**Submission**

**ALRC Review of the Family Law System Discussion Paper**

**2. Education, Awareness and Information**

* Interrelate fully supports all the Proposals (2-1 to 2-8). We believe that any education and awareness campaign needs to be an ongoing activity that will embed in the community an understanding of services and possible courses of action available to parents who have decided to separate. The public also needs to be more aware of services such as relationship education, counselling support and legally-assisted mediation, that provide appropriate alternatives in accordance with the circumstances of the parents. For parents, it will be helpful to know that there are a number of different pathways available from service providers beyond mediation and the court system.
* Interrelate believes that an important information gap at present is the lack of clear information available to parents who have attempted family dispute resolution and that process has been unsuccessful in resolving the parents’ dispute. In such circumstances, parents need information advising of the possible pathways by which to potentially achieve a resolution of the matters in dispute, whether the pathway is towards the Family Court or taking other possible directions. This is an area where confusion, misunderstanding and a lack of clear information exists, and where the envisaged family law system information package could provide some appropriate guidance.
* There also needs to be information about the roles and limitations of each of the services provided at the Families Hubs (Proposals 4-1 to 4-4). Our research has shown, for example, that some clients were frustrated by the lack of power, influence, and/or authority held by family dispute resolution practitioners. A comprehensive guide to the scope and boundaries of roles would better prepare clients and help practitioners manage clients’ expectations about the FDR process.
* A further consideration for the education and awareness campaign is to prepare material that will also be helpful to family law system stakeholders. Although family relationship service providers such as Interrelate tend to establish and maintain strong links with other relevant agencies, our experience is that family law professionals are less well connected.

There are examples of good knowledge and understanding of the range of services available in a particular locality, typically arising from the presence at family courts that providers like Interrelate have established.

* It is also the case that there are pockets where the role and function, presence and availability of services is not well known across the system. In particular, a common experience for Interrelate is that some legal practitioners in some locations are not familiar with or aware of services to which their clients could be referred to address specific needs. So that families may receive the most appropriate attention to their needs, it is required that stakeholders in the family law system are fully aware and knowledgeable of the types of services available and how these may be accessed by families. Currently, FLPNs, with limited resources, address information needs across a broad spectrum in the areas in which they operate, and every encouragement could be given for all local family law legal practitioners to become part of the networks and to attend FLPN events. Also, with the advent of Families Hubs, which Interrelate suggests be an expansion of FRCs, FLPNs could become a part of Hubs, as distinct from the current arrangement where they are at arm’s length from FRCs.
* At present, information kiosks at courts have proved invaluable for the judiciary and for lawyers, as resolution of parenting issues has been sought, particularly in cases where there is entrenched parental conflict. By participation in kiosks, numerous parents have been referred to Interrelate for counselling, program attendance and mediation and other wrap-around services that have yielded results to enable the parents to reach workable parenting arrangements either outside the court or through court orders. It is recommended that such kiosks be established and maintained in every court so that the services available in the community are known and that referral to those services becomes part of the fabric of court processes.

**3. Simpler and Clearer Legislation**

* Interrelate supports any efforts by way of redrafting to make the Family Law Act simpler and more readable, particularly from the point of view of the general public and those not legally trained. Any move from prescriptive provisions in the Act to a principles-based approach is applauded.
* Interrelate agrees wholeheartedly with the Proposal (3-3) to expand part of the principle statement from *child’s best interests* to *child’s safety and best interests* taking into consideration the greater prevalence of family complexity and safety risk*.*

While it could be argued that child safety is implied in the term *best interests,* we suggest that, to add additional emphasis and clarity and to incorporate research findings relating to the impact of entrenched conflict on children, the principle be further expanded to *child’s safety, wellbeing and best interests.*

* Interrelate believes the Proposal (3-7) to replace *parental responsibility* with *decision-making responsibility* is a positive step as the amendment now specifies the actual responsibility. However, as raised in Question 3-1, it is recognised that, when parents are in conflict, there is the potential for confusion to exist in relation to the matters on which consultation is required.Such confusion, it is believed, cannot be eliminated by any prescriptive listing of matters for consultation, and there will be a need to reference the paramount importance of a child’s safety and best interests to guide parents. If agreement cannot be reached relating to matters for consultation, parents would be required to access appropriate dispute resolution services.
* Interrelate fully supports Proposal 3-9 to develop information resources to assist separated families to formulate care arrangements for children. As a manager of seven Family Relationship Centres, Interrelate, through the delivery of its family dispute resolution service, is very aware that separated parents often struggle to reach agreement on the appropriate care arrangements for their children. Aside from any emotional or other conflict issues that may prevent parents reaching agreement, parents who separate are generally not well informed as to age-appropriate care arrangements and the significant body of research on this topic generally is not available or publicised for public consumption. It is a very common occurrence in family dispute resolution that parents will seek direction and guidance from family dispute resolution practitioners as to the most appropriate care arrangements for their circumstances, which is beyond the bounds of the role of family dispute resolution practitioners. Sometimes, parents are provided with copies of relevant research to assist them to formulate proposed arrangements, however, it is the experience of Interrelate that information in the form of research papers or academic articles is only helpful for a very limited number of clients.
* In developing the proposed guidance material, it would be important that the body chosen to produce the material liaise closely with service providers who have experience through, for example, the delivery of their family dispute resolution services, regarding the type and mode of delivery of information and guidance sought by parents deciding upon care arrangements for their children. Additionally, once draft material is produced, it can be tested with clients of the service providers with whom the selected body has liaised.

**4. Getting Advice and Support**

* Interrelate strongly supports Proposals (4-1 to 4-4) outlining the establishment of Families Hubs where parents may access a range of appropriate services which are co-located or in very close proximity. At present, in the regional centres operated by Interrelate where the organisation holds funding for a range of services, the experience for clients is greatly enhanced when they can come to the same location to receive complementary services, and where it is not necessary for them to retell the narrative of their circumstances as they engage with different services.
* At present in many locations across the family law system sector, funding for the range of services envisaged to be available in Families Hubs is held by different and often competing organisations, and, in our experience has, in some locations, been characterised by a lack of cooperation and collaboration. While much good work has been done by the Family Law Pathways Networks (FLPNs) to build cooperation, mutual respect and understanding of service dynamics, services in communities can be widely dispersed with an emphasis on provider identity. To overcome these potential barriers to the successful establishment of Families Hubs, it is recommended that the current Family Relationship Centres (FRCs) be gradually transitioned into Families Hubs and that funding of the Families Hubs be based on a well-resourced brokerage model so that all the envisaged services will be appropriately co-located. As FRCs have now been in operation for at least ten years they have established significant footprints in the communities in which they operate. Furthermore, as mentioned above, in some locations they already, in part, operate as envisaged for Families Hubs. In addition, within FRCs there already resides knowledge, expertise and understanding of local services available to support separating parents, which could immediately be applied if FRCs were to become Families Hubs. Interestingly, in the KPMG Report *Future Focus of the Family Law Services,* it is stated that “.........(FRCs), (were) designed to act as a single gateway into the family law system”
* It is suggested that consideration be given to a more specific name for the Families Hubs*.* This suggestion emanates from the experience of Family Relationship Centres, which have evolved into, essentially, family dispute resolution centres. When established, it was envisaged that FRCs would be a hub for all manner of enquiries relating to relationships, which included providing FDR services. History has shown that a very small part of the work of FRCs is other than FDR work, despite the more general naming of the FRCs, which presumably was intended to encourage enquiry at the FRCs for other than FDR services.

As the clear stated intention for the Families Hubs is “to act as a supported entry point to a range of legal and support services to meet the needs of separating families and their children outside the courts”, it would appear that a generic label of “Families” will indicate a wider purpose for the hubs, By application of a more distinctive label to the hubs indicating their purpose and services, those who intend to engage with a hub will be provided with a clear understanding of the services, advice and support available at the hubs.

* As the move towards the establishment of Families Hubs takes place, FLPNs could play a crucial communication and consultative role in specifying local community needs and resources. In this context, it is strongly recommended that the funding of FLPNs be extended beyond the current funding due to expire in June 2019. Further, we believe that the role and reach of FLPNs should be expanded to provide a central mechanism for fostering better relationships among the professionals operating within the Hub. As an FLPN auspice organisation, Interrelate has been able to observe firsthand the broad reach of the FLPNs through events that foster networking, information sharing through diverse activities such as service directories and showcases, exposure to high-level research and ideas, and promotion of collaboration between family law professionals and practitioners in the broader family relationships sector. Broader application of PD points to FLPN events could provide greater incentive to family law professionals to engage in FLPN activities, and thus more directly drive the integration and collaboration of practice that would better support clients.
* As the Families Hubs will be a central place for parties to access a range of services, there will be a need to manage the safety of parties to a dispute when accessing a service at the Hub outside of their joint mediation appointment.
* It is recognised that the establishment and implementation of Families Hubs will require significant discussion and coordination, bearing in mind the bringing together of services from separate governments and different agencies. In this process, it is suggested that consideration be given to whether or not it is desirable to bring about standardised models of service with the aim for consistency across all hubs. Further, it is proposed that organisations such as Interrelate be provided the opportunity to consult on the establishment of hubs in the knowledge that some expertise and experience already exists in relation to operating hubs (albeit on a smaller scale) as outlined above.
* How will the location of Families Hubs be determined? While it is suggested above that FRCs transition into Families Hubs, in the KPMG Report also mentioned above, some doubt is cast on the current location of family law services relating to demographic demand, and a call is made to improve data and analysis in determining the location of services. Will this approach be adopted to determine the location of Families Hubs? Will resourcing of Families Hubs provide for greater use of technology, as also mentioned in the KPMG Report, to create efficiencies, to service remote locations and to recognise societal trends?
* Interrelate supports the proposals for the expansion of the Family Advocacy and Support Services (FASS) and acknowledges the positive responses in relation to FASS since its relatively recent launch in May, 2017. Given that FASS and FaRS services such as counselling, specialist family violence, and case management are highly complementary and can be seen as existing on a continuum, their integration would extend the continuum and offer a more complete service to clients. Those utilising the support and dispute resolution services as currently to be offered by the Families Hubs and who then proceed into the court system would thus be provided with a more seamless support system. It is proposed that FASS be part of the proposed Families Hubs to display that FASS is part of the family law system and to facilitate easy access and understanding for clients.
* As FASS is intended to be accessed by families who are entering into the court system and the Families Hubs are for those using processes outside the court system, there will be some families who, of necessity need to move from the Families Hub to FASS, and so it would appear to be in the best interests of families for these services to be integrated within the Hub construct so that coordination of and collaboration between services is optimised. In this context, and to create broader understanding of all stakeholders in the family law system, it is proposed that a requirement be placed on stakeholders that they undertake to inform other stakeholders of their services and that opportunities are sought to collaborate and cooperate wherever possible.

**5. Dispute Resolution**

* Interrelate supports the Proposal (5-1) for reg 25 of the FDRP Regulations 2008 to be relocated to the Family Law Act. In conjunction with this relocation, it is suggested that *the ability of any party to negotiate freely* be expanded to *the willingness of any party to participate in the family dispute resolution process, or the ability of any party to negotiate freely.*

The experience of the Interrelate family dispute resolution practitioners is that while parties may be able to negotiate freely, it is sometimes the case that one or both parties are not willing to negotiate, which is a fundamental principle of FDR. It is believed this is a common experience across FDR practices, and, as such, an important consideration when the appropriateness of FDR is assessed.

* Interrelate supports the Proposal (5-2) that FDRPs, when assessing the appropriateness of FDR, must consider the parties’ respective levels of knowledge of the matters in dispute. It is a common observation of Interrelate FDRPs that, particularly in FDR relating to property and financial matters, one party has greater knowledge and understanding of the parties’ financial assets and liabilities and this potentially puts the other party at a significant negotiating disadvantage. In this context, Interrelate proposes that property and financial matters FDR not proceed unless each party can verify that they have received independent legal advice. Such advice, if obtained from an appropriate legal practitioner, provides each party with a range of potential outcomes within which it is possible to negotiate. It also provides guidance as to the factors that the Family Law Act prescribes be taken into consideration for the settlement of property and financial matters, thereby providing each party with a firm foundation upon which it may be possible to achieve an agreed outcome.
* Interrelate supports the Proposal (5-3) to require parties to attempt FDR prior to lodging a court application for property and financial matters, subject to certain exemptions, with which we agree. It seems logical to Interrelate that the requirement to attempt FDR be the same for property and financial matters as it is for parenting matters. Also, as is the case for parenting matters, if property and financial matters issues are not resolved in FDR, an appropriate certificate is required to be issued as set out in Proposal 5-5.
* Interrelate supports the Proposal (5-8) that FDRPs and legal practitioners must advise parties they have a duty of full, frank and continuing disclosure if parties are contemplating undertaking FDR, negotiation or court proceedings about property and financial matters. In FDR, this advice can be emphasised by requiring parties to sign an *agreement to participate in FDR,* as currently used by Interrelate and other providers, which sets out the conditions and undertakings by both parties and FDRPs.
* Based on the experience of our FDRPs working in FRCs or other funded FDR services, Interrelate is strongly of the view that there is a need to review s60I certificates for parenting matters.

Additionally, our research into aspects of clients’ experiences of FDR (in conjunction with the Australian National and Canberra Universities) prompted us to question whether five different categories of certificate are necessary. The research revealed that parents had little recollection of the type of certificate they received, and it is widely understood that the type of certificate issued is not used as evidence in court proceedings.

* One widespread confusion created by the current s60I certificates for parenting matters is the (a) certificate, the wording of which is regularly misunderstood and often challenged by parents who receive that category of certificate. If nothing else is done to make changes to the s60I certificate issuance process, we feel it is very necessary to draft improved wording for the (a) category certificate to make it easily understandable to parents and all others who are involved with s60I certificates. We further suggest that the information and education materials proposed in Section 2 of this Discussion Paper include full descriptions of the certificates and the conditions under which each would be issued.
* Interrelate suggests the introduction of simplified s60I certificates as follows:
	+ Party A commenced the FDR process, and Party B did not attend the process;
	+ the FDR process commenced with one or both parties and a decision was made to discontinue the process;
	+ both parties attended FDR.
* As, fundamentally, the s60I certificate is a gateway to enter the court system, Interrelate believes that all that is required of certificates is a concise description of the FDR outcome. With simplification based on the factual outcome, the requirement by the FDRP to make and record a judgement call is eliminated. By entering the court system, a new distinct process commences, and it is understood that certificates do not become part of evidence so any detail on certificates is not utilised. Further, usage of terms such as “refusal, failure” and “not be appropriate” (and the certificate reverse side explanations) create concerns and sometimes, rejection and anger, for parents who receive the current version of certificates.

* Interrelate strongly supports the Proposal (5-9) for work to be undertaken to develop more comprehensive models of FDR that incorporate the use of specialist services and are appropriate for identified cultural, LGBTIQ and disability communities.

It is recognised that if such models are developed in conjunction with the availability of the recognised required support services, many more parents will be able to resolve their parenting and property matters without any necessity to access the court system. At present, parents with complex needs are often assessed as inappropriate for FDR due to the unavailability of appropriate support services and practice models that are not adaptable to specific client groups. We note and welcome Proposal 10-3 regarding the core competencies for the family law system workforce, in particular, the competency to work with diverse community members, and the oversight of training and accreditation by the Family Law Commission noted in Proposal 10-4.

* Interrelate supports the Proposal (5-10) for the development of practice guidelines for the delivery of LADR for both parenting and property matters. It has been shown in FRCs with the introduction of the *Protocol for the provision of Legal Assistance in Family Relationship Centres (2017)* that legally- assisted FDR has the capacity to produce outcomes which otherwise may not have been possible. If there is sufficient interest among legal practitioners to participate in LADR, the prevalence of LADR will increase as the process can be extremely effective where parents are at an impasse. Practice guidelines will ensure that there is a level of consistency in practice in applying LADR and encourage LADR as a very attractive alternative to proceeding to court.

**6. Reshaping the Adjudication Landscape**

* Interrelate notes the content of various submissions under the heading *Addressing concerns about adversarial processes* and believes that there is a need for changes in the way in which litigation is currently conducted. In short, if parents are *pitted against one another* as mentioned in a couple of submissions, then it is more likely that, after a court appearance, parents will continue to face off against each other rather than to work together harmoniously to parent in the best interests of their children. By definition, litigation is a contest with the parents being adversaries in a zero-sum game in the court. It is difficult to see how such a process can foster the positive relationships between parents needed by children for their general wellbeing and to allow them to flourish as they grow and develop. Given that the current processes can be emotionally bruising [especially for families with complex needs], we would encourage the development of well-designed and managed processes that provide a therapeutic approach to making sound decisions that foster a less adversarial environment that promote the best interests – and safety - of the children.
* As an alternative to the adversarial court system, Interrelate suggests that a new Proposal be added as follows:

*The Australian Government should work with members of the judiciary and the legal profession to develop new non-adversarial processes to be used in the Family and Circuit Courts. Consideration is to be given to appropriate problem-solving processes as used in other jurisdictions and to judicial mediation that has already been put in practice by some judges.*

* Interrelate supports the Proposals (6-9, 6-10, 6-11) relating to the establishment of a post-order parenting support service. As mentioned earlier, Interrelate is deeply concerned that the existing adversarial court processes do little or nothing to prepare parents to successfully cooperate and collaborate, as is often envisaged in parenting orders. In these circumstances, it is not surprising that, following the making of final orders, there is a high rate of families returning to court, and that the level of conflict may be exacerbated with accompanying detrimental impacts on children.
* In establishing a post-order parenting support service, Interrelate supports the concept of a *Parenting Coordinator* role. Interrelate has trialled providing family counselling sessions to FDR clients who have multiple and complex factors affecting their ability to undertake or complete mediation. These clients have reported improved parental empowerment and efficacy; furthermore, fewer Section 60I certificates have been issued to this group and more parenting plans have been achieved. We believe that for such a service to be meaningful and successful, it will be necessary for the service to be appropriately resourced employing qualified, skilled and experienced practitioners, supported by a system of accreditation that ensures consistent and high quality service. In many cases, those parents who will be assessed as suitable for the service will have a long history of interpersonal conflict, possibly accompanied by family violence, and the necessary behavioural changes sought will take significant effort and time to achieve.

**7. Children in the Family Law System**

* Interrelate supports the Proposals (7-1, 7-2, 7-3, 7-4, 7-5) whereby children may become better informed about family law processes, to provide support services for children and young people and to facilitate a child’s right to be heard during court proceedings and FDR. It is acknowledged that an opportunity exists for greater application of child-inclusive practices in FDR, however Interrelate is cautious in relation to *opt out* models in the current environment where it is generally recognised that there is a shortage of well-trained and experienced specialist child consultants. Furthermore, there are a very limited number of organisations currently providing appropriate child consultation training.

It is a delicate and sensitive balancing act to provide the opportunity for children and young people to express their views either in court or during FDR while at the same time ensuring the child’s safety and general wellbeing.

* Earlier submissions have drawn attention to the changed thinking since the inception of the Family Law Act in relation to the involvement of children in processes to establish parenting arrangements after separation of parents. There has also been a further gradual change in thinking since the establishment of FRCs in 2006, at which time it was generally not anticipated or acknowledged that FRCs would include in their staffing one or more child consultants. Since that time, as outlined in the Discussion Paper, there had been a noticeable growth in the application of child-inclusive practices, to the extent that some organisations apply an *opt out* FDR model. It is understood that, because organisations that manage FRCs did not plan to have child consultants as part of their staff complement, at present, some organisations charge parents for child consultation. Other organisations choose to absorb the cost and not charge parents. Either way, there is a strong argument that when FRCs were established, their funding was not based on staffing which included a child consultant/s. To give effect to the above-mentioned proposals, in particular 7-4, funding will be required to ensure the appropriate resources for child consultation are adequate and available for children.

**8. Reducing Harm**

* Interrelate supports the Proposals (8-1, 8-2, 8-3) to improve the definitions of family violence and abuse in the Family Law Act to provide greater clarity for all stakeholders working in or accessing the family law system. It is well understood that these definitions require incremental improvement and tighter re-phrasing and that there is a limit to the accumulation of examples that can be included to enhance the definitions of family violence and abuse. At the same time, Interrelate believes it is of significant importance that legislation and documentation identify general behavioural characteristics so that there can be little doubt whether or not family violence/abuse is or has been present.
* Interrelate supports the Proposal (8-6) in relation to evidence of “protected confidences”. As discussed, such sensitive records are unlikely to be of probative value, and subpoenas to access such records are often issued in the hope that there may be some information in the records to support the case of one or the other party. It is a positive step that courts have the power to exclude these records which if admitted could be damaging and destructive to a parent and to children.

**10. A Skilled and Supported Workforce**

* Interrelate supports the Proposals (10-1,10-2,10-3, 10-4) for the development of a workforce capability plan for the family law system and for the identification of core competencies for the family law workforce. Over the recent past, through the efforts of bodies such as the Family Law Pathways Networks, more and more family law system professionals have come to work collaboratively in the best interests of parents and their children. However, it is recognised that those working in the family law system come from a variety of backgrounds both experientially and academically. Consequently, there is often not a common understanding on important matters such as family violence which can lead to less than perfect attempts to resolve matters for parents in dispute. Looking forward, for the family law system to work most effectively it is important that all in the system possess agreed capabilities and core competencies in accordance with the roles being occupied within the system. By establishing capability and competency standards for family law system professionals, it can be anticipated that there will be greater cooperation and understanding among those professionals and attendant improved service delivery for parents and children. Appropriate training, which we feel needs to be recurrent rather than one-off, and, where necessary, the enhancement of current recognised or newly developed academic qualifications will enable family law system professionals to acquire capabilities and competencies. Further, Interrelate supports the expansion of accreditation of family law system professionals as now exists for FDRPs.
* Interrelate supports the Proposal (10-5) that consideration be given that FDRPs have the capacity to resolve property and financial matters. This proposal complements Proposal (5-3) to require parties to attempt FDR prior to lodging a court application for property and financial matters, subject to certain exemptions. If Proposal 5-3 is implemented there will be a greater requirement for FDRPs to conduct property and financial matters FDR than has been the case previously. For FDRPs to acquire the proposed capacity, it will be necessary for them to have completed a suitable qualification that contains instruction in the conduct of property and financial matters FDR. In answer to Question 10-2, such instruction would ideally be focused on an FDR delivery model based on the principle of full disclosure, obtaining appropriate legal advice and relevant factors in determining a just equitable outcome, i.e., agreed valuations of assets, past contributions and future needs.
* Interrelate strongly supports the Proposal (10-7) in relation to the requirement for Children’s Contact Service workers to be suitably accredited. Further and in answer to Question 10-3, due to the complexity of the work in Children’s Contact Service centres, Interrelate proposes that, as a minimum, workers in centres hold a Certificate IV qualification and ideally, an appropriate Diploma.
* In conjunction with the establishment of Families Hubs, Interrelate wishes to emphasise the need to Children’s Contact Centres (CCSs) to be co-located within the hubs. This comment is based on many years of experience in locations where Interrelate has held the funding for FRCs as well as CCSs, and the benefits to clients brought about by co-location and the availability of a range of services in close proximity.
* Increasing the threshold of qualifications for CCS workers brings with it increased salary and training commitments. Funding for CCSs is already stretched thinly and the needs of the client base for out-of-hours services means that providers are highly dependent on casual and part-time workers. If the complex and challenging work done by CCS staff is to be recognised through the requirement of higher qualifications and accreditation, then improved funding for higher salaries and training costs must follow.
* We would encourage the Commission to consider expanding Proposal 10-7 by bringing private providers into this system of monitoring and accreditation. We are concerned that the standards of safe and responsible practice to which government-funded CCSs are help are not applied to private CCSs, nor is their performance monitored and assessed.

**11. Information Sharing**

* Interrelate fully supports Proposals (11-1, 11-2, 11-3, 11-8, 11-10, 11-11, 11-12) that facilitate the opportunity for appropriate and effective information sharing between stakeholders in the family law system. Apart from the obvious benefits to service providers if they are able to access information about families gathered by other providers, courts, bodies and agencies, it could be expected that families will receive an improved level of service with all facts and information being made available and service providers being able to concentrate on a family’s specific needs instead of requiring a family to repeat information already gathered elsewhere. Interrelate believes it is consistent with the proposed establishment of Families Hubs that there be greater flow of information between agencies and service providers than is presently the case, to ensure that families and their needs become the core for service delivery. The proposed development and establishment of information sharing systems and processes offer the opportunity for greater collaboration and cooperation with appropriate safeguards to enhance the family law system’s objectives to work in the best interests of families who access the system.

 We suggest that the principles governing information sharing in the Safer Pathways framework are a sensible basis on which to form the specific protocols to be applied by providers of services to clients of the Families Hubs.

**12. System Oversight and Reform Evaluation**

* Interrelate recognises that the family law system is composed of many parts, and so the Proposal (12-1) to create an oversight body in the form of the Family Law Commission is understood. Presumably, this commission would be under the auspices of the Federal Attorney-General's Department, the department currently responsible for accreditation of FDRPs. As earlier mentioned, Interrelate supports the accreditation of professionals working in the family law system, and therefore would support a proposal for centralisation of accreditation, potentially as part of the responsibilities of the Family Law Commission (Proposal 12-2).
* In earlier sections of the Discussion Paper, a theme has developed, in response to many earlier submissions, that the family law system needs to become more responsive to the needs of families who access the system, and that the system and its many parts need to work together to provide the best service and outcomes for families. For example, inherent to the proposals for Families Hubs and information sharing is greater cooperation and collaboration between services, courts, bodies and agencies whether those services etc. are federal, state or territory based and funded. If the Family Law Commission, presumably a federal commission, is to monitor the performance of the family law system, will it have powers of oversight over services etc. funded or operated by the states/territories?
* At present, although family law services are funded by the Attorney-General's Department, performance is monitored through the grants management section of the Department of Social Services (DSS). Likewise, if complaints are escalated beyond the service provider, the complaint is referred to DSS. Is it envisaged that these functions no longer be part of the role of DSS and would be taken over by the Family Law Commission?