



**Family Law**  
PATHWAYS  
NETWORK

GREATER  
MELBOURNE

**Australian Law Reform Commission**  
*Review of the Family Law System*

**Response to the Discussion Paper released October 2018  
from the Family Law Pathways Network - Greater  
Melbourne**

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## **Introduction**

The Family Law Pathways Network – Greater Melbourne welcomes the opportunity to comment on the proposals set out in the Discussion Paper on the Review of the Family Law System (the discussion paper).

The Family Law Pathways Networks (FLPNs) are an initiative of the Australian Government Attorney-General’s Department. FLPNs are funded to provide networking and collaborative opportunities for practitioners working in the family law and support services sector, and to foster appropriate referral pathways for separating families caught in the system. There are 36 FLPNs across Australia establishing coordinated, locally-driven networks of professionals working in and alongside the family law system.

The Greater Melbourne FLPN has an informal membership of approximately 1000 professionals who attend our training and networking events.

The FLPN – Greater Melbourne broadly agrees with the proposals set out in the discussion paper and commends the Australian Law Reform Commission (ALRC) in the undertaking of such a comprehensive review.

This submission will not provide detailed commentary on every proposal or question but will provide commentary on Chapter 2 relating to ‘Education, Awareness and Information’, Chapter 4. ‘Getting Advice and Support’ and Chapter 10. ‘A Skilled and Supported Workforce’ as well as elements from Chapter 12. ‘System Oversight and Reform Evaluation’ as these chapters align specifically with the function of the FLPNs.

## **Summary of Key Commentary**

The FLPN support the assertion of Partnerships Victoria and Family and Relationship Services Australia that the funding and resourcing of proposals identified within the discussion paper will be a significant factor in their delivery and are a necessary consideration in terms of this review.

### **Chapter 2. Education, Awareness and Information.**

- The FLPN strongly endorse the proposals outlined in Chapter 2; membership has long identified that clients are confused and daunted by interacting with the family law and allied support services system.
- Any national education and awareness campaign to enhance community understanding of the family law system should also be aimed towards professionals who support client interaction within the system, not limited to the general public.
- The FLPNs are uniquely positioned to provide support to an awareness campaign focused towards support services working alongside the family law sector.



#### **Chapter 4. Getting Advice and Support.**

- The deployment of community-based Families Hub (the Hub) to provide a visible ‘entry point’ for accessing a range of legal and support services in a cohesive and collaborative space is supported by the FLPNs.
- The development of collaborative relationships between the Hubs workers should be supported by ongoing joint professional development, although should not be restricted to onsite workers of the Hub. An approach designed to break down siloes between workers inside and outside of the Hubs should be adopted, a role the Family Law Pathways Network can continue to perform.
- The FLPNs are uniquely positioned to provide support to the sector in developing collaborative relationships between professionals through ongoing joint professional development.
- We endorse the expansion and roll out of the Family Advocacy and Support Service (FASS) programs to a greater number of family court locations.

#### **Chapter 10. A Skilled and Supported Workforce.**

- The FLPN endorse the proposals relating to the development and deployment of a work force capacity plan for the family law system, particularly as they relate to core competencies, training and accreditation needs for different professional groups.
- Consideration needs to be made to the funding and resourcing of the continued and additional professional development needs for workers inclusive and beyond that of the identified core competencies.
- Existing bodies and networks such as the FLPN work to identify and provide accessible training opportunities for professionals. Continuing to fund such initiatives, already established and reputable within the sector, will contribute to the goals identified within the discussion paper.

#### **Chapter 12. System Oversight and Reform Evaluation**

- The Family Law Commission, particularly as it relates to the proposed responsibility of providing information and education to family law professions and service providers about their legislative duties and functions, seems to propose a duplication of a role already performed by the FLPN.
- The FLPNs, by nature of their localised and communal establishment, are ideally placed to take on an expanded role in assuming or otherwise supporting the proposed role of the Family Law Commission in continuing to provide training and education to the sector.
- With additional funding there is potential for the FLPNs to play a larger role in supporting professionals to understand their responsibilities and in obtaining their core competencies that encompasses a broader systemic and interdisciplinary approach.

## Detailed Comments

### **1. Chapter 2. Education, Awareness and Information.**

- The FLPN strongly endorse the proposals outlined in Chapter 2; membership has long identified that clients are confused and daunted by interacting with the family law system and allied services system.
- Any national education and awareness campaign to enhance community understanding of the family law system should also be aimed towards professionals who support client interaction within the system, not limited to the general public.
- The FLPNs are uniquely positioned to provide support to an awareness campaign focused towards support services working alongside the family law sector.

### **Commentary**

The FLPN strongly endorse the proposals outlined in Chapter 2. Our network's membership has long identified that clients are confused and often daunted by interacting with the family law system, this is inclusive of whether their interaction is with the legal elements of the system or the broader support services that operate within the system.

The FLPN – Greater Melbourne runs an Information and Referral Kiosk at the Family Law Courts located in Melbourne and Dandenong in which we interacted with 2036 individuals over the last financial year. A portion of our work is spent supporting litigants through the Court environment and assisting them with their interaction by:

- Directing them to the correct location and explaining the relevant processes to the client.
- Assisting them to access support services within the Court environment such as FASS and Court Network.
- Assisting/instructing them to stand down their matter as they wait to engage the duty lawyer service.
- Refer to services outside of the court environment.

We believe that a public education campaign as proposed will go a long way in reducing the initial anxieties felt by clients as they engage with the Court system. Awareness of post separation support services generally will also assist in facilitating referrals between the legal environment and the welfare arm of the system.

That said, any public education and awareness campaign needs to be two-fold. The commission recognised the siloed, disconnected and multi-doored aspects of the system, making entry into the system confusing for its clients. The same can be said for the professionals as well. Education and awareness campaigns also need to be focused internally and the information circulated would need to align specifically with the needs of that profession. This is inherently different to the minimal accreditation or knowledge required as discussed in Chapter 11.



We recognise that the commission also proposed (Proposal 2.4) establishing referral pathways with universal services that exist outside of the system. We also endorse this approach. Our membership has also expressed a lack of awareness, and in some cases, commented on the lack of availability of information about universal services such as the police. Paragraph 2.17 discusses that training or community legal education be provided to universal services to raise their understanding of the family law system and separation-related issues. The FLPNs endorse this response but also advocates training for the workers already in this space to understand the processes and approaches of first point of contact services within the family violence system, and broader universal services, as well.

The consolidation of existing information and services resources into a single and comprehensive information package, referring to existing government and non-government information resources and services as per Proposals 2.5 through to 2.8, is an excellent idea. Once again, a similar resource should be developed with a focus on the professionals who work in the family law space and for allied services who often cross over into the family law space. While such a resource designed for the general public will be useful it would be a mistake to assume that professionals and members of the public would require identical information.

As the commission notes in Chapter 4, a client's pathway through the system may also involve interaction with housing, financial, health, gambling and other separation related services. Any education and training, public awareness campaign or information package developed also needs to be directed towards and between the multitude of the services that cohabit or interact with the family law system, so that professionals are more attuned with client pathways throughout the life of their participation in the system.

There is a role for the FLPN in such an education and training campaign directed towards the sector, as this aligns with their paramount purpose and function. FLPNs are funded to provide networking and collaborative opportunities for practitioners working in the family law and support services sector, and to foster appropriate referral pathways for separating families caught in the system. There are 36 FLPNs across Australia establishing coordinated networks of professionals working in and alongside the family law system.

The Greater Melbourne FLPN has an informal membership of approximately 1000 professionals who attend our training and networking events. The FLPN is governed by a steering committee made up of local community organisations and representatives from the courts.<sup>1</sup>

A recent research report conducted by ORIMA Research evaluating the value of the Greater Melbourne FLPN to members indicated FLPN play an **important and unique role** in:

- Informing and educating professionals about the services available to assist separated or separating families across the family law system.

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<sup>1</sup> Attorney-General's Department *Family Law Pathways Network Program Guidelines*, May 2013.





- Bringing together professionals from different disciplines for networking opportunities – resulting in more holistic and comprehensive care for clients; and
- Extending the knowledge of professionals working in the field via professional development opportunities – so as to encourage adoption of current best practice and information.<sup>2</sup>

The research indicated that the FLPN has established a **strong and trusted reputation among professionals** for having developed an in-depth knowledge and understanding of the family law system over time due to<sup>3</sup>:

- Its interdisciplinary approach being unique and valuable
- It being well-managed and highly organised
- Its efficient use of funds and ability to “stretch a small amount a long way”
- Its prioritization of its delivery of service, while offering the following benefits:
  - Provision of useful information that was current and relevant
  - Affordable professional development opportunities
  - Network opportunities, and
  - Opportunities and exposure to the family law system for university students.

Further to that, the research indicated FLPN events were highly regarded as being well organised, relevant, affordable, and a valuable opportunity for cross-sectoral networking.<sup>4</sup> Many participants felt that the FLPN was highly effective in achieving its goals with particular consideration to funding constraints; participants agreed that if funding was increased the FLPNs would improve the knowledge of practitioners and ultimately client outcomes.<sup>5</sup>

As such, due to the strong reputation and established presence of the FLPNs, we believe that we are in a unique position to support the information sharing campaign and package recommended by the commission, particularly in reference to the education and information campaigns as they relate to the family law system in its professional capacity.

The FLPNs are an already existing structure, governed by a committee of representatives of local community services and whose broader network contains many of the services identified by the commission. By expanding the resources of the FLPNs, much of the work in establishing the foundation of the campaign will already have been done and therefore, increase efficiency.

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<sup>2</sup> ORIMA Research, *Qualitative evaluation of the value of the Greater Melbourne Family Law Pathways Network to members*, 30 October 2018 (prepared for the Victorian Family Law Pathways Network) (**ORIMA Pathways Report 2018**) p. 6.

<sup>3</sup> ORIMA Pathways Report 2018 at page 2.

<sup>4</sup> ORIMA Pathways Report 2018 at page 12

<sup>5</sup> ORIMA Pathways Report 2018 at page 8.



## **2. Chapter 4. Getting Advice and Support.**

- The deployment of community-based Families Hub (the Hub) to provide a visible ‘entry point’ for accessing a range of legal and support services in a cohesive and collaborative space is supported by the FLPN.
- The development of collaborative relationships between the Hubs workers should be supported by ongoing joint professional development, although this should not be restricted to onsite workers of the Hub. An approach designed to break down siloes between workers inside and outside of the Hubs should be adopted, a role the Family Law Pathways Network can continue to perform.
- The FLPNs are uniquely positioned to provide support to the sector in developing collaborative relationships between professions through ongoing joint professional development.
- We endorse the expansion and roll out of the FASS programs to a greater number of family court locations.

### **Commentary**

The creation of a community-based Families Hub (the Hub) to provide a visible ‘entry point’ for accessing a range of legal and support services in a cohesive and collaborative space is supported by the FLPN. The ongoing joint professional development in order to further the collaborative relationship between the Hubs workers, however, should not be limited to onsite workers.

Instead, an approach designed to break down siloes between workers inside and outside the Hub should be adopted; a role currently performed by the FLPNs that they can continue to perform. The FLPNs are uniquely positioned to provide support to the sector in developing collaborative relationships between professionals through ongoing joint professional development for the reasons outlined above, namely they have a strong, well trusted and highly regarded reputation among the sector for the quality of professional development events and for the role they play in cross-sectoral engagement.<sup>6</sup> As such, building upon that reputation and established presence will go a long way in bridging the divide, not only among the workers of the Families Hubs but in terms of the engagement with the remaining sector as well.

The commission is likely correct in its assertion that bringing these services together into a shared environment will help to overcome the organisational and professional culture, practice and philosophy issues plaguing the system, particularly where supported by joint professional development through the Hub Coordinator role. Such an approach has long been the philosophy of the FLPNs.

There runs the risk of services operating within the Hubs again becoming siloed, and the FLPN wonders what measures will be put in place to prevent the Hub Coordinator becoming an insular role when their key responsibility is to the Hub directly. This would be to the detriment of clients and services that operate outside the Hub. The

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<sup>6</sup> ORIMA Pathways Report 2018 at



FLPNs can continue to provide a valuable and collaborative link between the Hubs, external services and systems as well as cross-jurisdictional programs.

It is worth stating, and as the commission notes in paragraph 4.20, that while the Family Relationship Centres (FRC) were not designed to be ‘one-stop-shops’ as the Hubs are suggested to be, their foundational principle and underlining policy are not far off from that proposed for the Hub. At their inception, the FRCs were flagged as a single entry point for the family law system and as “a doorway to other services families need and will assist families to access those services”.<sup>7</sup> Similarly, the ability to screen for complex needs, facilitate appropriate referrals and engage with diverse communities was also envisioned with the original conception of the FRCs.<sup>8</sup> Paragraph 4.11 notes the limitations of the FRCs being able to connect families to the full range of services, first amongst those noted was the “funding changes that have led to FRCs to focus on provision of family dispute resolution”.<sup>9</sup> Thus it is imperative that serious consideration is put towards the appropriate funding of the Hubs to ensure cohesive and affective service delivery for clients in line with the vision of the commission.

### **3. Chapter 10. A Skilled and Supported Workforce.**

- The FLPN endorse the proposals relating to the development and deployment of a work force capacity plan for the family law system, particularly as they relate to core competencies, training and accreditation needs for different professional groups.
- Consideration needs to be made to the funding and resourcing of the continued and additional professional development needs for workers inclusive and beyond that of the identified core competencies.
- Existing bodies and networks such as the FLPN work to identify and provide accessible training opportunities for professionals. Continuing to fund such initiatives, already established and reputable within the sector, will contribute to the goals identified within the discussion paper.

#### **Commentary**

The FLPN broadly endorse proposals 10.1 through to 10.3 relating to the development and deployment of a workforce capability plan for the family law system, particularly as they relate to core competencies, training and accreditation needs for the different professional groups. Nevertheless, consideration needs to be made to the funding and resourcing of the continued and additional professional development needs for workers inclusive and beyond that of the identified core competencies.

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<sup>7</sup> Australian Government, *A new family law system: Government Response to Every picture tells a story*, June 2018, pg 1.

<sup>8</sup> Ibid, p 11.

<sup>9</sup>At Paragraph 4.11



In order to accommodate the training needs of their staff, informal partnerships have been developed by particular professions to upskill their staff and to accommodate common training needs. Examples of this are Partnerships Victoria, the representative body of the Victorian FRCs, and the Parenting Orders Program Managers Group in Victoria. The latter of these collaborates with the FLPN – Greater Melbourne annually to organise a cross-disciplinary professional development day to assist in identifying and meeting the training needs of program staff and inviting other members of the FLPN to participate in the day. This collaborative relationship is indicative of the need to provide appropriate resourcing and funding to enable such training opportunities.

Existing bodies and networks such as the FLPN work to identify and provide accessible training opportunities for professionals. As such we argue that it is important to continue to fund such initiatives as a key component to supporting the goals identified within the discussion paper. Training needs to align not only with the core competencies and minimal knowledge standards but also to assist with systemic and cross-disciplinary awareness of programs and topics not formally identified as part of the family law system. It is also important that the training remains affordable and accessible to professionals as well.

The conception of the Family Law Commission to “oversee the implementation of the workforce capability plan through training including cross-disciplinary training and accreditation of family law system professionals”<sup>10</sup> has merit but will need to have the flexibility to ensure it can be responsive to the additional training needs of professionals.

Once again, the FLPNs are a reputable and valued source for cross-disciplinary training events. Research evaluating the value of the FLPNs to membership indicated that the FLPN event are considered:<sup>11</sup>

- Well-organised with good event management
- Relevant with interesting and current speakers and topics
- Affordable – allowing organisations to send a wider range of staff, including more junior staff, and made more accessible for smaller organisations and sole practitioners.
- A valuable opportunity to network – allowing for networking and collaborative opportunities across different professions.

Increased funding for the FLPN would allow them to expand their reach and incorporate a larger cross-section of the community into the network. This will become particularly important in ensuring the interaction of public organisations and private practitioners, as well as being mindful of the array of services that a client may engage during a family matter. The Family Law Council noted in their 2016 report to the Attorney-General’s Department the overall value of the FLPNs and that there is “scope to use the FLPNs as a platform for building greater collaboration with other

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<sup>10</sup> Proposal 10.4

<sup>11</sup> ORIMA Pathways Report 2018 at p 12.



services external to the family law system, particularly with specialist family violence services and child protection agencies.”<sup>12</sup>

#### **4. Chapter 12. System Oversight and Reform Evaluation**

- The Family Law Commission, particularly as it relates to the proposed responsibility of providing information and education to family law professionals and service providers about their legislative duties and functions, seems to indicate a duplication of a role already performed by the FLPN.
- The FLPNs, by nature of their localised and communal establishment, are ideally placed to take on an expanded role in assuming or otherwise supporting the proposed role of the Family Law Commission to providing training and education to the sector.
- With additional funding there is potential for the FLPNs to play a larger role in supporting professionals to understand their responsibilities and in obtaining their core competencies that encompasses a broader systemic and interdisciplinary approach.

#### **Commentary**

We have submitted that any public information and education campaign needs to be followed up with a campaign directed on a professional level as well. Proposals 12.4 through to 12.5 acknowledge that this is a role that a newly established Family Law Commission could perform alongside that of the development of the core competencies and capability plan of professionals in the family law sector.<sup>13</sup> We agree with the assertion that “an effectively functioning family system requires all professionals within it to have a sound understanding of their roles and duties and the legislative framework which they operate”<sup>14</sup>. We further assert that that such an understanding should include that of the broader system and the roles that operate alongside them.

The Independent Review of the Family Law Pathways Network prepared for the Attorney-General’s Department referenced room for a broader role for the FLPNs to play within the system - including that of making information directly available to the public, a role relating to system issues or the needs of particular groups and targeting additional sectors - but noted the limited capacity of many of the FLPNs to pursue these activities.<sup>15</sup> The 2018 research report for Greater Melbourne reported that the FLPN was highly effective in achieving its goal, particularly given the funding constraints and that increased funding would allow it to extend its reach.<sup>16</sup> As such

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<sup>12</sup> Family Law Council, *Families with Complex Needs and the Intersections of the Family Law and Child Protection Systems*, Final Report 2016 p. 72.

<sup>13</sup> At Paragraph 12.41

<sup>14</sup> At Paragraph 12.42

<sup>15</sup> Encompass, *Independent Review of the Family Law Pathways Network 2012* (prepared for the Attorney-General’s Department), p 43.

<sup>16</sup> *Independent Review of the Family Law Pathways Network 2012* p 62.



there is scope for the FLPN to have an increased role in relation to its interaction with the sector.

The 2012 report also recommended the potential for a national coordinator role for the FLPN to be implemented to ‘engender more efficient and effective network development as ideas are shared, and local cost-savings would be possible through a central information-sharing hub’.<sup>17</sup> Such a role might enable a similarly cost-saving approach for the Family Law Commission, enabling them a coordinating oversight of the FLPNs while also benefiting from the localised community networks already established. The benefits of utilising an established and reputable network has been discussed above.

## **5. Conclusion**

Broadly speaking we endorse the proposals outlined by the ALRC in the discussion paper. However, many of the proposals seem to recommend the transferring of the existing function of the FLPNs, particularly the responsibility of providing information and cross-sectoral education to family law professionals and service providers, to the Families Hub and the Family Law Commission.<sup>18</sup>

We advocate, based on independent research that it would have a negative outcome if the results of the Review into the Family Law System were to result in the disbanding of such a valuable and reputable program. Especially given the scope and value in working with an already established and acknowledged program in the sector as the Family Law Pathways Networks.

Therefore, we propose:

- The FLPNs are uniquely positioned to provide support to an awareness campaign focused towards support services working alongside the family law sector.
- The FLPNs are uniquely positioned to provide support to the sector in developing collaborative relationships between professionals through ongoing joint professional development with a focus on interdisciplinary and cross-sectoral awareness.
- Existing bodies and networks such as the FLPN work to identify and provide accessible training opportunities for professionals. Continuing to fund such initiatives, already established and reputable within the sector, will contribute to the goals identified within the discussion paper.
- There is scope for the proposed Family Law Commission to work with or utilise the FLPNs to identify and implement training in relation to the sector and any core competencies developed with an eye to localised concerns and requirements.

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<sup>17</sup> Ibid.

<sup>18</sup> Proposal 4.1 and 12.5.