up 2 or 3 times NOT JUST 1 three hour offer.

#### Question 13

separate parking, corridors, separate toilets in different areas for women and men. separate areas to enter, exit and sit in a court with support people. all FRCs need separate entries and exits as well as parking and rest room facilities separate for male and female and other identified gender which should also be separate from staff restrooms.

#### Question 14

no promise of 50-50 care. clearer guidelines for shared care that this is over 365 days rather than per week necessarily, referrals to parent education where appropriate

#### Question 15

the definitions are quite comprehensive. restraining orders do not seem to work. more education for violent family members. when violent spouses are released the other alleged victim spouse must be warned well in advance and to be offered protection. more FV specialised courts. Schools should be warned when there are parents that are violent or make threats of any kind including chances of kidnapping so the children are protected and can ONLY be collected from school by registered parents and or care givers.

Question 16 see above

#### Question 17

more clarity that parties or parents can use mediation, med-arb or arb med or legally assisted mediation to discuss their settlement options to achieve a full financial agreement in a timely manner. more flexibility in what people want to achieve by a property settlement as selling their home or selling investment property is often NOT in the best interest of all concerned. additional going to several court hearings takes all they \$\$ they fight over and certainly NOT in the best interests of their children.

#### Question 18

the costs for court hearings to establish this must be avoided. some family lawyers need to avoid competing on behalf of their clients as that is confusing and costly for their clients. it could be part of med-arb or arb-med and or trained lawyers assisted mediation.

#### Question 19

better legal advice that promotes interests based negotiations rather than competitive positional bargaining

#### Question 20

better preparation of the parties to fully understand the consequences of using a court for their parenting and or property settlements. perhaps they can settle most of it in some form of mediation and only IF there is a last gap get an arbitrator to rule. so the whole parenting or property does not have to start again if there are good draft agreements already and only minor outstanding items for judgements.

#### Question 21

yes FRCs should be better funded so the waiting list are not too long with additional administration personnel so FDRPs do not have to do 'case management' that goes against "self-determination". Private FDRPs who do not have a separate administration person need to team up with local family lawyers and other private FDRPs to network rather than compete! their complaint is that many family layers in more remote areas only want to refer to FDRP if the practitioner provides a certificate so that their client can go to Court. More appropriate training for young and older lawyers is most needed especially in NT and other

areas away from big cities to learn how to refer to FDR or if FDR arbitration is going to be introduced. not every area actually has qualified family lawyers so all lawyers need to be conversant with FDR..

Question 22

FRCs can do property settlements when mediators get relevant training and supervisor to do this. a lawyer/social science co-mediation team may also be an opportunity for property settlement mediation.

Question 23

perhaps alleged perpetrators and or alleged victims can be heard via technology but not seen.

Question 24

yes but ALL lawyers should be trained and attend compulsory yearly professional development education in this area

Question 25

cannot really comment on that as highly emotional people do strange things in every situation perhaps more pre court assessments and character references?

Question 26 maybe if these people that offer the service are adequately trained

Question 27

maybe with property matters and or some simple parenting matters but perhaps a mediation first eg med-arb or arb-met. there must be an opportunity for parents to discuss things between them as they are going to be parents for a very long time!

Question 28

online is sometimes difficult for many people re the familiarity of the use of technology, privacy, fear of being found out where they live, finding an appropriate time with time differences in Australia and with parties who live overseas, already a challenge for TDRS where practitioners already work after hours and on Saturdays.

Question 29

yes with experienced child psychologist, child consultants ONLY when necessary as parents first must be educated before children are used by professionals. Child Informed mediation, for example should NEVER be offered before an FDRP has seen and experienced the parents in a mediation session. many parents are assessed as so called 'suitable' for CIP over the phone and offered CIP long before a mediator has worked with them. many of us think this is NOT BEST PRACTICE at all.

Question 30

I do not think so as this is and should be provided ONLY after a mediator has had a session with the parents to be able to observe the dynamics as CIP before any mediation takes place is full of problems as we all already have experienced.

Question 31 cannot comment

Question 32 organised integrated court hearing facilities

Question 33 cannot comment

Question 34

cannot comment, however I think children need to be protected from adult problems and their business as much as is possible.

Question 35

judges could write a letter to the children explaining their reasons or someone could do this on their behalf either by letter and or face to face in a family therapy setting

Question 36

depends on their ages and should not be automatic as it is adult business for parents and protectors to make wise decisions that can be reviewed from time to time in the best interests of the children

Question 37

mediation by qualified FDRPs first and from that it can be established IF the parents can manage getting the feedback of their children via a child consultant. assessment for CIP must be done on recommendation of a FDRP not by admin over the phone. and or before any mediation has taken place.

Question 38 see above

Question 39

as above in Q 37 with experienced and knowledgeable FDRP who can address faith and culture as part of every day mediation in FDR more training to make FDRPs aware and more sessions may be needed. The booklet that came out by the previous Attorney General last year only mentioned Christmas for a special days. in a multi cultural country like Australia this is not a culturally diverse suggestion.

Question 40 cannot comment

Question 41

FDR training, ongoing professional development and some certification of reassurance of integrating this in their practice, mentoring, supervision, quality control???

Question 42 as per FDR training

Question 43

eg. mentoring, supervision group support supervision for support and quality assurance

Question 44 see above

Question 45

articles discussions and seminar presentations that are perhaps compulsory to go to once or twice a year

Question 46 cannot comment

Question 47

less drama stories on 60 minutes or in the press. more use of positive psychology . . .in reporting anything in this area. In many countries in Europe journalists are trained now in positive psychology to report better information and create less fear in their societies. Here it seems all about creating fear in the news and in the papers!

Other comments? thanks for the opportunity and go well