

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

Output 1.1

Question No. 19

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

There may be delays in the establishment of FRCs. What is the Department doing to ensure that the provisions requiring dispute resolution to occur before court proceedings are initiated, come into operation at times that fairly correspond to the availability of services at FRCs.

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

The Family Law Amendment (Shared Parental Responsibility) Bill 2005 (the Bill) which was introduced into Parliament on 8 December 2005 contains a provision that (subject to some exceptions) people who wish apply to the court for a parenting order will be required to first attempt to resolve their dispute using family dispute resolution services, such as mediation. This requirement will be implemented in three phases.

In the first phase (from commencement to 30 June 2007) parties seeking a parenting order will continue to comply with the provisions of the current Family Law Rules 2004 which require them to attempt to resolve the dispute before starting a case by participating in dispute resolution.

In phase two a court will not be able to hear any new applications for a parenting order unless the applicant files a certificate by an accredited family dispute resolution practitioner that the applicant has attended family dispute resolution aimed at completing a parenting plan, or they attempted to do so but the other parent refused or failed to attend. In phase three, all applicants for a parenting order will be required to attend dispute resolution as set out in phase two.

In response to Recommendation 25 of the Legal and Constitutional Affairs Committee on the Bill the Government has introduced provisions into the Bill to ensure that phases two and three commence on proclamation. This will ensure these phases do not come into operation without the necessary support services being available, including Family Relationship Centres.

It is expected that the first 15 Family Relationship Centres will commence operation in mid-2006, the next 25 in mid-2007 and the final 25 in mid-2008.