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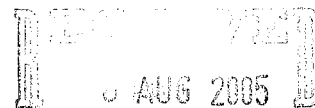


NEW SOUTH WALES

Submission No. 87
Date Received LACA

ATTORNEY GENERAL

The Hon Peter Slipper MP
Chairperson
House of Representatives Standing Committee on
Legal & Constitutional Affairs
Parliament House
Canberra ACT 2600
Australia



BY:

26 JUL 2005

Dear Mr Slipper

I would like to take this opportunity to raise a number of issues in relation to the Exposure Draft-Family Law Amendment (Shared Parental Responsibility) Bill 2005, in particular the provision of ADR services to Aboriginal and Torres Strait Islander communities.

My Department provides mediation and dispute resolution services to the people of NSW through the services of the Community Justice Centres which operates under the Community Justice Centres Act (1983).

There are approximately 500 CJC mediators, including 70 A&TSI mediators, who provide mediation services on a casual basis. Mediators are Ministerial Appointees, trained and accredited by CJs. The CJs Aboriginal and Torres Strait Islander program was established in 2002 and continues to provide an appropriate mediation service to all Aboriginal communities across NSW. CJs is an established, quality service and the only provider of specific A&TSI mediation services in NSW.

Aboriginal and Torres Strait Islander Services

It does not appear that either the recommendations of the Standing Committee or the Commonwealth Government's Exposure Draft refer specifically to the needs of A&TSI clients.

Eligibility & Accreditation Issues

Under the Family Law Act, the requirement of tertiary qualifications for accreditation as a mediator, means that most of the CJC accredited Aboriginal and Torres Strait Islander mediators would not qualify for accreditation. Further, Aboriginal education providers such as Tranby Aboriginal College are not recognised, which means that many community members are not able to apply for accreditation. The cost of undertaking the accreditation process is prohibitive for many.

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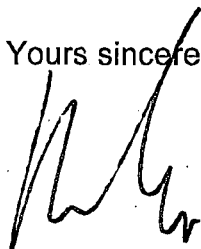
Provision of Mediation Services

The Exposure Draft, while broadening the definition of an organisation that can provide ADR from a not for profit framework, still excludes the ADR services provided by governments such as CJsCs in the proposed eligibility requirements.

I recommend in the review of the Exposure Draft, the Standing Committee on Legal and Constitutional Affairs ensures that:

- Accreditation requirements for mediators under the Family Law Act do not discriminate against Aboriginal and Torres Strait Islander mediators;
- Eligibility guidelines for organisations delivering ADR services be broadened to include services delivered by State governments; and
- Culturally appropriate ADR services are delivered to Aboriginal and Torres Strait Islander communities.

Yours sincerely



BOB DEBUS