

21 August 2025

Dr James Popple  
Chief Executive Officer  
Law Council of Australia  
PO Box 5350  
Braddon ACT 2612

By email: [Natalie.Cooper@lawcouncil.au](mailto:Natalie.Cooper@lawcouncil.au)

Dear Dr Popple

**ESTABLISHMENT OF AN ACCREDITATION SCHEME FOR CHILDREN'S CONTACT SERVICES**

I refer to the Law Council's Memorandum dated 17 July 2025 in relation to the Commonwealth Attorney-General's Department consultation on the establishment of an Accreditation Scheme for Children's Contact Services. The Law Society of Western Australia (the Society) supports the proposal for an Accreditation Scheme to ensure appropriate standards of care are provided to children and their families utilising these services.

For the purposes of this response, the Society consulted with the Family Law Practitioners' Association WA (FLPA). FLPA's submission dated 20 August 2025 is **enclosed** with this letter.

The Society endorses FLPA's submission for the adoption of a mandatory Accreditation Scheme. The Society supports FLPA's proposal of a flexible approach to the application of the proposed Scheme, with the level of regulation proportionate to the assessment of risk factors. The Society further calls on the state and federal governments to increase funding for critical family law services in Western Australia, including appropriate funding for improved Court infrastructure, increased funding for Legal Aid panel lawyers for litigants and the Family Violence Cross-examination of Parties Scheme.

If you have any questions or wish to discuss the above, please contact Susie Moir, Director, Advocacy and Professional Development on [smoir@lawsocietywa.asn.au](mailto:smoir@lawsocietywa.asn.au) or telephone (08) 9324 8646.

Yours sincerely



Gary Mack  
**President**

*Encl.*

## **Submissions on the Establishment of an Accreditation Scheme for Children's Contact Services**

**From:** Submissions adopted by Law Society of Western Australia,  
prepared in conjunction with the Family Law Practitioner's  
Association of Western Australia (FLPA)

**Date:** 20 August 2025

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### **EXECUTIVE SUMMARY**

This submission responds to the Attorney-General's Department Consultation Impact Analysis Paper (**the Paper**) on behalf of FLPA insofar as FLPA is able to comment.

Broadly, insofar as accreditation of Child Contact Services (**CCS**) may be appropriate, FLPA understands that the options are as follows:

1. a continuation of the status quo (**Option 1**);
2. the introduction of a light-tough regulatory regime, requiring standards to be met at the organisation and provider level (**Option 2**);
3. the introduction of a moderate level regulatory regime, requiring standards to be met at both the organisation and provider level, and the individual practitioner level (**Option 3**); and
4. the introduction of a comprehensive regulatory regime, with strict standards for the operation of a CCS, supported by strong validation and verification requirements (**Option 4**).

("collectively referred to herein as the "**Proposed Intervention Options**")

FLPA endorses adoption of a mandatory accreditation scheme. With respect to the Proposed Intervention Options, having regard to the identified risks and the cost of implementation, we consider Option 2 or Option 3 to be most appropriate.

Consideration may also be given to an alternation between Option 2 and Option 3, subject to the services provided by the CCS and the level of risk arising from the same.

This position acknowledges that low-risk arrangements (such as unsupervised contact and facilitated changeovers) tend to exist well in lower regulated environments, such that would be provided by Option 2, whereas Option 2 is unlikely to provide sufficient safeguards in circumstances of complex and high-risk arrangements.

Notwithstanding, our view is subject to the Government's financial capacity to meet the cost of the Proposed Intervention Options.

## **CONSULTATION QUESTIONS**

### **1. Question 1 – What are the most common risks to families and children's contact services employees?**

1. Anecdotal evidence from our membership suggests that common risks to families at CCS include (in no order of priority):
  - a. inadequate supervision, particularly in arrangements involving complex family and domestic violence dynamics with multiple high-risk factors **(High Risk Arrangements)**;
  - b. unauthorised disclosure of confidential information and data breaches;
  - c. failure to adhere to mandatory reporting obligations<sup>1</sup> and/or report concerns of child abuse;
  - d. intentional and/or unintentional bias from staff towards parties, impacting on their neutrality. This is of particular concern in rural or less populated areas where the likelihood of already existing relationships between the CCS employees and one or more of the parties is higher, and the limited availability of alternative child contact service providers; and

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<sup>1</sup> *Children and Community Services Act 2004*, s 124B.

- e. allegations of gatekeeping and/or alienation should a person refuse to engage with a CCS provider that has not adopted the 2014 'best practice principles'.<sup>2</sup>

2. With respect to CCS employees, we understand common risks include:

- a. aggression and/or violence towards staff, risking their physical and/or emotional safety; and
- b. unintentional aggravation of a situation by staff due to a lack of knowledge around safe de-escalation techniques.

**2. Question 2 – Are there other community risks to CCS services being provided in the community which should be considered?**

- 1. Experience suggests that further risks arising from CCS services being provided in the community include (again, in no order of priority):
  - a. inconsistent and/or inadequate risk identification and assessments in Court reporting as a result of non-adherence to the guiding principles framework;
  - b. allegations being made which cannot be corroborated;
  - c. failure to provide information in accordance with the *Freedom of Information Act 1982* and/or other relevant privacy legislation; and
  - d. in circumstances where supervised time is being exercised in accordance with Family Court Orders, inadequate provision of services impacting on the public's trust and confidence in the Courts and the justice system at large.

**3. Question 3 – The government is asking for feedback on what data is available to show how often families face these risks and how those risks**

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<sup>2</sup> Australian Government Attorney General's Department, Children's Contact Services Guiding Principles Framework for Good Practice, October 2018, p 14.

**affect them, to help understand how big the problem is. Please describe the data source(s) or provide examples, if available.**

1. Family violence is a pervasive feature of family law proceedings in Australia. Current data from the Federal Circuit and Family Court of Australia reveals the stark reality:
  - a. 83% of parenting cases involve allegations of family violence;<sup>3</sup>
  - b. 72% of parenting cases involve allegations of child abuse or risk thereof;<sup>4</sup>
  - c. More than 70% of cases involve four or more serious risk factors;<sup>5</sup> and
  - d. Over 10,000 new parenting cases are filed annually.<sup>6</sup>
2. This data demonstrates that family violence is not an exception but rather "core business" of family courts,<sup>7</sup> with the Federal Circuit and Family Court noting that "family violence is alleged in 80% of parenting cases".<sup>8</sup>
3. Western Australia presents particularly concerning statistics regarding family and domestic violence:
  - a. 35,806 reports of family and domestic violence-related assaults in 2024-25 (almost 100 per day);<sup>9</sup>
  - b. This represents a 12% increase from 31,755 in 2023-24 and a 72% increase over the past decade;<sup>10</sup>

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<sup>3</sup> Federal Circuit and Family Court of Australia Annual Report 2023-24, p. 9.

<sup>4</sup> Federal Circuit and Family Court of Australia Annual Report 2023-24, p. 9.

<sup>5</sup> Federal Circuit and Family Court of Australia Media Release, 7 May 2025.

<sup>6</sup> Ibid.

<sup>7</sup> Parliamentary Committee Report, "Strengthening the capacity of family law professionals", 2017

<sup>8</sup> Full Stop Australia Submission, "Inquiry into family violence orders", 2024, URL: <https://fullstop.org.au/uploads/main/Submissions-Reports/2024/FSA-Submission-Inquiry-into-family-violence-orders.pdf>

<sup>9</sup> The West Australian, "Western Australia hits 10-year high for reports of domestic violence", 7 August 2025, URL: <https://thewest.com.au/news/wa/desperate-times-western-australia-hits-10-year-high-for-domestic-violence-offending-c-19605012#:~:text=According%20to%20new%20WA%20Police,100%20assaults%20every%20single%20day.>

<sup>10</sup> Ibid.

- c. 20,082 breaches of family violence restraining orders in 2024-25, a 20% increase from the previous year;<sup>11</sup> and
  - d. In 2018-19, applications for Family Violence Restraining Orders comprised 75% of all restraining order applications (n = 11,975).<sup>12</sup>
4. The Western Australian Ombudsman's Family and Domestic Violence Fatality Review found that in 58% of intimate partner fatalities involving alleged homicide, there had been prior reports of family and domestic violence between the parties.<sup>13</sup> These statistics underscore both the prevalence of family violence in Western Australia and the serious nature of the risks involved.
- 5. Question 4 – Is there an argument to suggest that risks in children’s contact services are overstated? If yes, please outline your reasoning.**
- 1. The lack of data available makes such an assessment difficult. Until there exists a higher level of oversight, the sector will continue to struggle to compile the data necessary to answer this question.
  - 2. In circumstances where a vast majority of CCS users are subject to Family Court Orders requiring supervision of time,<sup>14</sup> central to the issue at hand is the best interests of children.<sup>15</sup> Having regard to this and noting that the primary client of a CCS must always be the child,<sup>16</sup> there is, in our submission, a need to adopt a more cautious approach.
- 6. Question 5 – Is there anything else that should be brought to the attention of government in relation to the question “what is the problem you are trying to solve”?**

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ombudsman Western Australia Annual Report 2020-21, Family and Domestic Violence Fatality Review, URL: <https://www.ombudsman.wa.gov.au/Publications/AR2021/Family-Domestic-Violence-Fatality-Review-2021.pdf>

<sup>14</sup> Above n2, p. 11.

<sup>15</sup> *Family Law Act 1975*, s 60CA and *Family Court Act 1997*, s 66A.

<sup>16</sup> Above n2, p. 7.

1. No.

**7. Question 6 – Are there other reasons why you consider a government response is or is not required? Please provide any evidence supporting this position if available.**

1. In addition to whether there is financial capacity to fund the Proposed Intervention Options, we submit that consideration could also be given to the impact the Proposed Intervention Options might have on availability and access.
2. Should a Proposed Intervention Option be implemented which increases a CCS' costs, such costs are likely to be 'passed on' to the consumer. Consequently, access may become an issue, particularly for lower socio-economic families.
3. Additionally, the application of mandatory regulations may result in already operating private CCS providers electing to shut down, instead of investing time and money in ensuring their services are being delivered in accordance with the new regulations.
4. Mandatory regulations may also act to disincentivise the opening of new CCS centres. This is of particular concern when access to CCS providers is already limited due, for example, to long waitlists and/or the scarcity of CCS providers in rural and isolated geographical locations.
5. Other unintended consequences, although less likely, may follow should an intervention option be implemented that requires a lighter standard of regulations than an existing CCS has already elected to adopt. Such consequences include the CCS providers lightening their operating regulations to match those which the intervention option requires.

**8. Question 7 – Of the identified types of risks present in the children's contact services environment, can or should any of these be addressed by mandatory operating standards? If yes, why?**

1. Notwithstanding the potential negative consequences and subject to the Government's ability to fund the cost,<sup>17</sup> we consider mandatory operating standards an appropriate way to address the identified risks.
2. The absence of minimum standards creates a harmful dynamic wherein children are being exposed to an unmeasurable level of risk when the opposite is supposed to be occurring, protecting children's safety and best interests.
3. Consideration could be given to alternating options<sup>18</sup> depending on the services the CCS provides. For example, community supervision arrangements generally occur in circumstances of lower risk factors,<sup>19</sup> and do not necessitate the same level of safety measures.

**9. Question 8 – Are there types of risks present in the children's contact services environment that could or should not be addressed by mandatory operating standards?**

1. FLPA does not consider that there are any types of risks that could not or should not be addressed by mandatory operating standards.

**10. Question 9 – If an accreditation scheme were established, what measurable signs of success should be considered? If these involve reference to a baseline (for example, '*reduction in the number of...*' type measures), please indicate a possible source of data to establish the baseline, or how a baseline could be developed prior to the commencement of accreditation requirements.**

1. A reduction in the number of complaints, particularly those which are substantiated.

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<sup>17</sup> The Family Court of Western Australia is already under pressure arising from underfunding of government initiatives. For example, the present review of the Family Law cross examination arrangements necessitated by operation of Sections 102NA and 102NB of the *Family Law Act 1975* has arisen due to unsustainable growth in the demand for services (**Cross Examination Scheme**).

<sup>18</sup> Alternating between the Option 2 and Option 3.



2. A demonstrable improvement in the quality of reporting from the CCS centres to the Court.

**11. Question 10 – Do you agree that there would be no or negligible costs associated with this option (Option 1)? If not, please outline why and the expected nature and extent of any additional burden on the sector.**

1. We agree that there would be no or negligible costs associated with Option 1.
2. FLPA does not anticipate additional burdens on the sector from the implementation of Option 1 save that the sector would remain largely underregulated.

**12. Question 11 – When comparing this to the other options outlined in this IA, do you support this approach?**

1. No, subject to the financial capacity to fund the other Proposed Intervention Options, we do not consider Option 1 to be an appropriate response.
2. In our submission, Option 1 allows an unacceptable level of risk to continue to exist.

**13. Question 12 – Please provide your comments on the costs and benefits of this accreditation model (Option 2):**

1. FLPA expects that Option 2 would appropriately manage and mitigate the types of concerns present in low risk factor arrangements, being contact arrangements that require low-level CCS assistance such as:
  - a. facilitated changeovers;
  - b. supported/monitored contact;
  - c. unsupervised onsite visits; and
  - d. transport services facilitating contact between separated parents.

(herein referred to as **Low Risk Factor Arrangements**).

2. Notwithstanding the cost (which is a matter for the government), we submit Option 2 would not sufficiently mitigate the risks accompanying High Risk Factor Arrangements and supervision.

**14. Question 13 – Are there elements of the proposed Option 2 that will specifically support the sector?**

1. In circumstances of Low Risk Factor Arrangements, lighter regulations may allow for more natural visitation arrangements, promoting the quality of a child's time.

**15. Question 14 – Are there elements of the proposed Option 2 that will specifically hinder the sector?**

1. Not known.

**16. Question 15 – When comparing this to the other options, do you support this approach (Option 2)?**

1. FLPA supports the adoption of Option 2, particularly in Low Risk Factor Arrangements.
2. In High Risk Factor Arrangements, we would support the implementation of Option 2 should Option 3 be economically unsustainable. The mandatory standards of Option 2 would at least work to mitigate some of the present risks.
3. In the current climate, an alternation between Option 2 in Low Risk Factor arrangements and Option 3 in High Risk Factor arrangements may be appropriate, or a phase in time between the two subject to budget constraints.
4. Critical services within the West Australian family law sector remain dangerously underfunded including access to panel lawyers for litigants requiring representation from Legal Aid WA, the Cross Examination Scheme and the accommodation for the Court buildings itself (including access to amenities such as internet connectivity). Consideration should be given to

budgetary constraints and prioritisation of critical services to mitigate considerable delay and risks associated with ongoing delay.

**17. Question 16 – Please provide your comments on the costs and benefits of this accreditation model (Option 3):**

1. Option 3 would likely reduce the risks in High Risk Factor Arrangements to an 'acceptable level'.
2. FLPA's concern relates to the high financial outlay projected in respect of Option 4 and the actual financial viability of Option 3.

**18. Question 17 – Are there elements of the proposed Option 3 that will specifically support the sector?**

1. In addition to dramatically reducing the level of risk associated with the current provision of CCS, Option 3 would dramatically improve the government's oversight of the sector. Notably, this would allow for more informed future decision making in the sector.

**19. Question 18 – Are there elements of the proposed Option 3 that will specifically hinder the sector?**

1. In low risk factor arrangements, the possible negative consequences might outweigh the potential benefits. In undertaking a balancing exercise, it is difficult to ascertain whether Option 3 would provide too rigid for Low Risk Factor Arrangements.

**20. Question 19 – When comparing this to the other options, do you support this approach (Option 3)?**

1. FLPA supports adoption of Option 3, particularly in circumstances of High Risk Factor Arrangements.

**21. Question 20 – Please provide your comments on the costs and benefits of this accreditation model (Option 4):**

1. While Option 4 would most appropriately manage and mitigate the concerns existing in High Risk Factor Arrangements, the public and private cost makes Option 4, in our submission, too financially burdensome.

**22. Question 21 – Are there elements of the proposed Option 4 that will specifically support the sector?**

1. In circumstances where the best interests of children are at stake, the extensive safeguards provided by Option 4 make it an appealing model.

**23. Question 22 – Are there elements of the proposed Option 4 that will specifically hinder the sector?**

1. FLPA submits that without certainty as to how prevalent the identified risks actually are, there exists the possibility Option 4 would end up proving superfluous. This could give rise to a host of other unintended consequences.
2. We submit that, in any case, Option 4's cost would likely render itself unsustainable.

**24. Question 23 – When comparing this to the other options, do you support this approach (Option 4)?**

1. For the reasons outlined above, we do not support the adoption of Option 4.