

Chapter 1

Introduction

The inquiry process

On 22 August 1996 the Attorney-General, the Hon Daryl Williams, referred certain aspects of family services, funded by the federal government, to the House of Representatives Standing Committee on Legal and Constitutional Affairs for inquiry and report.¹

The inquiry was advertised in the national press on 31 August 1996. Invitations to provide submissions were also sent to many individuals and organisations with an identified interest in the subject. Written submissions were received from a variety of persons and organisations including: providers of family services and their peak organisations; state premiers and territory chief ministers; academics and research institutes; Commonwealth departments and agencies; and other interested persons.² The Committee also received other material as exhibits to the inquiry.³

The Committee received formal oral evidence at public hearings held in all capital cities and in Cairns.⁴ The Committee held informal discussions with the Tiwi people on Bathurst Island. The Committee also visited family services providers from each of the three national organisations in their premises, held informal discussions with them and observed their resources and facilities. Members visited various Family Court registries and observed information and mediation sessions being provided to Family Court clients. .⁵

During the course of the inquiry, the Chairman, Kevin Andrews MP, delivered keynote addresses to the National Marriage Education Conference, Canberra, 1996; the World Congress of Families, Prague, Czech Republic, March 1997; and the Family Impact Seminar national roundtable, Washington DC, June 1997. Mr Andrews addressed the Asia Pacific meeting of family agencies, Sydney; the Marriage Educators Association of Australia, Melbourne; the Family Services Council, Canberra; and the Catholic Society for Marriage Education in Melbourne. Mr Andrews also held discussions with leading academics including Professor Kim Halford, Dr Moira Eastman, Professor Linda Waite, Professor Scott Stanley, and Professor Thomas Bradbury at the Family Impact Seminar, Ms Michele Simons, Professor Paul Amato, Dr Allan Carlson and Dr Barbara Markey during the course

1 The terms of reference appear above.

2 A list of individuals and organisations who made submissions is at Appendix A.

3 A list of exhibits is at Appendix B.

4 A list of witnesses who appeared at public hearings is at Appendix C.

5 One member visited the registry of the Family Court of Western Australia.

of the inquiry. Members of the Committee also attended conferences relevant to the inquiry

The Committee made available to interested parties the submissions authorised for publication and the transcripts of evidence from the public hearings.

The oral and written evidence to the inquiry contained a range of comments about family services funded through the Attorney-General's portfolio. Where possible the Committee sought comments from the Attorney-General's Department on issues raised over the course of the inquiry so that its responses could be taken into account during the Committee's deliberations.

Background to the inquiry

In the 36th and 37th Parliaments, joint select parliamentary committees investigated family law issues.⁶ Those committees also addressed various aspects of family services as they related to their inquiries. The inquiries focussed on issues that arose in the context of dealing with relationships which had broken down. The current inquiry took quite a different path. The Committee examined the strategic directions for supporting relationships with a focus on effective preventive strategies.

The Committee reviewed the education, counselling, mediation, parenting and other services partially funded through the Family Relationships Services Program of the Federal Attorney-General's Department.⁷ The services provided under this program are delivered through a large number of community based organisations that are contracted under seven sub-programs. The Committee also observed the services provided directly through the Family Court of Australia.

Scope of the report

Part One of the report continues in the next chapter with a review of trends in marriage and family in Australia since the second world war. The third chapter contains an assessment of the impact of change on Australian society. The fourth chapter surveys the range of views in the community on the factors contributing to marriage and relationship breakdown.

6 Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act, *The Family Law Act 1975 – Aspects of its Operation and Interpretation*, November 1992. Joint Select Committee on Certain Family Law Issues, *Child Support Scheme*, November 1994. Joint Select Committee on Certain Family Law Issues, *Funding and Administration of the Family Court of Australia*, November 1995.

7 Formerly known as the Family Services Program of the Federal Attorney-General's Department.

Part Two of the report provides a brief history of the Family Relationships Services Program of the Attorney-General's Department and introduces the services funded through the various sub-programs.

The focus of Part Three is on prevention, and this is the core of the report. The sixth chapter examines the provision of marriage education services. The Committee also reviews the current position of civil celebrants in the promotion and provision of marriage and relationship education. The seventh chapter reviews the provision of family skills training. The Committee does not review the changeover and visiting services, however it recognises that they are valuable in facilitating children's time spent with their parents.

Part Four focuses on the resolution of marital problems with an assessment in the eighth chapter of the provision of marriage counselling services.

Part Five addresses the role of the services provided by the Family Court of Australia in providing for more harmonious separations. The ninth chapter reviews the counselling services, and the tenth chapter reviews the mediation services and their role in providing for the resolution of disputes associated with marriage and relationship breakdown.

In Part Six, the final chapter addresses the various advisory, representative and research bodies involved with family services.