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**Submission to ALRC Review of the Family Law System**

**Family Dispute Resolution under the Family Law Act**

**Family Relationship Centres – Issues Paper (IP 48)**

The purpose of the submission is to invite consideration for a more consistent approach to the conduct of Family Relationship Centres and to consider alternative funding models for family dispute resolution in Australia both for parenting and property mediation.

Family Relationship Centres are mainly operated by non-government organisations. The main NGO’s which operate more than one regional FRC in Australia include:

* 1. Relationships Australia (non denominational)
  2. Interrelate (non denominational)
  3. Catholic Care (Catholic Church)
  4. Anglicare (Church of England)
  5. Unifam (Uniting Church)

1. Government subsidies to FRCs for the provision of family mediation

*Recommendation*: The ALRC to consider recommending to the Government to broaden the availability of subsidies for the conduct of Family Dispute Resolution Services to enable more efficient and competitive services with greater penetration across communities.

*Background:* The provision of funding to operate and conduct Family Relationship Centres commenced in 2006. Various NGO’s tendered to operate regional centres known as Family Relationship Centres. A subsidy is provided for parenting mediation conducted within FRCs by employed FDRP’s.

There are many separated couples who choose other mediation pathways outside FRCs including private mediation, Legal Aid and some other organisations (such as Conflict Resolution Service in Canberra). Others resort to negotiate directly between lawyers to achieve parenting agreements or property settlements.

The model for Legal Aid services for state governments is where funds are provided to an oversight organisation such as a state Legal Aid Commission which re-imburses lawyers through legal firms for work done for approved legal aid clients. This process could be mirrored to allocate money to private FDRPs and private FDR services. The Legal Aid services model is based on the Legal Aid Commission appointing individuals and firms to a panel following public invitations for application. Legal aid funding is provided for legal services completed and the application for payment is made by the solicitor usually through a legal firm.

*Outcome:* The Federal Government might consider funding the Federal Attorney-General’s Office through a similar model to re-imburse mediation organisations (such as FRCs) or mediation firms for mediations completed by FDRPs that also have been similarly registered on a panel. This may be an effective way to broaden the services available. The outcome would be a wider availability of services with a more competitive tender for clients.

*Property Mediation:* In relation to property mediation, it is apparent from the long lists of the Family Court that the FRCs are not engaging with the full potential market available for property mediation. Whilst this process does not attract government funding, it would be wise for the Government to consider a subsidy to provide some relief to the Family Court.

1. Lack of consistency in the operation Family Relationship Centres

*The Mediation process* - Each NGO operated Family Relationship Centre has a different process for clients seeking FDR through respective FRC’s prior to mediation. For example Relationships Australia has a telephone intake conducted by a ‘Family Adviser’ followed by a one hour ‘assessment’ conducted ‘face to face’ by an FDRP (Family Dispute Resolution Practitioner) prior to mediation. Whereas Interrelate allocate a one hour “face to face” intake conducted by an FDRP which is followed by a subsequent one hour ‘pre-mediation’ session with the FDRP to ensure the client is ready for mediation. Other organisations have variations on this theme. A consistent approach would simplify funding and promote inter-agency co-operation and dynamics.

*Focus on Children workshops* - Prior to mediation clients are required to separately attend a ‘co-parenting workshop’ titled ‘Focus on the Children’ (Relationships Australia title). The purpose of these workshops is to ensure clients are “child focused” and able to act in the ‘best interest of the child’ in accordance with the legal requirement under the Family Law Act.

These workshops or seminars operates differently in different FRC’s and do not cover the same issues or material. Interrelate for example operate a workshop which runs for 3 hours involving a therapeutic approach requiring clients to choose cards or pictures to best describe the state of their children and where they would like to see their children to be sometime in the future. This is conducted amongst 10 or so participants standing in a circle. A DVD is also played titled “Consider the Children”

Relationships Australia conduct a workshop ‘Focus on the Children’ which runs for one hour and this also includes a DVD (NZ video titled “Putting the Children First”). The different workshops are intended to serve the same purpose and to ensure clients understand that if separation is managed appropriately, children can survive very well and further for clients to be aware that conflict between parents damages children and that this can inhibit emotional development of children.

At some FRC’s there is an irregular availability of these workshops or there is a long waiting time to enroll. This can delay mediation times and particularly affect inter-agency mediations. A client should be able to attend the workshop through one FRC and attend mediation in another without being restricted. A consistency of approach would ensure clients have a common understanding through exposure and engagement with the best available presentations of the workshops.

Using different forms to collection information and data from clients results in the inconsistency of collection of data from clients. Standardising forms will serve several purposes:

* Consistency across the sector of data collected will assist in collation of date for research purposes
* Inter-agency mediations will more easily exchange information that derives from common data collated from respective clients prior to mediation
* Assist in comparing services provided to assess efficiency of service delivery and funding through various Family Relationship Centres