

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 18

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005:

What is the model of dispute resolution that is proposed to be used in FRCs and required by the legislation.

The answer to the honourable senator's question is as follows:

The Family Law Amendment (Shared Parental Responsibility) Bill 2005 (the Bill) introduced into Parliament on 8 December 2005 does not specify a model of dispute resolution to be used in Family Relationship Centres or in other services that provide family dispute resolution.

The Bill includes a proposed definition of 'dispute resolution' that will enable Family Relationship Centres, and other services that provide family dispute resolution, to use appropriate dispute resolution techniques in a way that best achieves good outcomes for families, including durable parenting plans.

The Operational Framework for the Family Relationship Centres (released with the selection documentation to assist organisations which may be interested in applying for funding to operate a Centre) makes it clear that Centres will be expected to use dispute resolution methods that are child-focused. This means that the dispute resolution process must focus on outcomes for the wellbeing of the children after separation, rather than the relative positions of the parents. The Framework also makes it clear that, if the parents consent, dispute resolution could include separate consultation with children, with information from that consultation fed back to the parents.