



TO: AUSTRALIAN LAW REFORM COMMISSION

RE: ISSUES PAPER: REVIEW OF THE FAMILY LAW SYSTEM

PURPOSE

To provide the Australian Law Reform Commission (ALRC) a written response to the Issues Paper: *Review of the Family Law System* from Access Community Services Ltd (ACSL).

BACKGROUND

ACSL thanks the ALRC for the opportunity to comment on the Issues Paper and appreciates its efforts to strengthen Australian family law. ACSL has over 30 years of specialist experience working with refugees and migrants towards successful integration, as active and contributing members of Australian society. As one of the nation's leading settlement providers, we are recognised for delivering service solutions that promote community development and improve the social and economic wellbeing of vulnerable groups, guiding them towards civic participation in Australia. With a history of providing essential services for Queensland's most disadvantaged communities, ACSL has successfully established partnerships with key organisations that share our core vision: to support cohesive communities in which everyone is fully enfranchised - socially and economically.

ACSL held consultations with service delivery staff to address specific questions from the Issues Paper that impact culturally and linguistically diverse (CALD) families. The below information provides practical advice and recommendations to increase the cultural accessibility of Australia's family law system.

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

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

- More access to information in one's own language is required.
 - Many clients are illiterate, thus text must have hearing impaired function to be read aloud.
- A great deal of process is required to obtain a community lawyer.
 - Pre-legal support (i.e. form filling) would assist participants to secure a community lawyer.
 - E.g. In some cases, forms must be completed (e.g. divorce papers) before consulting a lawyer.
 - Community lawyers are time restricted and cannot assist with form filling, a crucial component of legal processes.
- Form filling is particularly difficult for CALD individuals due to language and literacy barriers.
 - Where possible, some organisations attempt to bridge this gap, but service delivery staff are not well versed in family law and cannot provide sufficient advice in this process.
- ACSL endorses the proposed "Navigation Specialist" positions in court system to assist with tasks such as form filling.

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

- More relationships between multicultural services and family law providers in QLD would improve support for CALD communities.
 - ACSL recommends that a QLD legal network be developed as a platform for continuous improvement.
- Confidentiality requirements of family law are unclear.
 - E.g., Service delivery staff are unclear of their ability to attend legal appointments and make inquiries on behalf of clients to support from a settlement and emotional perspective.
- Cultural competency training of lawyers should be evidenced and ongoing.
 - ACSL has facilitated cultural competency training sessions and mainly administrative staff attended, rather than lawyers.
- Co-Location service delivery models support the best client outcomes as demonstrated in the Access Gateway.

Co-Location Case Study - Access Gateway

Since October 2016, the Access Gateway (the Gateway) operates as a collaborative initiative that provides a welcoming and safe space for migrants to connect with each other, the broader community and navigate local services. The Gateway acts as a central information hub with support and services offered to migrants and mainstream services users – all community members are welcome. Co-location approaches promote social cohesion and meet the unique needs of migrants in one given place by working collaboratively with local community; drawing on strengths, capacity and knowledge to map social, political and economic systems with service users.

Gateway partner organisations work together to ensure the most critical client needs influence the development of service solutions. Some partners include:

- Refugee and Immigration Legal Service (RAILS)
- Child Health
- Logan Hospital
- Volunteering QLD
- Justice of the Peace

In operating this service, ACSL has gained experience coordinating services, building networks and providing person centred servicing to job seekers and community members. For example, RAILS joined the Gateway to provide legal advice to migrants at a more local level, given that their main service is in West End (inner city Brisbane). The Gateway space allows for clients who normally would not be able to access their service, to obtain support for not only family reunification but also other needs they may identify through these connections. If Pro-Bono family law support could be available after hours and on weekends, the Gateway would be an ideal location to host these services, as it is central, easily accessible, and already widely used by the local community.

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

- ACSL recommends broadening Legal Aid eligibility criteria and providing more options for low cost legal centres.
- The adversarial nature of family law limits the number of family members that are able to seek Legal Aid.
 - Whoever seeks representation first can access Legal Aid and the other party must find alternative advice.
 - ACSL clients often do not comprehend the gravity of their legal situation until they attend court, and it is then too late to seek affordable legal support.
- It would be helpful if free legal advice and training were provided to individuals who are not eligible for Legal Aid, since Legal Aid can only represent one party in a legal dispute.
 - Referring someone to a website is insufficient; face-to-face coaching would be ideal, as participants must be educated to represent themselves.

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?

- Multiple entry/exit points would be useful so that aggrieved/perpetrators do not experience uncomfortable or dangerous encounters.
- ACSL recommends that more child friendly spaces be allocated in the Courts.
 - The domestic violence waiting room at the Beenleigh Courts is well equipped for children, but in cases where family law does not include domestic violence, children must wait for several hours in non-child friendly rooms.
 - A possible solution would be that once signed into court, that Navigation Specialists inform families of their hearing time, so they can be relieved from the waiting room.

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?

- ACSL endorses that misuse of process and psychological abuse be included in the definition of family violence.

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

- If Relationship Centres were empowered to provide more legal support at the beginning of family court procedures (e.g. developing parenting plans), and could provide court documents, this would alleviate pressures and waiting periods of court processes.

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

- More readily available information about how to have one's name removed from a lease and how to have belongings removed from the home is needed in cases of family violence.
 - ACSL clients have this navigational guidance from service delivery staff, but those who are not entitled to settlement support struggle with such processes.

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

- Allocate more funding in domestic violence contracts towards accompanying clients to court for psychological and emotional support.
 - Many family violence services are not funded for court support, but do so anyways, which strains service delivery.
- Court processes happen very quickly and without explanation.
 - A support worker being present at court could alleviate this stress and assist participants to seek clarity around court decisions.
- Little perpetrator support and advice is available at the Beenleigh Courts.
 - Perpetrator support should be balanced with referrals to culturally appropriate Men's Behaviour Change programs.

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

- Family law participants are often involved with multiple organisations, but do not understand why or the support may not appear to be relevant to the situation.
 - Participants must be able to learn from the process to become independent.
 - More case coordination that includes family law experts is required.

Integrated Approach Case Study - Community Hubs

ACSL is the lead organisation in managing the QLD Community Hubs in several schools in Logan and Ipswich. This program is a national place-based initiative that engages parents with young children into the school community through a range of life skills, education, recreation, and health and wellbeing programs. This approach targets an entire community, addresses issues such as family functioning, poor housing, social isolation and poor or fragmented service provision that leads to gaps or duplication of effort, and limited economic opportunities. Support is delivered in safe, family friendly spaces within 11 schools to clients who are often isolated in their homes.

This integrated approach provides a space for over 30 external service providers to deliver outreach programs relevant to supporting families, such as Domestic Violence Services, Logan Central Child Health, the Department of Education and Training and various early learning centres. This program has seen many families develop their social connections, confidence and capabilities, recording over 60,000 contacts in the past 12 months.

***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?***

- Family lawyers must learn cultural competency in a workshop setting, with an opportunity to pose questions afterwards.
- Interpreters and lawyers require additional cultural education and training, as well as reminding to show empathy and patience in complex cases.
 - Family violence is very shameful in some cultures, and when a lawyer does not show empathy nor empower individuals, survivors may give up on the legal process.



- Interpreter use alone is not a demonstration of cultural competency.
 - Legal jargon is extremely difficult for many participants to understand and translation alone is insufficient.
- All family law professionals should undertake professional training in the dynamics of family violence, so this can be given adequate consideration in all determinations.

CONCLUSION

ACSL supports the ALRC's endeavour to maintain the integrity of Australia's family law system. As advocates of this process, we have provided consultation feedback based on the experiences of service delivery staff who support CALD families in the family law system. We thank you for the opportunity to provide feedback to the ALRC's Issues Paper and welcome the occasion to continue this key discussion.

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