



FAMILY COURT OF
WESTERN AUSTRALIA

Family Court of Western Australia
Annual Review

2018

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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 2018.

Accommodation needs

Previous Annual Reviews have identified ongoing issues with the Court not having enough courtrooms in the Peter Durack Commonwealth Courts Building. This situation remains unresolved in 2018. The Court continues to use space in other courts in the Perth CBD. However, the inability to hold all hearings within the Court's premises continues to have not only a deleterious impact on our efficiency, but also detrimentally impacts on the ability of our clients to readily access other services located within the Court's premises, such as the Duty Lawyer Service operated by Legal Aid WA, FASS (the Family Advocacy and Support Services), which provides specialist services for families experiencing family violence, and the child minding service.

Increase in workload

The 2017 Annual Review recorded a decrease in the filing of final order and interim order applications. That decrease may have been a short term aberration, with 2018 returning to the previous trend of increasing numbers of such filings. 2018 saw a 9% increase in final order applications and a 5% increase in interim applications from the previous year. In raw terms, 2018 saw the highest number of final order applications (3,112) and interim applications (5,341) filed in the Court for any year in the past decade. Given the intensive resource nature of such applications, the increased filings have a significant impact on the Court's workload.

Pleasingly, the Court recorded a 3% increase (across all application types) in the number of matters actively finalised in 2018. This included an 8.5% increase in final order applications that were actively finalised and a 7.1% increase in interim applications that were actively finalised during the year. Nevertheless, the Court's overall clearance rate (finalisations as a percentage of filings) reduced from 100% in 2017 to 98% in 2018.

Retirement of Chief Judge

In August 2018, Chief Judge Stephen Thackray announced his retirement, with effect from 6 January 2019. His Honour commenced at the Court on 1 February 1997 as the Principal Registrar. He was appointed as an acting Judge of the Court on 1 September 2003, before being permanently appointed as a Judge on 2 September 2004. He was appointed as the Chief Judge of the Court on 9 February 2007. His Honour also served as a Judge of the Appeal Division of the Family Court of Australia from November 2006 until March 2018, including as the Senior Judge of the Appeal Division from March 2017.

In his nearly 22 years as a judicial officer, Chief Judge Thackray made an outstanding contribution in the area of family law. He is recognised as a leading jurist, both as a judge at first instance and as an appellate judge. He is also

renowned as a skilled judicial administrator and leader of the Court.

His Honour leaves an enduring legacy in the practice of family law in Australia. In particular, his leadership in recognising the value of, and then building, strong and effective working relationships and information sharing protocols with local agencies and other stakeholders in the family law system have been recognised around Australia as innovations of enormous significance to families engaged in the family law system, and their children in particular.

All of the judicial officers and staff of the Family Court join with me in thanking Chief Judge Thackray for his service and wish him well in his retirement.

Judicial and other appointments

2018 heralded a number of other significant changes in the judicial complement and senior management of the Court.

In January 2018, Registrar Leonie Forrest was re-appointed as a Registrar. Registrar Forrest has extensive family law experience, including starting her legal career as the legal associate to former Chief Judge Ian McCall. She was first appointed as a Registrar of the Court in 2013.

In January 2018, Registrar Andrzej Meysner was also appointed as a Registrar. Registrar Meysner also has extensive family law experience in Queensland and Western Australia, including as an Independent Children's Lawyer.

As mentioned in the 2017 Annual Review, Justice Walters continued to suffer from ill health in 2018. He retired, with effect from 15 February 2018. I acknowledge and thank his Honour for his years of service as a Judge of the Court and wish him well in his retirement.

On 12 February 2018, I was appointed as a Judge of the Court. To enable the selection process to take place to fill the positions of Magistrate / Principal Registrar left vacant by my appointment as a Judge:

- Magistrate Annette Andrews was appointed as the Acting Principal Registrar;
- Registrar Forrest was appointed as an Acting Magistrate until 1 October 2018, and as Deputy Principal Registrar; and
- Ms Jocelyn Connick, a senior lawyer with Legal Aid WA and who has extensive family law experience, was appointed as a Registrar on a short term basis.

On 1 October 2018, Magistrate Alan Moroni completed his 12 month appointment as an Acting Judge of the Court. On the same date, Acting Magistrate Robin Cohen and Acting Magistrate Andrew Mackay completed their 12 month appointments and returned to their roles as senior lawyers with Legal Aid WA. I acknowledge and thank Magistrate Moroni, Ms Cohen and Mr Mackay for all their valuable work during their acting appointments.

On 1 October 2018, Mr Paul Glass was appointed as a permanent Magistrate of the Court. Magistrate Glass has extensive family law experience. He previously practiced as a family law barrister and was a part time member of the Administrative Appeals Tribunal in Victoria.

In November 2018, the Court welcomed the appointment of Ms Teresa Tagliaferri as the Director of Court Counselling & Support Services. Ms Tagliaferri is no stranger to the Court or to the role, having acted in the position since July 2016.

The retirement of Chief Judge Thackray triggered a number of further appointments which were announced in December 2018, to take effect on 7 January 2019 as follows:

- I was appointed as the Chief Judge of the Court.
- Magistrate Ciara Tyson was appointed as a Judge of the Court. Her Honour has extensive experience as a family lawyer in Perth, Sydney and London, before she commenced as a Magistrate with the Court in 2015.
- Mr Neil Anderson was appointed as a permanent Magistrate of the Court. Magistrate Anderson also has extensive family law experience and at the time of his appointment, was the senior family law solicitor with the Aboriginal Legal Service in Western Australia.

Justices of the Peace

Thank you to the Justices of the Peace who volunteer every day to witness documents and assist our clients to ensure their paperwork is in order. In 2018 the Justices of the Peace served over 6,500 of our clients. Their assistance is invaluable and much appreciated.

New website

In May 2018 the Court launched its new website. Thank you to the all the judicial officers and Court staff who contributed to the development of the new user friendly website. The new website provides a valuable resource to clients and legal practitioners seeking information about the family law system generally, as well as the Court's processes.

Court governance

The management of the Court continues to be overseen by the Board of Management. The Board is greatly assisted by the various committees, which are listed later in this Annual Review. I acknowledge and thank the judicial officers, family consultants and members of staff for the work they do in the committees, in addition to their usual tasks. I also acknowledge and thank the support the Court receives from the Department of Justice, Legal Aid WA, the legal profession, the Family Pathways Network and service providers.

Finally I also thank all of the judicial officers, family consultants, managers and court staff for their dedication and commitment in continuing to meet the needs of our clients throughout the year.

Justice Gail Sutherland
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	3,112	3,039
Applications for Interim Orders	5,341	5,143
Divorce Applications	5,408	5,647
Applications for Consent Orders	2,213	2,163
Total	16,074	15,992

OUR JUDICIARY

As at 31 December 2018

Chief Judge

The Honourable Justice Stephen Thackray
(retiring 6 January 2019)

Judges

The Honourable Justice Simon Moncrieff
The Honourable Justice Susan Duncanson
The Honourable Justice Richard O'Brien
The Honourable Justice Gail Sutherland

Acting Principal Registrar

Magistrate Annette Andrews

Deputy Principal Registrar

Registrar Leonie Forrest

Magistrates / Registrars

Magistrate Alan Moroni
Magistrate Elizabeth Stewart
Magistrate Francine Walter
Magistrate Mark Calverley
Magistrate Colin Kaeser
Magistrate Ciara Tyson
Magistrate Catherine Osborn
Magistrate Eric Martino
Magistrate Paul Glass (appointed 1 October 2018)
Registrar Thomas Kuurstra (appointed on a part-time basis from 1 November 2018)
Registrar Andrzej Meysner (appointed 22 January 2018)
Registrar Jocelyn Connick (appointed 12 February 2018)

OUR PEOPLE

The approved FTE (126.9) for 2018 was allocated as follows:

5.30	Judges
10.30	Magistrates
3.00	Registrars
88.70	Registry and support staff
19.60	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.

Lodgement of final order applications increased 9% for 2018 compared to 2017.

Parenting-only orders continued to be the most commonly sought order when commencing an application for final orders, accounting for 59% of applications lodged. 1,824 of these applications were lodged in 2018, an increase of 4% on 2017, and a 10% increase on 2014. 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 both parties attend. In 2018, both parties had attended FDR in only about 13% 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 only one party had attended for FDR or alternatively that FDR was deemed inappropriate.

TABLE 1 - Applications Lodged

	2018	Change from 2017	Change from 2014
Final Order	3,112	9%	10%
Interim Order	5,341	5%	15%
Divorce	5,408	1%	3%
Consent Order	2,213	4%	-11%

Other Applications

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

During 2018 the Court received:

- 5,408 divorce applications, an increase of 1% from 2017, and a 3% increase on 2014. Of these applications:
 - 48% were lodged jointly by both parties, compared to 45% in 2017; and
 - 69% were filed electronically, compared to 60% in 2017.
- 2,213 consent order applications, an increase of 4% from 2017, and an 11% decrease from 2014. 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% 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 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 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 2 - Self-Representation

		2018	2017
Final Order	Parenting	48%	53%
	Financial	27%	26%
	Parenting and Financial	32%	29%
Consent Order	Parenting	57%	63%
	Financial	40%	43%
	Parenting and Financial	48%	47%
Divorce		81%	82%

ACTIVE WORKLOAD

Applications that remain on hand at the end of the financial year constitute the Court's active workload. Changes in final and interim applications on hand are of particular interest, as these are the most resource intensive of the Court's primary application types.

Despite the reported growth in final and interim order applications lodged, an increase in the number of these applications finalised moderated the growth of those on hand to 1% and 3% respectively.

TABLE 3 - Primary Applications on Hand

	2018	Change from 2017	Change from 2014
Final Order	4,458	1%	20%
Interim Order	5,217	3%	37%
Divorce	1,082	-17%	-41%
Consent Order	385	16%	2%

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 98% was seen for applications for final orders, a slight decrease from the 100% clearance rate achieved in 2017. The lower clearance rate reflects the combined effect of the 9% increase in lodgements against a 7% 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 87% of these applications finalised by the Court before the matter reached trial.

The KPI for 2018 stood at 46 weeks against the target of 27 weeks. This is an increase of 3 weeks from 2017. The median for parenting-only matters was 47 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 9% since 2017 and 42% since 2014. This growth is associated with the long term increase in lodgements, 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 9 for further discussion of these trends).

TABLE 4 - Median Weeks to KPI Finalisation

	2018	Change from 2017	Change from 2014
Parenting	47	4%	27%
Financial	38	0%	19%
Overall	46	7%	31%

TABLE 5 - Count of KPI Finalisations

	2018	Change from 2017	Change from 2014
Parenting	1,447	8%	40%
Financial	752	7%	17%
Overall	2,444	9%	28%

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 remain stable at 97 weeks. In parenting-only matters, the median time was 100 weeks, while the median time for financial-only matters was 85 weeks.

TABLE 6 - Median Weeks to Trial

	2018	Change from 2017	Change from 2014
Parenting	100	0%	32%
Financial	85	-7%	5%
Overall	97	0%	20%

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:

- 17% of parenting-only matters reached trial within target, compared to 15% in 2017; and
- 12% of financial-only matters reached trial within target, compared to 8% in 2017.

While these figures demonstrate capacity to allocate a trial date for urgent matters within an acceptable timeframe, the Court is concerned by both the long term increase in the time to trial and small 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.

Other Work

In other key areas of Court activity:

- 31 applications were made for adoption and a further 20 made for ancillary applications under the *Adoption Act 1994 (WA)*. In total, 51 adoption related orders were made.
- 408 applications for Telecommunication Interception Warrants; including Stored Communication Warrants and Surveillance Device Warrants, were made. Seven Telecommunication Interception Warrants were refused. All judges have volunteered to deal with these applications, which often need to be heard on an urgent basis after hours.
- 9 watch list orders were made following after-hours referrals from Crisis Care.

TIME TO TRIAL CASE STUDY

The following two case studies are examples of the progress to trial of interstate/international relocation matters, in circumstances where the parties did not attend family dispute resolution counselling prior to commencing the proceedings. The first case study demonstrates the delays that can be caused by parties not engaging fully with the proceedings and/or not complying with procedural orders. On the other hand, the second case study demonstrates the Court's ability to expedite a matter to trial, in appropriate circumstances.

Case Study 1

January 2017

Party A ("[A]") commenced child related proceedings against Party B ("[B]"). At the time [A] commenced proceedings, she was a self-represented litigant. The parties did not attend family dispute resolution prior to [A] initiating proceedings; however [A] filed an exemption form on the basis the proceedings were of such urgency she shouldn't be required to obtain a certificate from a Family Dispute Resolution Practitioner.

[A] sought final orders that the parties' children live with her. [A] also sought orders on an [urgent ex parte basis](#) for [B] to deliver up the children to her and for a Recovery Order to issue.

The proceedings were heard the following day and a Recovery Order was issued. [A] was ordered to serve her initiating court documents on [B].

An ex parte hearing is a hearing where one party is not present and has not been given notice of the application before the court. This kind of hearing is usually reserved for urgent cases when providing prior notice to the other party is not practical.

February 2017

The parties were to have their first general court appearance in the [Child Related Proceedings List](#). [A] did not attend the hearing. [B] was represented by solicitors at the hearing and throughout the proceedings. [B] sought to relocate with the children interstate. Accordingly, the proceedings were assigned to the [Complex Track](#) and allocated a [Judge Manager](#).

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.

Some proceedings are complex tracked and thereafter managed by a Judge. This will occur

where the case involves international or interstate relocation of a child; the case involves international issues such as jurisdiction; the case involves filicide or homicide; a family law magistrate does not have jurisdiction to hear the case; the estimated hearing time for the case is 6 days or more; or the case involves complication issues of fact, law or evidentiary material which would benefit from case management by a Judge.

[B] filed his Response to the Initiating Application and Case Information Affidavit. [B] also filed a Notice of Child Abuse or Family Violence. The proceedings were listed for a directions hearing to occur in April 2017; the parties were directed to confer on matters that could be agreed.

April 2017

[A] became represented by solicitors. The parties attended a [Case Assessment Conference](#) with a Family Consultant, to identify and narrow the issues in dispute. They agreed to undertake a drug urinalysis test, but otherwise, were unable to reach agreement. The parties then attended a directions hearing. Orders were made for the children to be independently represented by an [Independent Children's Lawyer](#) ("ICL") and for [A] to undergo hair follicle drug testing.

A Case Assessment Conference allows a family consultant to speak with each party to discuss parenting related issues, including any risks towards the child or other parties. After the Case Assessment Conference, the consultant will provide the Court with a summary noting any outcomes and recommendations.

An ICL is a lawyer appointed to represent and promote the best interests of a child. An order seeking to appoint an ICL is generally made in complex cases involving serious allegations of family violence and abuse or where there are other allegations that would seriously impact on the welfare of a child.

May 2017

The parties attended a further hearing for monitoring. The proceedings were adjourned generally for the [ICL] to seek the appointment of a [Single Expert Witness](#).

Where complex family relationship issues exist, the Court may grant the appointment of a Single Expert Witness. The SEW is generally a social

worker, child psychologist or psychiatrist who will meet with the parties and the children, and provide the Court with a comprehensive report. These help in informing the Court in making orders that are in the best interests of the children.

July 2017

The parties agreed to the terms for the appointment of a Single Expert Witness and orders were made in the terms of a consent minute.

September 2017

The parties agreed to interim parenting orders for [B] to spend time with the parties' children. The parties attended their interviews with the Single Expert Witness.

October 2017

[A] became self-represented.

December 2017

[B] filed an interim Application for the children to live with him and to relocate interstate pending the outcome of the proceedings. [A] did not file any documents in response.

January 2018

The matter was listed for a directions hearing. [A] did not attend. The hearing was adjourned and [A] was ordered to attend the adjourned hearing personally and file responding documents. [A] became represented by solicitors again.

February 2018

The Single Expert Witness interviewed the children. [A] attended the adjourned hearing, but failed to file responding documents; the hearing was adjourned. [A] filed responding documents.

March 2018

The matter was listed for a further hearing, but [A] again failed to attend; the hearing was adjourned.

April 2018

Both parties attended the hearing. The parties were ordered to attend a Readiness Hearing in July 2018 and procedural orders were made to prepare the matter for trial, including for the parties to file their trial affidavits. The matter was included in the Callover list for allocation of a trial date. [A] became self-represented again.

May 2018

The Single Expert Witness' report was published.

July 2018

Neither party filed their trial documents within time, or prior to the Readiness Hearing. Shortly thereafter, [B] filed his trial documents.

August 2018

The parties were advised of the allocation of a trial date, being in November 2018.

October 2018

The matter was listed for a directions hearing. [A] did not attend. An order was made for [A] to attend personally at the trial.

November 2018

Both parties attended the first day of trial. They reached an agreement and consent orders were made finalising the proceedings.

Case Study 2

Both parties were represented by solicitors throughout the proceedings.

October 2017

Party C ("[C]") commenced child related proceedings against Party D ("[D]"). The parties did not attend family dispute resolution prior to [C] initiating proceedings, however, [C] filed an exemption form on the basis the proceedings were of such urgency he shouldn't be required to obtain a certificate from a [Family Dispute Resolution](#) Practitioner and that one of the parties was unable to participate effectively in family dispute resolution.

Family dispute resolution is a process whereby a family dispute resolution practitioner assists people to try and resolve some or all of the issues in dispute.

[C] sought orders on an urgent ex parte basis that the child be placed on the Family Law Watch List and [D] be restrained from removing the child from the State or Commonwealth. [C] also sought to spend regular time with the child.

Orders were made on an ex parte basis to prevent the removal of the child from the State or Commonwealth. Orders were also made for [D] to file a Response to Initiating Application and Case Information Affidavit. [D] filed an Application in a Case to allow her to relocate to the United Kingdom. [D] also filed a Notice of Child Abuse or Family Violence.

November 2017

The matter was listed for an argument. Prior to the hearing, the parties reached agreement to resolve the interim issues and consent orders were made, including trial directions and orders permitting [D] to relocate with the child to the United Kingdom for a period of four months. A Readiness Hearing was listed for July 2018.

January 2018

[D] filed her Response to the Initiating Application and Case Information Affidavit. She sought to be permitted to remain in the United Kingdom with the child until just before the commencement of the trial and to otherwise permanently relocate with the child to the United Kingdom. The parties attended a procedural hearing and the matter was placed in the Complex Track.

March 2018

[C] filed his Response to an Application in a Case, seeking the dismissal of [D]'s Application. The parties attended a directions hearing. The Court was unable to list the parties' interim Applications for argument prior to the date [D] was ordered to return to Australia, and so the proceedings were listed to the earliest available hearing day, being in April 2018. However, the Court was able to expedite the proceedings to trial and a trial was listed for July 2018.

April 2018

The parties reached agreement regarding interim issues and consent orders were made. [D] agreed to return with the child to Perth pending the outcome of the trial and to [C] spending time with the child.

July 2018

The parties reached agreement to resolve the proceedings by consent prior to the trial. Orders were made on the first day of the trial to finalise the proceedings.

APPEALS

There are different appeal processes depending on:

- Whether state or federal jurisdiction is being exercised;
- Whether the decision was final or interlocutory; and
- Whether the decision was made by a Judge, Family Law Magistrate or other Magistrate.

The Full Court of the Family Court of Australia hears appeals from Judges and Family Law Magistrates exercising federal family law jurisdiction [that is: pursuant to the *Family Law Act 1975* (Cth)]. Information in relation to appeals to the Family Court of Australia is available at: www.familycourt.gov.au.

In relation to the exercise of non-federal family law jurisdiction [that is: pursuant to the *Family Court Act 1997* (WA)]: the Court of Appeal of the Supreme Court of

Western Australia hears appeals from Judges and appeals concerning final orders made by Family Law Magistrates. Information in relation to appeals to the Court of Appeal of the Supreme Court of Western Australia is available at: www.supremecourt.wa.gov.au.

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.

In 2018, there were 13 applications to the Family Court of Western Australia seeking leave to appeal interlocutory orders of Family Law Magistrates. Of the appeals filed in 2018 or previous years, 13 appeals were finalised in the year. Of the 13 finalised in 2018, 2 appeals were allowed, 10 were dismissed and 1 was discontinued.



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. The Family Consultant will undertake a preliminary assessment if needed and provide advice to the magistrate on parenting queries and to determine which cases may be appropriate for FCCCS involvement.

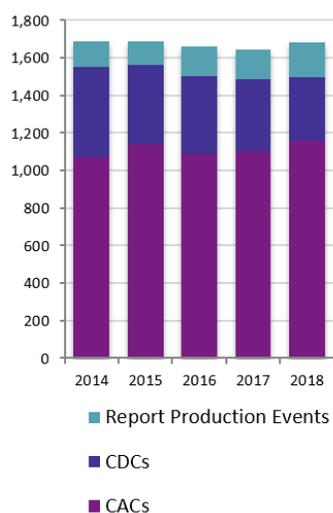
A Family Consultant may provide further case management support, including convening and undertaking activities such as Case Assessment Conferences (CAC), Child Dispute Conferences (CDC), Child Inclusive Conferences and Family Reports. The aim is to assist parents to negotiate sustainable child-focused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

In 2018, FCCCS attended 2,068 CRPL hearings. For the previous year, there were 1,974 CRPL hearings and the slight increase is consistent with the changes to application numbers that the Family Court of WA received over 2018.

Family Consultant Events

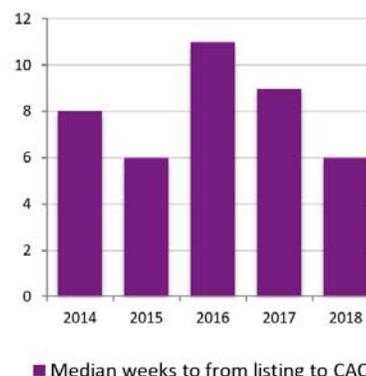
In total, FCCCS undertook 1,728 out of court events (the previous year was 1,716). This included 1,160 CAC's which is consistent with the previous year (1,102); 338 Child Dispute Conferences (last year was 382) and 149 Family Reports (last year was 115). It is noted that the total of FCCCS out of Court activities remains consistent and CACs continue to be the majority of FCCCS out of Court activities.

GRAPH 1 - FCCCS out of Court Events



The median weeks to CAC at the end of 2018 was six weeks, with four weeks reported for the last several months of 2018. CAC timeframes had been impacted in 2017 (with 16 weeks in January 2017) due to unexpected staffing changes where backfill for positions was delayed. Fortunately, over 2018 the CAC wait times have continued to reduce in positive response to the strategies used to address the issues.

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 risks presenting in families is a critical early intervention focus. In 2018, the following details the risks identified by a Family Consultant at CAC:

- Family and domestic violence 84% (previous year was 86%)
- Alcohol and/or substance abuse 75% (previous year was 74%)
- Child abuse 72% (previous year was 69%)
- Mental health 71% (previous year was 65%)

TABLE 7 - Count of Risk Identifications at CAC

	2018	Change from 2017	Change from 2014
Family / Domestic Violence	934	4%	13%
Child Abuse	798	9%	20%
Alcohol / Substance Abuse	834	7%	22%
Mental Health	788	14%	39%

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 2018, the number of Notice of Child Abuse or Family Violence (or Risk) forms lodged was 896 which is slightly lower than the previous year with 911. Of the 896 forms received, 751 were the 'first' form on an application (in comparison with 763 of the previous year).

OUR SERVICES

Information Sessions and Tours

Tours for departmental officers, law students and community agencies have been maintained. In 2018 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.

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 provides the ability to electronically file applications and documents. 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.

Legal Aid WA Family Court Services

Legal Aid WA continues to provide duty lawyer services to the Court’s clients on-site. Services include information; legal advice and representation; assistance with preparation of urgent court documents; and referral to Family Dispute Resolution and non-legal support services.

Legal Aid WA also provides Family Advocacy and Support Services (FASS) which are specialist legal and social support services for families experiencing family violence. These services are also provided to support clients attending Family Court of WA Magistrates Court Circuits and regional Magistrates Courts in regional locations.

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

During 2018 a total of 6,716 occasions of service were provided as follows:

- Duty Lawyer - 3,236
- Social Support - 858
- Information/referral to other services (including non-legal) - 2,622

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

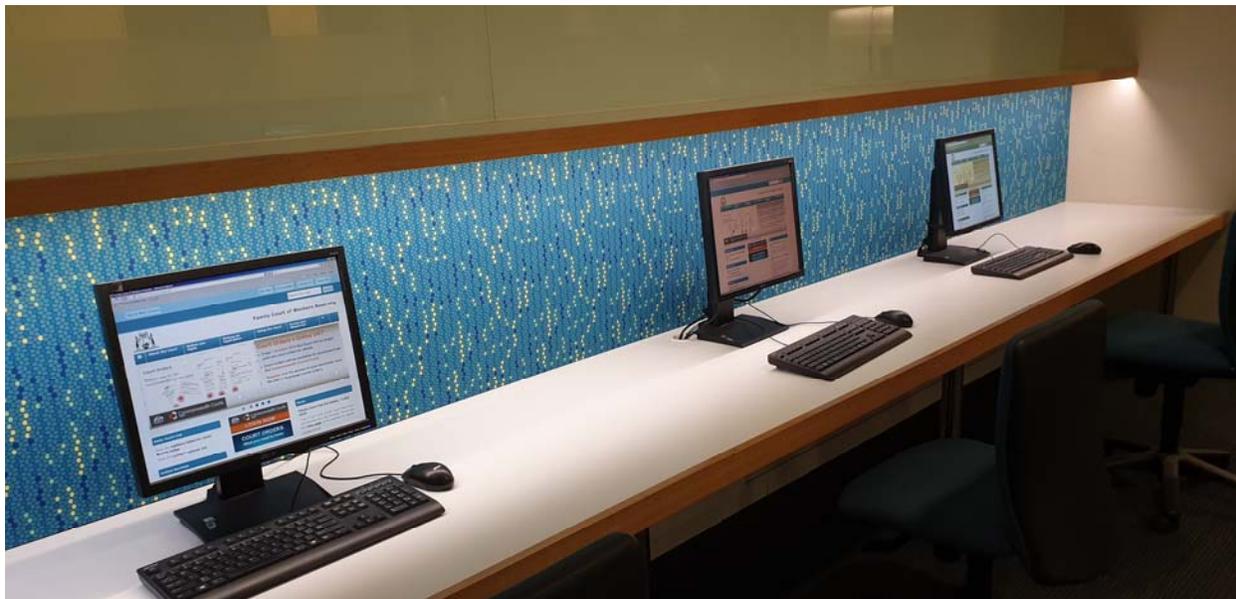
From 19 November 2018, most applications and documents can be filed online via the Commonwealth Courts portal (CCP).

Parties who are registered for the CCP have electronic access to their Family Court file, which includes any relevant court orders.

Self Service Kiosk

The FCWA has a self-service kiosk area in its registry, providing an opportunity for parties to access the CCP to lodge documents, view the courts website and other information resources on line.

This is particularly useful for parties who may not have personal access to the internet. It also provides an alternative to waiting in line at the registry counter.



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 2018

Board of Management
Case Management / Rules Committee
Continuing Professional Education Committee
Digital Court Project Committee
Indigenous 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 LIST / FCWA PROTOCOLS

Representatives from:

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

FCWA / DCPFS / LAWYER PROTOCOLS MEETING

Representatives from:

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

FCWA REFERENCE GROUP

Representatives from:

- FCWA & FCCCS
- Aboriginal Legal Service
- Aboriginal Family Law Service
- Anglicare
- ARCS Adoption Research & Counselling Service
- Centrecare
- Child and Adolescent Health Service
- Children's Court of Western Australia
- 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 & Newborn Health

LEGAL AID WA FAMILY COURT SERVICES USER GROUP

Representatives from:

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



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