



FAMILY COURT OF
WESTERN AUSTRALIA

Family Court of Western Australia
Annual Review

2017

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FROM THE CHIEF JUDGE

I am pleased to present the review of the work of the Family Court of Western Australia for the year ending 31 December 2017.

2017 was a difficult year but there were some positive developments toward the end of the year following recognition by Government of the problems facing the Court. Ongoing effort and resources are nevertheless needed to deal with the backlog that has built up as a result of increased demand for services in recent years.

Accommodation needs

I have written in the last three annual reviews about our pressing need for more courtrooms. This issue remains unresolved and continues to have a most deleterious impact on our efficiency.

With increased judicial resources, it has sometimes been impossible to list matters due to the unavailability of a suitable courtroom, even though we make every effort to use space in other courts in the CBD.

I am hopeful that progress will be made in the year ahead with our proposal for the Federal Government to provide the funds to build the new courtrooms which are so badly needed not only by us but also by other courts using the Peter Durack Commonwealth Courts Building.

Increase in workload

Last year's Annual Review recorded an unprecedented increase in the Court's workload. For example, it was noted that there had been a 7.3% increase in applications for parenting orders, bringing the growth in the last five years to 27.6%. Fortunately, there was a decrease in the filing of such applications during 2017, but the Court continues to struggle with the backlog of work built up by higher than usual filings in recent years.

Notwithstanding the considerable increase in workload in recent years, the clearance ratio increased significantly in 2017 - with a clearance rate of 100.1% achieved. On the other hand, wait times also returned to levels that are not acceptable to us and those who use our services.

Availability of judges

Two significant matters impacted severely on the capacity of the Court to deal with its workload during 2017.

First, Justice Walters was unwell throughout the year. His Honour could therefore not be listed to hear any new trials although he was able to finalise some outstanding matters and complete reserved judgments as his health permitted.

Secondly, I took on the role of the Senior Judge of the Appeal Division of the Family Court of Australia in March

2017. The workload associated with that task was such that I was unavailable to hear trials (albeit my capacity to do so was already reduced as a result of my administrative responsibilities and my work as a permanent member of the Appeal Division).

The Federal Government recognised the need for additional resources to be provided to the Court in order to deal with the increase in wait times associated with the unavailability of two of the five judges. I was therefore most grateful to both the Federal and State Governments for taking action which resulted in the appointment of long-serving Magistrate Alan Moroni as an Acting Judge of the Court for a period of 12 months commencing in October 2017. The benefits associated with that appointment will be evident in next year's annual report.

Retirement of Principal Registrar

Principal Registrar David Monaghan retired with effect from 8 September 2017, having served the Court and its clients for 22 years after his appointment in 1995.

During his time at the Court, Mr Monaghan was a Registrar, Magistrate and ultimately the Principal Registrar, serving in the latter capacity since 2004.

Mr Monaghan made a very significant contribution to the Court and to the people of Western Australia. I am personally extremely grateful to him for the unfailing assistance he provided to me, both in my former capacity as the Principal Registrar and later as the Chief Judge.

It is difficult to single out the most important of the contributions his Honour made, but I consider the one of most enduring value to the community is likely to be his work in creating effective working relationships and information sharing protocols with local agencies.

All of the judicial officers and staff of the Family Court join with me in thanking Mr Monaghan for his contribution and camaraderie and wish him well in his new career.

Judicial appointments

Magistrate Gail Sutherland was appointed as the Principal Registrar following a selection process after the resignation of Principal Registrar Monaghan.

Her Honour joined the Court as a Registrar in 2009 and was soon appointed as a Magistrate. She has a wealth of legal and other experience and has been particularly valuable in steering us toward a fully electronic future.

Mr Eric Martino was appointed as a Magistrate on 2 October 2017 to replace Magistrate Sutherland upon her appointment as Principal Registrar. At the time of his appointment, Mr Martino was a partner in a leading firm in Perth and was acknowledged as a Family Law Specialist.

Former Justice Julianne Penny and former Magistrate Jill Vander Wal both stepped in during the year to provide relief as an Acting Judge and Acting Registrar respectively, for which I was most grateful. Theirs and other appointments once again demonstrate the flexibility available to state courts.

Two senior lawyers from Legal Aid WA, Ms Robin Cohen and Mr Andrew Mackey, were appointed as Acting Magistrates in October 2017 for terms of one year. One of the appointments covers Magistrate Moroni while he is an Acting Judge and the other appointment was made from existing resources to deal with the backlog of work.

Registrar Laura De Maio resigned during the year to return to the private profession. I thank her for her many years of service both as a Registrar and a Magistrate. In addition to the work directly associated with those two offices, Ms De Maio provided much valuable assistance in projects and “behind the scenes” work for the Court.

Justices of the Peace

Many thanks again to our Justices of the Peace who volunteer every day to witness documents and assist our clients to ensure their paperwork is in order. Last year, between them, they witnessed over 20,000 documents, making the Family Court one of the busiest signing centres of legal documents in Western Australia.

Special thanks

The end of this year marked my 21st year at the Court and my 11th year as the Chief Judge. I extend special thanks to Court staff, managers, family consultants and judiciary for their outstanding efforts in 2017. I am constantly inspired and energised by their skill, hard work and camaraderie. It is an honour to lead a group of people who serve the people of Western Australia with such dedication.

Justice Stephen Thackray
Chief Judge
Family Court of Western Australia

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, magistrates and registrars. It deals primarily with disputes arising out of relationship breakdowns. The work of the Court is supported by a specialist team of family consultants in the Family Court Counselling and Consultancy Service.

The Department of Justice (WA) provides administrative and logistical support for the Court.

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 five major regional centres:

Albany
Broome
Bunbury
Geraldton
Kalgoorlie

The FCWA Family Law Magistrates provide support and advice to country magistrates and conduct regular circuits to the five regional centres. The judges circuit to the same centres as required, hearing defended matters. Bunbury continues to be the busiest regional circuit, accounting for over 60% of circuit hearings held.

OUR BUDGET

Funding for the FCWA is principally sourced through a grant from the Commonwealth Government, which is provided annually to the Western Australian Government. The WA Government provides limited funding for disputes brought under State legislation dealing with property disputes between de facto couples.

WORKLOAD SUMMARY

| Primary Applications | Received | Finalised |
|--|---------------|---------------|
| Initiating Applications for Final Orders | 2,834 | 2,838 |
| Applications for Interim Orders | 5,059 | 4,824 |
| Divorce Applications | 5,341 | 5,760 |
| Applications for Consent Orders | 2,118 | 2,204 |
| Total | 15,352 | 15,626 |

OUR JUDICIARY

As at 31 December 2017

Chief Judge

The Honourable Justice Stephen Thackray

Judges

The Honourable Justice Simon Moncrieff
The Honourable Justice John Walters
The Honourable Justice Susan Duncanson
The Honourable Justice Richard O'Brien
His Honour Acting Judge Alan Moroni (appointed 2 October 2017)

Principal Registrar

Magistrate Gail Sutherland

Magistrates / Registrars

Magistrate Annette Andrews
Magistrate Elizabeth Stewart
Magistrate Francine Walter
Magistrate Mark Calverley
Magistrate Colin Kaeser
Magistrate Ciara Tyson
Magistrate Catherine Osborn
Magistrate Eric Martino (appointed 2 October 2017)
Acting Magistrate Robin Cohen (appointed 2 October 2017)
Acting Magistrate Andrew Mackey (appointed 2 October 2017)
Registrar Thomas Kuurstra
Registrar Leonie Forrest

OUR PEOPLE

The approved FTE (128.9) for 2017 was allocated as follows:

| | |
|-------|-------------------------------------|
| 5.75 | Judges |
| 10 | Magistrates |
| 1 | Acting Magistrate |
| 3 | Registrars |
| 89.8 | Registry and support staff |
| 19.35 | Family consultant and support staff |

NEW WORKLOAD

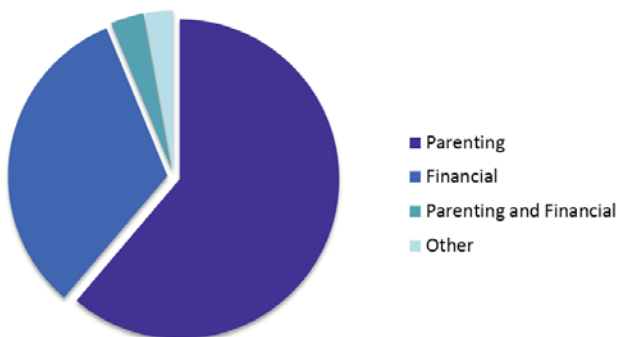
Initiating Applications for Final Orders and Applications for Interim Orders

Initiating applications for final orders and related applications for interim orders are the Court's most resource intensive application types. Lodgment of these application types decreased 5.6% for 2017, though remain 11.5% higher than 2013.

Parenting-only orders continued to be the most commonly sought order when commencing an application for final orders, accounting for 61.2% of applications lodged. 1,735 of these applications were lodged in 2017, a decrease of 8.7% on 2016, and an 11% increase on 2013. The high proportion of parenting applications has a profound impact on the Court's workload, as additional time and resources are dedicated to assessing the best interests of the children when making orders.

Legislation provides for parties to undertake a Family Dispute Resolution (FDR) process prior to commencing parenting proceedings, but there are a number of grounds on which parties may be exempted from attending FDR - and there is no mechanism in other cases to ensure that both parties attend. In 2017, both parties had attended FDR in only about 15% of cases where an application was made for parenting orders. In all other cases a ground for exemption had been established or a certificate from a family dispute resolution practitioner was filed advising that only one party had attended for FDR or alternatively that FDR was deemed inappropriate.

GRAPH 1 - Final order applications by orders sought at lodgment



ACTIVE WORKLOAD

Applications that remain on hand at the end of the financial year constitute the Court's active workload. While there was a significant reduction in the number of divorce applications and applications for consent orders on hand at the end of 2017, these are the least resource intensive of the Court's workload. The reduction in the number of such applications on hand is attributable to the reduction in lodgments and the engagement of a third Registrar during the year.

Last year the Court noted a troubling increase in final and interim order applications on hand, with these application types being the most resource intensive of the Court's primary application types. This year interim order

Other Applications

The Court's other key application types are consent order applications (where parties apply jointly to the Court) and divorce applications.

During 2017 the Court received:

- 5,341 divorce applications, a decrease of 2.8% from 2016, and a 7.8% increase on 2013. Of these applications:
 - 44.8% were lodged jointly by both parties, compared to 48.1% in 2016; and
 - 60.2% were filed electronically, compared to 33.5% in 2016.
- 2,118 consent order applications, a decrease of 10.9% from 2016, and a 17.4% decrease from 2013. Unlike applications for final orders, which have a high proportion of parenting issues, consent orders are predominantly sought to formalise financial agreements. This year 83.2% of consent order applications sought orders in relation to financial issues only.

Self-representation

Many parties engaging with the Court do not have legal representation, either by choice or due to financial constraints. The Court is mindful that this can put parties at a disadvantage and cause difficulties in understanding and complying with court processes and orders. This in turn can delay and complicate the progress of matters through the Court. The Court maintains a range of guides designed to ensure that self-represented parties are able to effectively participate in the process, and are aware of their options for seeking legal advice.

The table below details the percentage of applications filed by self-represented litigants:

TABLE 1 - Self-Representation

| | | 2017 | 2016 |
|---------------|-------------------------|-------|-------|
| Final Order | Parenting | 52.3% | 48.3% |
| | Financial | 25.3% | 24.4% |
| | Parenting and Financial | 29.2% | 31.2% |
| Consent Order | Parenting | 63.4% | 52.7% |
| | Financial | 42.7% | 42.6% |
| | Parenting and Financial | 45.7% | 43.4% |
| Divorce | | 81.7% | 81.2% |

applications on hand continued to increase, though final order applications decreased slightly, reducing by 0.3%.

TABLE 2 - Primary Applications on Hand

| | 2017 | Change from 2016 | Change from 2013 |
|---------------|-------|------------------|------------------|
| Final Order | 4,408 | -0.3% | 20.2% |
| Interim Order | 5,075 | 4.6% | 52.8% |
| Divorce | 1,296 | -24.3% | -4.2% |
| Consent Order | 332 | -20.0% | -11.2% |

73.8% of the applications for final orders on hand are seeking parenting orders, either alone or in combination with financial orders.

COURT PERFORMANCE

Clearance Rate

The Court's clearance rate (finalisations as a percentage of filings) is a measure of whether the Court is keeping up with its workload.

A clearance rate of 100.1% was seen for applications for final orders, a considerable increase from the 86.8% clearance rate achieved in 2016. The higher clearance rate reflects the combined effect of the reduction in lodgments, and a 6.1% increase in the number of these applications finalised by the Court.

Time to Finalisation for Non-Trial Matters

The Court's Key Performance Indicator (KPI) is its median time to non-trial finalisation for final order matters. These constitute the majority of final order applications finalised, with 86.8% of these applications finalised by the Court before the matter reached trial.

The KPI for 2017 stood at 43 weeks against the target of 27 weeks. This is an increase of 4 weeks from 2016. The median for parenting-only matters is 45 weeks, compared to 38 weeks for financial-only matters.

The over target result is associated with:

- The reallocation of magistrates to trial work, thus decreasing court availability for interim hearings;
- An increase in the number of KPI finalisations, particularly for parenting applications. The number of KPI parenting finalisations (including applications seeking both parenting and financial orders) increased 15.3% since 2016 and 51.6% since 2013. This growth is associated with the long term increase in lodgments, and the introduction of a more comprehensive docket system in 2012-13 which reduced the number of matters being deemed finalised; and
- Increasing complexity in the issues involved in parenting cases (refer to page 8 for further discussion of these trends).

TABLE 3 - Median Weeks to KPI Finalisation

| | 2017 | Change from 2016 | Change from 2013 |
|-----------|------|------------------|------------------|
| Parenting | 45 | 2.3% | 28.6% |
| Financial | 38 | 15.2% | 22.6% |
| Overall | 43 | 10.3% | 30.3% |

TABLE 4 - Count of KPI Finalisations

| | 2017 | Change from 2016 | Change from 2013 |
|-----------|-------|------------------|------------------|
| Parenting | 1,337 | 15.8% | 54.7% |
| Financial | 696 | -2.2% | 12.8% |
| Overall | 2,235 | 7.8% | 32.0% |

Counting Rule Note:

The KPI calculation is based on the time between filing and court-ordered finalisation for all initiating applications for final orders that did not proceed to trial, excluding matters that were deemed finalised after a year of inactivity. Matters with prolonged inactivity are excluded to provide a more accurate representation of the Court's performance, as parties may agree to suspend their proceeding before a final determination is made.

Time to Trial

The year under review saw the median time to trial increase 9.5 weeks to 97 weeks. In parenting-only matters, the median time was 100 weeks, while the median time for financial-only matters was 91.5 weeks.

TABLE 5 - Median Weeks to Trial

| | 2017 | Change from 2016 | Change from 2013 |
|-----------|------|------------------|------------------|
| Parenting | 100 | 9.9% | 22% |
| Financial | 91.5 | 18.8% | -4.7% |
| Overall | 97 | 10.9% | 2.1% |

The Court recognises the importance of trial timeliness, and applies its own internal performance targets, being 52 weeks for parenting-only trials and 60 weeks for financial-only trials.

Based on these internal targets:

- 15% of parenting-only matters reached trial within target, compared to 23% in 2016; and
- 8% of financial-only matters reached trial within target, compared to 25% in 2016.

While these figures demonstrate capacity to allocate a trial date for urgent matters within an acceptable timeframe, the Court is concerned by both the increased time to trial and reduced proportion of matters reaching trial within the target time. The Court is committed to exploring how changes in practice and legislation can help reduce the delays, but considers adequate resourcing, particularly judicial, accommodation and technological resourcing, as central to increasing its capacity to deal with matters effectively and efficiently.

As noted in the Chief Judge's commentary, 2017 was a challenging year for the Court, though some advances were made in October 2017 in terms of judicial resourcing. These additional resources contributed to an increase in the number of trials commenced (as detailed in table 6) with the most notable growth seen in trials heard by magistrates due to the allocation of a third magistrate to trials for part of the year. The Court continues to advocate for increased resourcing to ensure it can deliver a timely service to the Western Australian community.

TABLE 6 - Final Order Application Trials Commenced

| | 2017 | Change from 2016 | Change from 2013 |
|---------------------|------|------------------|------------------|
| Judge Presided | 140 | 8.5% | 3.7% |
| Magistrate Presided | 233 | 44.7% | 50.3% |
| Total | 373 | 28.6% | 28.6% |

Other Work

In other key areas of Court activity:

- 37 applications were made for adoption and a further 35 made for ancillary applications under the *Adoption Act 1994* (WA). In total, 74 adoption related orders were made.
- 280 applications for Telecommunication Interception Warrants, including Stored Communication Warrants, were made. All judges have volunteered to deal with these applications, which often need to be heard on an urgent basis after hours.
- 8 watch list orders were made following after-hours referrals from Crisis Care.

TIME TO TRIAL CASE STUDY

The following is a case study of the progress to trial of a parenting and financial matter. It demonstrates the problems self-represented parties have communicating and negotiating in order to settle their matters by consent. It also demonstrates the delays caused by parties disengaging with proceedings, not complying with procedural orders, or when applications are made for parties to be represented by non-parties. Both parties were self-represented throughout the course of the proceedings.

October 2015

Party A (“[A]”) commenced property and child related proceedings against Party B (“[B]”). [A] sought the immediate sale of the family home and division of the sale proceeds as well as a final property division. [A] also sought that the parties’ children live with her, and that they spend time on alternate weekends with [B].

December 2015

The parties had their first court appearance in the [Child Related Proceedings List](#). The parties agreed to interim orders in relation to the children as well as to the sale of the home. Orders were also made for [B] to file his responding Application, Financial Statement and Case Information Affidavit by March. The parties were ordered to file Conciliation Conference Particulars and attend a Conciliation Conference to attempt to mutually settle their financial dispute.

The Child Related Proceedings List is the first court event for applications involving children. Upon hearing from the parties and the Family Consultant, the Judicial Officer determines what steps are required to progress the matter to resolution with or without the courts’ help, as well as addressing any immediate risk issues e.g. whether further mediation is required, whether an interim hearing is needed to determine an issue, or whether appropriate orders need to be made regarding allegations of child abuse and/or family violence.

April 2016

The parties attended a Conciliation Conference in an attempt to settle the financial proceedings. Neither party had filed their [Conference Particulars](#). [B] had not filed any documents with the court as per the orders made in December. However, the parties were able to reach agreement in principle with the assistance of a Registrar to settle their financial proceedings and the terms of it were noted. A procedural conference was then listed for June to allow the parties to prepare a minute of consent orders in the terms agreed, and for directions to be made for the child related proceedings if those had not settled within that time.

Conference Particulars set out each party’s financial circumstances as well as what they propose to resolve the dispute. This allows for a Registrar to facilitate a Conference. The aim is to resolve the dispute by agreement.

June 2016

[B] did not attend the Procedural Conference due to being hospitalised and had not filed his responding documents as ordered in December. [A] stated at the Conference she no longer agreed to the terms that would finalise financial proceedings from the April Conference. The Registrar listed the matter to a Readiness Hearing in November and made procedural orders to prepare the matter for trial. After receiving correspondence from [B] regarding his illness, the court advised [B] to seek legal advice regarding the future of the proceedings and the possible appointment of a [Case Guardian](#).

If a party to proceedings has a disability they or someone else may seek they be represented by a case guardian. A case guardian must be able to fairly and competently conduct the case on the party’s behalf and must not have an interest in the proceedings that may be adverse to that party.

November 2016

In preparation for the Readiness Hearing [A] filed her necessary trial documents. However, in early November, [B] made an application to vacate the Readiness Hearing stating he was mentally unfit to participate in legal proceedings. He had still not filed any of the documents that he was ordered to file in December of the previous year. Orders were made that if [B] did not file the documents that he was ordered to file in December 2015 by January 2017, or file an application to appoint a case guardian, then [A] could [proceed undefended](#).

Proceedings may be listed to an undefended hearing for a final determination if a responding party does not attend hearings or fails to comply with procedural orders such as the filing of court documents.

January 2017

The parties attended a directions hearing in January. [B] had filed his documents several days late but was granted leave for them to be filed. He also filed an application to have a case guardian appointed. The affidavit he filed did not contain adequate evidence of the current state of his medical condition which he sought to rely upon to have a guardian appointed. [B] was then given leave to file further evidence before a hearing in April 2017.

April 2017

[B] did not file any further evidence for the April hearing. [A] had filed an affidavit opposing the appointment of the case guardian as she believed [B] could participate effectively in the legal proceedings and that the intended case guardian had a financial interest in the proceedings. The application for a case guardian was dismissed and the proceedings were adjourned to a further Readiness Hearing in June.

June 2017

The parties finalised the child related proceedings by consent at the Readiness Hearing. Orders were made for the parties to file their material for a final hearing (trial) in relation to financial proceedings in August.

August 2017

On the first day of trial [B] made an oral application for a non-lawyer third party to act on his behalf. The application was dismissed and the trial proceeded.

October 2017

Judgment was delivered but [B] did not attend. As notice was required to be given to [B] due to the nature of the orders, orders could not be made on that day. The proceedings were adjourned to December.

December 2017

Both parties attended court on the adjourned date. Orders were made in terms of the judgment ending the financial relationship between the parties and finalising the proceedings.

APPEALS

There were 34 appeals to the Family Court of Australia filed in Western Australia during the 2017 calendar year (in addition to those pending at the commencement of the year), and 15 applications seeking an extension of time in which to appeal.

Of the appeals finalised in 2017 by the Full Court of the Family Court of Australia, 1 appeal was allowed, 2 were allowed in part, and 4 were dismissed. One cross-appeal was allowed in part and one cross-appeal was dismissed. Of the appeals finalised in 2017 where the jurisdiction of the Family Court of Australia was delegated to and exercised by a single judge, 1 appeal was allowed and 4 were dismissed. There were 20 appeals discontinued or abandoned.

Of the applications made to the Family Court of Australia, filed in Western Australia, seeking an extension of time in which to appeal and which were finalised during the year, 1 was allowed and 5 were dismissed.

Appeals under the *Family Court Act 1997* (WA) from orders of a judge exercising non-federal jurisdiction and from final orders of a Family Law Magistrate exercising non-federal jurisdiction are heard by the Court of Appeal

of the Supreme Court of Western Australia. Of the appeals which were finalised in 2017, none were allowed, 1 was discontinued and 4 were dismissed.

All appeals filed in Western Australia against a decision of a magistrate exercising non-federal jurisdiction or an interlocutory decision of a Family Law Magistrate exercising non-federal jurisdiction are heard by the Family Court of Western Australia.

As a result of the decision of the Court of Appeal in *CDW v LVE* [2015] WASCA 247 most orders made in parenting cases by a Family Law Magistrate, even those which conclude the proceedings between the parties, are now to be regarded as interlocutory orders (because "... the decision of the magistrate cannot be said to have finally determined the rights of the parties in relation to the parenting orders governing the upbringing of their child."). The consequence of this is that in parenting cases most appeals from Family Law Magistrates are now dealt with by the Family Court of Western Australia.

Of the appeals to the Family Court of Western Australia from a decision of a magistrate finalised in 2017, 5 were dismissed and none were allowed.



COUNSELLING AND CONSULTANCY SERVICE

The Family Court Counselling and Consultancy Service (FCCCS) is involved in Family Court child related proceedings. A FCCCS Family Consultant attends the Child Related Proceedings List (CRPL) which is the first hearing for most parenting matters. This sees FCCCS conduct a preliminary assessment for the majority of parenting cases in Court, along with advice to the magistrate on case management issues and cases that are appropriate for FCCCS involvement.

Following their attendance at a CRPL, a Family Consultant may provide further case management support, including convening and undertaking activities such as Case Assessment Conferences (CAC), Child Dispute Conferences (CDC), Child Inclusive Conferences and Family Reports. The aim is to assist parents to negotiate sustainable child-focused arrangements and address issues affecting their parenting.

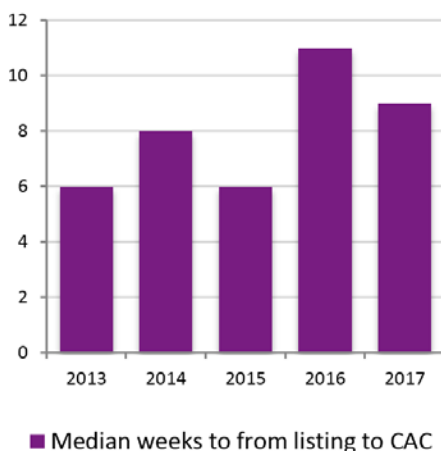
In 2017, FCCCS attended 1,975 CRPL hearings. For the previous year, there were 2,039 CRPL hearings and the reduction is consistent with the changes to application numbers that the Family Court of WA received over 2017.

Case Assessment Conference (CAC)

In total, 1,102 CACs were conducted during the year, which is consistent with the previous year (1,087). In addition, there were 382 CDCs (last year was 413) and 115 Family Reports (last year was 88). It is noted that the total of FCCCS out of Court activities remains consistent and CACs continue to be the majority of FCCCS out of Court activities.

The median weeks to CAC at January 2018 was 9 weeks. Over 2017, the CAC timeframes changed significantly, going as high as 16 weeks in January 2017 to 8 weeks from August to December 2017. The increase was mainly due to unexpected staffing changes where backfill for positions was delayed. Fortunately, the strategies used to address the issue proved to have a positive impact and thus reduce the CAC wait times.

GRAPH 2 - Median Weeks from Listing to CAC



Risks Identified at CAC

In completing a CAC, the Family Consultant identifies and assesses a number of risks such as family and domestic violence, child abuse, alcohol and/or substance abuse and mental health. In the majority of CACs there was at least one risk identified.

During a CAC, assessing the nature and type of risk a family presents with is a critical early intervention focus. In 2017, the risks identified by a Family Consultant at CAC included the following:

- Family and domestic violence 85% (previous year was 83.5%)
- Alcohol and/or substance abuse 73.3% (previous year was 73.3%)
- Child abuse 68.1% (previous year was 67.4%)
- Mental health 64% (previous year was 62.4%)

TABLE 7 - Count of Risk Identifications at CAC

| | 2017 | Change from 2016 | Change from 2013 |
|----------------------------|------|------------------|------------------|
| Family / Domestic Violence | 870 | 1.8% | 6.9% |
| Child Abuse | 697 | 1.0% | 11.2% |
| Alcohol / Substance Abuse | 750 | 0.0% | 10.0% |
| Mental Health | 655 | 2.6% | 11.2% |

Stakeholder Relationships

The involvement and engagement of stakeholders and services involved in FCCCS matters continues to be an integral component to ensure better involvement, referral, and feedback for all parties and support services.

The Department of Communities, Child Protection and Family Support Division (Communities) is a key stakeholder within the Court with a Child Protection Consultant located in FCCCS and working on matters where there has been a Notice of Child Abuse or Family Violence (or Risk). Communities' presence in the Court enables sharing of information and collaboration in the management of highly complex cases.

In 2017, the number of Notice of Child Abuse or Family Violence (or Risk) forms lodged was 907 which is 2 less than the previous year. Of the 907, 759 were the 'first' instance of this form being lodged on an application, a slight reduction on the 779 of the previous year. These figures indicate that, over the past year, there has been little change to the number of Notice of Child Abuse or Family Violence (or Risk) forms even though the Court has reported a decrease in the number of parenting final order applications being lodged.

OUR SERVICES

Information Sessions and Tours

Tours for departmental officers, law students and community agencies have been maintained. In 2017 the Manager of Customer Services conducted monthly court inductions and bimonthly “Walk in Their Shoes” tours.

The Walk in Their Shoes tour offers an opportunity for participants from a wide range of government and not-for-profit agencies, including WA Police, the Department of Child Protection and Family Support, Legal Aid WA, and family law support workers to learn more about the Court process and the complexities facing a self-represented litigant. The tour is a joint initiative between the Court, Legal Aid WA and the WA Family Pathways Network, with the administration undertaken by WA Family Pathways.

Website and Publications

The Court’s website continues to be an effective means of providing information to litigants and legal practitioners. The website offers a range of information, including Court listings, procedural advice, links to legislation, anonymised judgments, access to forms, and links to outside agencies where clients can obtain further assistance. Forms and kits remain the most frequently viewed and downloaded items available on the website.

Commonwealth Courts Portal (CCP)

The Family Court of Australia, Federal Court of Australia and Federal Circuit Court, together with the FCWA, continue to develop and promote the CCP, which enables online inquiry about matters proceeding through the Court. Lawyers and self-represented litigants are able to view details about parties, documents filed and court events via the portal.

Child-Minding Service

A crèche service is offered for clients attending court or who have appointments with the Family Consultant. The service is well patronised with 1,158 attendances during the year.

Legal Aid WA Family Court Services

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

Legal Aid WA expanded their services to provide Family Advocacy and Support Services (FASS). FASS commenced operating in Perth on 31 March 2017 and provides specialist legal and social support services for families experiencing family violence. FASS services have also been provided during the regional Magistrates Court Circuits since October 2017.

Clients were referred to Legal Aid WA by judicial officers, family consultants and registry staff.

A total of 3,786 occasions of service were provided as follows:

- Duty Lawyer - 1,987
- Social Support - 245
- Information/referral to other services (including non-legal) - 1,554

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 very small but highly dedicated group of 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.

KEY EVENTS AND FUTURE DIRECTIONS

Digital Court Program

The Digital Court Program Project (DCPP) is well underway with the implementation of changes to commence over the coming year. The changes will provide a system that:

- a) is user friendly;
- b) allows for efficient case management; and
- c) better supports electronic communications and the lodgement of applications and documents between the Court and parties.

Parties who are registered for the Commonwealth Courts portal (CCP) have electronic access to their Family Court file. In July this was enhanced to allow the viewing of a sealed court order via the CCP. The Court continues to accept and process most divorce applications electronically.

Self Service Kiosk

The FCWA has a self-service kiosk area in its registry, providing an opportunity for parties without personal access to online services to access them at the Court, while also providing an alternative in some instances to waiting in line at the registry counter.

Website

A review of the Court's website is well underway. The aim is to have a website that is user friendly, easy to navigate, a useful source of information and a gateway for the lodgement of applications and documents electronically. The new website will be implemented in the first quarter of next year.



Statistical Note

Variances may be seen in some figures in this review compared to those which have been published in previous annual reviews. This is due primarily to the Court's housekeeping practices to ensure the accuracy of retrospective data, the ongoing refinement of the reports, and the underlying statistical model. Explanations for variances are provided where the revised historical figures differ significantly from those previously reported

FAMILY COURT OF WESTERN AUSTRALIA COMMITTEES 2017

Board of Management
Case Management Committee
Continuing Professional Education Committee
Indigenous Committee
Information Systems and Technology Committee
Library Committee
Occupational Health and Safety Committee
Post Callover Committee
Research Committee
Security and Violence Committee
Social and Wellness Committee

COMMITTEES INVOLVING EXTERNAL AGENCIES

CHIEF JUDGE'S CONSULTATIVE MEETING

Representatives from:

- FCWA & FCCCS
- Family Law Practitioners' Association

FAMILY LAW NETWORK

Representatives from:

- FCWA & FCCCS
- Numerous external agencies

FAMILY VIOLENCE COURT / FCWA PROTOCOLS

Representatives from:

- FCWA & FCCCS
- Department of Justice (Corrective Services)
- Family Violence Service
- Legal Aid WA
- Magistrates Court

FCWA / DCPFS / LAWA PROTOCOLS MEETING

Representatives from:

- FCWA & FCCCS
- Legal Aid WA
- Department for Communities

FCWA REFERENCE GROUP

Representatives from:

- FCWA & FCCCS
- Aboriginal Legal Service
- Anglicare
- ARCS Adoption Research & Counselling Service
- Centrecare
- Child and Adolescent Health Service
- Citizen's Advice Bureau
- Communicare
- Department for Communities
- Family Law Practitioners' Association
- Legal Aid WA
- Relationships Australia
- Women's Council Domestic and Family Violence
- Women's Law Centre

LEGAL AID WA FAMILY COURT SERVICES USER GROUP

Representatives from:

- FCWA & FCCCS
- Legal Aid WA
- Department for Communities
- Various members from the legal profession

