

# **Family Law Regulation Ammendment (Family Violence and other measures) Bill 2011**

## **Submission by**

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(...)

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#### **Preamble**

As this is a submission presented by an individual Clinical Psychologist practitioner, I shall restrict my comments to the areas of my expertise.

#### **My areas of expertise**

I have worked in the Family Court as a Single Expert Witness (SEW) for the past 6 years. I am a specialist Clinical and Forensic Psychologist with over 31 years' experience. I am also qualified to practise Social Work. Currently I am president of the Institute of Clinical Psychologists Western Australia (ICP). This Institute represents the interests of Clinical Psychologists in private practice in Western Australia. It has been established for over 30 years.

I was unaware of the inquiry and currently I am overseas. I would appreciate if my submission could be accepted even though the closing date may have passed. My submission will be brief.

The ability of the SEW to present unequivocal evidence to the Family Court is hampered by the capacity of parties to complain to the Psychology Board of Australia (PBA). The PBA is obliged to investigate all matters. The role of an SEW in family violence matters is often critical in assisting the Family Court to make an appropriate determination in the best interests of the child(ren).

Often complaints are made by parties because the outcome of the SEW's report is not what they wish.

The capacity to make complaints to the PBA results in:

- The SEW facing the possibility of censure by a a third party organisation who is not the SEW's client and does not have access to all the available information. The information that is put to the PBA only supports the position of the complainant party.
- Interference of the evidence of the SEW in a manner designed to threaten the SEW into not giving evidence or placing evidence before the Court.
- Reluctance of specialist psychologists to involve themselves in the Family Court and thus creating a serious shortage of experts available to the Court.
- Inability of the SEW to protect him/herself because of the privacy rules of the Family Law Act with a resultant risk of censure and restriction of capacity to earn a living.

I urge the Committee, if it has not already done so or if it is not already in the Bill, to consider the above and formulate in the Bill a way that SEW's can be protected from complaints to the PBA such that they can give evidence without the concerns and consequences I have described above.

Dr Darryl Menaglio