

HARRINGTON FAMILY LAWYERS

Our Ref: SRP/ms
Your Ref:

13 November 2018

Commissioner in Charge
The Honourable Justice S.C. Derrington
Australian Law Reform Commission
By email – familylaw@alrc.gov.au

Dear Commissioner

RESPONSE TO DISCUSSION PAPER DP86

I **enclose** the Submission on behalf of the Greater Brisbane Family Law Pathways Network.

Best of luck with your inquiries.

Yours faithfully,



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TO THE COMMISSIONER IN CHARGE,
THE HONOURABLE JUSTICE SC DERRINGTON

RESPONSE TO THE AUSTRALIAN LAW
REFORM COMMISSION DISCUSSION
PAPER (DP86)

SUBMISSION ON BEHALF OF THE
GREATER BRISBANE FAMILY LAW
PATHWAYS NETWORK

Prepared by the Greater Brisbane Family Law Pathways Network Steering Committee

November 2018



GREATER
BRISBANE

BACKGROUND

In 2001, the Family Law Pathways Advisory Group for the Commonwealth Attorney-General published the report, *Out of the Maze – Pathways to the future for families experiencing separation*. The report highlighted many difficulties facing separating families, including the difficulties in navigating the various services available to assist families to resolve parenting, financial, legal and emotional problems. The report looked at ways to simplify and signpost pathways to early assistance, so that people receive the help, support and advice they need.

In response to the 2001, Report, the Commonwealth Attorney-General's Department funded the Family Law Pathways Networks (*FLPN*) to improve collaboration and coordination between organisations and professionals operating in the family law system in order to help separating and separated families obtain appropriate services. Families were to have greater access to justice through collaborative referrals and an enhanced understanding of available family services.

There are 33 FLPN hubs in Australia. ***The current five-year funding agreement supporting the FLPN expires on 30 June 2019.***

Each FLPN has a Steering Committee and a Project Officer.

The Brisbane FLPN Steering Committee ensures that it broadly represents the family law system being comprised of members from:

- Legal assistance services;
- Family Lawyers in private practice;
- Family relationships services;
- Family law services;
- Aboriginal and Torres Strait islander organisations;
- Specialist domestic and family violence services;
- Culturally and linguistically diverse organisations; and
- LGBTIQ organisations.

The Steering Committee also consults broadly across the sector and make regular efforts to represent the broader family law system and identify the needs of its clients.

The objective of Brisbane FLPN is to foster strong links with locally based providers who operate as part of, or alongside, the family law system, to enhance collaboration with, and improve overall assistance to, separating families. This is to be done by promoting awareness of services and conducting cross-sectoral training.

The Brisbane FLPN has a broad membership base of service providers and organisations working with those in the family law system.

The Brisbane FLPN promotes awareness of services in a number of ways, including:

- Developing and circulating regular newsletters to the wider network¹;
- Creating directories of local services²;
- Regular updates of wait times for post-separation services including child contact centres, parenting orders programs and family dispute resolution services;
- Meetings between network members to discuss appropriate referral mechanisms;
- Providing opportunities for cross-sectoral networking – e.g. informal seminars³;
- Accessing the latest information about services offered by other network practitioners⁴;
- Discussion groups or visits to member organisations by other members.

The Brisbane FLPN provides cross-sectoral training, including:

- Events that are relevant to the development of family law service system professionals and practitioners working in legal and human service fields⁵;
- Multi-disciplinary training and professional development that is relevant and responsive to the identified learning needs and priorities of local practitioners and professionals⁵;
- Events that are inclusive or engage the interests of Aboriginal and Torres Strait Islander Services and Culturally and Linguistically Diverse services, domestic and family violence and child protection agencies, mental health and drug and alcohol services;
- Delivery of expert opinions on the latest research and developments in family law⁶;
- Information sharing on how family lawyers and post separation service practitioners work, including the challenges faced in practice.

SUBMISSIONS AND COMMENTS

This submission responds to the Australian Law Reform Commission, *Review of the Family Law System*, Discussion Paper No 86 (2018) (DP86).

This submission will address the following:

- The ways in which the Brisbane FLPN and more broadly the FLPN Australia-wide currently seeks to address some of the issues raised in DP86 and the value and potential of our work continuing; and

¹ Here is a link to recent newsletter published by the Brisbane FLPN
<http://www.qldfamilylawnet.org.au/sites/qldfamilylawnet/files/qflpn/FLPN%20October%202018%20Newsletter.pdf>.

² Here is a link to the Brisbane FLPN Directory of Post-Separation Counselling Services:
<http://www.qldfamilylawnet.org.au/referrals/greater-brisbane/brisbane-directory-post-separation-counselling-services>

³ Here is a link to an invitation to a cross-sectoral networking event
<http://www.qldfamilylawnet.org.au/sites/qldfamilylawnet/files/qflpn/referrals/Directory%20of%20Post-Separation%20Counselling%20Services%2006112018.pdf>

⁴ Here is a link to information about a service operated member of the Brisbane FLPN
<http://www.qldfamilylawnet.org.au/referrals/greater-brisbane/brisbane-childrens-contact-centre>

⁵ Brisbane FLPN is planning two training and professional development events for early 2019, (1) The Impacts of Drug and Alcohol Misuse on Separating Families and (2) Understanding Child-Inclusive Mediation.

⁶ See link to newsletter referred to in footnote 1.

- The capacity, if sufficiently resourced to do so, of the FLPN to support and facilitate the implementation of many of the proposed changes to the family law system.

The work of the Brisbane FLPN is important and valuable and the Brisbane FLPN seeks a renewed commitment to funding the FLPN to ensure its continued work as part of the family law system.

The Steering Committee and broader membership base attracts professionals from a broad range of disciplines, all committed to delivering high quality, effective service and support to families navigating the family law system.

The Brisbane FLPN hereby submits that it has the capacity to support and facilitate future changes to the family law system as proposed in DP86.

SPECIFIC RESPONSES TO PROPOSALS OF DP86

In the Executive Summary of DP86, **Paragraph 1.34** acknowledges certain “existing initiatives that are working well ... and should be retained and expanded”.

The Brisbane FLPN submits that the FLPN should be included as one such existing initiative that is working well and should be retained and expanded.

The FLPN provides support, connections and development opportunities to those providing services to separating families. In doing so, the FLPN enhances collaboration, coordination and integration between the family law system and other systems, including family support systems, domestic and family violence and child protection systems.

The FLPN is in the unique position to support redevelopment of the family law system at all three identified levels from **Paragraph 1.65** onwards under the heading, “Redeveloping the Family Law System”, namely:

1. Primary Level – aiding and facilitating national education and awareness, strengthening relationships between the family law system and universal services so that families have clear information about the law and how and where to get needed advice. (**Paragraph 1.67**)
2. Secondary Level – contributing to and supporting the development of community-based Families Hubs and the expansion of Family Advocacy and Support Services (FASS). The Brisbane FLPN sees itself as part of this Second Level, connecting professionals, facilitating coordinated service delivery, identifying community sentiment and needs and seeking to address challenges or deficiencies facing the family law system across Greater Brisbane. (**Paragraph 1.68**)
3. Tertiary Level – supporting the implementation of flexible dispute resolution options, team-based triage processes and post-order parenting support processes. To the extent that the new court processes would rely on external supports to facilitate referrals and implementation of the triage and post-order process, the FLPN is able to provide assistance with the coordination across family law service provider networks. (**Paragraph 1.69**)

We support the broad concepts proposed in relation to a national education and awareness campaign to enhance community understanding of the family law system.

To the extent that **Proposal 2-3** would seek the promotion of the national education and awareness campaign through relevant agencies, the FLPN has created referral relationships within family law services which are strengthened through networking events, newsletters and other communications, community consultation and broad representation on the Steering Committee.

Having created referral resources such as online directories of services, with sufficient resources, the FLPN is well placed to develop or support the development of referral mechanisms, frameworks and strategies to help families access the services they need quickly and seamlessly.

Project Officers from the FLPN are also well placed to participate in any standing working group for the development of information packages (**Proposal 2-5**).

The Brisbane FLPN acknowledges **Proposal 4-1** to establish community-based Family Hubs that would provide separating families and children with a visible entry point for accessing a range of legal and support services.

It is agreed and acknowledged that families participating in the family law system have many support needs, including health, legal, housing, counselling, visa issues, domestic and family violence, financial matters and more.

If implemented, the proposed Families Hubs are likely to achieve their intended objective to advance the needs of a number of separating families by providing a range of coordinated services at one location.

The Brisbane FLPN also supports the proposed expansion of the Family Advocacy and Support Service (*FASS*) as a means of providing coordinated support to clients navigating the family law system.

The Brisbane FLPN submits that the continuation of the FLPN would provide an important complement to the implementation of Families Hubs and the expansion of *FASS*.

It is submitted that some clients will present at other “entry points” of the broader family system. For example, families from Aboriginal and Torres Strait Islander background, families from culturally and linguistically diverse communities and families with same-sex parents may prefer to access services that specifically meet their cultural and social needs. The need for ensuring that services are connected and coordinated whilst catering to a particularly specialised or focussed service area can be identified and supported by the Brisbane FLPN.

There will continue to be a need for a connected and cohesive membership body which can ensure that those services are also able to provide quality referrals, accurate information and advice that does not exacerbate risk to vulnerable families.

It is submitted that the FLPN would also have a role in connecting with Families Hubs and supporting the connection of those Families Hubs to other service providers. The Brisbane FLPN would seek to

have representatives from the Families Hubs on the Brisbane FLPN Steering Committee. The Brisbane FLPN currently has representation from a FASS provider, Caxton Legal Service.

The Brisbane FLPN notes Chapter 10 of DP86, highlighting the need for a skilled and supported workforce that understands the important issues affecting children and families.

As a provider of cross-sector training, the Brisbane FLPN recognises the importance of delivering training across the family law system to ensure that professionals specialising in one particular area of the system also have a working knowledge of the myriad of other issues that are likely to impact upon their clients.

The Brisbane FLPN provides training that complements the compulsory professional education required for specialised practice, encouraging the development of cross-sector knowledge and skills. This enables quality referrals and meaningful collaboration across disciplines, resulting in an enhanced experience for clients.

For example, the Brisbane FLPN is holding a cross-sectoral training event in March 2019 on the Impacts of Drugs and Alcohol on Separating Families. Presenters are being sought from the Family Court, The Brisbane Drug and Alcohol Court and the Queensland drug and alcohol support and training organisation, Biala Community Health. The Brisbane FLPN will provide a comprehensive training day to family law services, family relationships services, specialist domestic and family violence services and community and support organisations across Greater Brisbane. Attendees will receive relevant, specialised training and will have networking opportunities, resulting in information sharing across system.

Given the broad representation of disciplines on the Steering Committee, the Brisbane FLPN is able to ensure that our training identifies issues arising in relation to cultural needs, domestic and family violence issues and other specialised and sensitive areas that must be acknowledged and addressed when delivering training on issues impacting the family law system.

The Brisbane FLPN would welcome the opportunity to consult on future training delivery and to continue to facilitate and implement relevant training across the sector in relation to implementing some of the proposed ideas contained in DP86.

CONCLUSION

It is submitted that the Brisbane FLPN and the FLPN nationwide should continue to be funded to fulfil the objectives of:

- Fostering strong links with locally based providers who operate as part of, or alongside, the family law system;
- Enhancing collaboration and improving overall assistance to separating families;
- Promoting awareness of services; and
- Conducting cross-sectoral training.

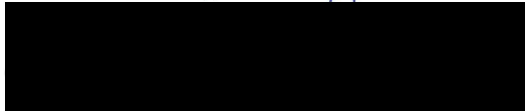
The existing role of the FLPN can continue to complement the proposed creation of Families Hubs and the expansion of FASS.

When considering the implementation of changes at primary, secondary and tertiary levels across the family law system, it is noted that the FLPN is well-positioned to promote and coordinate many of those proposed changes and to provide broad support throughout the process and beyond.

The Brisbane FLPN has the capacity to expand its role to accommodate and facilitate the transition to a new family law system.

The Brisbane FLPN (and the FLPN nationwide) is able to continue to work to create meaningful pathways within the family law system to create better access to justice, safety and support for families.

Yours sincerely,



Stephen Page

Chair of the Brisbane FLPN

Accredited Family Law Specialist and Partner, Harrington Family Lawyers

on behalf of Steering Committee Members:

- Brisbane Domestic Violence Service (Belinda Cox, Deputy Chair)
- Aboriginal and Torres Strait Islander Legal Service
- Caxton Legal Service
- Centacare
- Department of Child Safety, Youth and Women
- Family and Federal Circuit Courts of Australia
- Family Law Practitioners' Association Queensland
- Legal Aid Queensland
- QUT Family Mediation Service
- Queensland Indigenous Family Violence Legal Service
- Relationships Australia Queensland
- UnitingCare
- Women's Legal Service Queensland