



FAMILY COURT OF  
WESTERN AUSTRALIA

Family Court of WA  
Annual Review **2011/2012**



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# FROM THE CHIEF JUDGE

I am pleased to present the annual review of the work of the Family Court of Western Australia for the financial year ending 30 June 2012.

## A Difficult Year

The year under review was the most difficult in the history of the Court.

Sadly, the Honourable Justice Carolyn Martin became seriously unwell in May 2011 and was unable to undertake her duties for the balance of the calendar year. Her Honour attempted to return to work in January 2012 but fell ill again and ceased sitting in April 2012. Her Honour was not to sit again before her death.

Justice Martin was a much loved and respected judge. She was the first female registrar appointed to a court in this State, the first female stipendiary magistrate and the first female judge of our Court. In all, she gave thirty years of loyal and dedicated service to the Court and to the citizens of this State.

Justice Stephen Crooks also became unwell in October 2011. Following surgery, his Honour was unable to return to his duties and ultimately had to resign his office. His Honour was a longstanding and highly respected member of the legal profession prior to his appointment and served the Court loyally for five years.

The absence of two of the Court's five judges for the majority of the year placed great pressure on the other judges and magistrates. All willingly assisted in dealing with the crisis. I wish to extend to all of them, as well as to court staff and litigants, my sincere gratitude for their efforts and understanding during this difficult time.

I wish also to extend to the Federal and State governments my grateful appreciation for their prompt and concerted actions in providing funding to allow for the appointment of acting judges to cover at least part of the judicial time lost as a result of these unfortunate events. Governments are often criticised for failure to provide adequate support to courts, but on this occasion I could have asked for nothing more.

As at 30 June 2012, Justices Martin and Crooks had been absent on sick leave for a combined time of 19 months. The prompt action of government resulted in 10 of those months being made up during the year under review. The net loss of 9 months of "judge time" placed great pressure on the Court, but the problem would have been far worse had the two governments not appreciated the gravity of the situation.

## Acting Judges

The Court was most fortunate to secure the services of three outstanding former judges of the Family Court of Australia to act as judges of our Court during the year. Each of them handled a very heavy workload, often having to take over matters partway through the proceedings. Each brought a wealth of experience and wisdom which they willingly shared with their new colleagues in our Court.

The Honourable Brian Jordan acted as a judge from 4 July 2011 to 23 December 2011, the Honourable Bernard Warnick from 18 January 2012 to 16 March 2012 and the Honourable Jennifer Boland AM from 19 March 2012 to 27 April 2012, before returning for a further term commencing on 25 June 2012.

I extend to each of the acting judges my personal thanks for being prepared to move interstate, on short notice, to assist our Court in its time of need. I especially thank their spouses, Mrs Pauline Jordan, Ms Marilyn Searle and Mr Michael Boland for so willingly accommodating these arrangements.

## Magistrate Christopher Judges

The year under review saw the departure of his Honour Magistrate Christopher Judges who had served as a registrar and magistrate of the Court for some 30 years. I extend to Magistrate Judges the thanks of all judicial officers for his contribution over an extended time and wish him well in his retirement.

Magistrate Judges was replaced by Ms Francine Walter, a highly experienced practitioner with extensive background in Family Law. She is a most welcome addition to the ranks of the Family Law Magistrates.

## Funding for Acting Magistrate

During the year under review the Court continued to benefit from funding provided by the Commonwealth to permit the appointment of an acting magistrate. Acting Magistrate Colin Kaeser ably filled this role throughout the year.

The importance of the funding for this position cannot be underestimated. It has allowed the Court to assign permanent magistrates to hear trials on a full time basis and has contributed to the small, but important reduction in the wait time to trial, which has been achieved notwithstanding all of the difficulties I have mentioned.

### De facto Property Jurisdiction

In the last report I expressed concern in relation to the failure of government to provide resources to allow the Court to deal with the de facto property jurisdiction.

I am pleased to report that during the year under review I was able to meet with the State Attorney General to discuss this and other issues of importance to the Court. Following the meeting, the State Government announced additional funding to the Court to allow for the appointment of a magistrate and support staff for two years to assist in dealing with the de facto property jurisdiction. This contribution, coupled with the funding to cover the first six months of the acting judge positions, represents the most significant direct financial contribution made by the State Government to the Court in its history.

The acting magistrate did not commence until partway through 2012/2013 and I will therefore report next year on the way in which this most welcome funding has impacted on the operations of the Court.

### Indigenous Family Liaison Officers

Regrettably, the funding by the Commonwealth for a pilot program to allow for the appointment of Indigenous Family Liaison Officers was not continued. The last of the Indigenous Family Liaison Officers left the Court in March 2012.

I record my thanks to all of the Indigenous Family Liaison Officers who greatly assisted the judiciary and family consultants and whose work was greatly valued by our many Indigenous clients. The work they undertook was the subject of a positive independent evaluation and my sincere hope is that in the future the Court will find the means to engage more such officers.

### Department for Child Protection

The relationship between the Court and the Department for Child Protection (DCP) remains a matter of crucial importance. I have noted in previous reports the unique level of cooperation that exists between the Court and DCP, and the value to the Court of the presence of Ms Michèle Cohen, a senior DCP officer, to assist in information exchange and case management of the many cases in which DCP has an interest.

It was therefore most gratifying during the year under review to have the importance of this relationship recognised by the creation by DCP of a new position to support the work undertaken by Ms Cohen. The Court warmly welcomes the appointment of Ms Sussan Fowler to this position. Ms Fowler brings much experience to the role, including her experience as a former family consultant at the Court.

### Court Governance

The management of the Court continues to be overseen by the Board of Management, to which the judges have delegated their authority to make decisions on behalf of the Court, subject always to the right of review.

The Board met fortnightly throughout the year, often in my absence in the eastern states on Full Court duties. I am particularly indebted to the Honourable Justice Crisford who stepped into many of the roles previously undertaken by Justice Martin, including chairing the Board in my absence, whilst managing her difficult role as the List Judge. I express also my thanks to the Principal Registrar, the Director of Court Counselling and the Executive Manager (and their delegates) who sit on the Board and ensure the smooth management of the Court.

I thank once again the many other judicial officers, family consultants and members of court staff who willingly give up lunch times and out of hours time to take part in the work of the many committees. These committees remain of great importance to the continuous improvement of the work of the Court.

Finally, I thank all judicial officers, family consultants, managers and members of court staff for their dedication and commitment throughout this difficult year. For many years morale in this Court has been good. The tribulations of the last year have brought those who remain closer together and the Court will emerge stronger from the experience.

**The Honourable  
Justice Stephen Thackray**  
Chief Judge  
Family Court of Western Australia



# THE FAMILY COURT

## Our Jurisdiction

The Family Court of Western Australia (FCWA) was established in 1976 as a state court exercising both state and federal jurisdiction.

The Court comprises judges and registrars. It deals with disputes arising out of the breakdown of marriages and de facto relationships. Specialist Family Law Magistrates work alongside the judges, with all judicial officers benefitting from the input of the family consultants.

The Department of the Attorney General (WA) provides administrative and logistical support for the Court, which is principally funded by the Federal Government.

## Our Area of Service

The Court services the whole of our vast state. Apart from having exclusive jurisdiction in family law matters in the Perth Metropolitan area, the Court circuits to the following regional centres:

- Albany
- Broome
- Bunbury
- Geraldton
- Kalgoorlie

## Our Workload

Applications received	14,711
Matters finalised	15,096
Divorce Applications	5,308
Final Order Applications	2,608
Interim Order Applications	4,472
Consent Order Applications	2,323
Final Order Trials	308
Appeals	33

## Our People

5	Judges
7.6	Magistrates
1	Acting Magistrate
2	Registrars
49	Case processing staff
35.2	Judicial support staff
16.1	Family Consultants
3.5	Counselling support staff

# OUR JUDICIARY

As at 30 June 2012

## Chief Judge

The Honourable Justice Stephen Thackray

## Judges

The Honourable Justice Carolyn Martin  
The Honourable Justice Jane Crisford  
The Honourable Justice Stephen Crooks  
The Honourable Justice Simon Moncrieff

## Acting Judges

The Honourable Acting Judge Brian Jordan  
(from 4 July 2011 to 23 December 2011)

The Honourable Acting Judge Bernard Warnick  
(from 18 January 2012 to 16 March 2012)

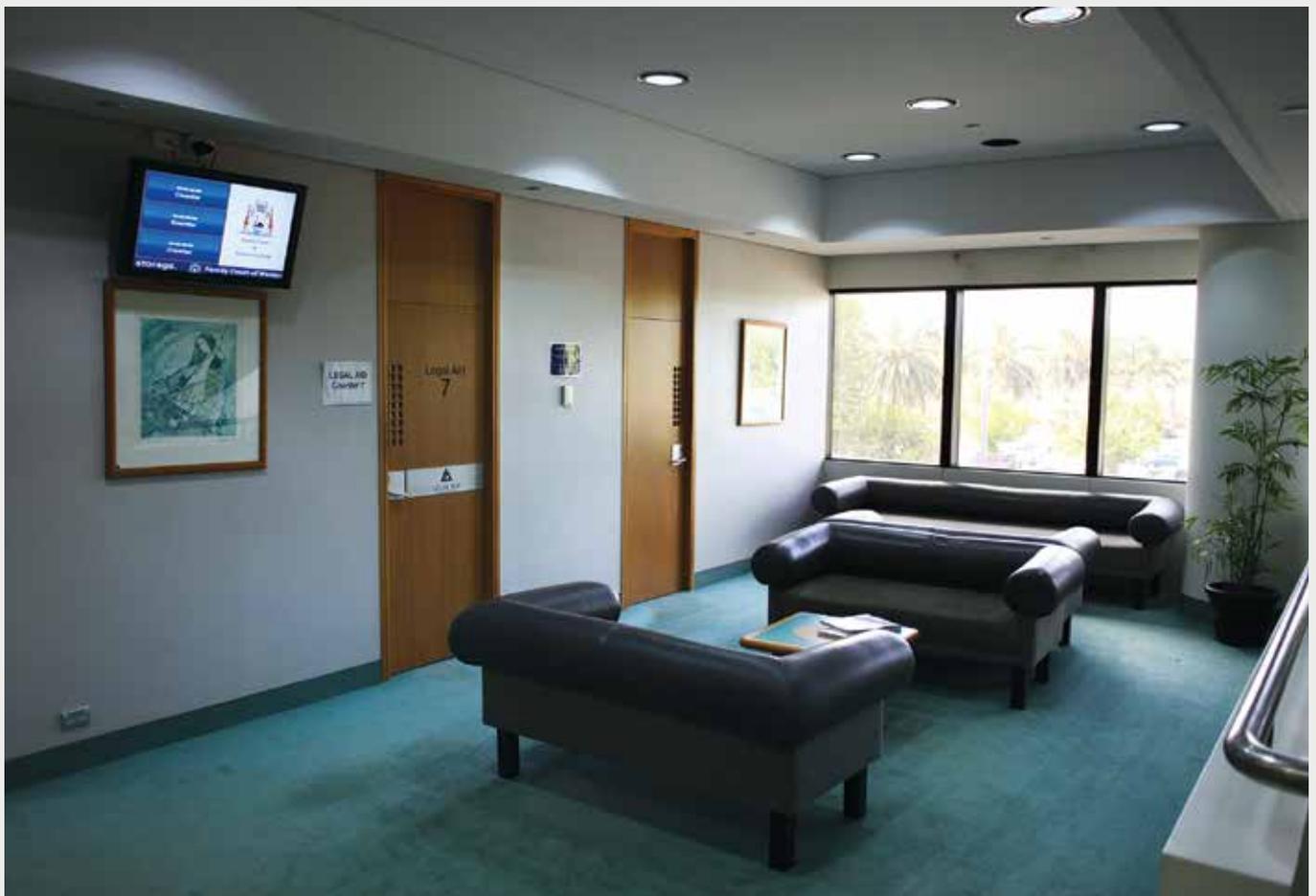
The Honourable Acting Judge Jennifer Boland AM  
(from 19 March 2012 to 27 April 2012 and from  
25 June 2012 and continuing)

## Principal Registrar

Magistrate David Monaghan

## Magistrates/Registrars

Magistrate Annette Andrews  
Magistrate Alan Moroni  
Magistrate Elizabeth Stewart  
Magistrate Jill Vander Wal  
Magistrate Susan Duncanson  
Magistrate Gail Sutherland  
Magistrate Francine Walter  
Acting Magistrate Colin Kaeser  
Registrar Sally Vanderfeen  
Registrar Laura De Maio



# OUR BUDGET

## FAMILY COURT OF WESTERN AUSTRALIA

### Budget Summary 2011/12

<b>INCOME</b>	<b>\$</b>
Commonwealth Grants <sup>1</sup>	19,201,783
Court Fees	3,672,978
Other Revenue	77,121
State Contribution – De Facto Matters	177,045
State Contribution – Specified Callings Salary Increase	165,258
	23,294,185
<b>EXPENDITURE <sup>2</sup></b>	
Salaries and Superannuation <sup>3</sup>	13,337,593
Building Rentals and General Maintenance	4,397,232
Administration Expenses	3,568,277
	21,303,102
Subtotal – 2011/12 Operating Result	1,991,083
<b>Subtotal – excluding funding allocated to resources in the 2012/13 financial year (see notes 1b and 1c)</b>	<b>859,300</b>

#### Notes:

- <sup>1</sup> Includes base grant of \$17.358 million, however during the financial year the Commonwealth also provided the following additional amounts:
- a) \$712,000 for the extension of the temporary magistrate and support staff for 12 months from August 2011 to July 2012.
  - b) \$1,042,000 for the extension of funding for an additional acting judge for six months and a temporary magistrate and support staff for 12 months from August 2012.
  - c) Additional funding of \$89,783 sought through Commonwealth adjustment estimates budget process for judicial salary rises (for the 2012-13 financial year).

Excluded from this statement is the receipt from the Commonwealth to the State for \$271,782 in relation to costs incurred in regional courts. This amount has been excluded on the basis of advice from the Commonwealth.

- <sup>2</sup> The expenditure does not include corporate or court overheads; and

- <sup>3</sup> The actual salary and superannuation expense for the extension of the temporary magistrate and 4 support staff for the 2011-12 financial year totals \$602,572 which is matched against the funding received of \$712,000. The effective date of the majority of staff was August 2011.

# OUR WORKLOAD

The workload of the Court, as measured by number of applications filed, remained static by comparison with the previous year. The proportion of work related to parenting issues increased, while the proportion of work related to financial issues reduced by a similar proportion.

## Applications for Final Orders

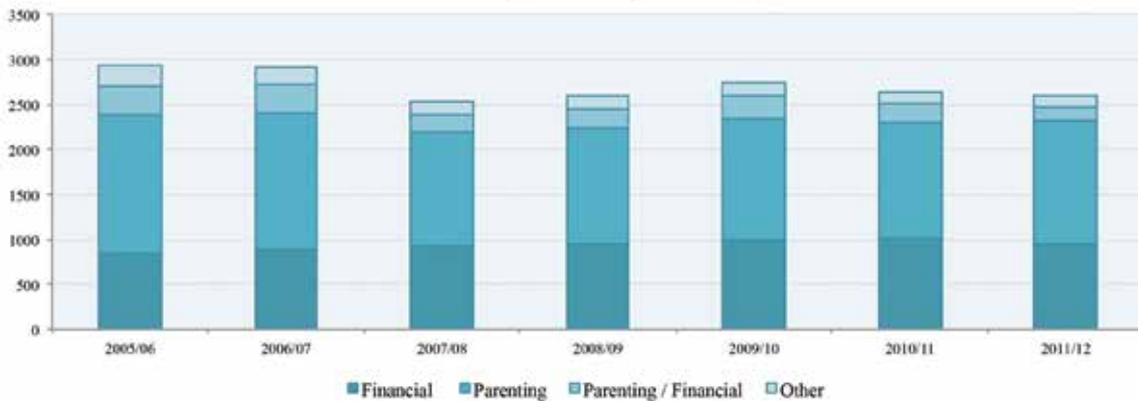
There were 2,608 applications for final orders lodged in 2011/12, consistent with the growth seen since 2007/08.

Of those 2,608 applications, 52.9% sought only parenting orders, 36.4% sought only property orders, and 5.7% sought both parenting and property orders. The remaining applications

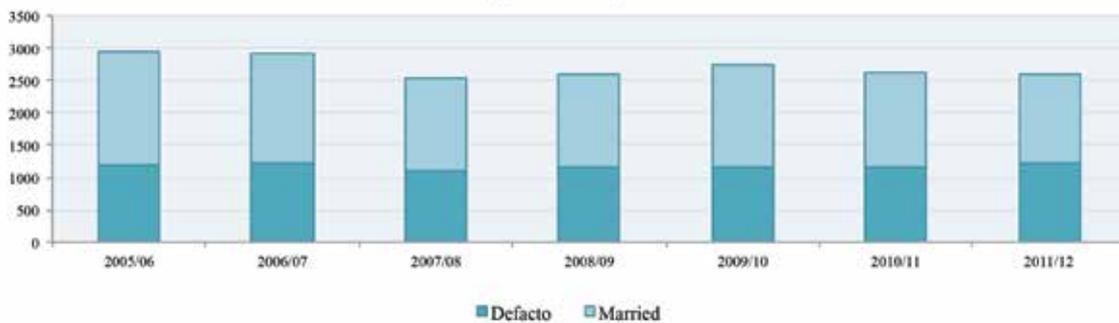
sought other relief, such as for the issue of passports and injunctions. Compared with the previous year, this represents a 6.2% growth in parenting applications against a 5.6% reduction in property applications. The long term trends since the 2005/06 financial year however show a 10.4% reduction in parenting applications compared to a 12.3% increase in financial applications.

Over the same period there has been an increase in the proportion of de facto parties making application for final orders, accounting for 41% of these applications in 2005/06 and 46% in 2011/12. Of the 1,382 final order applications seeking only parenting orders, 61.6% were filed by unmarried parties, accounting for 32.7% of all applications for final orders.

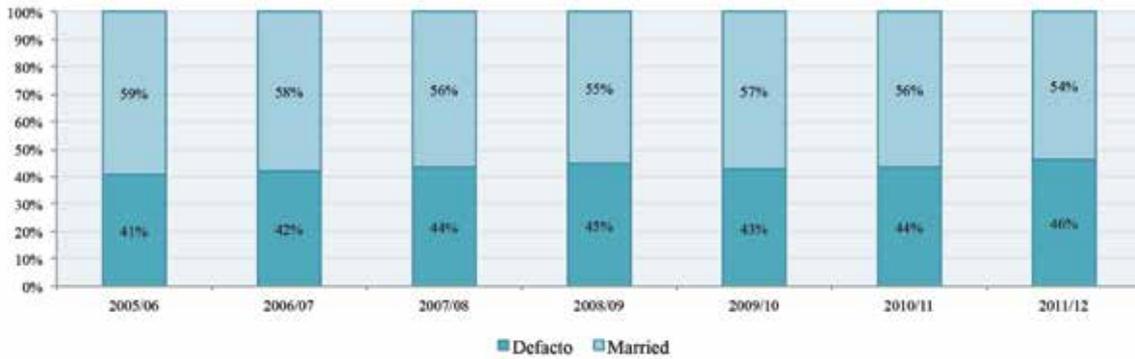
Final Order Applications by Orders Sought



Final Order Applications by Marital Status



Proportional Breakdown of Final Order Applications by Marital Status



**Applications for Interim Orders**

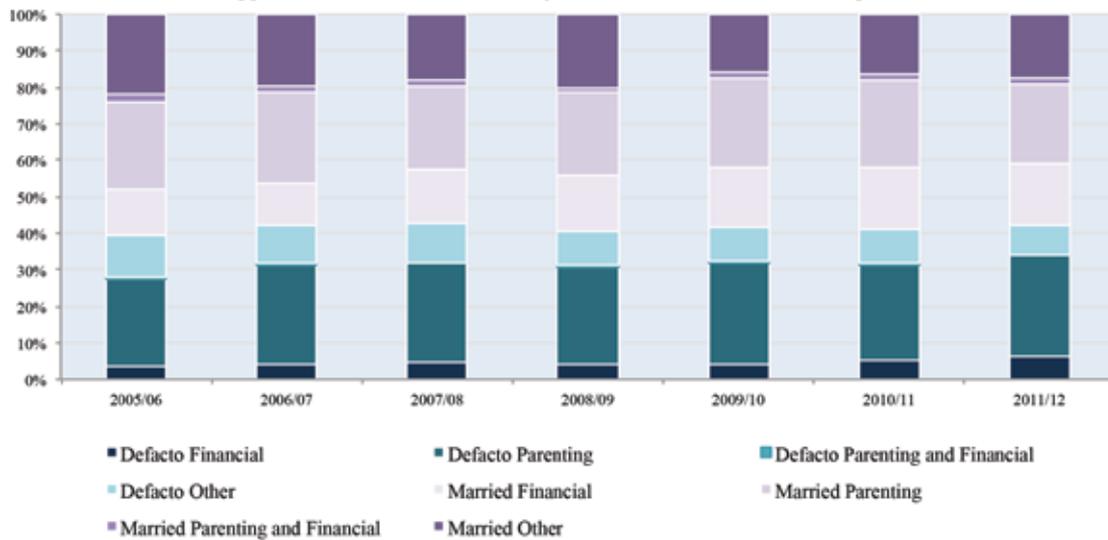
There were 4,472 applications for interim orders, compared with 4,586 in the previous year. This is a decrease of 2.5%, against what has been a steady rise in the number of interim order applications since 2007/08.

Despite the overall decrease, there was a minor increase in applications for interim property orders. The greatest change was seen in the number of interim parenting applications which reduced by 3.8% (from 2,286 to 2,199).

**Applications for Spousal Maintenance, Child Maintenance and Child Support**

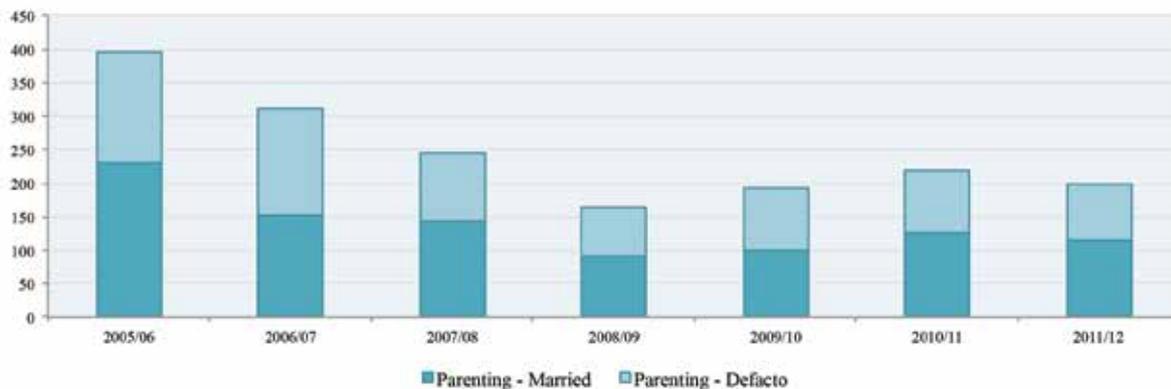
There were 110 applications seeking spousal maintenance, child maintenance or child support orders in 2011/12, compared with 130 such applications in the previous year.

Applications for Interim Orders by Marital Status and Orders Sought





Contravention Applications (Parenting) by Marital Status



### Order Contravention – Parenting

There were 199 applications alleging contravention of a parenting order in 2011/12. This represents a decrease of 9.5% against the previous year, with the rate of filing remaining at lower levels than prior to the introduction of individual case management procedures in parenting matters.

### Case Assessment Conferences and Hearings

There were 2,393 Case Assessment Conferences (CACs) or hearings conducted in 2011/12, made up of 959 CACs and 1,434 Children’s Cases Assessment List Hearings.

Prior to January 2011, on the first return date, all initiating applications seeking parenting orders were the subject of a CAC and hearing conducted by

a family consultant and magistrate. Resources did not permit the continuation of this service. The Child-Related Proceedings List was therefore established. Each case is now triaged in court by a magistrate and family consultant to ensure the most effective use of the Court’s resources.

It is for this reason that the number of CACs decreased substantially in 2010/11, and has dropped a further 15.4% over 2011/12.

# COURT PERFORMANCE

The significant improvement in the clearance ratio achieved in 2010/11 has been maintained in 2011/12.

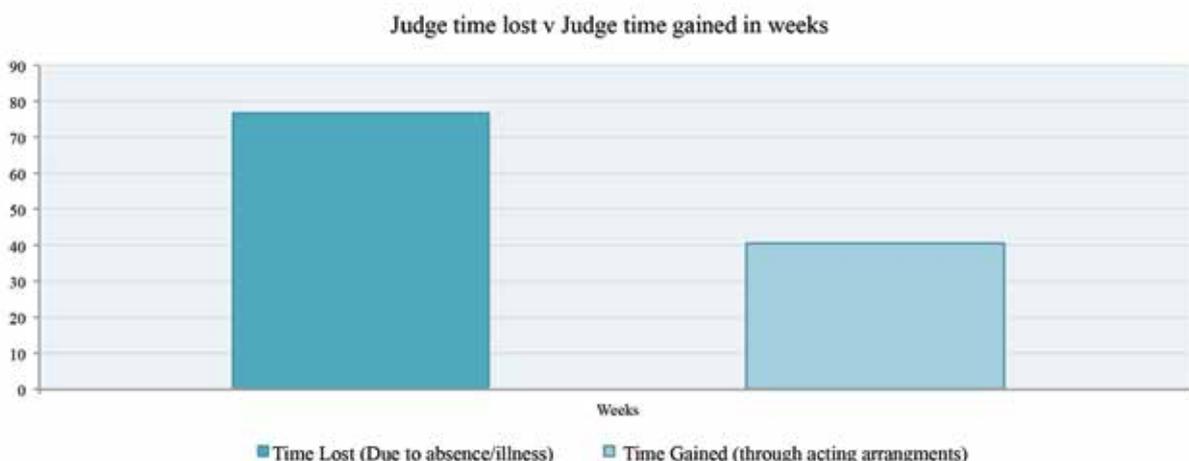
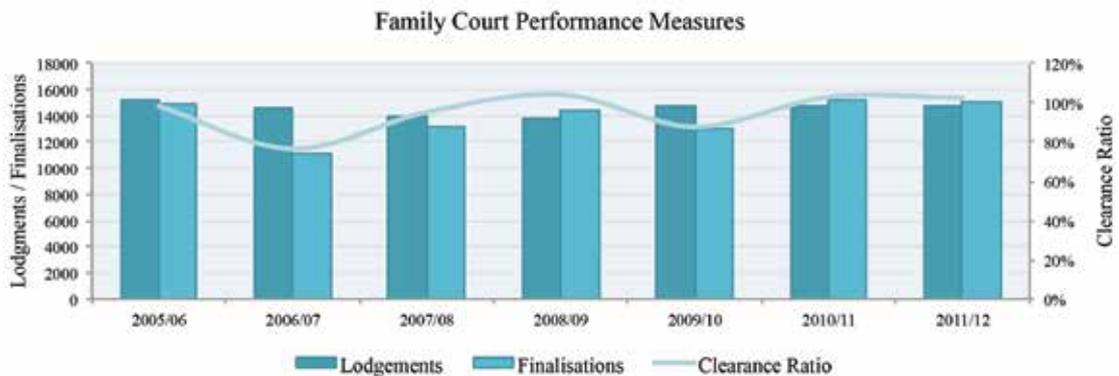
Along with a very modest reduction in applications filed (down from 14,749 to 14,711), there was a 1% decrease in finalisations (from 15,226 to 15,096).

This suggests the improvements achieved in 2010/11 have been maintained, associated with a larger number of matters listed for trial and continued application of the rule deeming dormant matters to be finalised. The deeming rule assists in providing a more accurate reflection of the efficiency of the Court.

The Court's clearance ratio (number of finalisations divided by the number of filings) is a measure of whether the Court is keeping up with its workload. In 2011/12 the clearance ratio was 102.6%.

As noted in the Chief Judge's introduction to this review, the Court experienced a difficult year with the illnesses of the Honourable Justices Carolyn Martin and Stephen Crooks.

The absences of Justices Martin and Crooks were offset in part by the appointment of three acting judges. However, it should be noted that the judicial time lost due to illness exceeded the judicial time gained through the appointment of acting judges by more than 36 weeks.



## Trials and other Judicial Work

There were 190 matters listed for trial before judges and 160 trials listed before magistrates in 2011/12, an overall increase of 8 trials from the previous year when there were 210 matters listed for trial before judges and 132 matters listed for trial before magistrates.

In addition there were:

- 350 matters listed in Duty Judge Lists, an increase of 18.2% from last year; 34 applications made for adoption and 28 ancillary applications under the *Adoption Act 1994* (Cth). In total, 19 adoption orders were made;
- 220 applications for Telecommunication Interception Warrants, consistent with the previous year's figure of 218. All judges have volunteered to deal with these applications, the great majority of which need to be heard on an urgent basis and are sought at all hours; and
- 24 judicial conferences conducted by judges in lieu of readiness hearings as part of a strategy to increase the rate of pre-trial settlement and to improve preparedness for trial.

## Waiting Time for Trial

For the year under review, the median time from filing to trial stood at 96 weeks, down 9 weeks from the previous year. The figure of 99 weeks reported in the last annual review, was the figure for June 2011, not for the entire year. In future years, the Court will report the median wait time on an annual basis, rather than by reference to the figure at the end of June.

The long wait for a trial date is attributable to many factors including the increasing complexity of matters coming before the Court, including

a high proportion of cases where multiple risk factors are identified. A further significant factor is the incremental effect of the Court having taken on the de facto property jurisdiction in 2002 without any increase in judicial resources to deal with the jurisdiction.

Another significant factor in delay in resolving matters arises from the failure of parties to seek to progress their own

matter to a conclusion. This can be seen in two recent case studies below.

The calculation of the time to trial is based on the median time between filing and trial of all matters that proceeded to trial during the year. Hence, over the 2011/12 year, half of all matters proceeding to trial had been pending for more than 96 weeks and half had been pending for less than 96 weeks.

### CASE STUDY 1

- This matter took 369 weeks to finalise.
- This matter involved parties from regional and remote locations, who moved between Western Australia and other states during the proceeding. This resulted in several adjournments when telephone hearings were not attended and large gaps between the parties re-establishing contact with their legal representatives and the Court. For example, following a general adjournment in 2006 no contact occurred until 2009. Contact with the applicant was re-established in late 2010 after which contact was made with the respondent. In October 2011 the matter was adjourned to enable further negotiations to occur. No further contact was made with the Court until both parties' solicitors removed themselves from the Court record in early 2012. In November 2012 the Court contacted the parties, requesting that they provide a Minute of Final Consent Orders or make a request to relist the proceedings before January 2013. When no response was received, the Court ordered that all outstanding applications be dismissed.

### CASE STUDY 2

- This matter took 256 weeks to finalise.
- This matter involved complex parenting issues, allegations of domestic violence, the involvement of the Department for Child Protection and an Independent Children's Lawyer (ICL). A number of adjournments were sought by the parties and/or their representatives. Several consent and interim orders were made by the Court, including consent orders submitted by the ICL in August 2011 with a view to further Alternative Dispute Resolution sessions over the following 6 months to finalise the agreement. In July 2012 the Court contacted the parties, requesting that they provide a Minute of Final Consent Orders or make a request to relist. The matter was relisted on request, and was finalised in January 2013 on the basis of a Minute of Consent Orders.



**Waiting Time for Non-Trial Matters**

For the year under review, the median time to non-trial finalisation for final order matters stood at 34 weeks, up 8 weeks from the end of the previous year. Over the same period, the number of non-trial finalisations grew from 1,488 to 1,753, an increase of 17.8%. The greatest growth was seen in finalisations relating to parenting orders, which increased by 27.9%.

The statistic reported here can be affected by judicial officers being more proactive in finalising dormant matters that would otherwise not have been represented in finalisation statistics.

**Appeals**

This year there were 33 appeals/ applications for leave to appeal from decisions of judges and Family Law Magistrates of the FCWA.

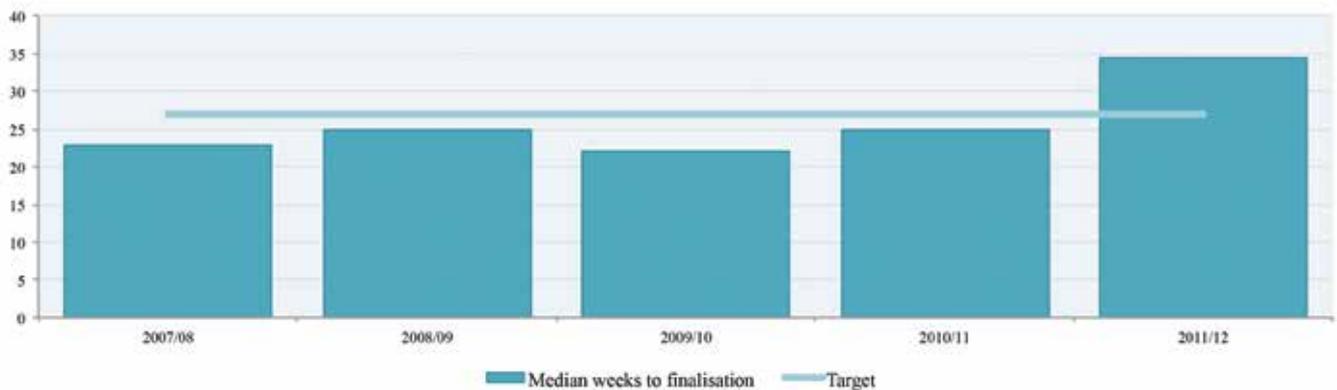
Appeals from judges exercising non-federal jurisdiction are heard by the Western Australian Court of Appeal, rather than by the Full Court of the Family Court of Australia. Nine such appeals were filed during the year under review.

A total of 10 Full Court judgments were handed down; five appeals were dismissed and five were allowed. As at 30 June 2012 the number of appeals outstanding was 22.

**Regional Circuits**

The FCWA Family Law Magistrates provide support and advice to country magistrates and conduct regular circuits to the major regional centres. The judges circuit to the same centres as required, hearing defended matters. Bunbury continues to be the busiest regional circuit.

**Median weeks to non-trial finalisation**



# REGISTRARS' WORK

The registrars deal with most of the applications for consent orders, subpoena hearings, procedural hearings and divorces, and they conduct most of the conferences, as well as advising court staff and litigants on more complex matters of practice and procedure. Statistics for some of the work they undertake are set out below.

## Divorce Applications

There were 5,308 applications for divorce during the year under review, representing a slight increase from the 5,252 in the preceding year.

In 64% of cases (3,397) the divorce application was dealt with in the absence of the parties – a similar proportion to the previous year.

## Applications for Consent Orders

There were 2,323 applications for consent orders in 2011/12, a small

increase from the 2,282 filed in the previous year. The great majority of these applications (83.1%) sought only property orders. De facto relationships accounted for 27% of the applications for consent property orders.

Of the 2,323 applications, 8.7% sought only parenting orders, of which 51.7% were filed by parties to a marriage.

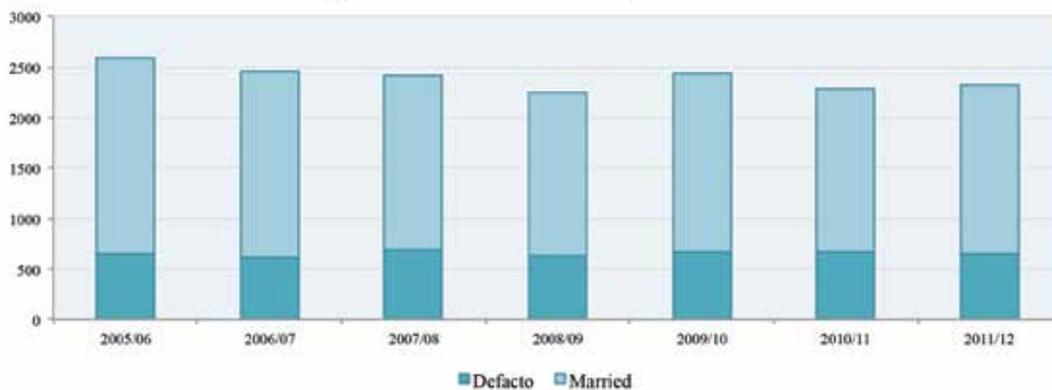
The remaining 8.1% of applications for consent orders sought both property and parenting orders, of which 85.7% were filed by parties to a marriage.

## Conferences

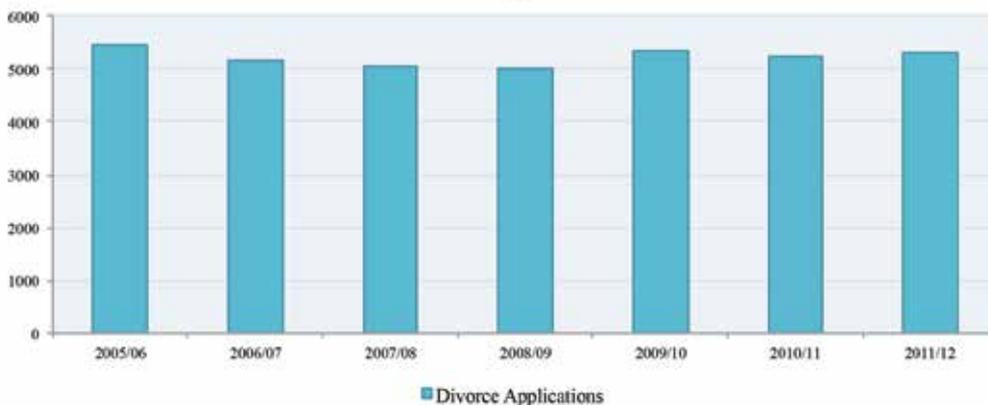
In the year under review:

- 756 readiness hearings were conducted which is a significant increase from the 629 in the preceding year.
- 312 procedural conferences were conducted compared with 494 in the preceding year.
- 1,085 conciliation conferences were conducted compared with 1,125 in the preceding year.

Applications for Consent Orders by Marital Status



Divorce Applications



# TRENDS

The Court continues to deal with a high volume of cases involving unmarried parties. Many litigants are self-represented and many have not undertaken Family Dispute Resolution.

## Self-representation

Of the year's final order parenting applications 44.3% (604) were matters in which the applicant was self-represented at the time of filing - down from 45.2% in 2010/11. In financial cases a decrease was also seen, with 19.2% (181) self-represented in the year in review, compared to 23.6% in 2010/11.

Of the 5,308 divorce applications, 81.5% were filed by persons without legal representation – a similar proportion to the previous year.

Applications by parties without legal representation accounted for 67.4% of all contravention/contempt applications.

## Applications Made by Unmarried Parties

The Court continued to receive a high volume of applications made by unmarried parties.

For final order applications, of the 1,382 seeking only parenting orders, 61.6% were filed by unmarried parties. Of the 950 seeking only property orders, 25.7% were filed by unmarried parties. Of those seeking both parenting and property orders, 20.9% were filed by unmarried parties.

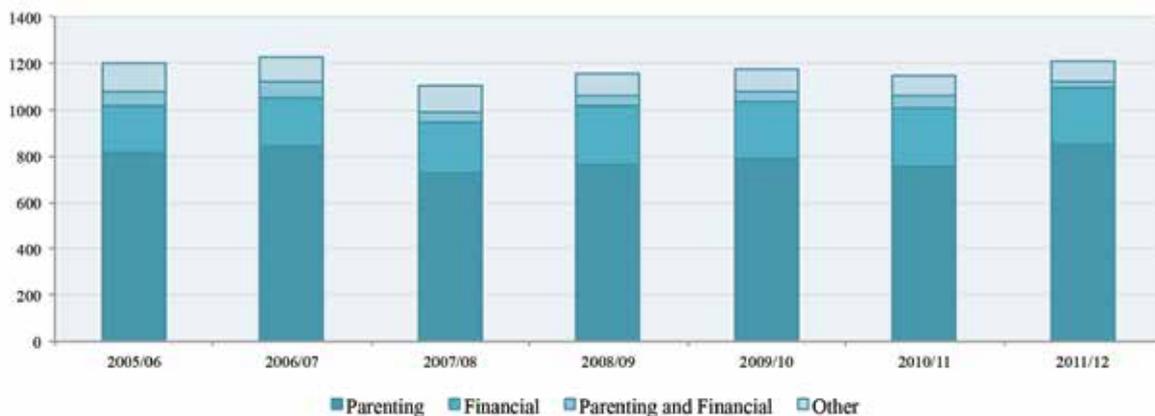
Of the 199 contravention applications in parenting proceedings, 57.8% were filed in relation to children of a marriage and 42.2% in relation to ex nuptial children.

De facto parties continue to file a higher proportion of applications seeking parenting orders, with parenting applications accounting for 70.5% of de facto final order applications compared to 37.9% of married parties final order applications.

## Exemption Certificates

The legislation provides for parties to undertake a Family Dispute Resolution (FDR) process prior to commencing parenting proceedings in the Court. However, there are a number of grounds on which parties may be exempted from attending FDR. During 2011/12, 974 FDR Exemptions were lodged. With 803 of these lodged against a final orders application, about 53.4% of all final order parenting applications were commenced on the basis that a ground for exemption was established, hence FDR was not conducted prior to filing.

Defacto Final Orders Applications by Orders Sought

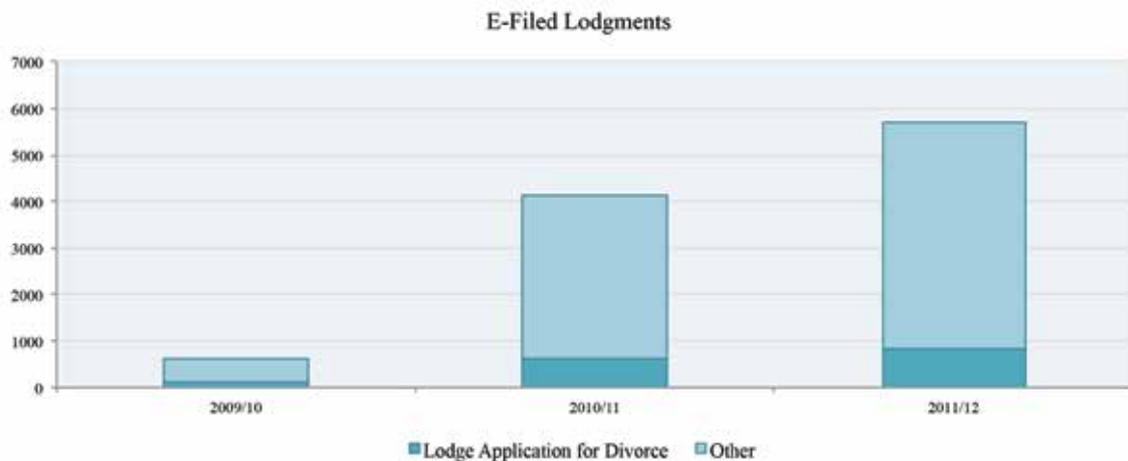




## E-Filing

E-Filing of applications for divorce was implemented through the Commonwealth Courts Portal (CCP) in March 2010. There has been a steady increase in the number of e-filed divorce applications, with a total of 827 having been filed electronically in the year under review compared to 631 in the previous year.

In addition to divorce applications, 4,898 lodgments of documents were made via the Court's E-filing system. This represents a significant increase over the previous year.



# COUNSELLING AND CONSULTANCY SERVICE

The management of children’s cases continues to be based on collaboration between the family consultants, magistrates and the judges.

The Family Court Counselling and Consultancy Service (FCCCS) provides services which focus on the needs of children in relation to parenting disputes before the Court. Services are delivered through initial screening assessment as part of the Child-Related Proceedings List, more detailed assessment of risk through Case Assessment Conferences (CAC), and case management through ongoing Child Dispute Conferences, Family Reports and more complex case management processes. In the context of managing risks, parents are assisted to negotiate suitable parenting arrangements and to deal with issues that affect their parenting. The family consultants may assist parties to come to a resolution and provide advice to the Court to inform decisions about interim and final orders.

The Child-Related Proceedings pathway for people seeking parenting directions from the Court was designed in part to triage cases for referral to CAC with family consultants in order to allow the FCCCS greater capacity to provide a higher level of case management of complex cases.

In this approach the first appearance is before a magistrate at a Child-Related Proceedings List where, with advice

from a family consultant, the need for referral to a CAC or alternative resolution pathways is determined. The family consultant contributes advice based on an initial screening of possible risk to the safety and wellbeing of children and other family members. The success of this initiative is demonstrated by approximately 30% of parenting cases being diverted to either mediation after urgent matters have been dealt with; to a hearing after having attended mediation; or by identifying that the nature of the application does not require the services of the family consultant. This enables the FCCCS to appropriately target its resources.

In 2011/12 there was a further 10% reduction in family consultant staffing. In the same period there has been a 6% increase in parenting applications to the Court, and a 13% increase in the percentage of cases where risk issues have been identified. The impact on service delivery has been a decrease of 15% in CACs compared to the previous financial year (from 1,133 to 959), a 9% reduction in the number of Consultant Report Interviews (from 417 to 381) and the total number of all interviews conducted by family consultants declining by 8.2%. Whilst this equates to less families being assisted, the

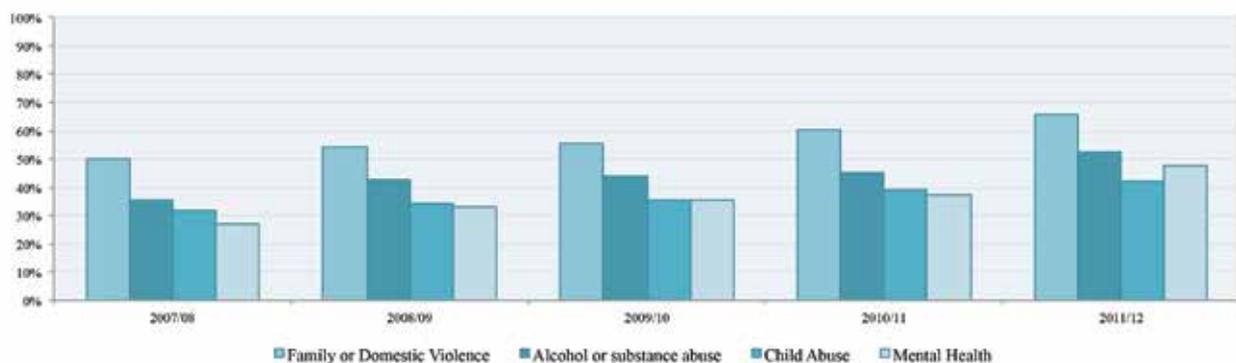
productivity of the service has been maintained through continuing rigorous prioritising of appointments with families where there are higher risks to children, and maintenance of intensive case management of more complex cases.

## Risks Identified

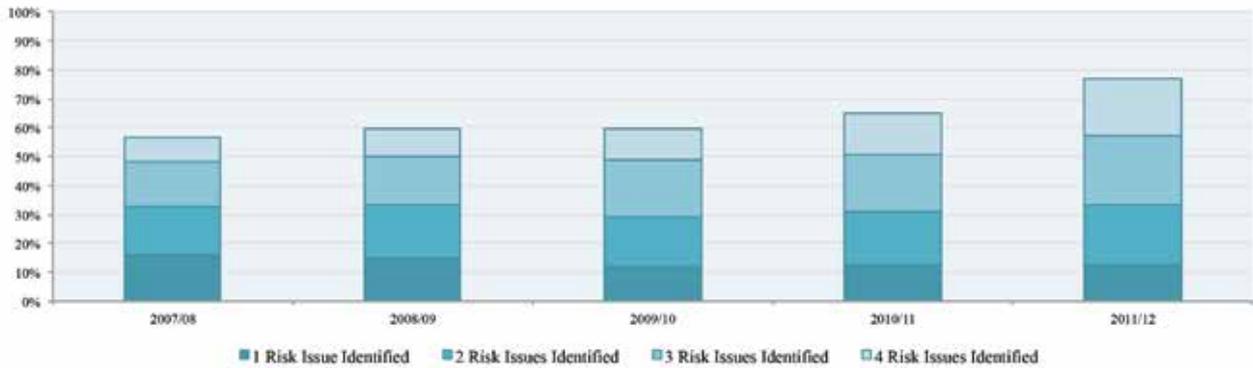
The majority of families seen by the FCCCS are those where there may be one or more risk factors which influence their ability to effectively resolve parenting disputes and to make ongoing and stable arrangements which focus on the needs of the children and the safety of family members. The following data support current FCCCS case management strategies, and informs future planning for the Court.

The continuing trend of increased levels of family violence (65% of cases), substance abuse (52%), child abuse (42%), and mental health (47%) reflect the complex nature of cases being managed by the FCCCS. The two following graphs demonstrate this trend. There was an increase from 65% to 78% of cases where one or more risk was identified at a CAC. This trend is expected to continue.

Risk Issues identified at Case Assessment Conferences - Comparison to CACs



Percentage Breakdown of Complexity of Risk Issues Identified at Case Assessment Conferences - Comparison to CACs



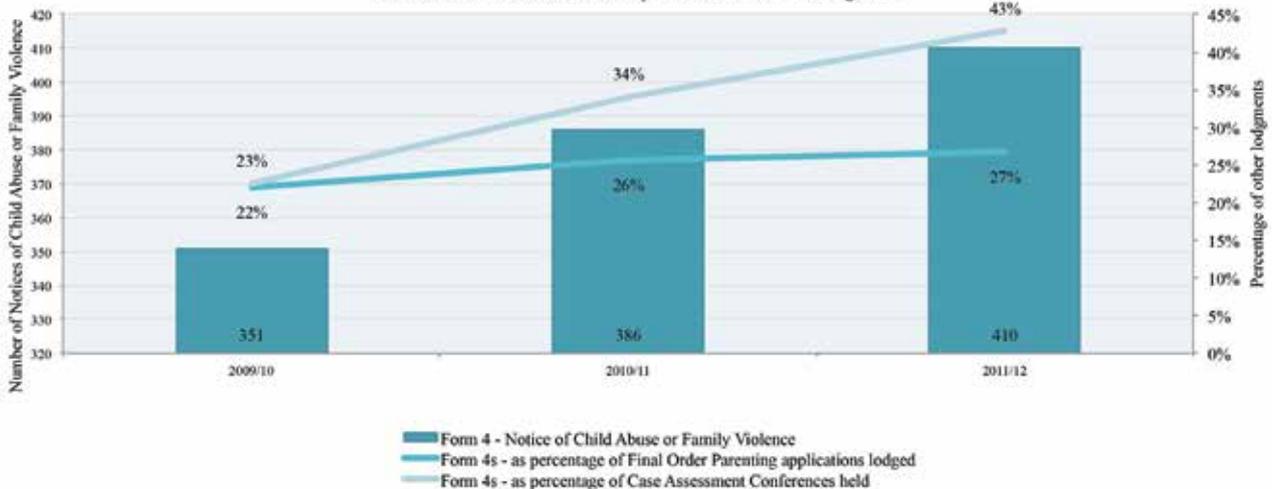
The coordination and information sharing protocols between agencies provide necessary support to the work of this Court. The difficulty at times in identifying services to support these clients highlights the ongoing need for improved levels of support for service providers in this area. The work of the FCCCS relies on the support of other agencies within the broader family law and human services sectors and within other jurisdictions and the service remains appreciative of this support.

The percentage of cases involving parenting disputes which have Form 4 Notifications relating to child abuse or family violence increased from 386 to 410 with the majority of these increases toward the end of the reporting period, possibly due in part to the broadened definition of "child abuse" in the *Family Law Act 1975* (Cth). With this recent trend it is expected that these numbers will rise significantly in the future. These cases involve child protection issues, many of which involve the

DCP. Ongoing partnerships with DCP, Legal Aid and other jurisdictions are essential in managing and addressing these complex cases.

The FCCCS ensures that staff maintain contemporary skills through supporting training and education. This has included further education in the area of family and domestic violence. The service works collaboratively within the Court to continue to refine case management of the complex and high risk families presenting to the Court.

Notices of Child Abuse or Family Violence - Form 4 Lodgments



### Child Protection Consultant

The Department for Child Protection expanded its court related services in 2012 employing Ms Sussan Fowler in its metro services team. Ms Fowler, a former family consultant, is based offsite and assists DCP in supporting its function in the Court.

Court based co-located officer, Ms Michèle Cohen continues as the Child Protection Consultant and the liaison between the Court, Legal Aid WA, Independent Children's Lawyers and DCP.

Ms Cohen has continued her training program with Departmental officers including delivering training in regional areas during Magistrates' circuits.

Due to the growing national interest in DCP's role in the Court, a number of invitations were extended to Ms Cohen during the year. These included representing DCP on the National Child Protection and Family Law Collaboration Network in Canberra, presenting a paper at the Family Law Pathways Network Conference in Hobart, and discussions with the Department for Human Services and Federal Magistrates Court, Victoria during 2012 in the lead up to their appointment of child protection officers to the Dandenong and Melbourne registries. Locally DCP had the opportunity to address the Family Law Practitioners Association regarding its policy on neglect and attended the Court's annual conference in November.

The year 2011-2012 saw a steady increase in the number of referrals from DCP to the Court and in the number of matters "transferred" from the Perth Children's Court to the Court, because of the early exchange of information between the sectors and ease of referral as set out in the relevant Memorandum of Understanding (MoU). This year also saw a steady increase in the number of DCP staff participating in court events including Case Assessment Conferences. DCP continued to work very closely with its fellow MoU stakeholders in the lead up to the family violence amendments and in ensuring that the best possible outcomes for children are achieved in this jurisdiction.



# OUR SERVICES

In 2011/12 the Court continued to adopt innovative approaches to resolution of family law disputes.

## Customer Service

The Court strives continually to improve services, with a focus on the needs of clients, many of whom are in distress. Counter staff served 48,132 clients over the year, with demand peaking at an average of 233 clients a day in June 2012.

A Client Administration Officer is allocated to every parenting matter (other than matters where only a divorce is sought) to ensure a constant point of contact within the Court.

## Information Sessions and Tours

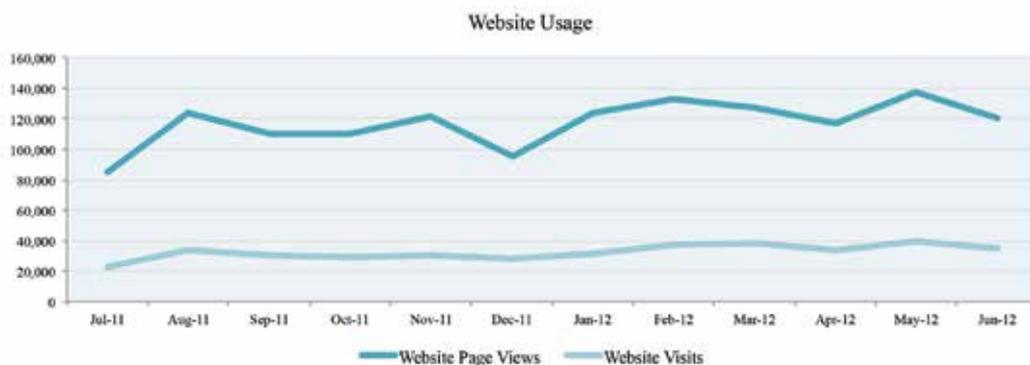
The Court ceased its weekly Information Sessions for clients in December 2011. This service is now offered via the online Information Session webpage, which allows the Court to make a wide range of information readily available to the public 24 hours a day throughout the year. The Court continues to develop the content of the webpage to ensure it services the changing needs of its clients.

Tours for departmental officers, law students and a range of community agencies have been maintained and in 2011/12 the Manager of Customer Service conducted a total of 20 tours, and 5 court inductions.

## Website and Publications

The Court's website continues to be an effective means of providing information to litigants and legal practitioners, with website visits increasing by 8.7%. The website offers a range of information including court listings, procedural advice, links to legislation, access to forms and links to outside agencies where clients can obtain further assistance.

The graph below shows a continued increase in the number of "hits" recorded in 2011/12.





### Commonwealth Courts Portal (CCP)

The Family Court of Australia, Federal Court of Australia, and the Federal Magistrates Court, together with FCWA have worked towards the development of the CCP, which enables online inquiry about matters proceeding through the Court. Lawyers are able to view details about parties, documents filed and court events. Self-represented litigants can also access information via the Court's website using the File Search facility.

### Child-Minding Service

A free child-minding service is offered for clients attending court or who have appointments with the counselling service. The service is well patronised with 1,483 children utilising the facilities during the year, a decrease of 19.8% from 2010/11. On average, 124 children are cared for each month. The centre cared for 22 children on its busiest day of the year.

### Legal Aid WA Family Court Services

Legal Aid WA continues to provide service to the Court's clients on-site. Services include representation in court, assistance with documents, and referral to Alternative Dispute Resolution.

The Legal Aid WA service saw 3,350 clients in 2011/12, a slight reduction of 0.4% from the previous year. Referrals to the service are made by judicial officers, family consultants and registry staff.

The Court is most grateful for the excellent service provided by the dedicated staff of Legal Aid WA.

### Justices of the Peace

Justices of the Peace carry out a range of important administrative and judicial duties in the community. These include witnessing affidavits and other documents.

An afternoon tea for the volunteer Justices of the Peace is hosted by the Chief Judge in appreciation of the valuable assistance they provide to the clients of the Court.

# 2011/2012 HIGHLIGHTS

## New Case Management Guidelines

On 7 May 2012 the Court introduced new Case Management Guidelines, intended to inform those who use the Court of how the Court's case management system works, the arrangements that regulate the progression of cases and the events which make up that progression.

The changes primarily relate to documentation in financial cases, listing procedures and Alternate Dispute Resolution. Final order applications and responses seeking property orders now need to be accompanied by an affidavit in support and interim applications and responses in financial cases now need to be accompanied

by a Conferral Certificate. New listing procedures also facilitate case management by magistrates, an important strategy in streamlining the progress of matters through the Court.

## Family Violence Amendments

Changes to family law were enacted on 7 June 2012 with the aim of providing better protection in family law cases where there is family violence and abuse. Amendments to the *Family Law Act 1975* (Cth) include:

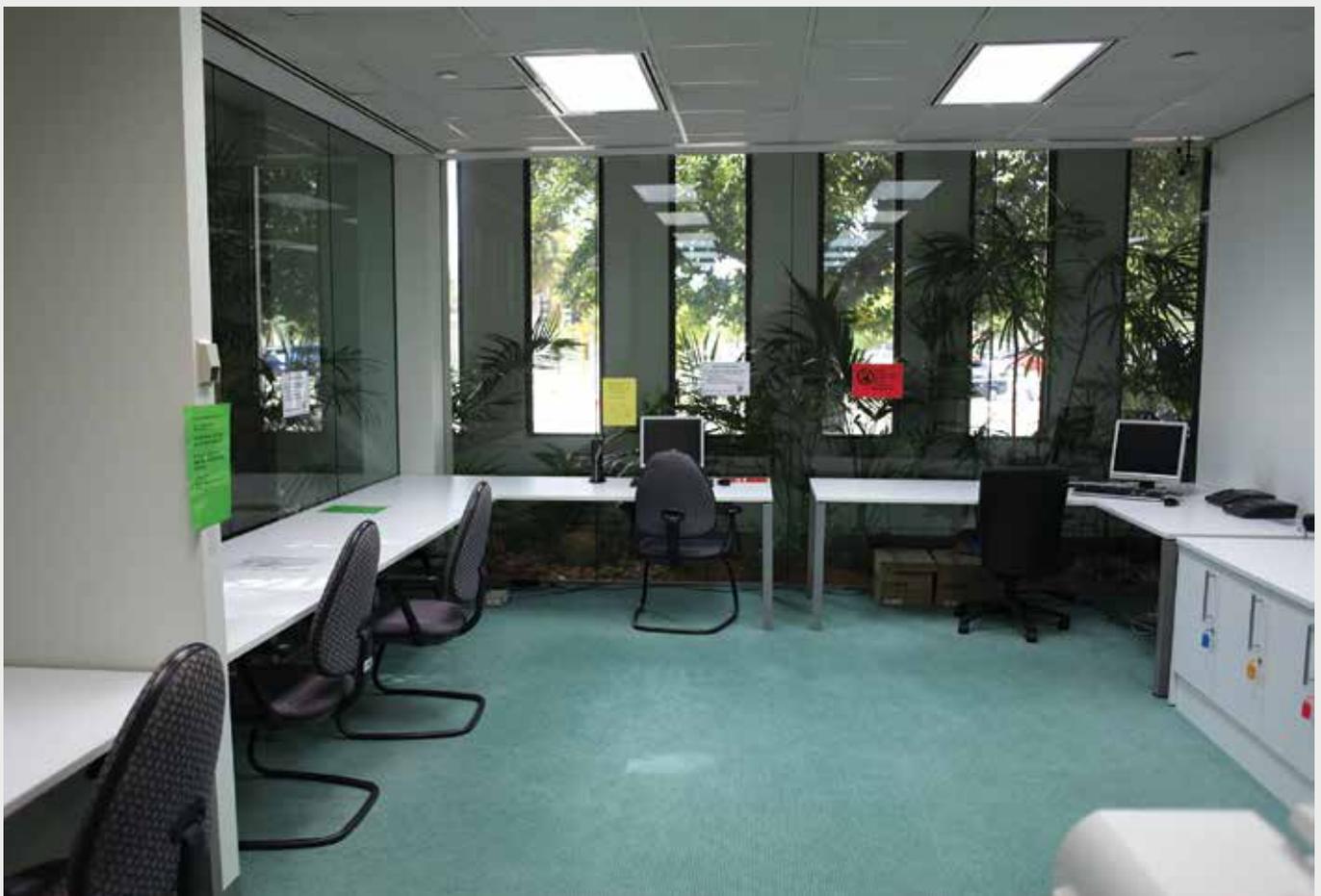
- Updates to the definitions of family violence and child abuse. The definitions now include a broader range of unacceptable behaviours such as physical and emotional abuse and the exposure of children to family violence;

- Removing disincentives to disclosing family violence to the Court; and
- Ensuring the safety of children is prioritised in family law disputes.

It is expected that these amendments will be mirrored by amendments to the *Family Court Act 1997* (WA).

## Suicide Prevention Program

The Court made a formal commitment during the year under review to support the State Suicide Prevention Program. As part of this commitment, the Court will be offering training to staff who interact with potentially vulnerable clients.



### Protection and Care Project

Opportunities for improved cooperation between Family Courts and State and Territory child welfare authorities have been a point of discussion for a number of years. In 2011 the Commonwealth Attorney-General's Department provided funding to the Court to commence a project investigating such opportunities within the Western Australian setting.

During the year under review, the Court, the Children's Court of Western Australia, Legal Aid Western Australia and DCP contributed significant resources to this project. The discussions between interested agencies have been valuable and the Court looks forward to continuing the dialogue in the year ahead.

### Cognos Reporting Tool

Following the signing of a Memorandum of Understanding with the Family Court of Australia in 2010/11, the Court commenced use of a reporting tool called Cognos. During 2011/12 a number of new performance reports were created using the tool.

Cognos allows relevant data to be extracted on a monthly basis for both internal and departmental reporting. This Annual Review has utilised the Cognos reports, which have proven more accurate than those produced by earlier systems.

It should be noted that a slight variance may be seen in some figures compared to those which have been published in previous annual reviews. The transition to Cognos as the primary statistical reporting tool for the Court is an ongoing process, with the ultimate aim of having all performance indicators, both published and internal, utilise figures extracted through Cognos reports.

### PABX Replacement Project

The Court upgraded its Private Automatic Branch Exchange (PABX) telephone system and handsets in early 2011/12. This upgrade provides the Court with a range of automated recorded information and voice mail services. A wide range of statistical data is now integrated into the Court's reporting tool allowing the Court to monitor the number of incoming calls and wait periods.

### Customer Flow Management System

A customer flow management system was installed in the Level 1 reception area in late 2011/12. This ticketing system allows staff to better manage the many clients seeking assistance at the front counter, as well as monitoring and reporting on the number of clients served and the length of wait times. It provides customers with an option to select a stream of service to avoid waiting in queues, and extends to the volunteer JPs' service and Legal Aid's Duty Lawyer service.

### Electronic Learning Management System (ELMS)

The Court continues to progress the development of online courses via the Department's Enterprise Learning Management System (ELMS). A subpoena module was completed and published in 2011/12 and is available to all court staff via online training. This improved training tool ensures wider customer service knowledge to benefit clients. Further modules are planned over 2012/13. These modules cover a range of topics and training requirements.

### Adoption Records

The Court has completed a scanning project to ensure all adoption records are available electronically. Hard copy files will be moved to an offsite facility to ensure appropriate storage and security. A Memorandum of Understanding was signed with the Department for Child Protection to allow DCP staff to view electronic copies of adoption records. This has resulted in a more efficient turnaround in provision of such records.

# FUTURE DIRECTIONS

The Court has identified initiatives to ensure continued service improvement. These include:

## Time to Trial

The Court will continue its efforts to address the delay in matters reaching trial in 2012/13, including continuing its focus on increasing the use of magistrates in hearing trials.

## Protection and Care Jurisdiction

With a report on the interaction of child-related proceedings in the FCWA and the protection and care jurisdiction of the Children's Court of Western Australia expected in 2012/13, the Court will be giving consideration to the report's findings and recommendations.

## Accommodation Planning

The need to appoint acting judicial officers during the year under review has highlighted concerns regarding the adequacy of the Court's existing accommodation. Additional accommodation is required to ensure judicial officers are able to list matters when required without being limited by the availability of appropriate conference rooms or courtrooms. Analysis of utilisation levels and workload trends will be progressed in 2012/13 with a view to providing forecasts on the Court's accommodation requirements.

## Website Update

Work will continue on the updating and redesign of the Court's website.

## E-Filing and Casetrack

The Court now provides E-filing of divorce applications and of limited supplementary documents via the Commonwealth Courts Portal. Further important enhancements are expected in 2012/13.



## Audio Visual over Internet Protocol Pilot Program

The Court is piloting an Audio Visual over Internet Protocol pilot program. This will allow a party to take part in proceedings from a remote location, and will be of particular use in cases where it is not appropriate for a party to be in the same courtroom as the other party.

## Upgrade of the Digital Recording System

With the aging of the Court's Digital Recording System, plans are in place for its replacement over 2012/13. The replacement will ensure the provision of recordings and transcripts of court proceedings will be maintained, allowing cases to be progressed and the current level of service for provision of transcripts and access to recordings to continue.

## Collaboration with Legal Aid Western Australia

Over 2012/13 the Court will be collaborating with Legal Aid to develop a family law DVD.

FAMILY COURT OF WESTERN AUSTRALIA



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