

Summary and recommendations

Chapter 1 – Introduction

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.

The Committee invited submissions and took evidence 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.

While other joint select parliamentary committees have reported in recent years on family law issues, and focused on family issues that arise in the context of relationships which have broken down, the current inquiry took quite a different path. Rather, this Committee examined the strategic directions for supporting relationships with a focus on effective preventive strategies.

During the inquiry process, the Committee reviewed the education, counselling, mediation, parenting and other services partially funded through the Family Relationship Services Program of the Federal Attorney-General's Department. Where possible the Committee sought comments from the Attorney-General's Department on issues raised so that its responses could be taken into account during the Committee's deliberations.

The Committee also observed the services provided directly through the Family Court of Australia.

Chapter 2 – Marriage and family in Australia

This chapter contains a review of trends in marriage and family in Australia since the Second World War. In particular, the chapter contains data indicating a rise in defacto relationships and cohabitation before marriage; a rise in divorce; and a decline in marriage. It also contains data showing the impact of these changes on children within families including rises in step families and lone parent families.

The Committee concludes that these dramatic changes which are evident in most industrialised nations reflect profound changes for children and families.

Chapter 3 – The impact of change

The Committee undertook an extensive review of the most recent research on the impact of divorce and separation on society. In particular, the Committee reviewed studies that looked at the impact of divorce on the health and wellbeing of former couples; the impact of divorce on children; the intergenerational effects of divorce; and links between family dysfunction and domestic violence, child abuse and youth homelessness.

The chapter contains a report of this literature review and concludes that the research indicates that marriage benefits the health and well-being of individuals, and, conversely, that separation and divorce bring with them elevated risks for both former husbands and wives and their children.

The Committee concludes that marriage and relationship breakdown costs the Australian nation at least \$3 billion each year. When all the indirect costs are included, the figure is possibly double. When the personal and emotional trauma involved is added to these figures, the cost to the nation is enormous.

In comparison, the Committee notes that the Commonwealth Government spends just \$3.5 million per annum on preventive marriage and relationship education programs, and \$2.05 million on parenting skills training. This is a 1000 fold difference. The imbalance is manifest and the Committee believes it requires correction.

Chapter 4 – Factors contributing to marriage and relationship breakdown

In this chapter, the Committee reviews both the factors raised in submissions, and the research and academic commentary on the factors contributing to marriage and relationship breakdown.

Evidence on this subject was received from a diverse range of organisations and individuals. This evidence indicates that the causes of marriage breakdown are complex, diverse and interactive and that no single factor can be isolated as the most significant or important reason for marriage breakdown.

The Committee in this chapter provides a summary of the most common themes presented in submissions. These themes can be broadly categorised into socio-economic, cultural and inter-personal factors. They include:

- unemployment and work related problems;
- high risk factors within marriages such as addictive behaviours, chronic illness, or death of a child;
- blended families;
- marriage and relationship breakdown in the family of origin;

- a redefinition of gender roles and the feminist agenda of equality;
- ambivalent or negative attitudes toward marriage;
- the growth of individualism;
- poor communication skills;
- poor parenting skills;
- domestic violence;
- pre-marital cohabitation;
- ease of divorce;
- geographical and social isolation of the family; and
- migration issues.

The Committee observes that many of the factors identified in submissions to the inquiry as contributing to marriage and relationship breakdown have also been recognised in research studies and academic writings. The chapter documents in some detail these studies and draws on the work of researchers such as Don Edgar; Daniel Yankelovich; Hugh McKay; Norval Glenn; Stacy Rogers; Paul Amato; Arlie Russell Hochschild; Denis Ladbrook; Jessie Bernard; Moira Eastman; Sotirios Sarantakos; Helen Glezer; Eleanor Macklin; David Hall; John Gottman; David Olsen; Ilene Wolcott; Alan Craddock and Carolyn and Philip Cowan.

It is of note that many of these research studies examine not only factors contributing to marital breakdown, but conversely they also address factors contributing to marital stability.

The Committee concludes that the results of this literature review reinforce the view that preventive programs of marriage and relationship education are of value.

Chapter 5 – The Role of the Commonwealth Government

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

The Government has supported marriage and family life through its Family Services Program for the past four decades. The Program began with grants to organisations offering marriage counselling services in the 1960s and has been extended since to marriage education, parent-adolescent mediation services, family (divorce) mediation, and family skills (parenting) programs. The primary purpose of the program is to promote and maintain quality family relationships. Grants are provided by the Attorney-General's Department pursuant to provisions in the *Marriage Act 1961* and the *Family Law Act 1975* and other administrative arrangements. These programs illustrate the development of a partnership between government and community in the support of marriage and the provision of relationship advice and skills to families.

Since the 1960s, the Australian Government has provided grants to both secular and church-based marriage and family organisations. There are currently some 60 agencies in receipt of government grants, and possibly that many again which are unfunded but offering similar services.

Although the agencies have since developed substantial education programs for their staff and promoted the use of skilled personnel, the 'partnership' between government and community agencies remains a central feature of the Australian experience. Today, agencies in receipt of grants from the national government also contribute their own funding to programs and are expected in most cases to seek a co-contribution from their clients.

The Family Relationships Services Program can be divided into three categories:

- those of a primarily preventive nature (marriage education, and family skills training);
- those related to supporting marriage and family life where problems have arisen (marriage counselling, and parent-adolescent mediation); and
- those aimed at more harmonious separation and on-going family relationships (Family Court counselling and family mediation).

In this chapter the Committee provides a general overview of the development of the Family Relationships Services Program before undertaking a more detailed analysis of specific aspects of the program in later chapters.

Chapter 6 – Marriage and Relationship Education

This chapter contains the core of the report. It focuses on the provision of marriage education services and includes discussions of issues such as: marriage education research; current programs and methods of marriage education; a survey of marriage education providers; funding arrangements; promotion and encouragement of marriage education; training issues; and the role of civil marriage celebrants.

Marriage education research

The chapter contains a detailed analysis of the different educational, psychological and behavioural ideas underpinning marriage education research. The Committee notes that a growing body of research about the causes of marital dysfunction and the value of marriage education is becoming available. In particular, the Committee studied two marriage education programs currently in use in Australia, namely PREPARE and FOCCUS.

The Committee concludes that the provision of programs of marriage and relationship education is a valuable service to the community.

Recommendation 1

The Committee recommends that there be a national strategy to strengthen marital relationships through programs of preventive education.

National survey of service providers

The Committee conducted a national survey of the provision of marriage education in Australia. Survey forms were sent to all agencies funded by the Commonwealth Government together with other agencies known to be offering marriage education programs. Originally, the Committee had hoped that the Legal Aid and Family Services Office within the Attorney-General's Department would be able to provide it with detailed statistical information about the provision of family service programs, especially by the agencies which it funded, but this proved to be illusory. This is a matter of considerable concern to the Committee.

The chapter contains a summary of the analysis of the survey and the full results are set out in Appendices D to N to this report. The survey results contain a range of data indicating participation in different types of programs according to variables such as location, duration of programs, types of participants, and types of marriages.

The role of prevention

The Committee considers that the funding of marriage education agencies and organisations should be made according to the criteria established in the program's guidelines, that is specifically, to be preventive in nature, with the aim of building healthy stable marital relationships. An analysis of the surveys returned to the Committee by the funded agencies and a consideration of their course descriptions suggests that in some instances the programs for which agencies have been funded are outside the purpose of the program or are of marginal significance.

The Committee believes that a clear distinction between preventive marital education and therapeutic counselling should be maintained in government policy and funding guidelines.

Recommendation 2

The Committee recommends that the Family Relationships Services Program clearly recognise in its objectives and funding mechanisms the programs of prevention (marriage and relationship education, and family skills training), as distinct from programs of therapy, counselling and mediation.

The Committee notes that the description of the sub-program is 'marriage and relationship education.' Different views have been expressed about the use of the word 'relationships' as distinct from marriage. Some seek more inclusive terminology.

The Committee notes that relationship skills are relevant in a variety of circumstances, for example, between co-workers or single people sharing

accommodation. However, the Committee believes that the marriage and relationship education program should maintain its focus on marital relationships (whether de jure or de facto). The Committee believes that the objectives of all programs should be clearly indicated in the outline of the program.

Recommendation 3

The Committee recommends that the emphasis on the marital relationship should remain the focus of the marriage and relationship education program.

The Committee notes the research findings about the importance of life transitions in adult education. It notes that three life transitions are particularly relevant to preventive education: marrying; the birth of the first child; and separation/re-partnering.

Recommendation 4

The Committee recommends that the priority areas for marriage and relationship education relate to three life transition events, namely: marriage; the birth of the first child; and separation/re-partnering.

Funding

By 1996–97, 46 programs were in receipt of grants from the Attorney-General's department. The value of the grants ranged from \$9,672 to \$178,876. The estimated grants for 1997–98 ranged from a low of \$10,160 to a high of \$209,496.

The Committee's survey of the provision of services and analysis of the funding reveals a highly unsatisfactory funding scheme. In discussions with the Committee, representatives of the Attorney-General's Department acknowledged the vast discrepancies in funding.

In order to test the provision of funds against services provided, the Committee examined a number of criteria, including the number of participants in programs, the funds per participant, the funds per course hour, and the funds per participant hour. All measures revealed great discrepancies in funding that cannot be justified in the expenditure of public monies. For example, Commonwealth funding per participant ranged from a low of \$7.80 to a high of \$1,048.33. When Commonwealth funding to agencies was measured per course hour, the range was from \$23.77 to \$3,292.00. Commonwealth funding per participant hour was equally varied, ranging from just four cents to a high of \$205.75.

The full results of this analysis are set out in Appendices D, E and F to this report.

It is the Committee's view that the system of funding is grossly inequitable and fundamentally flawed and that a new transparent and service-delivery based funding scheme for marriage and relationship education should be implemented forthwith.

Recommendation 5

The Committee concludes that the system of funding the marriage and relationship education program reveals major inequities and recommends that it be rectified as a matter of urgency.

The Committee examined various approaches to funding including what was described as an integrated, client focussed approach to service provision. While officers of the Attorney-General's Department assured the Committee that such an arrangement would ensure that funding for education and counselling services would remain separate under such a proposal, the Committee remains concerned.

Recommendation 6

The Committee reiterates its recommendation that funding pursuant to the Family Relationships Services Program clearly delineate between programs of prevention (such as marriage and relationship education and family skills training) and programs of therapy, counselling and mediation.

Strategies for increasing participation in marriage education

A number of strategies have been suggested for increasing participation in marriage and relationship education programs. These include wider promotion of programs, compulsory programs, and a new range of financial incentives.

Given the limited funding of the family relationships programs, especially marriage and relationship education, the Committee does not believe large expenditure on paid media advertising is justified.

However the Committee does recognise the value of successful, targeted campaigns.

Recommendation 7

The Committee recommends that the proposed Marriage, Relationships and Parenting Council, in conjunction with other bodies in the field, including MEAA, and CSME, continue to develop materials for the promotion of preventive programs to targeted groups, such as those entering relationships, and those having a first child.

Secondly, as outlined elsewhere, the Committee recommends that the Council examine the means of promoting relationships education in schools.

Mandatory pre-marriage education

The suggestion has been made from time to time that participation in a marriage education program should be mandatory for all couples wishing to marry in Australia. Mandatory pre-marriage education has been introduced in a number of places.

Rather than recommending government-mandated education, the Committee urges politicians, health professionals, marriage educators and clergy to focus on two key goals: to extol strong and happy marriages as a high value and a high priority; and to encourage couples to take advantage of effective tools to make their marriages not just more stable, but truly better.

The Committee notes evidence from some existing providers of marriage education about the difficulty they have encountered in seeking government funding.

Recommendation 8

The Committee recommends that existing agencies and organisations that have an established record of providing marriage and relationship education be approved as funded agencies.

The Committee concludes that a priority for the proposed new Marriage, Relationships and Family Skills Council should be the development of strategies for increasing participation in marriage and relationship and parenting education programs.

The Committee also encourages all appropriate groups in the community, including religious denominations and civil celebrants organisations to adopt policies of encouraging couples contemplating marriage to participate in preparation programs.

Notification period for marriage

One matter raised with the Committee was the notification periods for marriage. Under current law, a couple are required to give notification of their intention to marry between one and six months prior to their wedding.

While the Committee is sympathetic to extending the minimum notification to a longer period than one month, it believes that a longer maximum period, combined with the other measures in this report, should be tried first. The advantage of a longer maximum notification period is that it allows for the earlier referral of couples intending to marry to marriage education programs. This change, in conjunction with other recommendations, is aimed at encouraging more people to participate in marriage education, especially those being married by civil celebrants.

Recommendation 9

The Committee recommends that the maximum period for notification of an intention to marry be extended by law to eighteen months.

The Committee encourages all celebrants, both religious and civil, individually and in their associations, to adopt policies of referring couples contemplating marriage to appropriate marriage education programs as long before the wedding as possible.

Financial incentives

A number of submissions to the inquiry stressed the importance of financial incentives directed at couples to encourage attendance at marriage and relationship education programs. Financial incentives are provided indirectly by the provision of grants to approved marriage and relationship education agencies.

The Committee is of the opinion that the funding of all family relationship services, including marriage and relationship education, should reflect a number of principles: First, the funding should be equitable, as between agencies and as between participants in programs. Secondly, the funding scheme should be transparent in operation. Thirdly, the funding should be directly referable to services delivered. Fourthly, the funding should provide direct incentives to individuals and couples to participate in programs.

In line with these principles the Committee makes the following recommendations.

Recommendation 10

The Committee recommends that the funding of marriage and relationship education be based primarily on service delivery.

Recommendation 11

After considering the research evidence, and analysing the surveys, the Committee recommends that in order to receive Commonwealth funding, a course or program must be a minimum of six hours duration.

The Committee notes that this recommendation would allow funding for the following types of marriage and relationships education programs:

- An inventory such as PREPARE or FOCCUS which normally involves about six hours.
- A group program conducted over at least one day, usually two, or a series of evenings.
- A program consisting of a series of three evening seminars, amounting to at least six hours in duration.

The Committee stresses that the six hours is a minimum duration for which Commonwealth funding is available. It does not seek to proscribe programs to only six hours, and believes that the current trend towards longer programs will continue. However, it believes that funding should not be provided for programs of short duration, such as one to two hours, that are unlikely to have a substantial educative impact.

The Committee is of the opinion that there should be no funding discrimination against inventory programs such as FOCCUS and PREPARE. However, the Committee does recognise that the majority of marriage educators using the inventories are not directly employed by or affiliated with a funded agency.

Recommendation 12

The Committee recommends that both PREPARE-ENRICH Australia and FOCCUS Australia be funded as marriage and relationship agencies, and provided with a base grant.

Secondly, PREPARE-ENRICH Australia and FOCCUS Australia should be paid the service delivery component where inventories are facilitated by educators not otherwise affiliated with funded agencies. It would be the responsibility of the two national bodies to make any subsequent payment to individual educators, after deducting any scoring or other appropriate fees.

The Committee has discussed these proposals with representatives of both PREPARE-ENRICH Australia and FOCCUS Australia. It understands that the national registration of accredited facilitators is either in place or being established currently by the two bodies.

Recommendation 13

The Committee recommends that both national bodies establish by the end of June 1999, when it is proposed that the new arrangements begin, continuing education requirements and minimum standards for accredited facilitators of the inventories.

In determining an appropriate level of base grant, the Committee examined the levels of administration reported by the agencies. It also considered that the major emphasis should remain on the service delivery component. A range of possible funding combinations were considered.

Recommendation 14

After examining the evidence and giving consideration to the possible combinations of funding, the Committee recommends that approved agencies and organisations be provided with an annual base grant of \$30,000 to cover basic administration costs.

The Committee recommends that further grants to agencies and organisations be made for the delivery of services on a per participant basis.

In order to qualify for grants, the Committee recommends that agencies and organisations be required to meet the following criteria:

- **They offer education services in two of the three recognised education frameworks, namely, (1) an inventory, (2) an information-awareness program, and (3) a skills training program; and**
- **That the program be for a minimum of 6 hours duration.**

The Committee is of the opinion that the funding system should provide an incentive to individual couples to participate in marriage and relationship education programs. The Committee is of the opinion that the current system of funding, apart from being inequitable, fails to provide an incentive for participation in programs and courses. The system proposed by the Committee will provide such incentives, especially for those couples marrying civilly, of whom very few currently attend programs.

Recommendation 15

The Committee recommends that the service delivery component of the funding be provided by way of a complimentary voucher, made available through marriage celebrants, redeemable by booking for and attending a marriage and relationship education program conducted by an approved agency or organisation.

The Committee recommends that the complimentary vouchers be provided to all marriage celebrants.

The Committee also recommends that the complimentary vouchers be available from family relationships service agencies to ensure that people not currently planning to marry, such as those in de facto relationships, have access to the marriage and relationship education services.

The Committee recommends that marriage celebrants be required to give a complimentary voucher to each couple who approaches him or her to officiate at their wedding.

The Committee believes that the use of the complimentary voucher will serve as a real encouragement for these couples to participate in marriage and relationship education.

The Committee notes that the payment of the \$30,000 base grants to 50 agencies would cost \$1.5 million per year. This includes some new agencies. The Committee notes that the average fee paid per participant was approximately \$98 in 1996–97.

Recommendation 16

The Committee recommends that the service delivery component of the fee be set at \$60 per participant.

When added to the base grant of \$30,000, the total amount represents a real increase in funding for most agencies. Based on 1996–97 data, the service delivery component would amount to \$3.089 million. The total cost would be approximately \$4.589 million.

Recommendation 17

The Committee recommends that the new funding system be implemented from the beginning of the 1999–2000 financial year.

The Committee recommends that funding for marriage and relationship education agencies be increased by \$1.6 million for the 1999–2000 financial year.

The Committee recommends that new contracts with agencies not be entered into until the new system of funding is implemented. In order to enable this to occur, existing contracts should be extended by a period of up to 12 months.

Training and standards

Recent studies indicate that the content and style of training for the role as a pre-marriage educator ranged from no formal training for those with relevant qualifications, such as teaching, through limited formal training, to more extensive formal training.

The Committee concludes that while the system of training remains informal, nonetheless agencies and individual educators regard training and on-going skills development as central to their work.

The registration of the national competency standards for marriage and relationship education marks an important milestone for the field. The Committee believes that this development, undertaken by members of the field largely of their own initiative, indicates a way forward. Because the development of the competency standards was undertaken with the direct input of marriage and relationship educators, it is founded on their experience.

Recommendation 18

The Committee recommends the following training for marriage and relationship educators in funded agencies:

- **All educators working for funded agencies should have reached the national competency standards by the end of the 1998–1999 financial year;**
- **As from 1 July 1999, all new educators working in funded agencies must attain the national competency standards within six months of commencing to work for the agency (unless they have previously attained the standards); and**
- **All educators should complete a minimum of 50 hours practice each year to maintain their accreditation. The 50 hours can include up to 15 hours of in-service training.**

The Committee recognises that for educators working in rural and regional areas, there may not be the same demand currently for programs, and hence not the same opportunities to facilitate programs.

Recommendation 19

The Committee recommends that for educators outside the metropolitan areas, the current requirement be 25 hours, including up to 10 hours in-service training. This provision should be reviewed after three years.

The Committee further recommends that a grant be provided to the Marriage Educators Association of Australia to conduct a series of training programs in 1998–99 to assist individuals and agencies to reach the national competency standards.

The Committee also recommends that MEAA develop an accreditation for marriage educators, based on the national competency standards. Such accreditation would satisfy an agency that an educator had attained the national standards.

While the Committee would wish to encourage higher levels of education among marriage and relationship educators, it does not believe that a particular tertiary qualification is a necessary prerequisite for practice.

Threshold magazine

Threshold is a magazine about marriage education, published by CSME and available to all marriage educators in Australia.

The magazine has served a very useful role in disseminating the latest research, publicising resources and educational opportunities for marriage educators, discussing different approaches to practice in the field, and stimulating debate about future directions.

The Committee is of the opinion that without *Threshold*, the developments that have occurred in the field of marriage and relationship education in Australia over the past decade would not have been as widespread or as successful. The Committee understands that the Attorney-General's Department has been awaiting the report of this inquiry before continuing funding.

Recommendation 20

Given the importance attached to the continued publication of the magazine by marriage and relationship educators, the quality of the publication, and the developing nature of the field, the Committee recommends that the Commonwealth grant towards the publication of *Threshold* be continued by the Attorney-General's Department.

The role of civil marriage celebrants

Given that almost half of all marriage ceremonies in Australia are now conducted by civil marriage celebrants, the Committee finds the low referral rate by civil celebrants to marriage education programs of some concern. As celebrants are in a strong position to refer couples to pre-marriage programs, the Committee believes it

is important to address the question of how to encourage couples being married civilly to attend marriage and relationship education programs.

The Committee notes that there is already a legislative obligation on civil celebrants to provide marrying couples with documentation about marriage education. It suggests that future training programs emphasise the importance of this obligation. The Committee also acknowledges the evidence of celebrants who were critical of this marriage documentation and suggests that the Department should ensure that marriage documentation distributed to celebrants is kept up-to-date and made more relevant to marrying couples.

The Committee agrees with witnesses who suggested that there should be greater co-operation between secular marriage education agencies and civil celebrants. The Committee believes that celebrants' reluctance to refer may be partly based on an ignorance of the availability of secular programs and a belief that couples marrying in civil ceremonies are unwilling to attend religious affiliated marriage education programs.

Recommendation 21

The Committee recommends that advertising material available through the Attorney-General's Department and the proposed training courses alert civil celebrants to the range of secular programs available.

Recommendation 22

The Committee recommends that the proposed Marriage, Relationships and Parenting Council work towards establishing greater links between secular agencies and civil celebrants.

The Committee believes that based on the evidence a priority for the Department is to implement a competency training program for all current and prospective civil celebrants.

Recommendation 23

As part of that program, the Committee recommends that civil celebrants must undertake a course of training about marriage and relationships prior to obtaining registration. Existing celebrants must also undertake such a course within the next two years.

Recommendation 24

The Committee reiterates the Donovan Research report recommendation that service providers in the relationships education field provide training programs for civil marriage celebrants.

The Committee acknowledges the concerns of some celebrants, that the provision of marriage and relationship training for marrying couples should not be made a

mandatory requirement of the work of civil celebrants. The Committee realises that some celebrants may not be particularly suited to this work. It agrees with evidence to the inquiry that suggests that the primary role of celebrants in this area should be to positively and knowledgeably refer marrying couples to appropriate marriage and relationship education programs.

The Committee is sympathetic to the concerns of some witnesses about current regulations that preclude trained marriage educators from combining this work with their role of civil celebrant. The Committee agrees that these regulations are wasteful of resources and that competency in marriage education training would in fact be a desirable attribute for marriage celebrants. The Committee notes that the roles of celebrant and educator are successfully combined by many religious celebrants.

Recommendation 25

The Committee recommends that the proposed Marriage and Relationships and Parenting Council investigate ways of ensuring that adequate safeguards are put in place so that the potential conflict of interest between the dual roles of celebrant and educator can be avoided.

Subject to such safeguards being established, the Committee recommends that departmental regulations be changed so that civil celebrants who are also accredited marriage and relationship educators may perform the dual roles of providing marriage education and officiating at the wedding ceremony of marrying couples.

USA: Reforming marriage and divorce law

A number of submissions suggested that the rate of marital breakdown was a consequence of the introduction of no-fault divorce law in Australia. In their view, making divorce more difficult would reduce marital breakdown.

While a review of the Family Law Act was outside the Committee's brief, the Committee noted developments in divorce law reform in other jurisdictions. In the US, at least 20 States have introduced bills to change divorce laws, either by extending waiting periods, repealing no-fault divorce, mandating counselling, or encouraging pre-marriage education. The first State to pass such laws was Louisiana.

These developments are of considerable interest to observers of marriage and family law in Australia. While it is too early to measure their impact, the Committee believes that the developments should be monitored in Australia.

Recommendation 26

The Committee recommends that the Attorney-General report to Parliament in three years time on the developments that have occurred in family law in the United States, particularly in the

implementation of covenant marriage laws and the provision of pre-marital education.

Innovative projects funding

The Committee recognises that there are new approaches to marriage and relationship education being developed from time to time. These approaches may be directed to specific communities, or involve a new program. The Committee notes, for example, the difficulties, now being addressed, of women from particular countries being brought to Australia as brides and the adverse consequences for many of them.

In line with the primary recommendations of this report that programs of marriage and relationship education be separately funded through a combination of base grants and a service delivery component, the Committee also supports the provision of a special fund for innovative projects, and for exceptional circumstances, such as the provision of programs where extreme distance or particular socio-economic conditions are a factor.

The Committee believes that these projects should have clearly enunciated objectives and should be funded for a limited period of two years, so that proper assessment can be made of their efficacy.

Recommendation 27

The Committee recommends that a fund for innovative and exceptional circumstances projects in marriage and relationship education be established by the Attorney-General's Department.

Funding of other Family Relationship Services Programs

The Committee heard evidence expressing considerable disquiet about the funding of Family Relationship Services Programs. The evidence, and the Committee's analysis of it, is referred to in discussion about the marriage and relationship education program.

The Committee believes that a system of base grants and a direct service delivery fee should be implemented for other Family Relationships Services Programs, namely family and relationship counselling, family and child mediation, adolescent mediation and family therapy, and family skills training. This funding mechanism should be established in consultation with the agencies and the proposed new Councils, with a view to implementation in 1999–2000.

Recommendation 28

The Committee recommends that a funding scheme comprising base grants and a service delivery component be established for each of the other sub-programs under the Office of Legal Aid and Family Services.

The Committee recommends that the Attorney-General's Department report to the Parliament each year full details of all funding to agencies for each of the Family Relationships Services sub-programs.

The report should include details similar to that set out in the survey of marriage and relationship education contained in appendices to this report.

The Committee recommends that the Australian National Audit Office undertake a financial and performance audit of the Family Relationships Services Program in two years time.

A postscript: The Keys Young Evaluation

The Attorney-General's Department selected a firm, Keys Young, in 1997 to undertake an evaluation of the marriage and relationship education program. The final report was delivered in December 1997.

The Committee is disappointed with the quality of the evaluation. The research is incomplete, the conclusions of questionable validity, and the recommendations lacking in sufficient reasoning. While it is not the task of the Committee to determine why such a report was presented, it does raise questions about such evaluations in future.

Recommendation 29

The Committee recommends that the Attorney-General's Department disregard the evaluation report as incomplete and lacking in the necessary rigour.

Recommendation 30

Further, the Committee recommends that similar evaluations not be undertaken in future.

Chapter 7 – Family Skills Training

Given the documented link between parenting skills training and the prevention of family breakdown, the Committee sought evidence from witnesses on the operation of the Family Skills Training sub-program (FSTSP) within the Attorney-General's Department and information about other community projects that provide family skills and parenting education.

The Committee notes that despite the limited focus of the FSTSP, the program does fulfil an obvious need in supporting disadvantaged and vulnerable families. Without wishing to undermine the importance of such a program, the Committee also sees value in programs that reach all parents at an early stage and before problems arise. It supports the research that indicates that a critical intervention point in couples lives is after the birth of the first child. To this end, it believes that ante natal classes should be used to promote positive parenting courses to all parents regardless of their socio-economic status.

The Committee notes that in addition to the Attorney-General's Department project, there is a range of parenting programs being offered across Australia. It is of some

concern to the Committee that there appears to be little cooperation or collaboration between these various programs with neither Commonwealth nor State Governments taking primary responsibility for parenting education. The Committee suggests that governments at State and Commonwealth level should collaborate to ensure that policies in preventative services to support family function are jointly developed.

Recommendation 31

The Committee recommends the need for a national agenda for family based research.

While, anecdotal evidence suggests the FSTSP has positive outcomes and is well received, there is an obvious need to undertake more longitudinal research to measure the benefits of this program.

Recommendation 32

The Committee recommends that the Australian Institute of Family Studies undertake longitudinal studies into the effects of parenting education on marriage and relationship stability.

The Committee notes the evidence suggesting an absence of professional development opportunities for family skills educators. The Committee believes that the peak body has a role to play in this area.

In Chapter 11, the Committee recommends that the Commonwealth Government should assist in the establishment of and provide ongoing funding for a Marriage, Relationships and Parenting Council which will be a peak body for marriage and relationship education and family skills education.

Recommendation 33

The Committee recommends that the proposed Marriage, Relationships and Parenting Council undertake two tasks in relation to family skills education.

The Marriage, Relationships and Parenting Council should promote the activities of parenting education by encouraging the sharing of resources and promoting the professional development of family skills educators. It should take an active role in working towards the development of standards, procedures and quality assurance mechanisms to assist the whole sector of family skills training.

In accordance with the recommendations in Chapter 11, the Marriage, Relationships and Parenting Council's priority areas should relate to three life transition events: becoming married; the birth of the first child; and separation.

In relation to the second of these events, the birth of the first child, the Committee recommends that the Marriage, Relationships and Parenting Council explore programs of education and skills training that are developed in conjunction with ante-natal classes.

The FRSP does not have responsibility for school-based programs which provide relationship and family skills training. However, as many witnesses to the inquiry expressed great interest in this subject, the Committee considered it important to examine briefly, some of the innovative programs already in place in schools, and to consider possible options for the future.

It would appear to the Committee, that there is a lack of readily available data on the types of family education programs being offered in Australian schools. Information is fragmented, and furthermore there exists no coordinated government policy in this area.

The Committee agrees with the overwhelming body of evidence that suggests that relationship and family education should be part of the curriculum in Australian schools. However the Committee realises that there are difficulties in suggesting that the Commonwealth take initiative in the provision of school programs for relationship and family skills training. Funding for schools is primarily the responsibility of the States. If the Commonwealth has a role to play in this area, it must be in cooperation with the States.

The Committee believes that more work needs to be done to assess the range of programs available in schools and to examine ways of providing a more coordinated approach to relationship training for children and adolescents.

Recommendation 34

The Committee recommends that the proposed Marriage, Relationships and Parenting Council undertake a study of developments in school-based programs in relationship and family skills education. As a result of this study, the Council should make appropriate recommendations to Government.

Chapter 8 – Marriage Counselling

It is apparent from recent studies and from evidence to this inquiry, that marriage and relationship counselling services are well utilised and well regarded within the Australian community.

However, the Committee notes with some concern that there are apparent barriers to participation in counselling programs due to factors relating to accessibility, affordability, relevance and appropriateness. These barriers can be seen in the under utilisation of counselling services by migrants, indigenous people, rural communities and by lower income groups.

The Committee is concerned about three aspects of the Family Relationships Counselling sub-program (FRCSP):

- the inequity in funding of agencies providing marriage counselling and the lack of transparency of funding;
- the fact that there has been no real increase in funding since 1992-93; and
- the suggestion that there be integration of education and counselling programs and funding.

Evidence to the inquiry indicates there are major inequities in funding arrangements for the FRCSP. The Committee is concerned about these inequities and believes they must be corrected. The Committee concludes that funding of marriage counselling should be based primarily on service delivery.

Recommendation 35

The Committee recommends that funding of marriage counselling should be based primarily on service delivery.

Recommendation 36

The Committee recommends that the Attorney-General's Department, in consultation with the field, implement a new system of funding, based on transparent service delivery.

This system of funding should comprise a base grant and further payments based on client numbers. This approach will help overcome some of the problems associated with delivery of services to rural and regional areas, as the base grant will enable a service to be established in these regions of Australia.

Recommendation 37

The Committee recommends that new contracts with agencies not be entered into until the new system of funding is implemented. In order to enable the new arrangements to be put into place, the Committee recommends further that existing contracts with service providers be extended for a period of up to 12 months.

The Committee notes that funded counselling is only meeting 34 per cent of the needs of the Australian population. It acknowledges the evidence that many organisations have unacceptable long waiting lists for counselling and are unable to offer services to satisfy the demands of their clients.

While marriage counselling is still the preferred intervention for many people and the most heavily utilised service supported by FRSP, the Committee notes that funding for the marriage counselling program has not increased since 1992-93.

Recommendation 38

The Committee recommends that the Family Relationships Counselling Sub-Program receive an increase in funding of 10 per cent beginning in the 1999-2000 financial year.

The Committee received evidence suggesting that there should be greater financial integration of the counselling and education programs within FRSP. The Committee rejects the integration of prevention and therapeutic programs and services for the reasons set out in Chapter 6. Such an approach fails to acknowledge the distinctive differences between, and the very different demands, of the two types of services. The Committee believes that because of these basic differences, an integration of the two services would inevitably result in resources being channelled towards the more urgent demands of counselling services and away from the equally important preventative work of education programs.

Recommendation 39

The Committee recommends that prevention and education should be clearly distinguished from counselling and therapy in policy and funding initiatives.

Education is not and should not be allowed to become a cheap form of therapy.

The special needs of men in family relationships

The Committee received substantial evidence from organisations and individuals documenting the particular issues affecting men and family relationships.

The Committee believes that special initiatives are needed to address the particular problems facing men in maintaining healthy relationships and it commends the Commonwealth Government's recent initiatives in this area.

Chapter 9 – Family Court Counselling

Under the *Family Law Act 1975*, the Family Court of Australia has a number of responsibilities in relation to the provision of conciliation and mediation services. In recent years there has been increasing debate about the location of these primary dispute resolution (PDR) services and whether the Family Court should continue to provide the bulk of these services or whether more of them should be provided by community-based agencies.

This debate has been taken up more recently in the Attorney-General's Department's discussion paper *The Delivery of Primary Dispute Resolution Services in Family Law*, August 1997. The discussion paper calls for comment on the issue of whether significant improvements can be made to the structures now in place for family relationships services. It includes discussion of a possible model for reform involving increased community sector involvement.

In light of the Attorney-General's Department's request for comment, this chapter presents a range of views expressed during the inquiry. In general that evidence suggests that the discussion paper has caused considerable concern within the Family Court itself, amongst family law practitioners, other family law bodies and also amongst community organisations.

On consideration of this evidence, the Committee believes that the reform proposals involve complexities that require more detailed analysis and consideration.

These complexities include the importance of acknowledging the distinctive differences between the counselling services offered by community organisations and those of the Family Court. Many community-based services are provided by churches which have a deep philosophical commitment to the support of marriages through bad times. Their focus is on prevention and therapy. On the other hand, the PDR services provided through the Family Court are crisis counselling to help couples who have already determined to separate, to solve the problems involved in doing so. The focus of these two groups is different and attempts to merge these types of services may jeopardise the valuable work of each.

The Committee does acknowledge that a difficulty of the current arrangements may relate to the community's perceived role of the Family Court. The Committee believes that it is important that a clearer distinction be drawn between the marriage and relationship counselling and therapy offered by community based organisations and the crisis counselling offered by the Family Court to separating couples. To this end, the Committee makes two recommendations.

Recommendation 40

The Committee recommends that the Family Court of Australia rename its conciliation counselling services as separation counselling services in order to avoid confusion with the reconciliation counselling services offered by marriage and relationship counselling agencies.

The Committee reiterates the recommendation of the Joint Select Committee on Certain Family Law Issues that the *Family Law Act 1975* be amended to remove the statutory obligation on the Family Court to provide reconciliation counselling.

The Committee considers that there is a prima facie case for the Family Court retaining its PDR services. Any proposal to re-locate PDR services away from the Family Court should be based on solid evidence that the provision of the services could be improved by those proposed administrative arrangements.

Any such decision should be approached with a great deal of caution. Attention must be paid to the different types of counselling services and the suitability of particular bodies for delivering different services. On the basis of the evidence to the inquiry; the Committee visits to the Family Court registries; and a study of the New

Zealand family court structure, the Committee considers that PDR services are an integral part of the Family Court's operations. Future administrative arrangements should take this factor into account.

Recommendation 41

The Committee recommends that primary dispute resolution services remain a part of the Family Court.

Chapter 10 – Divorce Mediation

Evidence to the inquiry and recent surveys of federally funded mediation services indicate that mediation is a successful, if under-utilised method of PDR. The Committee believes that the government should remain committed to the support of family mediation services as an important method of PDR.

The Committee acknowledges the importance of accreditation standards for mediators but is also concerned about the perceived middle class bias of mediation programs. It notes that the mediation accreditation standards which came into effect on 11 June 1996 may reinforce this perception of middle class bias. The regulations effectively prohibit or exclude appropriate mediators from Aboriginal and Torres Strait Islander and non-English speaking background communities.

Recommendation 42

The Committee recommends that the accreditation regulations for mediators be suspended pending a full inquiry into their operation and effect.

The Committee further recommends that a competency-based accreditation system be implemented.

While acknowledging the value of providing mediation services via community agencies, the Committee believes there is evidence that Family Court mediation services provide a complementary service and are still the preferred choice for many families. The Family Court information sessions, which educate people on the process of mediation, the Integrated Client Services program and the legal expertise of staff are all factors that ensure that the mediation services available within the Family Court are of a high standard and worthy of emulation within community organisations.

Recommendation 43

The Committee recommends that the Government continue to support a range of mediation programs within both the Family Court and the community sector.

The Committee accepts with caution the findings of the Violence Study of 1996 in relation to the appropriateness of using mediation in disputes with a history of violence. The Committee believes that the significant body of literature which contradicts these findings should not be ignored.

Recommendation 44

The Committee recommends that cases involving domestic violence continue to be excluded from the mediation process until the appropriateness of mediating in cases involving violence can be further reviewed.

Recommendation 45

Given the relatively recent implementation of mediation services, and the concerns expressed in evidence to the inquiry, the Committee also recommends that the Government continue to monitor mediation services used in the divorce process.

To this end, the Committee recommends that the Attorney-General report to Parliament within two years on the use and effectiveness of mediation as a method of primary dispute resolution.

The Committee also considered the role that mediation and separation counselling might play in providing education for future relationships. It agrees with evidence that suggests that the time of separation and divorce is a key transition point in couples lives and a critical time to undertake further education for relationships and marriage.

The Committee believes that the Family Court should play a more proactive role in supporting and encouraging couples to learn new skills to enable them to proceed into more stable marriages or relationships in the future. The Committee suggests that services already in place within the Family Court should be used effectively and modified to promote relationships education.

Recommendation 46

The Committee recommends that the Family Court use its information sessions, parenting programs and counselling services to educate couples about the complexities involved in remarriage and the value in undertaking further relationships education and training. The Committee is not suggesting that the Family Court undertake this training, but rather that it be seriously involved in referring couples to appropriate marriage and relationship education services available in the community.

Recommendation 47

As more community based agencies become involved in divorce counselling and mediation, the Committee recommends that these agencies also encourage couples to participate in further relationships training and programs aimed at teaching skills to cope with step parenting, blended families and other issues associated with remarriage.

Chapter 11 – Advisory bodies

Under Commonwealth arrangements for family services, several organisations are funded to provide advice on family services to the Attorney-General and the Attorney-General's Department.

Three national peak bodies, namely Centacare Australia, Family Services Australia and Relationships Australia, are funded to provide a national voice for their members and to be actively involved in ongoing consultation with departmental program administrators on significant policy and procedural issues.

In addition to these peak bodies, the Family Services Council, the Family Law Council and the National Alternative Dispute Resolution Advisory Council (NADRAC) also provide advice to the Attorney-General on family services and family law matters.

Given such a proliferation of organisations that provide advice to the Attorney-General on family services, the Committee sought to make an assessment of the value and functions of these organisations and whether some rationalisation might be appropriate.

The Committee acknowledges the work done by the three peak bodies and the Family Services Council in facilitating communication between the Attorney-General's Department and family services delivery agencies. However, the Committee believes that there are inequities and anomalies in the current advisory structure and that there appears to be duplication of responsibilities between the three peak bodies, the Family Services Council, the Family Law Council and NADRAC.

The Committee strongly supports the need to encourage marriage educators to research and develop standards for their profession. The Committee believes that a peak body should play a greater role in this important area. For this reason, it sees advantages in abolishing the current peak body structure which has accentuated and aggravated rivalries between organisations rather than encouraging cooperation between them. The Committee believes that peak bodies should not be comprised of service providers which constitute an exclusive network of agencies as exists currently.

Recommendation 48

The Committee recommends that the current structure be replaced with two peak bodies to represent the two distinctive types of services offered within the Family Relationships Services Program.

One peak body would be set up and funded to represent the interests of intervention programs such as marriage counselling and mediation and the other peak body would be funded to represent

prevention programs such as marriage and relationships education and family skills education.

The Committee believes that a structure built around these two distinct activities would enable greater professional development and encourage a sharing of resources amongst similar service providers. Membership of these two peak bodies would be open to individual educators, therapists, counsellors or mediators who are recognised by the appropriate professional bodies.

The Committee believes there is considerable duplication in the work of the Family Services Council, the Family Law Council and NADRAC. It notes that much of the advice provided by the Family Services Council in 1995-96 and its charter for 1997-98 relate to family law and mediation standards. The Committee believes the Family Law Council and NADRAC already have responsibilities in these areas and therefore it questions the need for another body to duplicate this work.

Recommendation 49

The Committee recommends that the Family Services Council be abolished and its advisory functions be appropriately distributed between the new councils, the Family Law Council and NADRAC. The funding currently allocated to the Family Services Council (approximately \$150,000 per annum) should be re-directed to the peak body structure to provide further support and professional development for educators, counsellors, therapists and mediators.

The Committee notes that currently the Commonwealth Government expends approximately \$100,000 on annual grants to each of the three peak bodies, and an estimated \$150,000 on the operation of the Family Services Council, a total of some \$450,000. The peak bodies have submitted that additional funds would be of use to them.

Recommendation 50

The Committee recommends that annual grant in the order of \$200,000 be made available to each of the two councils, the Marriage, Relationships and Parenting Council, and the Counselling and Mediation Council to undertake their roles.

The Committee believes that by comprising practitioners from the respective fields, the new councils will enjoy the experience of both individual practitioners and the agencies in which they work. The councils will also enable an effective voice for practitioners from fields such as family skills that currently have no direct representation.

The Committee notes that the funding of the existing peak bodies is subject to renegotiation in the 1998-99 financial year.

Recommendation 51

The Committee recommends that the new structure be implemented from the beginning of the 1999-2000 financial year.

It further recommends that the funding be provided to the new councils for an initial period of five years.

The Committee believes that the Attorney-General's Department should provide more support for unfunded agencies working in family services.

Recommendation 52

The Committee recommends that the new councils take an active role in providing support services for educators and therapists working in non-funded agencies in the field.

In making the recommendations to change the peak structure, the Committee wishes to acknowledge the work undertaken by the existing bodies, Centacare Australia, Family Services Australia, and Relationships Australia. The Committee notes that the constituent agencies of these national bodies provide high quality services to Australian people across the FRSP. It also acknowledges the valuable work they have undertaken in developing the field of family relationships. However, the Committee is of the opinion that the current peak body structure is inappropriate and in need of change.

The Committee also considered ways of encouraging and fostering research into marriage and family in Australia and in particular the role that the Australian Research Council and the Australian Institute of Family Studies (AIFS) should play in this area. The Committee agrees with witnesses who suggested that this area of study needs to receive a higher profile within Australian research institutions.

Recommendation 53

The Committee recommends that the Australian Research Council assist in raising the profile of family and relationships studies by having a research sub-category pertaining to the study of marriage and family within the more general category of the social sciences.

The Committee concluded that the AIFS is a valuable research institute that should be preserved. The Committee notes that the AIFS, since its establishment in 1980, has had a statutory responsibility to promote and encourage research into the understanding of factors affecting family and marital stability in Australia and more generally to promote the protection of the family as the natural and fundamental group unit in society. The Committee believes that the AIFS should be encouraged to focus more closely on this original charter.

At its establishment, the AIFS operated within the Attorney-General's portfolio. It is now located within the Department of Health and Family Services and reports to the Minister for Family Services. The Committee believes that in order to promote

research into marriage and family, it would be advantageous for the AIFS to be relocated with the Attorney-General's Department. Within that portfolio, the AIFS could maintain closer links with other organisations involved in family relationships services and concentrate its resources in areas more closely related to its original charter.

Recommendation 54

The Committee recommends that the Australian Institute of Family Studies be relocated within the Attorney-General's Department to enable it to focus more closely on the terms of its original charter as set out in Part XIVA of the *Family Law Act 1975*.

The Committee believes that the AIFS and the proposed new councils should have a pivotal role in developing and maintaining the momentum of research in the field of marriage and family relationships. Given the work that the Committee has already done in this area, the Committee believes it could play a useful role in monitoring further progress and developments. For this reason, the Committee believes it would be mutually beneficial if representatives from these three key organisations meet annually with the Committee to report on their activities and progress.

Recommendation 55

The Committee recommends that the Australian Institute of Family Studies, the proposed Marriage Relationships and Parenting Council and the proposed Counselling and Mediation Council be required to report annually on their activities to this Committee.