



Australian Government
Attorney-General's Department

12 August 2021

The Hon Kevin Andrews MP
Chair
Joint Select Committee on Australia's Family Law System

Parliament House
Canberra ACT 2600

Dear Mr Andrews

The Attorney-General's Department thanks the Joint Select Committee on Australia's Family Law System for its request to provide information on family law measures announced by the Australian Government in the 2021-22 Budget.

In response to the Committee's request, this supplementary submission outlines 2021-22 Budget measures and ongoing reforms relevant to the Committee's inquiry and its recommendations for improving the family law system, as presented in its second interim report released on 15 March 2021.

2021-22 Budget Measures

Increased funding for legal assistance services

As part of the Women's Safety Budget Package, the Government is providing \$129 million over four years from 2021-22 for increased funding to help vulnerable women access justice. The funding will support women's legal services to deliver dedicated assistance to women across a range of legal problems, including family law and family violence. This will increase the provision of legal information, advice, and representation services to women.

The funding will be delivered through the National Legal Assistance Partnership 2020-25 (NLAP). The Government has increased legal assistance funding by approximately \$350 million over four years from 2021-22, including around \$310 million for the NLAP, bringing total funding delivered through the NLAP to more than \$2.3 billion over the life of the agreement. Under the NLAP, states and territories determine funding allocations to individual service providers.

Increased investment in Children's Contact Services

From 2021-22, the Government will increase funding for Children's Contact Services (CCSs) by providing \$101.4 million over four years from 2021-22 to enhance existing and establish new services.

This initiative includes ongoing funding of \$68.8 million over four years from 2021-22 for the 64 existing CCSs (an increase from around \$18 million to \$35 million annually); and ongoing funding of \$27.5 million over three years from 2022-23 for 20 additional CCSs across Australia.

The purpose of the additional funding is to increase the capacity of the existing 64 services to provide maximum services to families particularly at peak times such as weekends, establish 20 new services, and reduce waiting times. A selection process through the Department of Social Services Community Grants Hub will commence in 2021-22 to select providers for the new services.

Expansion of family law frontline services to ensure access to the Family Advocacy and Support Services program

The Government is providing \$85 million over three years from 2022-23 to enhance the Family Advocacy and Support Services (FASS) program. Funding under this measure will commence 1 July 2022, and terminate on 30 June 2025. The measure will extend the operation of the FASS program past the previous termination of 30 June 2022. Additionally, this measure will expand the geographic profile of this program, as recommended by the Committee and the Australian Law Reform Commission, establishing the FASS in an additional 26 registry and circuit locations in Queensland, New South Wales and Victoria, ensuring every location with a family law court registry and/or circuit has a FASS to support family law litigants who have experienced family and domestic violence.

The expanded FASS will maintain the services of the existing FASS, including the dedicated men's support workers to assist male victim-survivors of family and domestic violence and alleged perpetrators, with funding provided to further enhance the services by allowing for the engagement of specific mental health supports to better meet the non-legal needs of service users. Funding under this measure will be administered through the NLAP as per current arrangements. The Attorney-General's Department has commenced discussions with states and territories in relation to allocation of funding.

Funding for reform of the family law courts

The Government is providing \$60.8 million over four years to enable the federal family courts to transform their approach to case management, so that family law matters can be resolved in a more timely and effective manner. This initiative will enable the family courts to give effect to a new approach to managing and resolving family law cases, supported by the engagement of a range non-judicial staff (including registrars, family consultants, Indigenous liaison officers, and legal and administrative staff).

The key feature of this approach is that Senior Registrars and Registrars will have a greater role in triaging matters upfront, hearing interim applications, and conducting alternative dispute resolutions, so that judges can focus on those functions only they can perform. The initiative also funds a Central Assessment Team to centralise the processing of family law applications in support of key aspects of the Government's structural reforms of the family law courts, the creation of a single point of entry for family law matters and a reconfigured appeals process.

Funding to support establishment of the National Information Sharing Framework

The Government is providing \$29 million over four years to enable the finalisation and implementation of the National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems (the National Framework).

The National Framework is designed to facilitate the two-way exchange of information between the federal family law courts on the one hand, and the state and territory courts, agencies and organisations responsible for responding to and managing family safety risk on the other. This will ensure that decision makers in these institutions have access to all relevant information about family violence and child protection risk, enabling them to make sound decisions that protect family safety, including in relation to access to children.

The 2021-22 Budget funding builds on the Government's commitment of \$582,000 for scoping a technical solution to facilitate information sharing, as part of the Fourth Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010-2022*.

Extension of pilots for the timely resolution of small-claim property disputes

The Government is providing an additional \$10.7 million in the 2021-22 Budget over two financial years (2021-22 and 2022-23) to extend the 'Small Claims Property Pilot (PPP500)' and the 'Legal Aid Commission Trial (LAC Trial)' for a further 18 months to 30 June 2023.

These separate but complementary pilots assist separating couples with small property pools to achieve affordable, timely property settlements. The PPP500 involves a streamlined family law court process for small value property disputes and the LAC Trial delivers lawyer-assisted property mediation to assist separating couples to resolve their small value property disputes outside of court. The additional funding consists of:

- \$3.5 million over two financial years (2021-22 and 2022-23) to the federal family law courts to extend the PPP500, and
- \$7.2 million over two financial years (2021-22 and 2022-23) to Legal Aid Commissions and the Attorney-General's Department to extend the LAC Trial.

The extension of these pilots to June 2023 will ensure service continuity for vulnerable families, while the Government considers the findings of an evaluation due in April 2022.

Other Measures

In addition to the 2021-22 Budget measures, the below ongoing reforms which relate to the Committee's recommendations are continuing to be progressed.

Court reform

The Government's court reform legislation will achieve a single point of entry into the federal family law courts, as recommended by the Committee. The legislation will take effect from September 2021. Work on harmonised rules, forms and case management processes is being progressed by the federal family courts under the leadership of the Chief Justice.

Accreditation of Children's Contact Services

The department is progressing work on the accreditation of Children's Contact Services and conducted a public consultation process from 21 March 2021 to 28 May 2021. The public submissions received are published on the department's website.

Yours sincerely,

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Family Law Branch