

Questions from Senator Siewert to the Attorney-General's Department

Family Court COVID List

Senator Rachel Siewert asked the following questions:

1. On 28 April 2020, the Family Court and Federal Circuit Court commenced a new process for a fast-tracked, national list to deal with urgent applications resulting from the COVID-19 pandemic.
2. What consultation was undertaken between the Family Court / Federal Circuit Court and the Department prior to the commencement of the COVID-19 list?
3. Various stakeholders have commended the COVID list, but noted that its success depends on adequate resourcing. Has the Department considered what additional resources may be needed to assist the Family Court / FCC to implement the COVID-19 list? Has any request for additional funding been made by the Family Court / FCC?
4. Will the Department seek updates from the Chief Justice / Chief Judge regarding the operation of the list and the potential for adopting a triage approach on a permanent basis?

The responses to the honourable Senator's questions are as follows:

2. The Family Court of Australia and Federal Circuit Court of Australia, consistent with the principle of the separation of powers, are responsible for their own operation and management. This independence extends to the management of court lists. The Courts did not undertake formal consultation with the Attorney-General's Department in relation to the development of the National COVID-19 list, nor was there any requirement for them to do so. Throughout the COVID-19 pandemic, the Government has been in regular contact with the heads of jurisdiction, and the Courts have also regularly updated the Department about the way the operation of the Courts have been adapted to ensure the continued provision of urgent court services.
3. Funding for the federal courts is a matter for Government. The Government continues to monitor the ongoing resourcing and funding of the federal courts to ensure the federal courts operate as effectively and efficiently as possible. The Courts did not request additional funding prior to establishing the National COVID-19 list.
4. The department will continue its regular engagement with the Family Court and the Federal Circuit Court in relation to the challenges posed by COVID-19, and the various mechanisms the Courts have put in place in response.

More broadly, the department notes that the federal family law courts have been provided, through MYEFO 2019, \$13.5 million over three years to trial a triage approach as part of a two-year risk screening pilot. The pilot will involve systematically screening all new parenting matters for family safety risks at the point of filing, in the Brisbane, Parramatta and Adelaide Registries. Matters will be triaged according to the level of identified risk, and the Federal Circuit Court will operate a specialist family violence list to resolve high-risk matters. An independent evaluation will assess the merit of the piloted approach.

Funding for legal assistance sector

Senator Rachel Siewert asked the following questions:

1. Following the National Cabinet meeting on 5 May 2020, the Prime Minister announced an additional \$63.3M for the legal assistance sector, being \$49.8M for additional frontline legal services (40% of which is to be directed towards domestic violence services) and \$13.5M for IT upgrades.
2. Which frontline services are eligible for this funding (generally, and in respect of the DV services)?
3. What process will be followed to allocate funding?
4. When will the funding be available to services?

The responses to the honourable Senator's questions are as follows:

2. Legal Aid Commissions (LACs), Aboriginal and Torres Strait Islander Legal Services (ATSILS), Community Legal Centres (CLCs) and Family Violence Prevention Legal Services (FVPLS) will be eligible for the funding.
3. The Australian Government will work with the state and territory governments on the allocation of frontline legal services funding and the allocation of IT funding, where applicable.

Funding to support IT upgrades in the legal assistance sector will be allocated to all parts of the sector, and informed by current sector capacity and information provided by the sector.

For frontline legal services funding, forty (40%) per cent of funding will be directed to the provision of services related to domestic violence matters.

4. The funding will be provided between the 2019-20 and 2020-21 financial years.

Workplace Rights

Senator Rachel Siewert asked the following question in writing:

1. What is the Government doing to inform employees about their rights when it comes to having their full time wages topped up by employers?

The response to the honourable Senator's question is as follows:

5. An employee's right to be paid the greater of the JobKeeper payment amount of \$1500 per fortnight or their usual pay for work performed (including any paid leave or public holiday pay), is clearly set out in the Government's communications in relation to the JobKeeper scheme, including on a dedicated page on the Fair Work Ombudsman's COVID-19 website.

The Fair Work Ombudsman has established a dedicated Coronavirus hotline to prioritise enquiries relating to COVID-19. Businesses and employees can call the 13 13 94 hotline for tailored advice on the JobKeeper provisions in the Fair Work Act 2009. As at 12 May 2020, the hotline has answered more than 20,000 JobKeeper related enquiries.

Advice about the JobKeeper Scheme, including pay arrangements for eligible employees who earn more than \$1,500 a fortnight, is also available on the Fair Work Ombudsman's dedicated Coronavirus website at www.coronavirus.fairwork.gov.au. Since the dedicated website went live on 25 March 2020, it has had over 2.2 million views.

The Fair Work Ombudsman is promoting this key coronavirus information through social media channels. Through social media, the Fair Work Ombudsman raise awareness of relevant Australian workplace laws, including laws related to JobKeeper, stand downs, termination and working from home, and directs customers to its dedicated Coronavirus website for further information if they need it.

The Government is providing \$46.3 million in additional funding to the Fair Work Ombudsman, including to ensure that advice on its COVID-19 website will continue to be updated quickly as matters develop and to assist with specific queries from individuals and businesses.