



Commissioner for Children and Young People
Western Australia

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The Hon. Justice S C Derrington
President
Australian Law Reform Commission
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Dear Justice Derrington

Review of the family law system – consultation with children and young people in Western Australia

I met with Professor Helen Rhoades in April this year to discuss my planned consultation with children and young people in Western Australia with experience of family separation. The consultation is now complete and the report is attached for your consideration as part of the ALRC Family Law System Review.

I have also provided a copy of the report to Chief Judge Stephen Thackray of the Family Law Court in Western Australia.

Twelve young people participated in my consultation and despite having a separate family court in WA, the issues they raised are similar to those expressed by young people in consultations conducted in other states. Comparable to other consultations we also experienced difficulty in recruiting young people to share their views after they have ceased involvement with the family law system. This in itself highlights the need for the family law system to establish effective mechanisms for children and young people to give their feedback about the services they receive, the professionals they meet or their views on the family law system whilst they and their families are still connected to services. Timely feedback from young people will enable the family law system to continuously review and improve its practices.

The children and young people in my consultation highlighted the following issues as being important to them in making post-separation parenting arrangements:

- Ongoing, open and respectful communication with parents during and after separation.
- Being listened to by parents and service providers.
- Being treated fairly and as a person of value in their own right.

- Professionals who had a good rapport with children; were respectful, competent and capable of taking action.
- Education, awareness and understanding at a community level of issues surrounding parental separation and the family court system.

I acknowledge the work of the ALRC review to date and that many of the proposals in the Discussion Paper 86 have the specific intent of reforming processes and improving services and outcomes for children and young people.

As the ALRC review draws to completion in 2019 and recommendations are made I particularly implore you to consider how the family law system will ensure it strengthens the information and support mechanisms for children and young people as well as oversight and accountability mechanisms within the system to ensure new strategies or practices are positive for children and young people and that the system is attentive to their needs and best interests into the future. I recommend:

- Professionals within the family law system are appropriately trained to work with children and young people.
- Children and young people are provided with information about separation, support services and the family law system in ways that are accessible and easily understood by them.
- Establishment of advisory boards and mechanisms by which children and young people can provide feedback, raise concerns and contribute to high-level policy development and practice review.
- Children and young people are involved in the design of children's advocate roles and any other targeted service models or enhancements for their participation in the system.
- Child-friendly complaints processes are introduced and become a core component of the various services within and connected to the family law system so children and young people can seek immediate resolution of issues of concern and provide feedback on services to inform a continuous improvement focus across the system.

I will review your final report with great interest and will discuss with stakeholders locally and with the Australian and New Zealand Children's Commissioners and Guardians to identify ways we can support the recommended systems reforms and their implementation and monitor these for anticipated improvements for children and young people in separating families.

Yours sincerely



COLIN PETTIT

Commissioner for Children and Young People WA

10 December 2018