06. A Weller

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Submitted values are:

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This submission is from an individual

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Would you like to ... Use this form to answer questions

Question 1

To support the structure and effective functioning of families, including families were relationships have failed so that they provide for the material, emotional, religious and psychological needs of parents and children.

Question 2

Pivoting to a non-confrontational/non-adversarial approach with efficient systems that provide capacity to provide fast resolution and the legal teeth to punish those who wish to game it. Removing it from the restrictions of court process, but nonetheless giving it legal powers to force early full and frank disclosure.

Question 3

Simplification - complexity is a major barrier to access, especially affecting those most in need of the Family Law support

Question 4

Start by simplifying it. Then remove opportunities to game it. Eliminate perverse incentives to drag out participation in the process (using delay for avoidance or intimidation). Educate people that this new system has a short turn-around and easy access.

Question 5

Question 6

Question 7

Question 8

Question 9

better online services and not just registrar style services that have no power to advise or practically assist. ensure a case-management approach that has people following up

Question 10

Empower dispute resolution processes by requiring full and frank disclosure that can be enforced by the practitioners Empower dispute resolution processes to make findings that (for instance) one or other participant did not engage on defining the issues at hand or in negotiating potential solutions to those issues. Ensure with a case management approach that there is a clear transferring of the facts, the supporting evidence, the issues at hand through each step of the process. Use a computerised system to do this. Make sure there are consequences for not engaging early with this system.

Question 11

Make them more informal tribunals rather than formal courts Make appearances the exception (if additional questions are sought by the tribunal for instance) rather than the rule Ensure that the tribunals are making findings (with supporting orders) only about the issues that are unresolved - for instance, for spousal maintenance, perhaps it is one party's capacity to pay, or ability to support themself; or in a property settlement, just the fair and equitable split of the pool and the superannuation pool.

Question 12

More teeth in the pre-trial parts of the process, so that non-cooperation in those parts leads to consequences.

Question 13

Question 14

Question 15

More recognition that in many cases of family violence the separation may come without crystallising events that might have led to Police initiated Intervention Orders, for example, yet still serious family violence has been occurring and it impacts the ability of the survivor to effectively contend for a fair and equitable settlement - there is frequently a bias to acquiescence for expediency at great cost to the best interests of the children and the survivor.

Question 16

Question 17

Really many cases of long term marriages should really just be 50:50 split with an adjustment for spousal or child maintenance. Yet the legal process is disproportionately complex, and usually the powerful party is perversely incentivised to drag it out as long as possible. Full and frank disclosure with serious implications for failure to do so - and early in the process - pre-trial process could help. Make financial separation a computerised system much like a tax assessment which can be done online. Supporting material can be provided and uploaded. It should have serious consequences for non-compliance. Imagine, a woman separates from her partner one day, the next day can lodge the electronic process for financial separation and the partner can be given perhaps one month to complete their part. In the background a tribunal process can crystallise the key issues and make decisions without needing such complex submissions as presently is the norm.

Question 18

More clarity around the reasonable needs in connection to the support received prior to the separation. SImple cases should be able to be identified early - e.g. one party that has never worked during the marriage, or has limited ability to support themselves (e.g. by age/education/disability etc). These cases should be able to be simply and quickly assessed. Better access to actual spending of the party that should be providing spousal maintenance.

Question 19

Question 20

a case management system driven by an application process much like a tax assessment process. If the ATO can do it why can't the Family Law system?

Question 21

yes. Support the process from what are currently called pre-trial stages. Eliminate the "trial" language. Empower tribunals to make decisions on key issues.

Question 22

Better teeth to demand full and frank disclosure and genuine participation in negotiation.

Question 23 eliminate the need to attend court.

Question 24 yes. give it teeth. and consequences.

Question 25

consequences. financial consequences usually - that benefit the party affected not fines or prison that probably disadvantage them.

Question 26

Ensure that any progress reached early does not need to be revisited in a court setting in future - ensure that the arbitration of a tribunal or whatever is used is only for the outstanding issues with consequences on those who don't cooperate with the process.

Question 27

yes yes yes. Automatically move from mediation so that any issues not resolved at mediation get put to arbitration by a tribunal. Give arbitrators teeth to get information with consequences.

Question 28

an end to end system of disclosure much like the ATO Tax Return approach and Assessment processes that follow.

Question 29

Question 30

Question 31

Question 32

Often these safety concerns slow down processes. Sometimes they just cross-complicate each process. If family law processes were not so extenuating, were brought on much quicker, were just considering the critical issues, and were appropriately resourced then the cross-play with Magistrates Courts wouldn't be such an issue.

Question 33

Question 34

Question 35

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Question 41

Question 42

more awareness of dynamics and empowering to ask questions to get to the bottom of disadvantage and power imbalances

Question 43

Question 44

Question 45

Question 46

Question 47

Other comments?

File

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