

The Executive Director  
Australian Law Reform Commission  
GPO Box 3708  
SYDNEY NSW 2001

12 November 2018

Dear Director and Commissioners,

**Re: Review of the Family Law System: Discussion Paper DP 86**

Thankyou for defining current concerns in Family Law, as raised in submissions made to the ALRC's Review. I make the following response to the Discussion Paper.

**Proposal 3-1**, Redrafting of the *Family Law Act 1975* (Cth), I concur with, in general terms. I would like to see the *Act* amended to provide for fewer matters to come before Family Law Courts. I suggest that Divorce hearings and decisions, child abduction cases and passport applications, could come within Family Court/Federal Circuit Court family law jurisdiction. Matters of a criminal nature, such as family violence, or breaching IVOs, could be dealt with by the relevant State Court. The approach for separating families could be managed through instigating Family "Collaborative Conferences", which seek an answer to the question: "How are you going to provide care for your children?"

Family Collaborative Conferences are envisaged as being conducted by a trained mediator at a round-table setting, seeking practical outcomes similar to parenting plans. A remote witness facility could be provided in cases where necessitated. Children could be included if they wish to be present (**Proposals 7-3 to 7-8, 7-11**), as could key family members at the mediator's discretion. The onus is on the family to find their own solution. Up to five one-hour sessions is suggested - spaced as required in individual cases. The adversarial element would be removed.

**Proposal 6-1**, of triage, would not be connected with the Family Court, in this suggested implementation of Family Collaborative Conferences, but could be accessed through the Families Hub model (**Proposals 4-1 to 4-4**), if introduced, albeit with less emphasis on litigation.

**Proposal 6-7**: Violence is a crime and should be dealt with in a criminal court.

**Proposal 6-9**, would assist in achieving the outcomes determined by a Family Collaborative Conference, and is supported here.

I endorse the recommendations of trauma-informed practice and suggest that exposure to further trauma through court processes be minimised, by "Reshaping the Adjudication Landscape" (p. 125), along the lines of the suggestions given above.

Thankyou for considering my response.

Yours Faithfully,

*R Hainsworth*

(Mrs) R. Hainsworth