



# HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

**Reference: Aspects of family services**

**SYDNEY**

**Wednesday, 13 November 1996**

**OFFICIAL HANSARD REPORT**

**CANBERRA**

HOUSE OF REPRESENTATIVES  
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Members:

Mr Andrews (Chair)

Mr Andrew	Mr Mutch
Mr Barresi	Mr Randall
Mrs Elizabeth Grace	Mr Sinclair
Mr Hatton	Dr Southcott
Mr Kerr	Mr Tony Smith
Mr McClelland	Mr Kelvin Thomson
Mr Melham	

Matters referred to the committee:

To inquire and report on:

the range of community views on the factors contributing to marriage and relationship breakdown;

those categories of individuals most likely to benefit from programs aimed at preventing marriage and relationship breakdown;

the most effective strategies to address the needs of identified target groups; and

the role of governments in the provisions of these services.

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HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL  
AFFAIRS

*Aspects of family services*

SYDNEY

Wednesday, 13 November 1996

Present

Mr Andrews (Chair)

Mrs E. Grace

Mr Mutch

The committee met at 9.04 a.m.

Mr Andrews took the chair.

**ASTOR, Professor Hilary Elisabeth, Chairperson, National Alternative Dispute Resolution Advisory Council, Robert Garran Offices, National Circuit, Barton, Australian Capital Territory 2600**

**CHAIR**—I open this public hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into aspects of family services. I welcome the witnesses and others who are present today. This hearing is the fifth day of hearings that we have had. There have been two in Canberra, one in Hobart, one in Melbourne and one today in Sydney. We are having a rest tomorrow as we are doing something else. We have received over 130 submissions to the inquiry so far. We know that more have been promised, so we look forward to the deliberations.

I welcome Professor Astor to the hearing today. I am obliged to indicate that the committee does not require you to give evidence on oath, but the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We have received your submission. Are there any changes or corrections that you wish to make to it?

**Prof. Astor**—No, there are not.

**CHAIR**—I invite you to make a brief opening statement. Could you limit that to about five minutes as it would allow us to keep moving through the day.

**Prof. Astor**—Certainly. I am not sure that there is a great deal I can add to the written submission that the council presented to you at this stage. There are a couple of matters. Perhaps the focus of this committee is different from the focus of my council in that, as I understand from your terms of reference, you are perhaps more concerned with the prevention of disputes arising. NADRAC is more concerned with finding the best ways in which to resolve disputes from the point of view of the parties, the courts and governments, after those disputes have arisen.

I suppose that the line between those two is not always clear, at least in the minds of the parties. If they have a dispute in their relationship, they may well go seeking help in an uninformed way, not knowing quite whom they should go to, and perhaps not knowing whether that dispute means the end of a relationship or simply that they need some assistance to continue the relationship. So I would see the line between our two concerns as being a rather blurred one.

I am in a somewhat difficult position in that I am representing the views of the council, and it is a council that represents very diverse points of view in the area of dispute resolution. There are some matters on which I do not yet feel my council has reached consensus. One of those is indicated in our written submission to you. That concerns the role of alternative dispute resolution mechanisms in the Family Court of Australia. I feel that we have consensus in the council and that the Family Court of Australia needs to have access to alternative dispute resolution mechanisms after cases have been filed with the court.

We believe that it is important that the court has available to it, and easily accessible to it, a range of dispute resolution mechanisms appropriate to the nature of different disputes. It is important for the purposes of case management. It is important to maximise the opportunities for resolution of those disputes without

them going to trial and to take every opportunity to resolve those disputes without going to trial. We believe it is important that the court has expert dispute resolvers who know the jurisdiction of the court and are responsive to its jurisdiction and the contents of the Family Law Act.

The issue of whether or not the court should have those dispute resolution mechanisms before a matter is filed with the court is a matter which the council has not discussed. I would anticipate that there would be a range of different points of view expressed on council about that matter. I certainly do not feel at this stage that my council has any consensus about that issue.

We have a meeting coming up at the beginning of December at which that matter will be raised. It will be raised because of your inquiry and also because of the concerns of the Attorney-General in relation to these matters, as our role as a council is to give policy advice to the Attorney-General on alternative dispute resolution. At the December meeting we will be discussing that issue and attempting to reach some consensus and, at a later stage, we will be happy to advise you of the views of council on that matter, if that will assist you. I do not really think that there is anything else that I can add to the written submission.

**CHAIR**—I did note in your submission that you indicated a desire to make a further supplementary submission. We are quite welcoming of that. If there are matters that arise out of your December meeting in particular that you would like to make a further submission about, then we invite you to do so.

Arising from the submission, one matter that I was going to take up was your reference to the lack of community awareness of the range of services for the resolution of disputes. You cited the AGB McNair survey from September 1995 that found that only 17 per cent of the community had heard of family mediation. It seems to me, from my experience and also from the evidence that has been provided to us to date and from other anecdotal evidence, that that is probably true of not only mediation but a range of other relationship oriented services as well. That has consequences: we are told that the earlier the intervention can be achieved, the more likelihood there is of a successful outcome; but, if people are not aware of the services provided, obviously that makes early intervention difficult. I would be interested in any views you might have about how we might overcome that lack of knowledge.

**Prof. Astor**—Community information is extraordinarily important in this area and, as we said in our submission, we now have evidence that people do not understand mediation. I agree that they probably do not understand the other services that are available too.

One of the matters which was referred to my council when we were established only a year ago was the issue of public education about ADR. That was only one of a substantial agenda of issues that the council was given to look at, and our resources have not allowed us to do any work there. I personally think that it is a very difficult matter, because providing information to the public can be something of a financial black hole. It is possible to pour a great deal of resources into such an enterprise without necessarily achieving your ends.

I suppose that one would have to approach this on a number of fronts. Perhaps one most important way of going about it would be the education of the legal profession. My approach to this, however, tends to be the approach of someone whose concerns arise when a dispute has arisen and been identified, when

someone has gone to a lawyer. Educating the profession about alternative ways of resolving relationship disputes is extremely important, and we need to go further than we are at the moment.

As you know, I teach law at Sydney University and I know that university law schools are engaged in teaching people about alternative dispute resolution very actively. I know also that there are a number of professional organisations engaged in the same enterprise. However, more needs to be done with the profession.

**CHAIR**—It has been a while since I practised, so my knowledge is a little dated, but when I was in practice there was certainly a move towards mediation and arbitration. It seems to me that in Melbourne at least many more members of the profession are engaged one way or the other in alternate dispute resolution procedures. I know that many members of the bar in Melbourne are involved in mediation programs of settlement of other disputes rather than relationship type disputes. Are you saying that there is still a long way to go?

**Prof. Astor**—Yes, that is what I am saying. I agree with what you say. There are a number of very enthusiastic practitioners who are doing a great deal of work in the area, and things are changing. Members of the profession are perforce becoming involved in alternative dispute resolution mechanisms, because they are now so frequently attached to litigation. If they approach the courts, they will be recommended to go to or are referred to ADR mechanisms. So they are willy-nilly having to understand it because it becomes part of legal practice, but I do think there is further to go.

**CHAIR**—Can I just take up another matter which relates in a sense to the overlap between what we are primarily looking at and your primary focus. The reality is that, even when people end relationships, they are usually either in the process of forming another one or have already formed another one or are likely in the future to form another one.

**Prof. Astor**—Yes.

**CHAIR**—We also know that statistically second marriages break down at a faster rate or a higher rate than first marriages. Whilst I have not seen statistics on de facto relationships in those circumstances, I suspect they are probably comparable to the breakdown of marriages. If we are talking about a continuum where people are legally ending one relationship which is really a pathway that leads into another one, is there more that can be done to educate people through the processes of mediation and other dispute resolution that occurs at the ending of one relationship to give them some more knowledge and skills for the next one? Or is the focus necessarily limited to dealing with the problems that exist there and then?

**Prof. Astor**—That is a very interesting question, and it is a question that mediators have also asked. I think when the present resurgence of interest in mediation began, mediators, particularly in the family areas, were very optimistic that the process of mediation, which involves giving the parties responsibility for forging their own agreements, would also have the effect of educating the parties about better ways to resolve disputes. Some authors even claimed that mediation had a therapeutic effect in reducing anger and distress as well as teaching the parties about better ways to resolve disputes than fighting about them.



I think in the past few years that optimism has somewhat ameliorated. For instance, Joan Kelly, who is an American mediator who has done a great deal of work in this area, did carefully controlled research studying. She looked at groups of people going through litigation and groups of people going through mediation. What she wished to examine was the effect that the two different processes had upon the relationship between the parties and their children after divorce. So it is not quite the issue that you raised regarding a relationship between the parties and a new relationship, but clearly it is of the same order and importance.

She found that there was some beneficial effect for those parties who went through mediation. For something like a year after the end of mediation, the parties reported measurably less conflict. But after about a year that effect disappeared. It was not a huge change, but it was a measurable change in the conflict that they reported.

I suppose the conclusion that I draw from the research is that, for suitable parties in relationship disputes, mediation is an excellent way to resolve those disputes. I have a little faith that it can have some long-lasting effect in some cases. I do not think that it will do the job that we might want it to do, which is teaching the parties more substantial lessons about how to conduct a healthy relationship. I think that will be putting too great a burden on mediation, which is essentially a short task focused intervention that helps the parties to resolve the disputes in their old relationship hopefully in a consensual fashion.

**Mrs ELIZABETH GRACE**—One of the things that has been coming through in our inquiry is that counselling education needs to be through the whole of the life cycle. From what you have just said on the research in that study, it seems to bear out that there needs to be a continuum of education throughout the life cycle to keep the skills honed so that they are used in the right areas, or when they are needed to be used they are there to be used. Do you think that comment has any validity at all?

**Prof. Astor**—My personal view is that that sounds right. I have a concern about the extent to which one can deal with these issues by way of education. I think that for some people the lessons that they did not learn or the scars that they bear from their family of origin require more than education. They probably require skilled professional help if they are going to be able to conduct healthy relationships with their partners and their children later in life.

**Mrs ELIZABETH GRACE**—The problem is how you ensure that people continually upgrade their skills—for want of a better word—throughout the life cycle. That is one of the challenges that you are saying exists: getting the message out into the community that these services are available or could be made available.

**Prof. Astor**—That is right.

**CHAIR**—It seems to me that a lot of what you are saying is consistent with what others have said. A clear message that is coming through is that people are generally unaware of a range of services available which can be of assistance to them at various stages of their relationship and that there is a reluctance to use those services, even when they have knowledge of them. It seems that there is an irony in that we have probably the best educated population ever and yet these things are largely unknown.

Do you think that is a reflection of what is learnt or not learnt or taught or not taught? Having watched my daughter last night up until about 1 o'clock doing assignments, I am not sure what teaching goes on these days. I think students seem to be doing all the learning themselves. But, leaving that aside, is there a lack of knowledge about relationships? Perhaps I am asking you this in your capacity as an individual—as someone who is dealing with tertiary students—rather than on behalf of NADRAC. Is there a lack of knowledge, more specifically, of these services that can assist in relationships, when students are coming from secondary schools to, say, tertiary institutions?

**Prof. Astor**—I would say a cautious yes to that. I deal with a very specialised section of the population—probably the one that your daughter is coming from—in that in my law school we have students who come from absolutely the top percentage of HSC students in New South Wales and a group of graduate students who are mature students who have done something else before they have done law.

I have to say that the enthusiasm of my students for alternative dispute resolution is enormous. They are very keen to learn about it and to practise it and to take the lessons that they have learned at law school about alternatives to litigation out into the profession.

I guess what happens to them is that they enter into the profession at a very junior level and their capacity to have an impact on the practice of the profession is fairly limited. They may even be reacculturated by the profession into a lack of enthusiasm. They may lose their enthusiasm for alternatives.

Whilst my students are very enthusiastic about mediation and alternative dispute resolution, particularly engaged around the issues of family disputes which are your concern, I find them less enthusiastic about other mechanisms, such as counselling and other forms of support. Perhaps we do not have a problem only of education—of providing information to people—but a problem of attitude.

It was said to me that in the States, if you have not been to some form of counselling or therapy, the question is asked, 'Why are you so lacking in enthusiasm about your own personal development?' whereas in Australia, if you admit to having sought help about relationship matters, you are seen as the object of mirth perhaps.

I wonder also if there are class issues here. Certainly, I have had them reported to me. For instance, I was involved in a piece of research where there were indications that middle-class people were happy to use counselling organisations to assist them with their relationships and with resolving disputes attendant upon the ending of those relationships. They were happy to go to Relationships Australia, Centacare or Unifam, or any of the other service providers who are supported by the government.

But working-class women and women, for instance, who were using refuges perceived, rightly or wrongly, that those services were not appropriate to their needs, that they were for middle-class people, that they charged fees that they would not be able to pay and that they would not understand the reality of the lives that they were living. You are dealing with a very complex range of issues here. It is very difficult to disentangle them and very difficult to point your finger at one issue and say that is causal so we can address that.

**CHAIR**—We had some evidence on Monday in Hobart from the community mediation service. I cannot recall its exact title, but the suggestion in part of the evidence was that men were willing to use mediation more than, say, counselling, because they could see that there was a concrete outcome that could be achieved from mediation, whereas counselling seemed—and these are my words rather than theirs—to be wafting around with nothing that they could actually grasp upon. Would that be your experience?

**Prof. Astor**—That question would probably be better addressed to mediation practitioners who would have a real sense of the attitudes of their clients coming into mediation. I would not be surprised if that were right. My personal view is that we still educate people in very gendered roles, and the emotional sphere is still very much perceived as the woman's role and not as the man's role. Given those social attitudes and the way in which they are inculcated throughout the life cycle, it would not surprise me if men found it more appealing to go to a more task focused intervention, such as mediation—'We have a job to do and this is the place we can do it'—and less willing to go to something like counselling, where the work which would be done would be done on themselves: on their own emotions, feelings and attitudes. I do not find that surprising, but it will be interesting to see if other mediation providers have the same view.

**Mrs ELIZABETH GRACE**—Your other comment about class distinction has come up occasionally, too, as a trend that is starting to show up: people, particularly women who have gone to refuges, think that counsellors will not understand where they are coming from or what is happening to them because of the perception that they have never suffered in the same way they have, and things like that. That is starting to come through in the inquiry. Thank you for that comment.

**Mr MUTCH**—I apologise for my late arrival. I was in the hometown traffic. I am not sure exactly how far we have got with some of the proposed questions, but one of the things we were interested in was this. You state on page 4 of your submission that the provision of court annexed counselling and mediation services should not be conditional upon the filing of proceedings under the Family Law Act. Have we covered that territory?

**CHAIR**—No.

**Mr MUTCH**—I was interested in your further comments on this, and also on the possibility that only compulsory counselling might be offered by the court.

**Prof. Astor**—Once people decide that they have a dispute that they cannot resolve themselves and that they need the assistance of the court and they commence court proceedings, it is in everyone's interests—the court, the government and the parties—that they have easy access to a wide range of different forms of dispute resolution. People will be deterred from using them if they have to pay further fees; although, of course, one has to take into account the ways in which the court deals with that. For instance, I know the court does waive fees for people who cannot afford them. But it would be better if those matters were dealt with as an up-front fee rather than as a fee for service which might deter people from resolving their disputes by quicker, simpler and more consensual methods than going to trial.

**Mr MUTCH**—Wouldn't that perhaps build in a major fee up front, in terms of the filing fee? Particularly if there is no requirement for the use of some of these services, some people would be

subsidising use of those services by other people, I suppose, if we had an up-front filing fee.

**Prof. Astor**—I suppose that is true, in that some people may not use the services available and others may. The people who do not use them, however, may be the ones who—

**Mr MUTCH**—Need them most.

**Prof. Astor**—The ones who need them most, or the ones who take up the most court time by taking their disputes to trial.

**Mr MUTCH**—Does the compulsion aspect help? Some lawyers say that requiring men, particularly, to attend these counselling and mediation sessions is probably one of the best ways of actually getting men to go along; and so there is some support for the idea of compulsion. Do you feel that that is helpful? Or is it actually counterproductive?

**Prof. Astor**—A black/white, compulsion/no compulsion approach to this issue is dangerous. The sorts of decisions about who should and should not go to different forms of dispute resolution are actually very complex ones and they depend on the nature of the case, the history of the parties' relationship, the presence of violence and abuse, and a whole range of very complex factors which are exceedingly important in terms of the welfare of the parties, the welfare of the children and the safety of the parties. I do not think that you can ever make those decisions responsibly on a yes/no basis. They have to be made by people who know the area well and are capable of making a wise decision.

**Mr MUTCH**—So discretion is the name of the game, really?

**Prof. Astor**—Educated discretion; yes. There are some cases where people believe that they cannot resolve the dispute for themselves and they need a third-party decision maker, but where in fact they can, with help, resolve their disputes. There needs to be someone who is an educated, informed, experienced gatekeeper who says, 'I think it is worth your while to give it a try, even if you do not think that it is going to help. I think it is worth while that you try this.' There are other cases, where, even though the parties might wish to use alternative dispute resolution, your gatekeeper would nevertheless say, 'No, this one should not be here.'

**Mr MUTCH**—Just as a matter of sociological interest, is the culture of men changing, or should we continue to target our advertising and inducements to women on the same basis as companies advertise shampoo to women because they know they are going to buy it for the males in the household? Is there a change of culture occurring?

**Prof. Astor**—That is a very big question. It is interesting. Perhaps a better example than the shampoo example is that, if you go into any bookshop and look at the books about relationships and self-help, you will see that they are addressed to women. It is probably time we started to address those same issues with men. Is it changing? I am speaking personally, not as the chairperson of NADRAC, as I would not like to hold my council to any of this. My personal view is that it is changing, but slowly. You only have to look at some of the research that has been done on issues, such as attitudes to violence, which is an area in which I have

done a lot of work, to see that there is some change, but it is small and it needs to be supported.

**Mr MUTCH**—Do you have any strategies that might be appropriate that we can look at, in terms of inducing men to participate in the processes?

**Prof. Astor**—Yes. I suppose I would extrapolate from what I know of mediation to other processes: one of the most important things in terms of assisting people to use dispute resolution mechanisms like mediation is to educate them about what it is they are getting themselves into. You will have noticed from our evidence that we show that there is a very low understanding of mediation. It is extremely important that mediation schemes are able to do the sorts of things that the Family Court does with people approaching the court for mediation. It takes them in to a session in which they are educated about what the process is and what is going to happen to them when they go into mediation.

They talk to skilled people about what is going on in their lives, what their dispute is about and how that meshes with the process of mediation. They are assisted to make a decision, an educated decision—or an informed choice would be another way of putting it—about what to do. I suppose that process of intake has a very important educative effect. The parties are ready to learn because they have a problem that they do not know how to resolve. They need information about whether or not a particular mechanism is appropriate for dealing with the problem that they have. I suppose that only deals with people you have actually on your door, though, and you may well be adverting to the broader problem of how you actually get people to the point of seeking help appropriately.

**Mr MUTCH**—Obviously some matters are very personal between a married couple. Is there enough provision at present to enable a broader counselling? Grandparents might be very involved in the maintenance of a family and you have other family members like aunties and uncles and so forth. Is there enough flexibility in terms of the counselling system we have now to enable those people to be taken into consideration and a more holistic approach to be taken to counselling?

**Prof. Astor**—I am not really an expert on counselling and you would probably get a better answer if you addressed the question to other people who will appear before you. I do not think I can really give you a proper answer to that.

**CHAIR**—Could I just ask one last question. In your discussion about fees you were saying that court based or community based services that are provided as the result of a court referral should be free. It seems that not only is there some inequity overall in the system but I am wondering whether we are sending the wrong message as well. If someone desires to go to reconciliation counselling from one of the community agencies, Relationships Australia or Unifam, et cetera, they are required to pay. It may be on a sliding scale according to their income, but nonetheless there is some inducement to make a contribution, whereas up until at least the proposals advanced by the Attorney-General recently court based services—counselling, for example—was provided free. That seemed to me to be an imbalance. I am just interested to know, in light of your comment, what you think about that.

**Prof. Astor**—I suppose that I feel that when the parties have got to court we all have an interest in resolving those disputes quickly and expeditiously, because once the dispute has become a legal dispute there

is the chance that it will incur fees that we are all paying through legal aid and through the support of the court system. Ultimately, as we all know, trials of these matters are very expensive, both in terms of money and emotion. At that stage I feel that we have a financial interest as well as perhaps a moral interest in resolving these disputes as expeditiously as possible. If we can do that by providing the parties with services that are easily accessible to them, we should do that and we will save money by doing that rather than spending money by doing that. I suppose that that is the differentiation that I make.

**CHAIR**—Yes. If there are no further questions, I thank you for both the submission from the council and also coming here this morning to discuss these issues with us. As I said earlier, if you would like to make a further submission following any further deliberations of the council or even following what has been raised this morning, we would look forward to receiving that.

**Prof. Astor**—Thank you very much.

[9.46 a.m.]

**BOLAND, Mrs Jennifer Margaret, Chairperson, Family Law Council, Attorney-General's Department, 50 Blackall Street, Barton, Australian Capital Territory 2600**

**CHAIR**—I am obligated to inform you that, although the committee does not require you to give evidence on oath, the hearing are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. We are in receipt of your submission. Is there anything you would like to change, alter or correct in the submission at this stage?

**Mrs Boland**—No. I am happy that the submission reflects the views of the Family Law Council at the present time. If you like I will expand on it for the members of committee. I know, Mr Andrews, that you have had the benefit of meeting Mr Hughes, the director of research of the council. Just by way of background, the Family Law Council is a statutory body; it is set up under section 115 of the Family Law Act and the purpose of the council is to provide advice to the Attorney-General of the day in relation to matters relating to the Family Law Act or other matters relating to family law.

The council has been in existence for 20 years. It was established by Robert Ellicott in the time that he was a QC. In fact, looking at it this morning, I saw it is almost 20 years to the day—it was 19 November. The council's great strength over the years has been that it is multi-disciplinary and so the approach that it brings to problems does not just reflect the views of the social scientists or the lawyers or the judges. You get a mix of disciplines. I must say my personal experience since being on council is that I have had my legal opinions turned around 180 degrees on a number of occasions by the social scientists and other members of council.

We have tried in this reference to keep—and we have dealt with, I think—your initial terms of reference. Then we looked at the additional things that were in the brochure and at the statements of the Attorney-General and his future directions plan. So we have tried to cover all those issues, although the matters raised by the Attorney were in fairly recent times. What I would really like to emphasise here is that, as counsel, we see the areas of your reference falling into three main areas, to put it into very simple terminology. We see people in primary, secondary and tertiary stages of needing these services.

In relation to primary ones, we have set those out. We see those as being the general educative type programs. For example, when this council made the recommendations which led very substantially to the Family Law Reform Act and the reforms relating to children, we saw that, if you were going to imbue a sense of parental responsibility in the community, it was absolutely fundamental that you did not start that just with lawyers and people who are at the breakdown of marriage. You need to start that at kindergarten and in schools and teach it right through the school program so that people understand that when you are a parent your responsibility does not cease, regardless of whether you are married, you never married or you separate. I would see those as part of life skills for children as part of the primary role.

We then see secondary counselling services for those people who perhaps are having some relationship difficulties at a particular time in their relationship. Those programs should be really targeting

what are known from the sociological studies to be the risk groups, so you would provide that support there. Then we focused—perhaps because of the council's unique role—with a fair degree of emphasis on the tertiary level. That is where marriages have actually broken down. We looked at what sorts of services are currently being provided by the Family Court, what are being provided in the community and the sort of mix of those services we believe is appropriate. I think the thrust of the council's submission is very much that we do not think that you can draw a demarcation line by saying, 'This is judicial and this is not,' and divide those services by saying, 'If it is judicial, it goes this way; if it is non-judicial, it goes that way.' I think that is too simplistic. It fails to understand a lot of what is actually happening in the Family Court counselling service.

That is really the thrust of it. We have tried to summarise that in our recommendations. Perhaps in those things it may help if I bring just a couple more anecdotal things to the committee's attention. I am certainly aware, when you enter that primary level, how effective the Family Court counselling service actually is. In my other life I am a legal practitioner, and so I deal with this at the coalface every day. I heard submissions when council fairly recently went to a meeting at Wollongong. We asked the representative of the local law society to come and speak with us. On that occasion he said that the practitioners in Wollongong were dealing mostly with people in a low socioeconomic group. They did not have a lot of money to spend on lawyers and they often needed real help. He said there was an extremely good rapport between the counselling service and the legal profession because they knew the counselling service would give practical and pragmatic advice and would help. It was almost a culture down there that the lawyers would send people off to the counselling service, and they would very often resolve disputes. He estimated that in something like 50 per cent of cases and without them actually then filing in the court they would turn up with consent orders on a first return date. It showed an area where you can build up that sort of relationship and it showed how effective it is.

In relation to the court's mediation service, I have used that service with, I believe, a great deal of confidence in certain particular cases—for example, if you have difficult property cases where you need some aspects of the ability to have that mix of lawyer-social scientist discipline. I did a very difficult case involving a child that had cerebral palsy. The only way there was going to be a house kept for that child—it would not have happened with a judicial decision—was in fact to mediate the dispute and to set up a trust for the child. It was a case where I needed to be confident that the mediators would have legal expertise so that they would know the trust ramifications. Those sorts of circumstances demonstrate the real need for that type of service.

Finally, in relation to the court service, we are currently looking at a project in council on whether or not abduction of children out of Australia ought to be criminalised. The first High Court decision was handed down about two weeks ago in a Hague matter and Justice Kirby refers in his judgment to the fact that Australia has something that is unique: the counselling service we have in the Family Court is one that other jurisdictions do not have and where, pursuant to this convention, judges need to be able to ascertain the wishes of the child this unique system enables that to happen.

Over 20 years we have built up very skilled expertise in this counselling area and the Family Law Council would like to see that enhanced because we see that being of benefit to all Australians. We see that as also being complementary to what is happening in the community. With regard to longer therapeutic



counselling, at the tertiary crisis level when the Family Court deals with it, we would like to see cooperation and coordination with the non-government agencies in working long term with people. That summarises the general overview of council.

**CHAIR**—Thank you. I would like to ask you a question which does not actually relate to your submission, but which Mrs Grace and I briefly discussed before we commenced. There is the Family Law Council which has a statutory function pursuant to the Family Law Act. Then there seems to be a range and proliferation of other bodies providing advice to the Attorney-General. There is NADRAC who was represented here prior to you.

**Mrs Boland**—Yes, National Alternative Dispute Resolution Advisory Council.

**CHAIR**—There is the Family Services Council which provides advice specifically in relation to the family services program and there may well be others I am not necessarily aware of. The Attorney as also flagged in his National Press Club address the possibility of some sort of commission on families, the full functioning of which I am not entirely sure about from what he said. My query is simply this: is there a need for so many bodies?

**Mrs Boland**—That is a very difficult question because it may be said that I come with a conflict of interest.

**CHAIR**—I appreciate that; we will take that into account.

**Mrs Boland**—I certainly would not be supportive of anything that is a duplication or an overlap of work. In terms of both professional resources and costs one could hardly recommend that to government. The Family Law Council in its charter has, over 20 years, provided very comprehensive advice in the areas it falls under in the Attorney-General's portfolio. Its expertise and track record speaks for itself.

In relation to NADRAC, one would have to say that its role and function, as I understand it, whilst encompassing family law also encompasses alternate dispute resolution in other jurisdictions that would fall under the Attorney's portfolio—the Federal Court et cetera. Because we now have a Family Law Act which has primary dispute resolution or alternate dispute resolution as its primary thrust, there is certainly an overlap there. But I think we have worked with that fairly well in terms of inputting into that council, and I do see its role.

With the Family Services Council, there certainly seems to be an overlap with a number of functions. You would probably be aware that the chairperson of that council, Ms Dale Bagshaw, sits on the Family Law Council and so we have tried to use that as a conduit. There are times, and I think perhaps in relation to these two submissions, when there is not unanimity between the two councils in relation to their position, although there has been unanimity over a number of matters. The genesis of the Family Services Council was that the parliamentary secretary at the time believed it was appropriate and that he needed advice.

It is very difficult for me, because it is the Attorney who is the recipient of the advice, to see whether it is more helpful to him to be having it coming from those three bodies or whether some rationalisation

would be more appropriate, but I would simply say that we believe in the Family Law Council that there should not be duplication and overlap, it simply makes more work for those who are receiving advice and for those who are giving it.

**CHAIR**—You have mentioned the suggestion that has been made about some of the services currently provided through the Family Court being provided from outside the court and I note that you made reference to the New Zealand system in your submission. The Family Court spokesman who appeared yesterday in Melbourne also made reference in his submission to New Zealand.

I understand the argument that there are core functions, particularly around counselling, that should be maintained in the court. Where I have some difficulty in following the distinctions that might be drawn is in relation to mediation because, if one looks around Australia, in some Family Court registries mediation is provided as part of the service of the Family Court, but elsewhere—for example, in Hobart—mediation is not provided through the Family Court to the extent that it is by outside organisations.

If there is an argument which is valid for saying that there are services to be provided in the Family Court, I understand the argument, but I am still not clear where the parameters should be drawn because at least in that area—and that may be distinctive from counselling—it is provided both within and from outside the court. Let me take it one step further before you respond. If mediation is simply one other form of helping to resolve disputes which may be more appropriate in some circumstances than counselling and vice versa, where do you draw the boundaries?

**Mrs Boland**—I do not speak on behalf of the court, but I understand that when the mediation service started it started as a pilot service and then became an established service in the court. It was put into registries where there was greatest geographical population so that it was a question of resources and dollars. There is no doubt that mediation is occurring in the private profession and in the agencies as well as in the court. The court has certainly been the forerunner in its compulsory conciliation conferences which have been there ever since—and it shows my age—they were regulation 96 conferences before they were order 24 conferences.

Concerning the question of mediation in the court, I think it is giving the court the whole range of mediation services. Ideally, one would say it should be available in every registry so that people would not have a disadvantage in any particular centre—for example, that people in Hobart were not disadvantaged by not having that same sort of access. The one thing which appears to me to be appropriate is that mediation—and I know there has been a report on mediation services—that involves children and child issues seems to be handled very well in community mediation matters. Where you get a mix of property or just straight property matters, I think that there are two aspects to that.

One is that when people come to lawyers for a referral, the lawyers are confident to refer people to a service where they believe that the mediation will be at a standard that will fairly deal with property issues and also reflect the law. So there is a confidence in the referrers to the Family Court service.

Secondly, there is expertise particularly to deal with those blended property-children type aspects. So from that point of view, I think that a retention of mediation services in the Family Court and having

complementary services in the community is the ideal situation if funding permits that to continue.

**CHAIR**—So why can we not apply that model to, say, counselling services as well? I should say I am now just talking about what I would call conciliation counselling; I am leaving reconciliation counselling out of the equation.

**Mrs Boland**—I think that it is well accepted that reconciliation counselling is something that does not fit within the Family Court's portfolio and that it should be referred to the community. It is what I would put into the second category where people are in difficulties with their relationships and need ongoing relationships.

I think it is a very artificial distinction to draw this line between what is voluntary and what is non-voluntary. If a client comes into my office and I perceive that, really, instead of filing an application, if these people went to the Family Court—and they are in a crisis situation—for counselling, we might achieve filing a consent order. From a practitioner's point of view, I could file an application and then ring up the court counselling service or appear the first day in court and the parties would be referred to counselling, and it is then no longer voluntary counselling but it is involuntary.

I think that what has happened is that a culture has developed among the legal profession and other people who ring the court directly of seeing that as a far better way for people—why even get it to a stage of litigation if you can avoid that? I think if you draw a demarcation line that says, 'You can only use the court's counselling services if you filed' it will in fact simply be pushing things to the other side of the filing line. I think it would be a great shame to do that because I think that what is done is very valuable and is recognised by the profession and the clients of the court as being valuable.

**CHAIR**—The expression 'voluntary' in this context is probably misleading because, presumably, in many of those cases of so-called voluntary counselling it is done at the behest or with the persuasion of the members of the legal profession involved.

**Mrs Boland**—Yes. I understand this not from first-hand experience—I can obviously speak of first-hand experience because I frequently pick up the phone and ring the counselling service before I file applications on behalf of clients—but people in fact ring the court themselves directly who have not filed applications. So it is an artificial name on it and I simply use it as a way of identifying the sort of person that we are talking about at that stage of going to the court.

**CHAIR**—I am not necessarily fixed to this view, and I understand that the argument against the New Zealand model is the cost—or that is at least the argument that has been put to us briefly so far without having looked at the New Zealand model at all—but, leaving aside that question of cost, is there any reason why there should not be some competition, if you like, in counselling? Do the core counselling services provided by the court need to be provided by the court? Is there any reason why they cannot be—

**Mrs Boland**—I think there is a very real reason, yes. I absolutely think the core—and by the core I mean once people are involved in the court system, so there are proceedings on foot—

**CHAIR**—Can I just interrupt you there. Would you include where someone comes to you as the legal practitioner and you then recommend that they go to counselling before filing? Would you include that in the core?

**Mrs Boland**—No. I am trying to follow the line that I think has been in the reference situation there. Where I talk about the court's core functions, I am talking about the court's core counselling functions. I am speaking about once matters are in the court and there is court-ordered counselling or there is the provision of a family report. Or particularly, for example, in the Family Law Council's recent report on representing children, we have highly recommended that the appropriate way to deal with cases where there is a separate representative appointed for a child is that there is an ongoing relationship between the lawyer appointed to represent the child, the court counselling service and anyone in the community who may be involved with ongoing treatment of that child, so that it becomes a multidisciplinary approach. In those particular services, I think that it would be acknowledged by counsellors in the community that they do not have the expertise to be in those sorts of areas.

Going back, so that I am not misrepresented, that was just my personal definition of 'core'. When we talk about the other services—which is where a client comes to my office—I would also say that the court ought to be able to deal with those people. The reason that I say this is that—and often it is very much having to make a judgment about the person who is in front of you—if someone came to me and they had been seeing a private psychologist or they had been going to Centacare and I felt that they were getting the support and the help that they needed there, I would certainly recommend that that continued. Very often, though, the sort of person who comes to you comes because they present with a problem about—and this time of the year is the perfect example—'Which half of the Christmas holidays am I going to have the children? This is the first time we have been separated at Christmas and Christmas Day is a huge problem.'

With those sorts of problems about where changeover is going to happen and what clothing will be there and things like that, the court service counsellors have real expertise in being able to give that blend of practical advice and help and, if the matter goes to court, can explain what would happen and they can focus. So very often, you can send people off to deal with that discrete issue. They will come back and instead of filing an application for who is going to have the child on Christmas Day, you end up filing a consent order. So I put that into the 'core' bracket.

**Mrs ELIZABETH GRACE**—Just following on that, though, you are saying that you quite often refer people to court counselling and then you ring up and find that people have already done a direct line straight into the court. If this service were not free, which it is at the moment, would you still do that? Because that is where we are coming from, and looking at putting a fee on those services. Would you, as a legal practitioner, still refer people to the court or—seeing there is a cost involved now and it is going to cost whether you go to Relationships Australia or the law court—would you then send people to Relationships Australia rather than to the law court?

**Mrs Boland**—No, I would still send them to the court because I believe the expertise in the court at that point in time is more likely to resolve that dispute quickly and not make people incur legal costs which would far exceed—

**Mrs ELIZABETH GRACE**—I am not talking about your core. I can understand that and I think is something we have to—

**Mrs Boland**—No. I understand exactly what you are saying. If I had a client who presented to my office today whom I would ring up the court about, would my position still be the same on 1 January when it will be \$40 an hour? My position would be yes, but I would like to see that be a sliding scale. If there is to be a fee and if that is inevitable, then I would like to see that people who needed that were not denied the opportunity for financial reasons, but if there were a number of people who were able to pay I would highly recommend that.

The only reluctance I have about saying this is that very often in my experience the people at that crisis stage, who often need the counselling most, will be prepared to pay a lawyer but somehow they are reluctant to pay counselling. I think it would be a great shame, when we are putting an act together that has a total thrust on people's own determination and not getting into the legal system, if you had something that could solve it very quickly and the money became the impediment to that happening.

**Mrs ELIZABETH GRACE**—There has been a suggestion that it be built into the fees, be it the filing fees or something like that, so that it is up-front cost that is then used to divide counselling services. That has been one suggestion. Thank you for that.

**CHAIR**—I am not sure whether you were present when I asked Professor Astor this. If you were then I will not have to reask the entire question, so interrupt me if that is the case. Given that life is not compartmentalised, even though we have to do that in the way in which we deal with specific problems, when people are ending a particular relationship which brings them in contact with the Family Court and the services provided with that, that is also in the process of their lives a time when they have either entered into a new relationship or are going to enter into a new relationship some way down the track. We also know that, where relationships are entered into quickly after the breakdown of a previous one, it is more likely that the next relationship will also break down. We know that in any event second and subsequent marriages break down at a higher rate than first marriages. Although I have not seen any figures about de facto relationships, I would be highly surprised if that is not the same for them as well, given the correlations you can draw elsewhere.

One thing I am interested in trying to explore is: given that people are involved in counselling or mediation as part of the ending of one relationship, is there any way in which we can build on that experience so that it can provide them with some more knowledge and skills for subsequent relationships?

**Mrs Boland**—I think it would be a marvellous thing if there was a facility to do it. I do not think that you can say that this is something that you would run through the Family Court, because in my experience as a practitioner—I use last year as an example—I did about 100 family law matters and only two of those matters went to the court. The other matters were matters that I negotiated settlements on, round table or with the assistance of mediation. So those people would not have had a contact that was a contact with a court and very often not with any formal system. So, if you were going to try to use the formal system to tap in for an education program, you would have to try to tap something that was wider than just the Family Court. It would need to be through a range of perhaps court lawyers and community education.

One of the things that springs to my mind that I think has been an initiative that has made things a lot clearer for people is the information sessions in the Family Court. If you were able to build in a similar type of program to that as a starter, that may be somewhere you could look at doing that, even education of the legal profession and legal aid officers and community based people. The Child Support Agency is probably a very effective way. They probably deal with more people. There should be some way of linking people, even just a brochure saying, 'Here is a service that may help you in developing relationships.'

A lot of the problems I have seen with people seem to me to be—I am outside my area of expertise; I am a lawyer, not a social worker—as a result of the pattern you describe. People are in a period of grief and loss of self esteem. If there were ongoing programs that helped them in terms of their esteem and becoming a whole person again, then maybe some of the difficulties they experience in going into inappropriate relationships very quickly might not occur.

**CHAIR**—I think it was Samuel Johnson who said that remarriage was the triumph of hope over experience. Whilst that may be a little cynical, there is some evidence for that. People keep talking to us about life cycle changes and that there are key moments. Separation and divorce are two of those key moments. It may be totally lacking in any feasibility, but I think it is worth exploring.

**Mrs Boland**—Certainly. Just yesterday I was reading an article on separation in the *Australian Journal of Family Law* and understanding those periods and what people went through at separation. That article was written by a social worker and it suggested that lawyers, if they could learn to recognise these steps of separation, would in fact be much more effective in helping their clients. I certainly believe, from experience of dealing with clients, that separation is very often much more traumatic than death of a spouse.

**Mrs ELIZABETH GRACE**—On page 5 of your submission you make the comment: The current problems in the Legal Aid system perhaps illustrate a major disadvantage. Where the model appears to be breaking down, the agencies spend considerable resources monitoring their services rather than providing legal aid and further bureaucrats have little or no experience with service delivery. Could you elaborate on that? I find that an interesting statement.

**Mrs Boland**—The Attorney had suggested in his future directions paper that there ought to be established a body which would be responsible for funding, monitoring and control of counselling services in that service delivery. Here we were saying that if the Attorney wanted to pursue that route it should be fully investigated rather than there being an ad hoc decision to do that. Certainly, this council would like to have some input into that.

We were then using it as an example of where you have a separation of service delivery and FUNDA is in the provision of legal aid through the Commonwealth to the various state legal aid bodies. In family law matters, legal aid can either be dealt with directly by someone in the legal aid office acting for the person or be farmed out to the private profession to do it.

A very clear example recently in Victoria was where decisions as to whether children needed to be separately represented was being made by a paralegal in the legal aid office. That person would have no experience or expertise in being able to understand whether sexual assault or abuse allegations were ones that

really needed this child to be separately represented. I think that is part of the problem that you see: who makes the decisions about where the money goes and then who says who gets the legal aid, and if you have so much spent up in the bureaucracy rather than in delivery, to where it is really needed, to people who need that legal aid.

**CHAIR**—Thank you very much for both the council's submission and for coming along this morning. We have appreciated the opportunity to have the discussion and we have appreciated the material you have put before us.

**Mrs Boland**—Thank you very much. We would certainly be pleased to come back if there is anything further you would like us to come back with. It is a very valuable term of reference.

[10.32 a.m.]

**PRICE, Mr Clive Gordon David, Vice-President, Family Services Australia, 15 Napier Close, Deakin, Australian Capital Territory 2600**

**CHAIR**—Thank you for coming today. Although the committee does not require you to give evidence on oath, I should advise you that the hearings are hearings of the parliament and warrant the same respect as proceedings of the House. Giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

We are in receipt of your submission to the inquiry. If there are any matters that you want to correct or change in it, please indicate. Otherwise if you would like to make a short opening statement to the committee we would appreciate that.

**Mr Price**—Thank you. I am here in my capacity as acting president because the president is currently on well-deserved holidays and the executive director, who also wanted to be here, is in Greece at the moment. Family Services Australia is the peak body that represents most of the funded agencies. We have some 43 full member agencies. At last count I think there were 26 associate members of our organisation. To be a full member, you have to be funded through the federal Attorney-General's Department.

What we have tried to do with relatively limited resources is pull together, as you can see from the back page, the views of a number of those member agencies to put in our submission. I think it is difficult as a peak body. There could be the tendency to try and speak on our own behalf, in a sense, rather than for our members. At our recent annual general meeting we did not get everyone together, but we had a good cross-section. I will try as best I can to represent our section of the field.

**CHAIR**—The first term of reference talks about what the community perceives in terms of the reasons for marriage and relationship breakdown. We have been given a whole range of reasons by various organisations, which basically are that this is complex and it is very difficult to actually identify that. I suppose we would have been surprised if we were told otherwise. Can I turn the question around, though—perhaps this ought to have been the term of reference, but in a sense it is just the other side of the coin—and ask what makes healthy relationships and healthy families?

**Mr Price**—I think that is just as difficult as the other way around. My own background is as a family therapist. It is hard not to think either as a practitioner or as a person who to date is still married and most of the time has a happy family.

Again, trying to represent a wide range of views across the peak, I think we would say that at an individual relational level there are a number of issues in terms of communication between couples and that communication being open. That can be learnt, but I think it may be learnt at one's own family of origin more than perhaps through any sort of formal adult education.

Another thing would be a capacity to deal with change. The point we highlighted in our submission is that we live in very changing sorts of circumstances. Quite often people are pulled in many different



directions and the capacity for people to ride through that and keep talking and keep realising that they have a problem but they can, with help, perhaps manage that problem I think is very important. As I said, I suspect that that is learnt from one's own parents and so on.

The other thing that I would stress is that we do not have a culture, particularly within the male section of our culture, that is really comfortable with seeking help. I guess I see myself as a couple and family therapist, even though I am the director of Unifam now, so I do not do any of that any more. One of the tasks that is very important is to try to change the culture so that it is more acceptable for people to go and get help at a much earlier stage. The statistics show very much that there is a certain section of people who come to what is now called family and child counselling, or family and child therapy, as they walk out the door at the point of separation and divorce. And the statistics around that are pretty grim.

But there is another body of evidence that I am aware of through my background, without being able to quote the sources off the top of my head, that says that, if people come very early, the chances of some of those issues being resolved are much higher—around 60 and 70 per cent. But I think there is a gender emphasis in here and, if people do not think it is okay to go and talk to someone about their problems, somebody outside the family, they will struggle on to the point where they think there is no solution. That is, in a sense, back to how it is framed.

The other very important issue we raised is, again, around the whole lifestyle, particularly where circumstances mean that both partners in a marriage or relationship have to work. If you live in Sydney, you might add another hour and a half travel on both of those times. You may well be working 50 or 60 hours a week. In my own life I know all of those sorts of traps. I have to field the complaints of my children that I do not see them very much at all because of the nature of my work and so on.

I think that will always have a terrible cost on marriages and families. But I do not know what we can do about that because that is the way society is set up. I think that an almost inevitable consequence will be that people's lives change, and one of the solutions they will take is to leave that marriage or that family. It is the final point around the issue of domestic violence. The other day, I was speaking with a counsellor I supervise—she is a relatively inexperienced counsellor. She said she thinks that, for something like 90 per cent of her clients, domestic violence was a major issue. Now she was not quoting statistics, but an enormous part of her counselling work is where the clients come from a cross-section of Sydney so it is not a particular socioeconomic group or anything. So I guess providing services and coming to terms with that major problem is something which is very important as well.

**CHAIR**—That is a vexing issue for a variety of reasons, but one thing I think all of us have difficulty with is getting a sense of what is the incidence of domestic violence. There are various reports but none of them, it seems to me, are totally conclusive. In fact, I think that the ones who are honest about it say that they cannot measure it. If you just take anecdotal evidence and read the media, et cetera, you would think that there has been a huge rise in domestic violence. But I am not sure whether that is right. Do you think there has been an increase or is it simply being reported more or is it more acceptable to relate to it in Family Court proceedings? Without being totally unfair to my former colleagues, is it now in vogue to use it in Family Court proceedings? Do you have any sense of that?

**Mr Price**—I should touch a little on all of that. I think that the reporting issue not only reflects the fact that more domestic violence is being reported, but it also confounds any sense of research because, if it was not reported before, we do not actually know what the incidence was. Anecdotally, I think that we are living in an increasingly violent society, but I think the key issue is around the reporting of domestic violence. People are beginning to feel that they will be supported if they report it. They are beginning to feel that it is not only happening to them and that there is something wrong with them if they talk about it. Agencies like my own, the police service, hospitals and so on are getting much better at not only uncovering it but then supporting the people through that.

One of the most important things that I learned in the last few years is that, if you want to know the state of society, do not ask a social worker because we look at it very skewed. Certainly, Unifam alone, which is the kind of context in which I can talk well—and I am sure it reflects the other FSA agencies—does some 9,000 interviews a year. That would translate to more than 1,000 or so cases, and it came up as a serious issue time and time again, and in my previous practice before I came to Unifam, that the more we looked for it, in a sense, the more it came out.

The important point to realise is that a lot of the domestic violence we are talking about is not just a little bit of raised voices and pushing—and I am not minimising this. A lot of the domestic violence we are talking about is very, very serious violence with threats of serious injury and even death. So yes, obviously we see a skewed population in the FSA agencies, but yes, I think it is a very large problem. Counselling services alone will not be able to deal with it. It needs a coordinated approach through the sort of social control agencies like the police and the courts, all the way through education programs in the schools and that kind of thing.

**CHAIR**—I just raise another issue. There may be other issues in your submission that we will not raise. It is just that, in the course of a whole series of hearings, there are different things that we can take up with different people and it does not mean we are ignoring the rest of what is in your submission. I am interested in two things. There is the role of peak bodies in this area. There are three peak bodies: Family Services Australia, Relationships Australia and there is Centacare Australia. You say in your submission:

We consider this to be inequitable as the role of Family Services Australia in disseminating information, ascertaining the views of members, representing the views of members to government and other relevant bodies, informing members of government directions . . . is a far more complex task because of the diversity of member organisations and the need for extensive interaction and consultation.

And you go on to expand that. I appreciate that you obviously have a vested interest, being from Family Services Australia. Centacare Australia is a body which represents a particular group of agencies, namely, those provided through the Catholic Church, Relationships Australia is an umbrella body for the relationships organisations in each of the states, whereas Family Services Australia has a different character and composition to those. The question that arises in my mind is: should we have three so-called peak bodies? Also take into account the Family Services Council which, over and above that, gives advice to the Attorney-General. I suppose the question is: why do we need three so-called peak bodies and an advisory body to the Attorney-General? Why could there not, for example, simply be one body that serves those purposes, with due representation from all those involved in the field?

**Mr Price**—That is a big question. I will try my best to touch on all of those. I was not part of Family Services Australia at the point where the three peak bodies were set up—I came on board shortly afterwards—so I am sure that the Attorney-General’s Department had some very good reasons for doing that. Certainly, both Centacare and Relationships Australia represent a large part of the sector. As you say, they are specifically for the groupings of those particular organisations. I think we described them as representative bodies, and that is probably a more accurate description.

We have no position, as Family Services Australia, as to whether or not they should receive funding to support their activities. But we do see that we are the only peak body of the three. In a sense, we represent everybody else.

You touched on the first point that I would like to respond to, which is the complexity and the size of the job. As a peak body you have two roles. You have responsibility to the sector, to the funding body, to the government, to the development of standards in the industry and to advising the department and so on. But an enormous part of the work of Family Services Australia—which, given our funding arrangements, is fundamentally Di Gibson and a part-time secretary—is about supporting, where possible, resourcing, networking and looking after the interests of a range of agencies.

It is my view, as well as Family Services Australia’s view, that the sector is best served by a range of different organisations representing the community in a way. So it is from local, small, community based organisations through to larger organisations, perhaps connected with church auspice bodies, through to the large state Relationships Australia. I think they all have shown value and a place and so on.

But it becomes more complex when our secretariat has to look after a small agency in Cairns, the interests of Unifam, which is a middle sized agency in New South Wales, and a couple of agencies in Western Australia and so on. We do not have the capacity that the Centacares and the Relationships Australias do to get, through levies, the additional income support.

We have just introduced some changes in our fees—with some angst in the organisation—in order to try to do adequately the tasks that we have been asked to do and we are setting out to do. That is going to cause a lot of financial heartache to some of those organisations. But without it two things will happen. One is that the needs of the smaller agencies will not be served. It is a sliding scale, so smaller agencies have to pay much less.

Also, we must remember that, in terms of funding arrangements these days, we are in a competitive environment. If Family Services Australia cannot support, resource and assist agencies, then when you have two large representative groups doing an excellent job and there is competition between them—since we have to compete, as we are at the moment, for tenders and so on—that is not a particularly fair position to be in. I do not think it is anyone’s fault; I just think that is the way it has evolved.

In our submission, we think there should be one peak body. How that is set up would obviously involve a process of negotiation and understanding. Certainly to date, having the resources of the three peaks to assist, and, if you like, be the go-between for the sector and the Attorney-General’s Department has filled a very important role.

In my mind, I see quite a difference between the peaks and the Family Services Council. As I understand it—I have actually had one limited opportunity to attend—its job is to, in a sense, quite independently advise the minister. I think it would be very hard to both advise the minister and perhaps lobby on member agencies' behalf as well. So I can see a clear difference, in my mind, between the roles of those two bodies.

I guess the final issue for Family Services Australia is that we are being asked to do a task by our member agencies—I do not think any member agency is against the notion of contributing something towards that amount—by government and also by the Attorney-General's Department. Quite frankly, the resources that are available are not sufficient to do the complex job that we are being asked to do. It is made more complex in that a lot of our agencies are some of the newer agencies, without the history or the support structures in place, and are quite often funded under the programs which cannot charge fees.

In my agency fees do not make up the deficit, but that is what is intended. However, if you have to commit all your money and you are not allowed to charge fees, which is probably appropriate because of the client population, your capacity to give resources to the peak body for its task becomes severely curtailed.

**CHAIR**—Leaving aside the financial difficulties of running a peak body, I was interested in the statement you made that there is a place for agencies of all different sizes. I think you said that small agencies met local needs in particular areas. Could you expand on that?

**Mr Price**—I guess there are a couple of points. To do the job effectively, the different agencies need to reflect the range of the community. Some people feel more comfortable going to an agency that is affiliated with a church of which they might be a member. Some people would never even dream of going to an agency that is connected with a church. Some people feel that an agency that they have heard about, with a good reputation, even if they have to travel a little bit, is where they would like to go. Some people feel more able to be connected with the local agency that they know is operating two days a week out of the local community health centre. They feel some sense of connection.

I think it is more than that. I think both sides of the sector have something to offer, particularly when we collaborate as opposed to when we compete. I think it is hard for the large agencies to feel as closely connected and as much in touch with particular local needs. I think they try very hard. I know that Unifam and other New South Wales agencies have local committees that connect them in, that try to recruit locally, although that can be extremely difficult to do, and that try to modify their programs locally.

Having said that, I think a program that grows out of a local community more naturally reflects that community. On the other hand, the work that we are doing is considerably more complex than I think it has ever been before. With regard to the issues we touched on like domestic violence, child abuse and so on, the changes in the regulations and the act have highlighted some of those things in terms of the mandatory reporting of abuse.

I think there was a time when a counsellor could sit down with a couple and help them communicate a little better and hope that that would move the situation along. It did then, and sometimes it still does. Somebody once described the cases in the area that I was working as extremely interesting cases. I think the

family situations that people are bringing to mediation to some of the groups that we and other agencies run, particularly to adolescent mediation, family therapy and family skills, are very complex, very difficult cases that need the development of expertise.

They also need appropriate quality assurance, supervision structures, training and those sorts of things. The balance that the larger agencies can bring in is that, through collaboration, they can feed down to the other agencies. I guess my own bias is that I like to see that sort of collaboration rather than all of us carving out our territory. If we go into a new program in a local area, developing it in conjunction with local programs is a good way to go.

**CHAIR**—I think you said that FSA has 43 funded agencies and 26 non-funded associate members.

**Mr Price**—I believe so.

**CHAIR**—I presume that reflects the distinction between agencies funded by the Attorney-General's Department and those that are not.

**Mr Price**—Yes, it does.

**CHAIR**—Can I ask you about those non-funded agencies. Is the Attorney-General's Department doing anything for non-funded agencies? Should it be doing more? Is it the fact that the attention is almost entirely, if not entirely, directed at funded agencies? Can more be done for the non-funded agencies and, if so, what?

**Mr Price**—I am going to start with a bald comment. I do not think the Attorney-General's Department is specifically doing anything for the non-funded agencies, but I do not know. I am not a non-funded agency so I am hypothesising there. What they do indirectly—I think the peak body can be part of the mechanism by which that happens—is that they can develop standards, procedures, quality assurance mechanisms and so on which can in fact affect the whole sector.

Family Services Australia is very pleased to be part of a process where there is this quality assurance strategy which has been developed through—or will be developed through—the Attorney-General's Department. While that will have specific, important considerations for Unifam and for the other funded agencies, all of that expertise will be able to be passed on to all of those other agencies.

I guess, too, that today's non-funded agency might, in the next round of tendering, when tenders become available, in fact become a funded organisation and that situation changes. Again, I was not around at the time of those discussions, but from what I understand, the peaks were specifically set up to look after the funded agencies. I am not sure that the other peaks have the notion of associate members. They may or may not. They would not have a lot, but I think that what we have tried to do as Family Services Australia is to—because we do not have a specific Relationships Australia or Centacare brief—have under our umbrella the smaller agencies that are not yet funded or who choose not to be funded.

But, again, with limited funds, there is very little we can do specifically for those, although our

secretariat—we have a part-time secretary as well as Dianne Gibson—says that she probably gets as many calls from the non-funded agencies as the funded agencies. We act as an information source. We have newsletters going out. We have a magazine and so on. We had quite a number of associate members at our Melbourne workshop and annual general meeting. I guess we would like to have them under our peak umbrella, but no, I think that the peaks have specifically been set up to look after the funded agencies.

**CHAIR**—Evidence has been given to us that the funding process lacks transparency. To be more accurate, that historically it has lacked transparency. Perhaps that has improved since the funding rounds that started with the justice statement and the more recent one. But, overall, there is not a great deal of transparency in it.

**Mr Price**—I cannot speak for the past, as I said. Certainly, I have heard suggestions about previous processes, historical and so on, but I have no way of confirming those or otherwise. I guess I was in a reasonable position on the peak body in that I had slightly easier access to senior people at the Attorney-General's Department.

It is part of a communication process so that we in turn can communicate, because it is impossible for all the members to turn up and quiz the departmental secretaries and so on. I was extremely impressed by the last funding process. It was very clear what criteria they were looking for. It was also a standardised form. One of the fears was that a large agency would have the resources to put in a very polished and professional submission whereas the smaller agencies would photocopy something and send it in. That kind of standardisation helped enormously. The peaks were briefed ahead of time. As much as possible we shared that information out. We understood—and it seemed to fit—that needs based planning guided the locations for new programs. The feedback that I have had is that the points in a submission that were regarded highly were things like knowing your local area extremely well and so on.

I was previously involved in funding processes at the state level and I think that they developed and improved over time. I thought the funding process last time was an excellent process both from my close involvement with my own agency's tendering and also from the point of view of the peak body. We are currently involved in some marriage relationship education and I am confident, having gone through the process once, that it is a fair process and a transparent process. From what I can gather, the department has called in people from outside the department to help with some of those issues to minimise bias. The results show a real scattering between the peak bodies and between small and large agencies, over a wide geographical spread. There was some talk before along the lines of, 'Oh yes, in Melbourne X will get so and so and Y will get so and so in Sydney. This agency will get that and the other.' But I think the results speak for themselves. New people came in, new agencies came in and there was a real spread. As it says in our report, Family Services Australia agencies picked up substantial numbers of tenders, particularly in the new areas. I think the peak is quite comfortable in terms of the process now. I cannot speak of the past, but the suggestions you have raised are suggestions that I have heard too.

**Mrs ELIZABETH GRACE**—The other suggestion that has been made is that funding should be in a lump sum and not earmarked or allocated to specific areas like education or counselling or whatever. Do you see that as a problem or would you prefer it to be specially allocated to special areas?

**Mr Price**—No, I do not think that is the case. When I put on my Unifam director's hat I probably do have some issues with the funding, but I do not know that that would be one of them. I was not briefed directly by the peak on this, so in a sense this is the director of Unifam speaking. I think the range of programs that we have cover different aspects of the provision of services in the family sector. In the last round of tenders, the Wollongong area was targeted for an adolescent mediation and family therapy tender. Unifam has an office there and we are very much aware of the needs for young people and their families in that area. I think there is a danger that if you do not do some targeting an agency's view may prevail rather than a more broadly based view. Agencies do have legitimate views, but the peaks are the way that those views can be fed into the targeting.

I guess we are very keen that we are part of a consultative process around needs based planning. But I think, since you have raised funding, the member agencies would want me to say that funding is a huge issue in our sector. We feel very fortunate that we received the 1.6 per cent cost of living increase in the last budget because a number of programs were not so fortunate. Over the last few years, we have had those 1.5 or 1.6 per cent increases. Not only have the costs of agencies risen more than that but I think the costs in our sector have moved enormously.

More and more awards are now in place in the different states and that has affected it. We are having to pay out occupational superannuation, which is very worthy when we are all employees, but it is a six per cent increase that was not factored in. There are other important things, like quality assurance, supervision and promotion, which is an important aspect at the moment, particularly with the new programs. A number of agencies have a new program in a new area. You have to get out and let the community know about it. All of these things mean that the costs for agencies have risen enormously. The effect is, even though we are delighted about the 1.6 per cent, that each year agencies are running up deficits that we have to find other ways of funding, and that is across the board.

**Mrs ELIZABETH GRACE**—How do you find these other ways of funding them? As you say, 26 of your associate members do not have funding. How do they fund themselves? Are they funded from their peak body, for example, a church organisation receiving funding from its main church body?

**Mr Price**—There are a number of things that agencies do. Some people can charge fees, and in the mediation program and in the family and child counselling program we are expected to charge fees and most agencies have sliding scale fees. But there is an interesting paradox here in that there are some communities, for example, rural communities or some disadvantaged out-of-suburb communities in the main cities, that have few services and high needs for those services. But a sliding scale will mean that you probably get very little back in the way of funding. In fact, in Sydney it is an advantage to place all your services on the north shore, at least in terms of running the organisation. For an agency like Unifam, and many of the FSA agencies that see their mission to the whole community, that becomes quite a problematic area. So fees is one area.

Sometimes agencies have larger auspice bodies, perhaps a church and so on. Not everyone's experience is that that is a blank cheque, though. Some actually have some money that comes through, but other agencies are part of a church auspice body and get nothing for that. Other agencies try to raise funds through training and those kinds of things. My knowledge of the FSA agencies and some other Sydney

agencies is that many, if not most, are really struggling with large deficits. The effect of those deficits will inevitably hit home at service delivery because people will make cuts.

**CHAIR**—I must pick up on that. I am just curious about what you say in light of your comment about the funding process seeming to work well now. If you look at the way in which the funding was provided under the Justice Statement and now under the subsequent 1996-97 budget funding, it seems to me that amounts of money are provided for which applications are then made. But those funds tend to be of two amounts.

Take one area: marriage and relationship education. As I recall—I have not got the figures in front of me—the amounts provided for different areas were \$25,000 and \$50,000. With my anecdotal knowledge, when I looked at some of those amounts I could not work out why some were \$50,000, for example, in the Warrnambool area of Victoria—you do not have to respond to it—whereas in one of the outer areas of metropolitan Melbourne it was, as I recall, \$25,000. I could not work out how the needs in one area, in terms of the number of couples or individuals who might use the service, were going to be twice as great when it was basically a medium sized provincial town compared with outer developing metropolitan Melbourne. Do you know how that is ascertained or is this a question I should be directing to the Attorney-General's Department rather than you?

**Mr Price**—I would be happy to comment on a couple of aspects of what you said there, but in a sense it would be speculative—

**CHAIR**—I should say those figures may not be right. I am trying to remember—

**Mr Price**—I can give you the New South Wales example. If I can just touch on the first part of what you said, and which I am most familiar with, since it is now in place, the tenders that arose from the Justice Statement. The effect on funding is interesting because, for all Family Services Australia's agencies, if you were successful in your tender for a program in a particular area, you received an amount of funds which you said you could use in a certain way and there was very clear budgeting and so on for that particular area.

So your agency might have put in for a family mediation tender in Brisbane or Sydney or Melbourne and been successful. By and large, while there might be some management component, because you might have, for instance, if you are a large enough agency, a manager of mediation or whatever, a small part of that tender money can actually go to offset that salary, for instance, but that money needs to be quarantined because they are specific in what they have asked for—they have asked for the agency to provide family mediation or AMFT in a particular area. So that is terrific for that area and that program but has a very small effect across the board for the agency.

One of the loose kind of—that is not a criticism—general expectation in the past has been that if agencies receive funding for up to 75 per cent of the costs for those programs they can charge fees. But, because of that kind of erosion that I was describing before, agencies sometimes in fact only have 50 per cent of the funds and they have to find that other 50 per cent themselves. So even if they have won a tender, they now have one 100 per cent funded—or close to—program and they still have an agency which is 50 per cent funded. In fact, you could be in the interesting situation of putting on staff there and having to cut staff



across the board.

Going back to the marriage relationship education tenders, the Attorney-General's, I am sure, has a reason for doing that. But the New South Wales example was that I think there are three Sydney suburban and outer suburban tenders and they were \$30,000 each, and two external ones—Central Coast and Wollongong—and they were \$50,000. The Attorney-General's Department, I think, has had—in my discussions with them and the peak bodies discussions—a view that services outside the metropolitan area are particularly under-resourced.

It is not necessarily that the need is greater, although in some areas it is, but I think there has been certainly a view that rural and remote areas have not received the kind of support and the funding and that metropolitan areas already have the infrastructure in place. Whether that is actually their thinking, I do not know, but that would fit. So areas which could be considered relatively disadvantaged or outside main metropolitan areas I think have a bias towards them—a sort of positive discrimination, if you like. That would be my reading of that.

**CHAIR**—We will take it up with them.

**Mr MUTCH**—I think we have canvassed the funding. I am more confused than ever in relation to that. But I was interested in your comments that it is inequitable.

**Mr Price**—For the peak bodies, do you mean?

**Mr MUTCH**—Yes. Have you made any submissions to other inquiries in any detail relating to this?

**Mr Price**—No.

**Mrs ELIZABETH GRACE**—You have just touched on a little bit of it and I just wanted to know a little bit more. With your rural and remote areas, what support services are available from your—

**Mr Price**—From the peak?

**Mrs ELIZABETH GRACE**—Yes, from your unit of organisations.

**Mr Price**—You probably should talk to the rural and remote people; they probably would say, 'Not very much.' We try as well as we can and our executive director is nothing if not inventive. In a sense, she serves two masters in the line of her responsibilities: Family Services Australia and the Attorney-General's Department. For instance, if she has to go to Brisbane, we work very hard to get as many of the Queensland people together as possible. That is not a huge advantage if you live in Cairns, but at least it is better than everyone having to go to Canberra.

Where we can, we move around organisational meetings and structures. We have not finalised it, but we are trying to put in place an airfare equalisation scheme—for instance, if I travel from Sydney to Canberra, it is going to cost me as much as someone from Perth coming to Canberra. This will try to bring in

as much fairness as we can. We use teleconferences where we can and things like that. People in rural and remote areas have needs, and they know who they are. When I talk about Unifam services in Nowra, they refuse to accept that they are rural and remote when compared to the location of some of the other agencies. I think that is a legitimate point.

I think it is very difficult for them. Quite often they are small agencies, but quite often they are in a high need area and so on. In terms of planning, it is really hard to compete because a city as big as Melbourne or Sydney is going to have a huge amount of need for family services. So, if you did it on per capita, people in Albury or Warrnambool or whatever may well miss out altogether.

**Mrs ELIZABETH GRACE**—Let us think about Bourke and Dubbo and let us get a bit further west. There are very long distances that people have to travel and things like that to get access to services.

**Mr Price**—I think there has been some research done and I think it has certainly been a priority in terms of those areas. But I do not think anyone has come up with a ready solution. We have a member in Darwin, we are pleased to say, and some other rural areas, but to get them to come just to one annual general meeting is a huge expense. That is in terms of what we can do. To provide services for New South Wales over the Blue Mountains, it is almost impossible. Agencies like mine are quite often asked why we are not looking after Bourke and Brewarrina and so on. The answer is that to have a mobile counsellor go between those areas would cost an absolute fortune and it would need to be funded differentially in some way.

**Mrs ELIZABETH GRACE**—And it is an area that we should be looking at more by the sound of it.

**Mr Price**—It is a very important area and one that we are very concerned about, because we do not have large state bodies as Centacare does to cover those sorts of things.

**Mrs ELIZABETH GRACE**—Thank you.

**CHAIR**—Thank you very much for coming along this morning and also for the submission. There may well be things which, in the course of our inquiry, we would like to come back to you about and explore in a little more detail. We appreciate the efforts that you have made on behalf of the organisation to date.

**Mr Price**—Thank you very much.

[11.22 a.m.]

**BURNS, Associate Professor Ailsa Milligan, 31 Harris Street, Paddington, New South Wales 2021**

**DUNLOP, Dr Rosemary Kerrison, 20 Elgin Street, Gordon, New South Wales 2072**

**CHAIR**—Welcome. Although the committee does not require you to give evidence on oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

We are in receipt of your submission, which we thank you for. Unless there are any corrections or changes you would like to make to it, could I ask you to begin by making a short opening statement of the thrust of what it is that you have said in your submission or any other matters that you would like to elaborate on for us.

**Prof. Burns**—Our submission covered the main points that we wanted to raise in respect of the four terms of reference of the inquiry. Those four terms are the causes of marriage breakdown, those most likely to benefit from programs, strategies to meet these needs and the role of government in providing services. What we hoped we might enlarge on a little bit this morning is what we have learned from our own research. Our research has been following up for 10 years the children of a group of divorced parents and those children are now in their mid-20s. It has given us a rather good picture of what can be the long-term outcomes of parental divorce.

As our submission noted, there are multiple causes of divorce and, given modern conditions, we see little likelihood of any decline in divorce in the foreseeable future. Virtually all Western countries have seen the same pattern of a sharp rise in divorce from the late 1960s to the late 1970s, followed by a continuing high but stable rate since then. We do not therefore see any reason for the lowering of the Australian rate in the foreseeable future.

However, what has become clear to us from our own work is that there are good divorces and bad divorces and those differences have very long-term consequences for everybody involved. We therefore see it as important for the community to provide services that will assist divorcing couples to make as good a divorce as possible. Specifically, our study includes children who are now adults who have been through both good and bad divorces. We noticed marked differences that have continued well into adulthood. This extends into areas of educational achievement, employability, health as well as personal adjustment and the child's own ability to sustain a good marriage. We see the community as having a strong interest in assisting people to make a good adjustment.

Since that sounds rather abstract, what we would like to do is give you a few examples of young people who have experienced parental divorces as young teenagers where that has been a successful and a not very successful experience and to just give you a picture of what that was like for them and where they are at in their mid-20s.

**Dr Dunlop**—I am going to present a couple of case histories where the names have been changed and identifying details have been removed. Firstly, I would like to say that, while prevention of marriage breakdown is clearly an important goal, it is not the only goal. Effective counselling and mediation has a long-term goal to help children through the divorce and on into their future life. I think that is a very important point to note because it protects children through the quality of their relationships with their parents.

I think a very important point to make is that divorce does not irrevocably destroy family relationships if conflict can be contained and parents can be persuaded to put the needs of their children first. As Ailsa has said, there are good and bad divorces, but what I would like to stress is the long-term aspects of family relationships.

We targeted a sample of 78 divorcing families with 80 adolescents aged 13 to 16. We had a range of divorces from very high pre-divorce conflict, sometimes with violence, to relatively amicable separations. We interviewed parents and adolescents at the first interview and then followed them up over three periods, three years later and then 10 years following the divorce. Interestingly enough, a quarter of these were living with their fathers when we first met them. I think this is probably because they were adolescents. By the next interview four had changed residence—two from father to mother and two from mother to father—and 10 years later they were aged 23 to 27 and living independently.

A point I would like to make is that, apart from one mother who had unfortunately died, all other subjects were still in regular contact with mothers and two-thirds described their mothers very warmly with nearly half describing their fathers in similar terms. A quarter were very critical of their fathers, and three had lost contact and did not want to renew it. The majority understood and accepted the divorce in terms of incompatibility, but those who were most critical were likely to attribute the breakdown to such things as alcohol, violence or another relationship being adopted.

The first case history illustrates how conflict between parents can erode their own relationships with their children as well as jeopardising their children's adjustment. The other one shows this need not be the way that things happen after divorce. So the first one is about Gary. Gary's parents divorced when he was 15 after a long period of unhappiness linked to his father's repeated affairs. His mother and father were still enmeshed in bitter conflict 10 years after the divorce. He and his sister remained with a very controlling mother until Gary moved out of home. Since then his father has married and divorced two more times.

His parents will not speak to one another and his mother has consistently opposed contact between Gary and his father. He speaks of having been through a black sheep, drug phase which he has come out of largely through the support of his mother and sister. But of his mother he comments, 'For years I thought she was an ogre, but now I'm an adult I couldn't have wished for anyone better.'

To his mother's displeasure he has recently established contact with his father. Gary regrets the years when he saw nothing of him saying, 'Every child has the right to see both and make his own decision'. He treads a tightrope between his mother and father warily trying to keep them totally separate. Of his new relationship with his father he says, 'We dive into one another's lives a bit but don't do father/son things. He says yes to anything I ask because he is desperate to have a father/son relationship. We don't discuss things

of importance. It's not that I couldn't but I wouldn't talk to him about things. It would be in one ear and out the other.'

Elsewhere he explains, 'My father is lonely and sometimes I feel like I am the only person he knows so he tries to please me'. He likes to visit his mother but with dad it is more of a learning thing to see what I don't want, the unhappy life I don't want.' Of his mother he says, 'I wouldn't say to a child it's bad for you to see your father. I would give my opinion and reasons but would encourage them to see the other parent.'

Interviews with Gary's parents at time one show that each had contemplated counselling but rejected it. On looking back his father says, 'The children might have had a better perspective if they had been able to discuss it with an impartial person.' His mother comments, 'I thought of having a psychologist talk to them but my children trust me.'

Asked what had been the most difficult time of the divorce Gary replied, 'All were difficult. When I was nine and they were fighting it was difficult. At 13 when they separated it was difficult. Now I am 25 it is still difficult to hold the relationship with both parents.' We asked him what would his life have been like if they had stayed together. He said, 'I am only a bit screwed up. If they had stayed together, I would have been totally screwed up.'

Now for something different. The second case history is about Gillian. I first saw Gillian and her brother at a time close to the divorce and they were living in the family home with their father. She explained, 'It was our choice. I could have moved out with mum, but dad was closer to my school. Mum understood that.' Ten years later she is flatting with friends and has a job which takes her interstate. She was shocked when the divorce took place. She said, 'Mum never argued. We never knew it was going to happen.' But now she thinks it should have happened before. 'Mum put up with dad for our sake. They were not right for each other.'

Her father was distressed and lonely after the marriage broke up, but he has since married a woman Gillian describes as 'great for him, a very nice lady, making dad very happy'. Her mother is single. Asked whether she felt the divorce had affected her in any way, she said, 'I haven't become tough or wary. Who knows? Perhaps it is because mum and dad are such good friends. There is no bitterness about the divorce, no hate. We are all good friends.'

Gillian describes her mother as 'my best friend and adviser and I love her dearly'. She says about her father, 'He loves me but has funny ways and is difficult at times.' Asked to name the most significant people in her life, she says, 'My mother, father and brother because they are my family and they are the people I love most.'

The parent interviews for this family at the time of the divorce show much more generosity towards each other than those in the previous case. The mother describes how when she left the home Gillian, the daughter, turned against her. She says, 'I put myself in her shoes and could understand how she felt. I should have told them. I hid it so long before she could see how unhappy I was in the marriage.' She also comments, 'I think she gives him a lot of sympathy. It has brought them closer. I am not resentful. I can accept that. I know she loves me too.' This woman had sought counselling before the marriage broke up and

had found it very helpful.

I am not suggesting that either counselling or mediation is a panacea. Each divorce is different and some individuals are very hard to reach. But I do believe that the majority of divorcing parents do not wish to harm their children. Breaking the cycle of conflict and understanding the continuity of family relationships can help parents give children the best chance to come out of divorce with minimal harm.

**CHAIR**—Thank you. Professor Burns, you said that there was no decline in divorce likely, given the trends of the last 30 years in the western world generally. Do you think there is likely to be an increase?

**Prof. Burns**—The figures are terribly hard to understand because they depend on the proportion of people in the divorce prone age rate and that changes with the ageing of the population. So even if the rate goes up it does not necessarily mean divorce is greater. It is just that there are more people who are in the risk age rate for divorce.

There will probably not be an increase because what seems to have happened in those countries that led the movement to divorce, like the Scandinavian countries, is that in recent years the divorce rate has gone down. But it has gone down for a special reason, that is, the marriage rate has gone down. So an increase in proportion of family formation and dissolution is occurring outside of legal marriage. It has already begun to follow in that direction in countries like Australia. They may do more so, in which case there would be this rather artificial decline in divorce.

**CHAIR**—You are right. If you look at a graph, the marriage rate has come down and the divorce rate, taken over a number of decades, has gone up relatively.

**Prof. Burns**—Yes.

**CHAIR**—Are there any accurate ways of measuring relationship formation and dissolution amongst those who are not legally married? If we are trying to understand it from a societal point of view, let alone adopt government policies to address it or deal with the consequences, I suppose it is useful to actually know what is happening. Is there an accurate way of measuring it?

**Prof. Burns**—The Swedish census takes in persons who are de facto married. It registers those as well as the legally married. That enables you to put the two together. The general finding is that dissolution is higher amongst those who are not legally married. But that varies from country to country depending how common de facto marriage is. In Sweden, where it is very common, the breakup rate is about twice in de facto marriages than in legal marriages. Again, that is influenced by the fact that those in legal marriages are typically people who are members of a church. In Australia, the breakup rate of de facto unions is much higher than that, about 10 or 15 times higher than that of legal marriages.

**CHAIR**—Does that reflect that the nature of de facto relationships in Australia is different generally to that in Sweden? I remember some of that work by Sarentakos.

**Prof. Burns**—Yes, I think it is. Once something becomes normative behaviour you get a cross-section

of the population engaging in it. I think the Swedish figures show, if anything, those who live in de facto unions have a slightly higher education level than those who are in legal marriages. Whereas in Australia those in de facto unions tend to be either younger, lower educated, lower income people or they are previously divorced people who do not see much purpose in remarrying. So it is a somewhat different population.

**CHAIR**—I recall the Chief Justice of the Family Court said to us, not in his evidence yesterday but in a meeting we had a while ago, that he thought the increasing divorce rate, if you took into account de facto relationships—I cannot remember his exact words—was certainly measurably higher than what the official statistics showed.

**Prof. Burns**—Yes, I would certainly agree with that.

**CHAIR**—Can we measure it? I cannot remember what is in the census. I think it just talks about marriage. Does it talk about marriage-like relationships?

**Prof. Burns**—There have been some special ABS surveys that have asked people whether they have cohabited before marriage. The Institute of Family Studies has done some small studies looking at breakdown rates of de facto and married people within a couple of years of the birth of a child. I think they had about 15 times the breakdown rate in the de facto group.

**CHAIR**—There was a report in the papers just recently—I am not sure whether it was in the Sydney papers; I cannot remember which paper I read it in—of some research by Paul Amato. Media reports are not always accurate so I am relying only on what I read and recall of it. The report seemed to be about the impact of divorce in one generation upon the rate of divorce or marital dysfunction in the next generation. In terms of your research, can you comment on that?

**Dr Dunlop**—In terms of our research, the young people were pretty young when we re-interviewed them—they were 23 to 27. There had been only one divorce so far and that was from the control group of non-divorcing families, but I do not think that is a very large sum.

**CHAIR**—No. Given the medium marriage age is about 26 and 29 for females and males respectively, you will have to wait another 10 years, I suppose.

**Dr Dunlop**—Certainly, seven years. There were some divorced parents of those children who had themselves been children of divorce. In another case I was going to produce, but I thought I did not have time for it, each parent had come from an unhappy home. The mother had survived it very well and the father had not survived it well at all. Yes, I think that can feed into the next generation.

**CHAIR**—Just picking up on a couple of other pieces of research, the Family Court referred us to Peter Jordan's study on the affects of marital separation on men 10 years on. Whilst I have not had time to read it since we got it yesterday, just glancing at the conclusion seems to suggest that the level of dissatisfaction and hostility amongst men a decade after divorce had not diminished for many men. Just reading the conclusion—as I said, that is a cursory reading, not reading the whole report—some of the figures

there seem to suggest that it may have increased. I am also interested to know whether your work picks that up. If so, do you have any similar conclusions or different conclusions?

**Dr Dunlop**—I think it is a very complex issue. I think there are some people who have had an unhappy experience in the court simply because they have not been able to resolve their difficulties and they have had to come to a point where, while they are still very angry with one another, they have had to have the decision made for them. In that sort of case you are always going to have one partner who is unhappy with the situation. That is one point I would like to make.

The other is that we did find in this sample that there was a closer relationship on the whole between children and their mothers but this was also the same in the intact group. I think the traditional role of the mother is a nurturing emotional sort of role. In the intact group we found that sometimes for some children it was more difficult to make a relationship with their father because the fathers are busy or they do not talk as readily. They were very fond of their fathers when very often father and mother could work together in a complementary way. But after divorce it probably is more difficult for the fathers to maintain the relationship because they are no longer on the spot.

As far as unhappiness with the court is concerned, we have not actually looked at that issue. It was not something we asked them, but the men who remarry seem to be able to start a new relationship. There are some lonely men out there who have not got a new relationship.

**CHAIR**—I am just curious. How did you manage to determine your intact group given that it is fairly difficult to predict who is going to be affected by divorce or not?

**Dr Dunlop**—The way we did it was that we had the cooperation of the court. They sent out notices to the people who were in our particular group. We wanted people with children who were adolescent and parents who had not been separated for more than 18 months or more than two years because we wanted to target out study very carefully. We were actually looking at a particular age group and we wanted to see whether divorce at adolescence had a particular effect.

Our sample came through the court. It was an unbiased sample in as much as everybody who filed for divorce over a period of time and had children in the right age group was included in the sample. The intact group was recruited under similar conditions in as much as we recruited them through Sydney high schools. Again, as with the court, letters were sent out to parents asking for their cooperation. We did not have any face to face contact with the parents.

**CHAIR**—But over 10 years did any of the intact group divorce?

**Dr Dunlop**—Yes, some did and some of the divorce group remarried and one of the divorce group came together again—life is very messy.

**CHAIR**—There is research by Judith Wallerstein in the United States which was published in *Second Chances* and then there was the Exeter study. I cannot remember the names of the researchers involved in that. Are there differences between your findings and those overseas findings? If so, what are the differences?



Can you identify at all why there are differences?

**Dr Dunlop**—For one thing, our sample was a targeted sample. I do not mean that we selectively chose the cases but just that they were all adolescent and they had only been separated for a certain period of time, so one could not generalise from that sample to the entire body of people divorcing.

Wallerstein's and Kelly's research has a defect which is that they do not have a control group of intact families, so there is no way really of telling whether the negative outcomes which they write about were things which might have happened in both groups of families or were in fact due to the divorce, and they tend to attribute all those things to the divorce.

With the Exeter study, it is true that they did find more negative results than we have found. Some other studies have found negative results and others have not, but I think the main point I want to make is that our study is not basically a study of whether or not divorce harms children. That was not the point of our study. The point of our study was to look to see what the things are which facilitate children as they go through divorce and what the things are that harm children.

The points that we really emphasise are that family relationships are important in both intact and divorced families. It is a myth to think that all children from intact families live in this ideal state. Every divorced family has been an intact family before they actually divorce and there are many children who are still living in unhappy intact families, so what we would say is that we would like to see ourselves as sort of champions for children in as much as what we think should be emphasised is that high conflict and bad parent-child relationships are damaging whether the child is from a divorced or intact family.

**Mrs ELIZABETH GRACE**—On page 5 of your submission you talk about the government financial commitment and you say:

. . . its continued funding of counselling and mediation services within the Family Court, and by subsidies to Relationships Australia and other accredited counselling and mediation services.

Therefore, you are encouraging us to emphasise that part of it. However, in your case studies you did not put any emphasis at all on counselling. Did any of these families have counselling? You mentioned the mother had counselling in one particular case, but what I am wondering is whether any of these people have gone back or has there been any ongoing counselling or even starting of counselling to see whether this would have any effect on the people that you have been studying?

**Dr Dunlop**—Yes, that was not one of the things we specifically looked at and it is an interesting question. I would like to go back and look at our interviews now and see if there is a pattern there. It would be very interesting to do that.

**Mrs ELIZABETH GRACE**—It would be interesting to see if there is any correlation there at all because you are asking us to continue our subsidy for that and what we are trying to find out is whether it is worthwhile. Is there any benefit for us to put money into that type of thing so it could be an interesting—

**Dr Dunlop**—Our argument would be that, because of our finding that relationships are so important and because evaluative research has shown that mediation and counselling is effective, that is one way in which you could perhaps protect some of these children. Allowing this to be available to them within the court is a really desirable thing, for two reasons. One is that, very often, families are not all that willing to go to counselling, but if the counselling is available to them, it is free and they can get it at short notice they are much more likely to go there. If you can just break that cycle of conflict, if you can allow them to de-focus for a moment from their own conflict on to their children, through having an impartial person talking with them, it is just something that should be done.

**Mrs ELIZABETH GRACE**—You have also mentioned that people benefit from programs, from classes taught by specifically trained teachers. We have had that coming through as a seam in our inquiry, too. The suggestion is that, in the human relations course—which is something like what you are talking about in respect of biology or science—relationships are taught at that stage, particularly in the high school. There has even been the suggestion that it should start at year 1 and just be an ongoing thing right through the school curriculum. Would you like to elaborate on that? Have you any further thoughts on the education side of young people?

**Dr Dunlop**—It is not my area of expertise particularly, but I feel that it is really important that it be taught by professionals. I know there are personal development courses in schools, but I understand that sometimes they are not regarded very seriously and are taught by some teacher who has some spare time. I may be doing them an injustice, but that is what I have come to understand.

**Mrs ELIZABETH GRACE**—We are also told they are very, very aware of sexuality and the biology of sexual activities—I suppose that would be the way to put it—but have no idea, for example, of how to say no when they are approached for an intimate relationship. That is what I would like to see. I was wondering whether that is what you are feeling, too.

**Dr Dunlop**—That is true. One of the things we have said here is that it should also have a philosophical aspect to it, which is teaching responsibility and choice. You do not have to go along with people. You can make your own choice. That is terribly important.

**Prof. Burns**—Anything that is oriented towards teaching communication skills is exceedingly important. Again, from studies of divorce in the US, people now say they can predict very well who is going to divorce by the communication patterns. There are a number of features, like not listening and putting the other person down, and so on. They are exceedingly good predictors of breakdown. You can really see those things as simply a lack of communication skills. I would think anything in the schools which has that emphasis would be of great value.

**Mrs ELIZABETH GRACE**—Following what you were saying about having professionally trained teachers, do you think that the professional services we now have are of the highest level? What do you think can be done to improve them?

**Dr Dunlop**—I could not comment on the highest level. I am really not that knowledgeable about that. Therefore, I cannot really answer the second half. I would say that there are lots of interesting ways of

teaching these days—use of films and use of acting and role play. We want to get out of a stuffy way of teaching these things. Also, children, and I would say adolescents, from my experience with them have a remarkable capacity for really quite serious ideas. They like to engage in ideas. A lot of them are quite idealistic. One could make such a course interesting and appealing to them. It will not be any good if it is taught in a boring way.

**Mrs ELIZABETH GRACE**—Thank you very much.

**CHAIR**—I thank you very much for your submission and also for coming along today. We appreciate the additional case studies to the submission. That will assist us in the inquiry. Just before you go, your research has obviously been reported and written up. Is that right?

**Prof. Burns**—Yes.

**CHAIR**—I do not think we have a copy or a citation. It would be of assistance if you could provide it to the secretariat.

**Prof. Burns**—I will let you have that.

**CHAIR**—That would be useful.

[11.59 a.m.]

**HENDY, Mrs Marilyn Audrey, Administrator, Growing Together in Marriage Programs, Uniting Church, Board of Education, PO Box A2178, Sydney South, New South Wales 2000**

**ROBERTSON, Mrs Jillian Penelope, Leader, To Have and To Hold Marriage Education Program, Uniting Church in Australia, NSW Synod, Board of Education, PO Box A2178, Sydney South, New South Wales 2000**

**CHAIR**—I welcome Mrs Robertson and Mrs Hendy to this hearing. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings as the House itself. Giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. We are in receipt of your submission. Unless there is something you want to change or correct in it, I invite you to make an opening statement and elaborate on any matters that you would like to arising from the submission.

**Mrs Robertson**—I was overseas when this whole procedure came up, so I have come into this late, but it seemed too good an opportunity to miss to be involved. The people who come to us are mostly pre-marriage. Some of them have been married a short time, but it is a marriage education program. We are not funded by the government and, therefore, not recognised in any way and, therefore, not advertised in any way. One of the concerns I have is that, even though we might be doing work that is seen to be quite adequate, particularly by our participants, there is no way the fact that the Uniting Church Board of Education runs a program is circulated. Ours is a non-residential weekend and we run them up to nine times a year. So it is not a huge, but we would probably be seeing between 60 and 90 couples a year.

**Mrs Hendy**—The courses that we run are for people who are in the post-wedding phase, whether it be from two years married up to 45 years married. It is a preventative program, and we seek to educate people in the development of communication and conflict management skills, and to help them look at the positives within their relationships as they exist at the point in time that they come to the weekends.

Again, as with the pre-marriage programs, we are not government funded. We have approached the government on a number of occasions and the funding has been disallowed. I gather it was on the basis that we are basically a church organisation, and they felt that was restrictive of the clientele that we might be able to reach. However, as I pointed out in the submission, that is not so because our programs are open to all couples regardless of their religious affiliation or non-religious affiliation. I have three non-residential programs that we offer and one of those is a program to which even one of a couple can come. We feel that one having some knowledge is better than neither of them having any knowledge.

We have a wonderful team of volunteers who donate their services, travelling long distances to be present at weekends. I did enclose one of these brochures. This year we have offered seven weekends, ranging from Galong, down near Yass, to the far north coast, Evans Head. In previous years, we have been to Armidale, Port Macquarie, even down as far as Eden, on one occasion. We consider that if we can give couples tools with which to work in their relationships then hopefully they will not finish up in the divorce court. I am not saying that they do not because, as I said in the submission, there have been couples who

have been to weekends and who have decided to divorce afterwards.

But we would appreciate some support from the government in even just advertising the availability of courses. Perhaps even a published list, or something like that, that could be circulated to civil celebrants to let them know what is available and that it is available to those with and without religious affiliations. The courses are designed that way. We do not believe in hitting people about the head with bibles. That does not do very much for your conflict management presentations if you try that. That would be the greatest support that we would expect from the government: that they would be prepared to advertise the services that we have available.

**CHAIR**—Can I take a few things up then. It seems to me that if you are funded by the Attorney-General's Department you get whatever bucket of funding there is to provide services; if you are not funded, you are ignored. Is that fair?

**Mrs Hendy**—That is what we see; that is our perspective of it.

**CHAIR**—You may not be in a position to do so, but is it possible to estimate the number of services that are provided through non-funded agencies? There must be a reasonable proportion of the services provided through non-funded agencies.

**Mrs Robertson**—Through anecdotal evidence that I pick up at national marriage education conferences, I would say that probably half the people who I have spoken to are from non-funded agencies.

**Mrs Hendy**—And who have that same feeling that they do not really have a voice anywhere.

**CHAIR**—You obviously have a vested interest in this but I will ask the question anyway, on the basis of dealing with other people in the field. Is there any marked difference in the types of programs or courses that you provide compared with what people who are in funded agencies provide?

**Mrs Robertson**—The only difference that I know of is that we do have a session in our pre-marriage course which is talking about Christian marriage and—

**CHAIR**—Presumably, Centacare Sydney would also run those and the Anglicans would have a similar session from their faith perspective?

**Mrs Robertson**—I would think so. But that is the only thing that I would—

**Mrs Hendy**—I would say that would be the most—

**CHAIR**—Just for the sake of the record, can you run through a typical program by component or subject matter, for example, what you run pre-marriage and then, Marilyn, what you would do on a weekend post wedding?

**Mrs Robertson**—With the pre-wedding weekends we can sometimes have people come who have

been married for up to two years, so it is not prescribed by that way. We start at 7 p.m. on Friday night and we have a short time where people can get to know each other, but that is not the main emphasis of the weekend. It is just to put them at ease with each other. Then we have a time when we are thinking about what do we actually mean when we say we are in love. Our main way of doing this is by a lot of brainstorming and then discussion with the couple themselves. So there is an open group and then the couple discussion.

Then there is a session where most of the evening is spent looking at communication skills. On Saturday morning we do a session on goal setting, legal and financial matters, budgeting, personalty issues, family backgrounds, and in the afternoon we do conflict management. On the Sunday afternoon, which is a four-hour session, we have sex and sexuality and then the final session on Christian marriage and values and beliefs.

**CHAIR**—And in the post-wedding program—

**Mrs Hendy**—It is a residential program. We also have the ‘Have team will travel’ program, which can be delivered to parishes so that we are not tied to people coming to you. At the residential courses we start on the Friday evening. The first session is where the team is introduced and people are made to feel at home. That is followed by a presentation on the importance of feelings. On the Saturday we start with looking at yourself in a session called ‘Growing as a person’. That is followed by looking at marriage today, looking back at marriage in its traditional form as it has progressed, and we also look at areas of disillusionment within marriage. That is followed by a presentation called ‘Love is a decision’.

On the Saturday afternoon we have areas for reaching out, which is where we give them the opportunity to look at areas where they may not have had the opportunity to have any deep and meaningful discussion about. Then there is ‘Facing our differences’ which gives them guidelines for listening and for conflict management. Then we look at God’s plan for marriage. We also look at what many of the concepts are within the world of what a marriage relationship is. Then there is sexuality and areas of intimacy as a whole, recognising that there are more intimate areas in marriage apart from the sexual area of it.

Then we look at marriage, something we call marital evaluation, where they look at why they want to go on living together. They give positive reasons for that. Then we look at reaching out from the weekend into their families and into the community in which they live. We encourage them to use the tools, not just between themselves, but in other situations beyond their marriage.

**CHAIR**—Is that largely an experiential process?

**Mrs Hendy**—Basically, we have a team of four couples attached to each weekend so that no one marriage is held up as a model. The team couples take it in turn to give a presentation which may include role plays and things like that. They share the experiences of their own marriage. Then the couples are given a topic upon which to reflect individually. They are then given time to dialogue together in the privacy of their own room. There is no group sharing at the weekend about their own marriage relationships.

**CHAIR**—So it is a variation of an encounter marriage enrichment type model?

**Mrs Hendy**—Yes, but we use the tool of written dialogue rather than verbal dialogue. Again, there is no verbal exchange in a group situation.

**CHAIR**—So it is more the marriage encounter model?

**Mrs Hendy**—Yes.

**CHAIR**—Coming back to the pre-wedding now that we have an overview of both, it seems to me that what you have described as your program—apart from the spirituality component at the end of it—is fairly much what is common of all pre-marriage programs with some slight variations here and there. There is an emphasis on family backgrounds, expectations, communication skills, conflict resolution and a bit of legal and financial information thrown in as well. From that perspective, there is no reason why you should not be funded.

**Mrs Robertson**—That is good news.

**CHAIR**—I am not making the decisions. I am just exploring why. As I understand it, the only reason that you have been told that you are not funded is that somehow you do not represent a wide enough cross-section of society. But that does not seem consistent with funding going to other church based organisations such as—and I am not singling them out—the Centacare agencies, the Anglican agencies or any other. They deal with a particular strand of society largely, but if you add them all together we get society generally.

**Mrs Robertson**—And we certainly are having couples come to us who are not from church backgrounds. It is not that we have this little elite group. There is a broad cross-section.

**CHAIR**—But, in any event, what I understand you to be saying is that, short of actual funding, part of the government's role ought to be to support those agencies that are unfunded by at the very least the advertising and publicity of the services which are available.

**Mrs Hendy**—I feel that would be a great help if that more general promotion was there.

**Mrs Robertson**—We do not mind having somebody come and observe to show that we are running a quality course. That is not a problem. But, even if there is no funding, it would be great if we were included in advertising in whatever way you want to define advertising.

**CHAIR**—Yes.

**Mrs ELIZABETH GRACE**—Have you conducted evaluations and follow-ups on your courses? Do you have statistics on that? Do you have any longitudinal studies? That is probably what I am trying to say.

**Mrs Robertson**—Not as official research. We have the couples evaluate every program and it has been running now for about 14 years. The course has changed considerably over that time, because it has evolved due to the evaluation process, trying new things and by meeting with other people at conferences we get new ideas and put those in. So the course has changed and we are constantly updating it, but I do not

have any studies.

**Mrs ELIZABETH GRACE**—Of the outcomes?

**Mrs Robertson**—No, none at all.

**Mrs ELIZABETH GRACE**—Do you get any of the follow-ups into your courses?

**Mrs Robertson**—Yes.

**Mrs ELIZABETH GRACE**—That is interesting.

**Mrs Robertson**—We advertise each other.

**Mrs Hendy**—The interesting thing has been that at the last two weekends that we have conducted here in the metropolitan area there have been couples who have come along because they have now been married three years—and one couple had been married four years—and they had made the decision when they went to the pre-marriage education program that they would come at the recommended time after they had been married for about two years.

**Mrs ELIZABETH GRACE**—And that is a theme that has been coming through. People have been suggesting that couples should be looking at some sort of counselling or a course at around about three to four years of marriage, probably even more so than at the pre-marriage stage. If you cannot get to pre-marriage or will not go to pre-marriage education, that is a very significant time in the marriage to have some sort of course or counselling.

**Mrs Hendy**—That is one of the reasons why we have devised these other programs. Often by the time they have been married three or four years, there are children on the scene and they are either loathe to leave them or they cannot leave them because they have breast-fed babies and things like that. They can come to the non-residential ones. The other thing is that they do not want to travel a long way from their families, so the team are prepared to get up and go to them.

**Mrs ELIZABETH GRACE**—Following on from that, what we are getting to now is that a lot of people are coming into marriage after having been living together. In one particular case they said that, in 25 weddings that they had conducted, 23 of the couples gave the same address. So, out of those 25, 23 had been cohabitating. We have also had feedback that calling it a pre-marriage course is not terribly significant because they think, 'We have been together three, four or five years. We know it all.' Have you looked at that side of it or has there been any interest from your point of view on some type of course for these people who have been cohabitating and now are making a commitment to marriage?

**Mrs Robertson**—That brings up an interesting point for me because again, when I am talking with people who are at the national conferences, I realise that we do have a slightly different clientele. We would only have one out of 10 couples who are cohabitating before marriage. We would be getting fewer than other people.



**Mrs ELIZABETH GRACE**—You are actually really targeting a pre-marriage group then, are you not?

**Mrs Robertson**—We advertise it as a course for couples approaching marriage. It does not say that they have to be engaged and have a wedding date set. In fact, the ones that we are most thrilled about in most recent years have been those who are not even engaged and are coming to a marriage education course—which probably sounds a bit better than pre-marriage—before they even make the decision to marry or not. That is a target group that I am really interested in promoting.

**Mrs Hendy**—Again the age range there is considerable, too. My husband and I are involved in this pre-marriage program leadership as well. At one of the weekend courses that we ran we had a couple who would have been in their 60s or 70s considering remarriage and with a completely different set of problems to work through. They expressed at the end of the weekend how helpful they had found the program.

**Mrs ELIZABETH GRACE**—That is interesting.

**Mrs Robertson**—That is not uncommon. We have couples in their 40s, 50s or 60s quite regularly.

**CHAIR**—The evidence has been that couples who attend the pre-marriage programs largely do so because of the persuasion of the marriage celebrant and that there is a vast difference in persuasion between religious and civil celebrants. Is that your experience also in terms of the persuasion?

**Mrs Robertson**—No, it is not our experience. In fact, I wish more of our ministers would put a bit more pressure on the couples to come, but we have not got enough advertising funds to get even our own ministers to say that. Within the course, though, we would always have half a couple who are more keen to be there than the other. It is not a compulsion like, ‘We won’t let you get married in our church unless you go,’ but there are family pressures. Mum and dad will pay for the course and send them along and those are the ones who sometimes do not turn up and get lost on the road somewhere. We open up this area very early on by saying, ‘We know that there will be some of you who would really rather be somewhere else this weekend.’ We try and include them and by the end of the weekend we have usually won them over to the process of being there and thinking about their relationship.

**CHAIR**—How do we encourage more to attend?

**Mrs Robertson**—From our point of view, I would like to see stories being circulated, even if it was only within our own denomination. There is expense involved in getting a publication, stories and the ministers’ ears. It is quite labour intensive and we are just not able to do that. We do pay for some advertising occasionally in our denominational national magazine, but that is as far as it has gone. Because we are part of the Lay Ministry Centre, our courses are advertised in their complete brochure, so that goes to as many people who are interested in lay education.

**Mrs Hendy**—And we have been very blessed to have on our team a couple who have been prepared to fund our brochures, because until this year mostly they have just been photocopied. We cannot rely on that to go on forever, but that has been a great help to us.

**CHAIR**—This may sound like I am being a devil’s advocate, but the question arises: does the church give enough emphasis to provide sufficient funds? What I am saying is, if you rely upon the donation of a couple to provide brochures—

**Mrs Hendy**—The church would underwrite the cost of photocopying.

**Mrs Robertson**—But the church is strapped for funds as well.

**CHAIR**—So it is a matter of priorities.

**Mrs Robertson**—Yes.

**Mrs Hendy**—We are constantly being told that. This is why, too, the teams donate their travel, their services and even pay to be part of the weekends. While our courses are advertised as being for married couples, in my position the only thing I do if I receive a registration form from a couple with different surnames is to just ring up and ask them if they are aware it is aimed at married couples, and then it is up to them. I am aware that we have had some de facto couples at weekends who, again, have been blessed by being there and being able to share in the program.

**Mrs ELIZABETH GRACE**—Do you think it is possible with your experience of these courses to identify the groups that are particularly at risk in encountering difficulties within their relationships? Do you see any signs or signals or have you built up a little bit of a background of what might be the danger signals? Where could we start looking at, perhaps, identifying problem areas?

**Mrs Robertson**—There are couples we see who find it hard to do some of the exercises. We do not want to invade their privacy, so we say, ‘Here is some input. Here is something for you to go and talk about.’ The ones that I find are not talking very well are the ones who have very poor communication skills that they bring with them into their marriage. Lower socioeconomic groups are finding it hard to come into all this ‘head stuff’, as they would call it, and there are those who are fearful because of their own family backgrounds of almost self-fulfilling prophecies of saying, ‘Oh, I haven’t seen a marriage that’s worked yet in my family, but, you know, here I am.’ So there are the fearful people and those who have poor skills, and they bring that into the relationship in the first place. I do feel quite concerned about that.

**Mrs ELIZABETH GRACE**—You find that they are at risk then going into a commitment?

**Mrs Robertson**—When I am with them, talking something over, one to one, which we do from time to time—just one leader and one couple—I can feel the vibes that they are not finding it easy to talk to each other. I was listening before to you talking about getting these sorts of skills into school. I think that is spot on because the earlier that that happens the more they will be able to transfer these skills into their relationships.

**Mrs ELIZABETH GRACE**—That seems to be a common theme that is coming through. We have got to get into schools with some of these programs, relationships programs more than anything.

**Mrs Robertson**—Yes, that is right. Those programs need to go from being self-centred to including another person in the relationship.

**Mrs ELIZABETH GRACE**—Have you done any work at all to look at perhaps producing courses that might be able to target those people you have identified as being high risk? Do you think that would be possible, or do you think that is aiming too high at the moment?

**Mrs Robertson**—It is fairly specialised, because until we arrive and the people arrive we have no idea who is coming. We do not know their background. We do not feel we need to know. So it is really—

**Mrs ELIZABETH GRACE**—Until you see them interacting, you would not really know anyway.

**Mrs Robertson**—We do not know. So it is just acting, reacting and interacting with people as they are on the spot.

**Mrs Hendy**—We do get a little bit of information before couples come to weekends, such as whether they have problems with reading and writing, and we are able to provide them with tapes and things like that.

**Mrs ELIZABETH GRACE**—You say your's is more of a written type communication and dialogue.

**Mrs Hendy**—That is right.

**Mrs ELIZABETH GRACE**—Do you think that is an area that we should be looking at—trying to identify these couples at this pre-marriage relationship stage—or do you think that is going too far and would invade privacy?

**Mrs Robertson**—It is hard to know how you would do it. I cannot think how you would pick out the couples who would be at more risk than others by the time they are planning their wedding. Often the most exciting thing in their life is their wedding, and we have got to try to break through that before they have got diamonds and roses. It is the before the engagement time, which I think is a broad sweep.

**Mrs Hendy**—This is where I consider going to schools, starting with kindergarten, and working at developing relationship skills from then on is very important because, by the time they have got the stars in their eyes and the diamonds sparkling on their fingers, they do not want to hear that they are not going to make a go of it. I guess by the time they are married so many of them think that they have got all that they can have. So they have this attitude of, 'Here I am. I can't change. There's no point in putting myself out.'

I consider our weekends to be very reasonably priced, and we offer subsidies to couples who cannot afford to come so that nobody is stopped because of lack of finance. Yet there is still this attitude, 'I don't need that. My marriage isn't in trouble.' We need to start educating people from the time they are little that you do not have to wait until you are in trouble before you do something to change a situation and that you should look to see whether you can make it better—in other words, give them an expectancy of change.

**Mrs ELIZABETH GRACE**—So we have gone right back to where we started: getting the message

out early.

**Mrs Robertson**—Some of the brave couples who discover that they really are not ready to be married do split up. As a marriage counsellor, I have come across some of those too. I think it takes an awful lot of courage at that stage to break an engagement, but mercifully some of them do because they think it would be disastrous if they went ahead.

**CHAIR**—I thank you very much for both your submission and coming along today to have discussions with us. Your contribution is valuable, and hopefully we can arrive at some recommendations that may well improve the lot for unfunded agencies.

**Mrs ELIZABETH GRACE**—I would like to see you try to do something with some longitudinal studies. You virtually have a captive audience that you may be able to work with. Again, I know funding and things like that come into it, but something to look at is getting some longitudinal studies to evaluate how effective the courses are.

**Mrs Robertson**—Like what skills they have used as they have gone on.

**Mrs ELIZABETH GRACE**—It would be interesting to see. I just feel that, with your follow-up courses, there is a chance of perhaps tracking a few people over a fairly long period.

**Mrs Hendy**—Yes. While the weekends are very private and belong to the couple, I had thought of perhaps trying to have a reunion of couples who had attended weekends in the last five or six years to see how they are going. I accept that there would be a few logistical problems.

**Mrs ELIZABETH GRACE**—That would give some anecdotal evidence as to how successful the courses have been, particularly even if they had not been to your pre-marriage courses but have been to others and then they have been prepared to go on to their second course. You would be able to find out how it has affected them down the track. If you could find some funding from somewhere or someone who is prepared to do this, I think it could be interesting and helpful to us.

**Mrs Robertson**—So you would actually like that information sent to you?

**Mrs ELIZABETH GRACE**—If you go ahead with something like that, yes, we would find that extremely interesting.

**Mrs Hendy**—Would you be at all interested in some of the responses that we have had from couples about three or four weeks after they have been to a weekend? We do a little bit of follow-up then.

**Mrs ELIZABETH GRACE**—I think that could be of benefit.

**Mrs Hendy**—So perhaps I could leave these.

**CHAIR**—Yes, leave them over there with the secretary. Thank you very much for appearing before

us today.

**Mrs Hendy**—Thank you very much.

[12.33 p.m.]

**HILL, Mrs Leonie Evelyn, President, Association of All Authorised Civil Marriage Celebrants Nationwide Inc., 23 Bannerman Street, Ermington, New South Wales 2115**

**CHAIR**—I thank you for coming along and also being prepared to give evidence now rather than this afternoon. It will make the program easier for us to conduct, so I thank you for that. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. I thank you for the submission that we have received. Apart from making any corrections or changes you might wish to make, would you like to make an opening statement and elaborate on any matters in your submission?

**Mrs Hill**—I thank you very much for the opportunity to speak to you today. I would like, firstly, to address the subject of counselling. Since I knew I was appearing here today, I asked everyone who came into my office recently for their opinions on this subject. On Saturday one couple that had intended to be married in the church was filling in their intention of marriage form, but the questionnaire handed to them by the clergyman on the subjects they were to be counselled on offended them. This couple had lived together for almost four years, and they saw no reason for them to be counselled on or to discuss their sex life. So I asked them what they would have answered was most important. Their answer was parenting skills—so parenting was very important to them—how to obtain a bank loan and communication. I continued to ask anyone who would give me an answer, and communication, parenting and dealing with household economics stood out in most cases. Another couple who were to be married in the church on Sunday called me on Saturday. I had to obtain their intention of marriage, to oblige. Their reason was that, after arranging their wedding from Perth, on their arrival on the coast the priest had told them that they should not have been living together for six years. Their objection was that he should have told them so when the wedding was first arranged. It was a bit late then for him to abuse them, when they had come to him to do the right thing. The particular priest is well known for this on the coast.

I had asked my sister, aged 50, at whose marriage I officiated last year, would she have gone to counselling. She said no: when young, her hormones were racing, and no amount of talk from our father could have changed her mind. He had told her she was a worker but her husband-to-be was a loafer and she would be supporting him all her life, and so it turned out. Until she became sick and tired of it, it carried on. He drank, he beat her; so why was there any reason for her to stay with him? No amount of counselling would have re-kindled the love that had slowly been killed. Having gone through this myself, I feel that if there had been a phone number that I could have rung to get some sort of support at the time I may have been able to cope more easily, but no amount of counselling would have excused my husband for sleeping around.

To return to the second marriage of my sister, she refuses to go to counselling. All is well until circumstances change. He takes redundancy. She refuses to stay where there is no work and starve. He refuses to leave the country life that he loves. Will counselling help? They are both over 50: will they listen to a 30-year-old telling them how to straighten out their lives? Perhaps, if they had horses for courses, with age groups matched with age groups, maybe they might listen to some counselling.

I will quote a reading that I give to my couples when they come, and maybe it helps. It says:

Let it never be the case that we grow too weary, impatient or fearful to sit and talk to each other about our love. Let us remember that just sitting and talking to one another is how we discovered our love in the first place. I cannot give myself for you, nor do I want you to give up being yourself for me. What I can do for you, for us, for a relationship consisting of you and me, is to be friend, companion and lover, a sharer of space and time, a comfort, a support, and a giver. Yet I can only do this if you do the same, as the relationship is built on the giving of two. To be settled and strong in this way gives peace of mind and soul. Of your own free choice you two must enter into this bond or else there is no bond. It takes deep understanding and powerful strength, a commitment of love, purpose and goals that can be united, separated and overlapping. It cannot be anything less for us.

I go then to the marriage celebrant who, I feel, is not really trained in counselling and has no way and no right to counsel, yet we have the opportunity for it so often. Listening to these people talking, I have learnt so much today that it is amazing. We have never been approached by a church—except once, for me personally to endorse the counselling—to advertise these classes that they run. No-one has ever approached us. The marriage celebrant should try to help the couple start their married life in the best way possible. They offer the booklet with addresses and phone numbers completely out of date. They could offer the church counsel, but the clergy will try to talk them into being married by them, so I do not think the celebrant would offer the church resources.

That brings me to the importance of having a department which not only deals with civil marriage celebrants but also understands the Marriage Act and knows what is going on in the outside world. Perhaps there should be field officers who can teach, as well as guide, the marriage celebrant.

The Marriage Act, which states ‘by or in the presence of’ in reference to a marriage ceremony, allows persons to proclaim that they are marriage celebrants, whether religious or non-religious, when indeed they are not. When last year the government saw fit to appoint almost 1,000 celebrants in one fell swoop, they left it to the associations to train these people. There is much more to performing a wedding than reading the Marriage Act, and when there were only one or two appointed at a time we could, as an association, take them under our wing and train them and teach them that way. But now, at the moment, it is too hard to cope and there is almost a hands in the air response, a ‘why should I care?’ attitude from most celebrants, who see their livelihood disappearing.

The fact is that some celebrants are not wanting to be concerned about the couple or their marriage—or the law, for that matter. My phone is often busy with complaints from members who get no satisfaction from anyone on things that they see as being against the law and against the ethical guidelines of a celebrant, whether they be religious or civil. I feel that, as celebrants, we have a purpose to fulfil and we should fulfil that to the best of our ability and in a professional manner.

What began years ago in such a small way has now become a profession, which people see not as an alternative to God or to the Christian faith but as the means for freedom of choice in how they wish to express their love. I would like to read you a letter which emphasises this fact for what I feel is a very vulnerable time: love and marriage. I officiated at the marriage of this lady and I also performed the funeral for her husband. This is not just to show how good I am. What I want to try to do here is to illustrate to you what people see in a celebrant, and what I personally could perhaps make them think, because they are so impressed with me. The letter reads:

Dear Leonie,

It is so hard to put into words how much your very existence on this planet means to me. Our wedding was all the better for your beautiful service and Peter's funeral was unforgettable. You are a very gifted woman and have chosen the right vocation in life. I cannot tell you enough how such a traumatic day was eased by your words. May God go with you in everything you do. Yours very sincerely, Glenys Dimond.

When people are in this position, you could tell them anything if you wanted to. That is why I feel that counselling is such an important thing and people should be trained in that profession and not let loose. As I said in what I sent out to you, I feel at times that it is very wrong to unleash a powerfully impressive person's thoughts upon unsuspecting people. So this letter illustrates just how important I have become to this woman, who was in a very vulnerable and emotional position. I could impress her: there are no two ways about that.

On the subject of counsellors being thoroughly investigated as to whether they are homosexual, I have encountered, as I say here, a clergy person who I thought was a young man. I got out of my car and followed the young man to the chapel. I knew he was clergy, because he had a cloak over his arm but he also had a man's suit, shoes and haircut. I did not realise that this was a lady or a woman or a female until she started to abuse me about being a civil celebrant and not counselling, which she did.

After that, when people came I tended to ask them which church they had already been to before coming to me to marry them. Quite frequently it was from this particular lady. She charged \$90 for her counselling sessions, but as one young fellow said, 'She gave us a really bum steer.' You might say that is discrimination. The Marriage Act already discriminates. It says, 'a man to a women' and 'a woman to a man'. It is discriminating already—anything to do with marriage is man to woman, woman to man; it has nothing to do with homosexuals. I am sorry if I sound as if I am discriminating, but I am not.

Because of this inquiry I did have a phone call from a clergyman asking me to endorse his counselling because, as you can see, churches have a lot of trouble getting funding. But then again, from what I could gather from those ladies talking before, they were saying that we also emphasise the Christian marriage. No celebrant is going to send them or endorse them if they are going to tell these people when they go, 'You come to us now to get married,' because the government itself has made the celebrant program a profession. If you cannot be a professional celebrant, you are not going to be any good as a celebrant anyway. People are not looking for what they looked for 20 years ago. A celebrant that marries people the way they used to be done 20 years ago is not doing very many weddings at all.

I am not saying that I am so great. But I did six weddings last Saturday and we have miles to travel in Gosford so my people must be on time otherwise I am going to be late for the next one. I did the six weddings on Saturday, I did a funeral on Friday, a wedding on Friday night, I did six babies on Sunday and I did four funerals last week. I had two funerals today that I could not do because I am here, but I wanted to listen to what everyone else had to say. I hope I am just letting you know how celebrants feel.

I have made a point in my submission about the counselling session they had for after marriage. They ring us up. I do not know whether they ring other people up, but they certainly ring me up. There was a chap I married not long ago who was an older man and she was an older wife. They got married and he has poured \$140,000 into her \$80,000 home. He is not going to leave. She is ringing me up asking me how she



can stop him from drinking. I have suggested AA.

If there were training courses in counselling for marriage celebrants, I am not saying they would all be interested but there would be the odd one that would be interested. I certainly would be. What can I tell this woman? I tell her AA. What else can I do? I do not know how to counsel her. Those after marriage sessions are very good and celebrants should be aware of where they can find those sessions for people who come to them. From my experience it is usually the wife who is the only one to go to counselling in a lot of cases. When they ring me in trouble they say they have been to counselling but they cannot get him to go. How do they make him go? I do not know. Again, that gets back to the education in schools.

Someone said here today that they should be professional in their job. I know a teacher who is an English teacher but she was shoved in as a music teacher because there was a shortage of teachers for that class. She knew nothing about music but she was the music teacher. If there was going to be a class for marriage development or relationship development and they did not have a teacher that day so they shoved the maths teacher in for that class or that term, then there is no sense to it at all.

You can impress young minds. But, as I say, if you are going to throw garbage in the street they are going to anyway—you are not going to stop them. You could not have stopped my son who was married to the most wonderful girl I have ever seen. He was just a philanderer. It is the way he is—he is still doing it. It does not matter. He has been through three wives. It just does not make any difference—no counselling would help him. I say it is in his genes. Would you like me to stop there?

**CHAIR**—I would like to ask you a few questions. When you say you have never been approached by those running marriage education programs to advertise their services is that the experience of other civil celebrants as well, as far as you know? There are secular agencies that purportedly run marriage education or relationship education programs, such as Relationships New South Wales. I take it that you have never been approached by Relationships New South Wales. I could understand—

**Mrs Hill**—There is a little booklet we have got with addresses and phone numbers which are all out-of-date. They ring up and say, ‘You know that booklet you gave us?’—there is the little square we have to tick to say we gave it to them—‘We can’t get in touch with anybody.’

**CHAIR**—So the booklet is out of date.

**Mrs Hill**—Yes, it is out of date.

**Mr MUTCH**—This booklet is from whom?

**Mrs Hill**—From the government printing shop. It is the only thing we get free.

**CHAIR**—The Attorney-General’s—

**Mr MUTCH**—The Attorney-General’s Department booklet.

**CHAIR**—You nodded before when I asked about Relationships New South Wales. Do I understand you to be saying that you have never been approached by Relationships New South Wales, for example?

**Mrs Hill**—Never. The only person who has ever approached me is that man who rang me the other day, just that once. It was at a half past nine at night when he rang and asked if I would endorse it if he put in for funding for a marriage counselling session to start with his church. That was it. No-one has ever got in touch with me, ever.

**CHAIR**—Were you were also saying that some people purporting to act as marriage celebrants have not been accredited?

**Mrs Hill**—That is right. There is a part in the law that says, ‘by or in the presence of’. Because of that, lay preachers are doing weddings. I have got it all here—

**Mr MUTCH**—So you mean the actual celebrant is more or less a spiritual presence?

**Mrs Hill**—Very much. There is a particular lady advertises herself as: ‘civil celebrant,’—not marriage, she leaves the marriage out—‘namings and marriages’. She does these marriages for another civil celebrant who turns up, maybe at the last minute, and signs the paper—and who may not turn up at all. She says that she is a celebrant.

**CHAIR**—But the registered celebrant is the person who signs the certificate?

**Mrs Hill**—That is right.

**CHAIR**—But you are alleging that, in some cases, the ceremony does not take place by and in the presence of the person who signs the certificate?

**Mrs Hill**—My sister is moving to Wyong very shortly. I can say to her, ‘Gee, Marie, I’ve got a wedding at 3 o’clock. I can get one at half past three. Will you do the half past three one, and I will turn up at 10 to 4 and sign the paper?’

**CHAIR**—Is this a widespread practice?

**Mrs Hill**—No, it is not, and we have been trying to stamp it out.

**CHAIR**—I am just aware of time, so if I keep interrupting, please understand.

**Mrs Hill**—I know. I said, ‘Could I have three hours?’

**Mr MUTCH**—So it is not widespread, are you saying?

**Mrs Hill**—It is not, no. But the thing is that it says here, ‘Nicole Celeben, Civil Celebrant—namings, marriages’. That is what I sent to the Attorney-General’s. On the front here is the wedding that she performed

and it says, 'Celebrant—Nicole Celeben'.

**Mr MUTCH**—Is there anything in the act that stops a person holding themselves out as a celebrant?

**Mrs Hill**—I will just tell you this little bit. Because we know she has been doing this, I sent this by fax to the celebrants department in Canberra. Barbara Sullivan, who is the director, rang me up and said, 'We have not got the time to discuss the advertising of celebrants.' I said, 'Well, Barbara, do you think perhaps I'll put an ad in the paper to say, "This person is not authorised"?' She said, 'What do you mean, not authorised?' I said, 'Barbara, she is not an authorised celebrant' and she said, 'Of course she is. She says here she is a civil celebrant—namings or marriages.' I said, 'If you jump to that same conclusion, don't you think the public do?'

**CHAIR**—Can I just stop you there because it is not the role of this committee to investigate any alleged breaches of the act.

**Mrs Hill**—I know that. But, say, for instance, if she was doing that, and I rang her as a person who is supposed to be getting married and she comes and does all the paperwork and this sort of thing at your home. So, if we get the position or we are told that we should counsel or that we should hand things out to counsel, someone could jump to the conclusion that the person is a marriage celebrant. If they think that she is a marriage celebrant and that she is authorised to do these things, don't you think the general public would go to her and ask for counselling direction? Don't you think, as an unauthorised person, she could send them to the wrong people?

**CHAIR**—I understand what you are saying. I do not want to deliberately cut you off but I think we understand what the problem is. As a committee, we cannot deal with the specific allegation—

**Mrs Hill**—I know you can't.

**CHAIR**—But can I ask you this—

**Mrs Hill**—What a shame!

**CHAIR**—We can deal with the general issue, not the specific allegation.

**Mrs Hill**—Because, if that is let go, that is going unleash—

**CHAIR**—But can I ask you this: has that allegation been made to the Attorney-General's Department?

**Mrs Hill**—Yes.

**CHAIR**—And what is the response of the department been?

**Mrs Hill**—I have got a letter here somewhere. It says:

Dear Leonie

Enclosed is a copy of the letter we sent to Ms Celeben.

I know what her answer will be because Mr Abbott has rung me twice—she only reads poetry at his ceremonies! It just might slow them up however . . .

And the letter said:

This department has received a written complaint that you have been advertising as a marriage celebrant and performing weddings which are later registered by an authorised civil celebrant as having been performed by him. I am attaching a photocopy of a page of an advertisement by Rooty Hill RSL which appears to substantiate part of this complaint.

These accusations are very serious and I would appreciate your response to them . . .

On asking for help from another celebrant organisation in Victoria—and this is what worries me regarding the lady who pretends to be a celebrant—if you have established there is an authorised celebrant present, which we have not, then I would write to her and forget about it. If she does a better job than an authorised celebrant, the public benefits. You are opening a door for nearly 2,000 celebrants to do this. I can have 10 girls working for me.

**Mr MUTCH**—Do you think we should just alter the act to say ‘by’ rather than ‘in the presence of’?

**Mrs Hill**—Exactly.

**Mr MUTCH**—That would sound like a reasonable submission.

**CHAIR**—We understand that point. We will take that point up with the Attorney-General’s Department. But, just to be clear, you are not alleging that this is a widespread practice? It is something that you have specifically come across?

**Mrs Hill**—When I asked how can this happen, how can she declare them husband and wife, the letter I got back from Peter Benson was a copy of one that he had sent to the clergy in Adelaide. This bit ‘by or in the presence of’ was because of lay preachers in Adelaide who were doing exactly the same thing because the minister was not there. They are not authorised. So it is not just civil celebrants, it is probably more so with religious celebrants, because the civil celebrant cannot afford to pay. Do you understand what I mean?

**CHAIR**—We understand what the issue is and we will raise it with the Attorney-General’s Department. Just a couple of other things. Were your celebrants involved in the ‘Is love enough’ campaign?

**Mrs Hill**—No.

**CHAIR**—When we are talking about AA, let me ask a non-leading question: do you receive any communication on a regular or periodic basis from the Attorney-General’s Department?

**Mrs Hill**—No.

**CHAIR**—That probably answers the next question, but is there anything provided to civil celebrants by way of other organisations or agencies to which they can refer people who come to them with problems?

**Mrs Hill**—No.

**CHAIR**—Is there any training provided by the Attorney-General's Department?

**Mrs Hill**—None.

**CHAIR**—Should there be training provided?

**Mrs Hill**—Yes.

**CHAIR**—Should it be the Attorney-General's Department or by someone else?

**Mrs Hill**—I think it should be both. The Attorney-General's Department, as far as I am concerned, did not even know why a celebrant has to receive the notice of intent in their hand one month and one day prior to the wedding. I am not trying to put it on anyone in the department because there are some nice people up there, but I hate paper shufflers at any time and that is what it seems to me to be. No-one seems to know anything; no-one has got any time to do anything. As far as civil celebrants are concerned, although it is the department that deals with them, they do not want to know a thing about it. It has been like that ever since I was appointed and, if you ask someone that might have been appointed a long time before that, I think you will find the same thing.

**CHAIR**—We have had other evidence. I am not going over everything because—

**Mrs Hill**—It should be with the Attorney-General's Department and also with some celebrants. The national council that they were trying to establish prior to the change of government was very good because it did have that. It had the Attorney-General's Department and it had the presidents of all the different associations.

**CHAIR**—There are other things which different civil celebrant groups around the country have given us evidence about, so do not misunderstand me, I am simply trying not to duplicate evidence that we get where it is similar. Why are there so many different groups of civil celebrants?

**Mrs Hill**—Why? There was one, and power hungry people—and that is hard to describe on that, is it not? There was performing of the person in power with the Attorney-General's Department. In fact, when Geoff Potts was in the Attorney-General's office, he came to a meeting and I asked him, 'Where is your baseball bat?' He said, 'What are you talking about?' I said, 'Haven't you got something, anything, to hit us around the head with?' We were continually told, 'If you do that you are going to have your appointment taken away. Don't talk about anything, don't do anything, and don't say anything. Shut up.' That is what has been going on.

**CHAIR**—So is it desirable to have some sort of national umbrella body or council or something for

civil celebrants?

**Mrs Hill**—Definitely, some sort of umbrella there.

**CHAIR**—To which all must be affiliated?

**Mrs Hill**—Yes. When we were at the national council, we stipulated that it must have at least 50 members—not these little ones that can have 80 members and break up into 10 because they have got 10 members each and therefore they have 10 votes. It must have at least 50 members and be incorporated, giving some sort of solid background as to why.

**CHAIR**—Why can't each member have one vote each?

**Mrs Hill**—Each member of each—

**CHAIR**—Each civil celebrant have one vote each?

**Mrs Hill**—That would be wonderful.

**CHAIR**—On a national body.

**Mrs Hill**—That would be wonderful but you will not get everyone. Civil celebrants are the worst people in the world to answer anything.

**Mrs ELIZABETH GRACE**—Yes, that is the message we are getting.

**CHAIR**—I am talking about if the government was to change, probably not the legislation, but the regulations?

**Mrs Hill**—That would be hard to answer. As president, I have a lot of power. I know that I can send out a letter and say, 'I am standing down as president, please vote for this person,' and they will vote for them. They do not know this person; they are taking my word for it. What we try to do in our association is different to most other associations. Each month I sit down and I write a newsletter. For every phone call that someone makes to me, I write the answer. This takes me hours but I write it. As I go, day by day, I open up the computer and put something else on it. When they get their newsletter, sometimes it is only three pages long, sometimes it is five pages long. Sometimes I am surprised the post office has not charged me extra postage because there have been more questions in that particular month. This is what is getting our membership bigger and bigger. They want to come to us because they are learning, and most of our members are new celebrants. We do not really care whether the old ones join or not because their ideas are so bad, old-fashioned, terrible.

**CHAIR**—I thank you for your submission and also for coming along today to the public hearing. The evidence which you gave us has given us some food for thought.

**Mrs Hill**—Thank you for allowing me.

**Mrs ELIZABETH GRACE**—It has been refreshing.

**CHAIR**—I will adjourn these hearings until 2 p.m.

**Luncheon adjournment**

[2.04 p.m.]

**BENJAMIN, Mr Robert, Member, Family Law Committee, Law Society of New South Wales, 170 Phillip Street, Sydney, New South Wales**

**CHAIR**—I welcome the representative of the Law Society of New South Wales.

**Mr Benjamin**—We have prepared some written material which we handed to the inquiry secretary a few moments ago.

**CHAIR**—Mr Benjamin, although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

We had previously received a draft of that submission and now we have a final submission which has been provided today. Just for the sake of completeness, can I ask Mr Mutch to move that the submission from the Law Society of New South Wales dated 11 November 1996 be received as evidence and authorised for publication.

**Mr MUTCH**—I so move.

**CHAIR**—There being no objection, it is so resolved. Would you like to make an opening statement?

**Mr Benjamin**—Yes, I would like to do that. The law society is concerned about the dramatic reduction in funding for the Family Court and in particular the counselling service of the Family Court. We have dealt with that initially in our submission. One of the assertions put before this committee is that the core function of the Family Court is a judicial function, and we think that is an incorrect assertion. Our view is that the Family Court is there to resolve disputes. One of the ways that the Family Court resolves disputes is by way of judicial determination, and that is clear, but it has a wider way of resolving disputes. One of those and one of the most effective ways that it resolves disputes is through counselling, through the counselling service attached to the court. It resolves disputes through the registrars and the conciliation process within the court and through the mediation services that the court provides.

It is a combination of all of those that leads to people in this very difficult and very emotional jurisdiction to find ways to have the issues properly determined. Proper determination, I think in the Family Court and in the view of most lawyers, is for the people to come to a result which they themselves can live with rather than have a result foisted upon them. That is why the law society is of the view that the counselling service needs to be retained and so does the conciliation service. One of the submissions says that the counselling, which is controlled through the Family Court, involves the reliance on specialist counsellors. If it is removed or significantly reduced, it will mean an increase in the long run in the need for judges and the need for courts.

As a solicitor who has practised in family law for about 20 years, you cannot underestimate the value



of that counselling service having the name 'court' or being associated with the court. It has a tremendous effect on the parties. Parties are content to go to counselling if they perceive it as being part of the structure of the court and perhaps with the imprimatur of the court. I am not criticising outside agencies, I am perhaps passing on experiences, but often when you suggest to people initially that they go to some other agencies they are reluctant, because they perceive them perhaps as being associated with the church or associated with some other body, whereas if it is associated with the court it does get that imprimatur.

The law society is of the view that the court system that we have, that multi-door system, is a world class system. Certainly it can from time to time do with review and do with examination, but the structure that is there is very, very good. I will not go through all of my submissions because I have written them down. I do not think it is fair in view of the time that is involved.

In terms of conciliation conferences, registrars and deputy registrars have provided these conferences to parties since the inception of the Family Law Act. They are very effective. People often go to court with their views which they then convey to their lawyers, and often their lawyers take that view because that is the nature of the way the process works. When they go before a registrar of the court or a deputy registrar of the court, it in effect gives them a chance, firstly, to conciliate and, secondly, to get a third view without having to go through the whole of the rigours and the cost of a trial, and that is very, very effective. I think, as I understand it, the examination as to the settlements through registrars has been very strong.

To put that outside of the court will probably add enormous cost to the parties. The court will lose control over the quality of the process, so one wonders what process you would get at Parramatta as distinct from Sydney or Brisbane. The training system for registrars at the moment is such that you would normally get the same process whether you are in Adelaide, whether you are in Hobart or whether you are in Sydney. So the Law Society submits that the conciliation conferences should continue.

Again, our Law Society is very strong on mediation. Perhaps increased funding for mediation services should not be considered until there is some statistical analysis of what the in-court mediation services are doing at the moment. We certainly believe that mediation is a very effective way of resolving disputes, but perhaps that might bear some examination.

As for arbitration, we have seen it work very well within the state of New South Wales through the Philadelphia arbitration systems and through the arbitration systems in the District Court, Supreme Court and local court. It provides for an inexpensive way to resolve disputes. It does not incur the necessity for the state to provide judges or court rooms. It provides an effective way, if there cannot be an agreement, of sometimes resolving smaller agreements without the costs being put to the parties. The Law Society thinks that the structure for arbitration is available in the Family Court, but it has never been grasped by the court.

The information sessions are very good. The whole process of the courts is such as to resolve the disputes of the parties. If the parties go to an information session, or have information, at least they know what is going on and what process they are in. Perhaps there are better ways to do the information sessions—through videos, rather than having parties attend court. Again, that is something the Law Society supports. The concept is worthwhile looking at, so are the different ways to deliver that service.

The final issue relates to taxing bills of cost. As we understand it, a significant amount of the time of registrars is employed in taxing bills of cost and determining disputes between parties and between parties and their legal advisers. The New South Wales government put into place a system of costs assessing, whereby the parties pay to have the costs assessed. They are assessed by legal practitioners who have skills in that area. The costs of that are met by the parties. If that were applied to the Family Court, it is the view of the Law Society that it would enable registrars to do other tasks and better achieve those other tasks. They are basically the submissions of the Law Society.

**CHAIR**—Thank you. On your primary submission about the retention of counselling within the Family Court, does that apply to all counselling that is provided now, or do you see that there is any that could be separated? To put it another way: do you regard everything that is provided now as part of the core function of the court?

**Mr Benjamin**—Yes, I do. There are different areas. There is the confidential counselling, where people approach the court, often from outside the court and often very early in the breakup of their marriages. That, to the Law Society—and to me—is terribly important. It enables people to get access to counselling—and access to themselves, in many ways—very early, and very often it leads to resolution of matters before it gets to the courts. That part of it is terribly important.

**CHAIR**—I understand that. The Family Court was telling us something similar yesterday. So, unless my colleagues want to take that further, I think we understand what your position on that is. We do not need to belabour it.

**Mr Benjamin**—It is probably more of an interest. As a solicitor, I often see people very early—often within days of the breakup, sometimes before the breakup—and the ability to be able to send them somewhere to get that immediate help cannot be underestimated.

**CHAIR**—I would like to move to mediation. Mediation is provided in different ways around Australia. In some places through some registries mediation is provided by the court, whereas in other places it is not provided by the court but undertaken by outside agencies. Do the same arguments apply to mediation within the court, or do you see that in a different light?

**Mr Benjamin**—I think we see that in a different light. Mediation has a different function from counselling. There are widely accepted facilities for mediation outside the courts because they have grown up over the last 10 or 15 years as mediation has grown up. I do not believe there is a perception that the court can or has provided as full a service in mediation as it has in counselling. I do not know that the same arguments can be raised there.

Court mediation has set a standard which has been necessary, because mediation has ballooned, blossomed and grown so much in the last 10 or 15 years that it needed a standard to be put in place. So the court has set a standard which others can follow or adhere to. We are not saying that there should not be court mediation. We are just saying that perhaps any further growth should be measured in terms of the other facilities that are available.

**CHAIR**—You submit I think on page five of your submission that an appropriate step for the standing committee would be to work with the legal aid commission's family services and NADRAC towards a national family law related accreditation system for family and child relationship mediators. Can you elaborate on that?

**Mr Benjamin**—The problem with mediators is that there is no professional structure for mediation. You have mediators growing up through the various law societies and law foundations on one side. You have mediators growing up through the various counselling services on the other side. All of them have different standards and sometimes different approaches. It seems to us that you need consistency, a professional standard, when dealing with things such as family law. A standard has to be set, and it has to be, probably, imposed from above rather than growing out through the various systems because in some regards they tend to agitate against each other. Lawyers and counsellors have been arguing with each other since I have been practising. Does that answer your question?

**CHAIR**—Yes. If there are different standards, do some mediators from particular backgrounds have better standards than others, or is it just a matter of where they were trained and it does not necessarily reflect their other professional background?

**Mr Benjamin**—I am a trained mediator; I call myself a trained mediator. I think it comes from a combination of things. I think it comes from the personality of the person involved and the training, and I do not think it necessarily reflects the background. There are some very good lawyer mediators and some very bad counselling mediators, but I do not think it is their background that gives them that. I think it is the person involved, the person who has the listening skills, the person who has the patience and the person who has the insight to go beyond the mere words to look at the real dispute and the real interests of the parties. I do not know that that comes from a particular background.

**CHAIR**—It was put to us in Hobart by one mediation service that the model of mediation, which involved a lawyer and a non-lawyer with a counselling or similar background, was a desirable model. Do you have any comments about that?

**Mr Benjamin**—That has worked well, as I understand it, through the legal aid commissions in New South Wales and Queensland, with their conferencing. I do not have any empirical material I can put to you, so I would only be guessing in response to that. There are some very good mediators who come from both sides and it would be wrong of me to say, 'Look, if you get a lawyer and a counsellor together or somebody with social sciences, you'll end up with a good model.' I think it still depends on the two people involved.

**CHAIR**—Can I change the topic then. I presume the Law Society in New South Wales, as elsewhere, is involved in a range of community education programs and projects. I notice that the family law section of the American Bar Association has commenced a program called the preserving marriages project, in which lawyers and others go into secondary schools, taking subjects on marriage, communication, negotiation and conflict resolution. Has anything of that nature been given consideration here, to your knowledge?

**Mr Benjamin**—I have no particular knowledge of that. I know that the Law Society is very involved in community speaking and community information sessions but I do not know if it has been pushed in that

particular direction. The simple answer is no, but if someone made the suggestion or if it were raised, I am fairly sure it is something that the societies would be interested in doing, both from the head body of the Law Society of New South Wales and through its various regional law societies. They seem to get involved in those things. I am fairly sure that they have been involved in the school moot competitions and that would simply be an addendum to that.

**CHAIR**—Yes. As I understood it, this was aimed more at providing some information to students about the consequences of marriage breakdown—financial and otherwise, presumably—and also at using those skills that lawyers have in terms of conflict resolution and negotiating, et cetera.

**Mr Benjamin**—I believe, through the University of Technology, Sydney, they have done some work in relation to dispute resolution in primary schools. I cannot recall who did it, but it was done through the dispute resolution section of that university. That involved, I think, teachers and law students—that is students who were doing subsequent and second degrees—being involved in teaching primary children in relation to building up good dispute resolution skills so that rather than fight, you listen and empathise and try and understand. But I do not know how far that went. It is something that I picked up at a lecture 18 months ago.

In a personal sense, after doing that lecture I contacted my daughter's high school and gave a talk at that local high school in relation to dispute resolution and some of the concepts like win-win, careful listening and understanding the other person. But, as far as I am aware, apart from that, through the University of Technology, there is no other structured facility available.

**CHAIR**—I raise it because many of the submissions we have had have said, in effect, that relationship education needs to be undertaken in schools and it is not occurring. It was in that context.

**Mr Benjamin**—Absolutely. It is clear that we, as a community, have to deal with that—not at the end when people's relationships have broken down, but in terms of how people develop the skills within relationships and the communication skills. Clearly that has to go back to the schools and to the family.

**Mrs ELIZABETH GRACE**—Your submission suggests that some people may not be able to afford counselling and could be put off if counselling payment were required. We have this suggestion that as from 1 January there is going to be a cost to use the court counselling. Do you have any idea of the number that may be affected if and when this comes into being? Secondly, from your position as a solicitor, if there were a cost involved with the court counselling, would you still refer people to that court counselling or would you look to outside agencies?

**Mr Benjamin**—I will answer the second question because that is easier. Yes, I would because I think there is a tremendous expertise there. I would certainly refer them. I would certainly encourage people to spend the money.

**Mrs ELIZABETH GRACE**—So you would not consider the cost as an inhibitor?

**Mr Benjamin**—From my point of view—and I am generally better off than most of my clients, unfortunately from their perspective perhaps—in terms of people going through a break up of marriage, one

of the real factors is the attack that they see on their lifestyle and on their incomes. Often even people who are very well off are reluctant to spend that extra dollar.

People perceive what they regarded as there as suddenly being cut in half or worse. They often see a lot of their income going towards child support payments. Often they are paying legal costs and every other cost seems to be another attack on them. So I think it would be an enormous disincentive, especially if they could say, 'Look, I don't have to spend that money.' It is very easy not to be objective when you are in those circumstances. To save \$40 or \$100 may seem at the time very worth while. So I think it is quite a strong disincentive.

**Mrs ELIZABETH GRACE**—There has been a suggestion that costs should be built into the filing costs and then it becomes a cost on everybody and those that use it get the advantage and, for those that don't, it is just part of the court costs. But then you are talking about sending people before they even get to that stage, aren't you?

**Mr Benjamin**—Yes. The view of the law society and my view is that it is a family court and there should not be court costs, but that is a decision that has been made and we have to live with that. If you ask me whether it was better to have it included in the filing fee than a separate fee, then logic says, yes, because that is not as apparent; it is not in their face and they can see that as something that they can go to without further financial impost.

**Mrs ELIZABETH GRACE**—Do you have any idea or any indication of percentages or how many people may be affected if we impose this cost on people? You would probably have to take anecdotal evidence from your own cases.

**Mr Benjamin**—I could only guess, and I do not think that would do any good. There would be a substantial number who would not go. It is excellent to be able to say to your client, especially a client who is not willing to go, 'Look, it's not going to cost you anything and you may avoid the hassle of a court cost and it may work out some problems.' If you can throw that at them and say that it is part of the court, it is discrete, people would want to go. But if you are saying to them, 'By the way, you have to put your hand in your pocket again,' then that becomes a problem.

**Mr MUTCH**—I am interested in the voluntary pre-court filing counselling. How does that work? On page 3 of your submission you mention the voluntary pre-court filing counselling. You say, 'That fills a hiatus which cannot be covered by other agencies.' Why would that be so?

**Mr Benjamin**—Often there is a gap between the break-up of a marriage and when people commence proceedings. Often you have somebody who has made up their mind that a marriage is at an end and somebody who is often shattered by the breakdown of their marriage. In my experience it is easier for those people to go to something through the court, because it seems appropriate, it seems comfortable, it is safe, than to go to an outside agency. Some people do, but the majority of people seem to prefer to go to the court counselling at that time rather than to the outside agencies.

**Mr MUTCH**—How does that work? Before you file, is there a form that says to you that this is available to you?

**Mr Benjamin**—It would work by virtue of someone coming to me, I suppose, and saying, ‘Look, my husband’s run away. Where do I go? What are my rights? What can I do? I’m in a terrible mess.’ You say, ‘There’s counselling available. Here it is; here’s a telephone number.’ Normally, with those sorts of things, you would say that there is counselling available through a community health centre, through various other things and through court. Almost inevitably they chuff off to the court.

**Mr MUTCH**—Even if it is not locally based?

**Mr Benjamin**—Even if it is not locally based.

**Mr MUTCH**—I am also interested in the need for an accreditation system for family and child relationship mediators. Can you expand on that?

**Mr Benjamin**—Yes. Again, as I was saying before, you need a standard. You need standards of training. You need standards of expertise. Because it is coming up from all of those different areas, you need those standards imposed from the top rather than to try to create them. They are not coming up through just one industry, they are coming up through whole different groups of industries—through the counselling, through the social sciences, through the various legal professional bodies and through the universities. I would have thought that the reasons to have those standards are self-evident. But that needs to be put in place by those means. Does that answer the question?

**Mr MUTCH**—I think so. With respect to the cost of mediation and counselling services within the court now, how will that work? Can that be a discretionary thing where some people might pay and others not? There would be some allowance there for people who are in a very poor pecuniary situation to get it for free. There would be a sliding scale, I presume.

**Mr Benjamin**—The court is very used to dealing with people in relation to payment of fees. In respect of dissolutions, they have been doing it for years. If you can show the court that you have a financial difficulty, they will almost inevitably forgo the fees. I imagine, if fees had to be introduced, that would not be that difficult in determining. It would probably involve significantly more work for registrars, because they are the ones who have to flick the penny up in the air and say, ‘Yes, this is somebody who pays,’ or, ‘This is somebody who does not pay.’

To do a sliding scale might be a bit administratively difficult, because then you would have to set in train who pays whole, who pays three-quarters and who pays a quarter. Of course, assets differ—somebody owning a home worth a quarter of a million dollars in Sydney and someone owning a home worth a quarter of a million dollars in Hobart. How do you weigh those up?

**Mrs ELIZABETH GRACE**—You suggest in the submission that it would be inappropriate to have community based organisations providing information about the Family Law Act.

**Mr MUTCH**—Is that because they might not keep the information up to date?

**Mr Benjamin**—Yes. The Family Court seems to change every couple of years. Anyone giving

information really needs to be up to date. It is not something that you can grab hold of this week because it will change next week. There are better ways you can do that, and you do not necessarily have to have registrars do that. You can do that by way of a video which can be changed every six to 12 months as the circumstances and the rules of court change.

**Mrs ELIZABETH GRACE**—I liked your idea for a video of the information sessions that the court puts on, particularly for people in rural and remote areas who are contemplating legal action. But again, it would have to be kept up to date.

**Mr Benjamin**—As I understand it, the young lawyers section of the Law Society, and the family law committee—there are bodies within the Law Society of New South Wales which are prepared to do that and keep it up to date. That would not be at cost to the community but would come out of the Law Society.

**Mrs ELIZABETH GRACE**—It would be a huge advantage for people for whom distance is a problem to at least get the basic information before they move on to the next stage.

**Mr Benjamin**—The information sessions have proved very effective in allowing people to know what they are going through.

**Mrs ELIZABETH GRACE**—That is the message we are getting on that, yes. Thank you.

**CHAIR**—Thank you both for the submission and for attending today.

[2.42 p.m.]

**ADAGIO, Ms Affie, Committee Member, Humanist Celebrant Network, 15/60 Carrington Road, Waverley, New South Wales 2024**

**EDMONDS, Mrs Joyce Valmai, Member, Humanist Celebrant Network, 15/60 Carrington Road, Waverley, New South Wales 2024**

**HELPRIN, Mr Samuel Joseph, Coordinator, Humanist Celebrant Network, 15/60 Carrington Road, Waverley, New South Wales 2024**

**HELPRIN, Mrs Sheila, Adviser on Celebrants' Proposed Training Courses for Humanist Celebrant Network, 15/60 Carrington Road, Waverley, New South Wales 2024**

**HILL, Mr John Edward, Member, Humanist Network of Marriage Celebrants, 15/60 Carrington Road, Waverley, New South Wales 2024**

**CHAIR**—Welcome. You have heard this, but I am obliged to indicate that, although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

We have received your submission which is numbered 7 in our volume, and you have provided to us another document this afternoon headed 'Addendum to submission'. I will ask Mr Mutch to move that the further submission from Mr Helprin, Coordinator of the Humanist Celebrant Network, and the exhibits thereto be received as evidence and exhibits and authorised where appropriate for publication.

**Mr MUTCH**—So moved.

**CHAIR**—So resolved. Would you like to make an opening statement to the committee?

**Mr Helprin**—Mr Andrews, it is with great pleasure that I sit here before the committee with my colleagues, and I thank you for the opportunity. Very briefly, my background: I have been a civil marriage celebrant for almost 10 years. I have been a trained and accredited mediator with the Community Justice Centres for four years, that was back in the mid-1980s. I have been a husband for just on 40 years, less five days. I have been a prepare administrator and I have done a course with Marriage Guidance New South Wales, as it was then known, which was a 30-hour course, at which time I became interested in subscribing to the *Threshold* magazine. I spent a month in Scandinavia, which I found was a great social experience in general peace and, I guess, marriage education and that type of thing, and dispute resolution being taught in schools. I have also been in Hong Kong, where the divorce rate is round about, no-one knows for sure, but they think it is less than one per cent, which seems to imply there is a great deal of self-discipline or a lot of pressure from family, or employer, or neighbours; but, whatever it is, it works very well up there.

I do not want to spend too much time on other matters, because I think my submission is very full.



Perhaps if I can just go through the recommendations rather than each point in turn. First, my feeling was, and I would have to agree with my colleague Leonie Hill, that communication with the marriage celebrant section is very poor. At best it is a one-way type of situation. We do get correspondence from them perhaps once a year, perhaps not. They are generally very slack in responding to letters; sometimes they can take weeks or months or perhaps never respond at all.

I felt for a long time that one of the great problems with dealing with the Attorney-General is that we are dealing with legalistically minded people. Apparently the legal aid and family services have been reorganised since last year and there has been an improvement in communication, but there is still an awful long way to go, particularly in their understanding of what the celebrants do, the work of the celebrants, how the public respond to the celebrants and generally what goes on in the outside world.

I think because of this, people like Geoff Potts, again whom my colleague referred to, who comes from a background of Corrective Services which I suppose is not that much different from a legal background, simply do not seem to understand the personal relationships that celebrants are involved in. For this reason my first recommendation was that somebody akin to a minister for Social Justice or somebody with a humanities background ought to have an overview of the celebrant program.

My second recommendation was that all categories of celebrants be brought together under this one administration. At the moment we have two classes of celebrants under the state Attorney-General and two classes of celebrant under the Federal Attorney-General. Nobody seems to speak to each other and nobody seems to know all that much of what goes on. I think it is a great shame because we are all doing much the same work. I think it is important that, as we are all working towards a common goal, we should have close contact. I think this can only be achieved through one umbrella administration.

**CHAIR**—When you say there are two classes of celebrants under the State Attorney-General and two under the Commonwealth Attorney-General, can you just elaborate for me on that?

**Mr Helprin**—My understanding is that marriage officers are under the jurisdiction of the State Attorney-General. Religious celebrants who are attached to a religious denomination are under the State Attorney-General. Religious officers who are unattached are under the federal Attorney-General and the civil marriage celebrants are under the jurisdiction of the Federal Attorney-General.

**CHAIR**—So, what is a marriage officer?

**Mr Helprin**—A marriage officer, I believe, is basically a clerical assistant who has been upgraded for the day or for the period as a marriage celebrant.

**CHAIR**—Is this through the registry office?

**Mr Helprin**—Through the registry office, yes.

**CHAIR**—So there is a class of officers who work in the registry office who can celebrate marriages and that is pursuant to State legislation whereas generally religious and civil celebrants are accredited or

licensed, if I can put it that way, pursuant to the Marriage Act which is Commonwealth legislation.

**Mr Helprin**—I do not think that is quite correct. I think that the marriage officers are still subject to the administration of the Federal Attorney-General, but they are employed by the State Attorney-General.

**CHAIR**—I see. I understand.

**Mr Helprin**—It is a very complex—

**CHAIR**—Why I could not understand it was because marriage is one of the powers that the Commonwealth has under the constitution, so I could not work out how the State was involved. But I understand what you are saying now. Sorry, I interrupted you.

**Mr Helprin**—That is fine. The third recommendation was that celebrants be assured of adequate, up-to-date and timely supplies of materials. Again you have heard my colleague talk about misleading information that celebrants have to supply to couples where addresses or phone numbers are incorrect and sometimes branches have been closed down.

In my appendices there is a little leaflet called *Guide to Marriage Celebrants*. It was published in about 1990 or 1991. I originally sent in a sample and I picked up that sample from the Prime Minister's electoral office. That is misleading information. Since last year there have been so many changes to the way celebrants are appointed that the whole pamphlet was misleading.

**CHAIR**—The current Prime Minister's electoral office?

**Mr Helprin**—Yes.

**CHAIR**—I would let him know if it had been the last one.

**Mrs ELIZABETH GRACE**—You say you did let his electoral secretary know?

**Mr Helprin**—Yes. The fourth one is a communication. We are probably getting a little bit tired of beating this drum, but communication is really very, very bad and always has been. What I am suggesting is that administration have regular communications with individual celebrants on a two-way basis and more accessible prescribed authorities are appointed. In my particular area for many years Waverley Court had been the prescribed authority and they are under a State attorney. They discontinued the practice some years ago, but there has never been a replacement, notwithstanding the fact that there are now double the number of civil celebrants. I suppose there is twice as much need for prescribed authorities, but we just have not had any appointed.

**CHAIR**—Could I just go back to number 4, regular communication? What would you like to see in that communication from the Attorney-General's Department?

**Mr Helprin**—Maybe staff changes. We are answerable to certain officers. They come and go. It took

an awfully long time before I could get an organisational chart. It took me years and the response was generally, 'What do you want to know that for?'. The response to a lot of questions that celebrants ask is, 'Why do you want to know that? Why do you need to know that?' Maybe number 6 seems draconian to some people, but I believe there should be a mechanism for linking the hours of community or civic service with the numbers of marriages performed. This could be done by use of a six-monthly return which celebrants are obliged to fill in.

My contention is this, that in a survey I conducted I found about 90 per cent of celebrants felt that community service was an essential part of their work. In applying to be appointed as a celebrant, most celebrants would claim that they are quite active in community or civic matters. The problem is that after they are appointed they are kept so busy performing ceremonies that they do not have time for their community work.

I am suggesting a link between the number of ceremonies performed each week and a certain amount of time devoted to community or civic service, for example 20 minutes, 30 minutes or an hour per wedding. In that way celebrants can demonstrate that they are working for the good of the community. They are giving something back to the community as well as taking from the community. It is crude, but I think that is the way I would like to see it.

**CHAIR**—I do not have any problem with your sentiment, but I wonder how you could enforce that.

**Mr Helprin**—I will come to that later. I suggest that future appointments of all civil marriage celebrants be initiated on the recommendation of the local member of parliament to fulfil an identified needs basis. Last year we had an increase of something like 100 per cent of celebrants, and there is no rationale in that. I can see absolutely no rationale. I have never heard of a rationale or read a rationale. Prior to that appointments were done on a three-year basis according to a formula of one civil marriage celebrant per 15,000 population. In an electorate like Wentworth, for instance, we had 110,000 people and about six or seven celebrants. That has now shot up to 14, and this has created havoc.

**CHAIR**—On appointments, I understand the argument about the need. Interestingly, the submission from the Association of Civil Marriage Celebrants of Victoria says that 'civil marriage celebrants are not appointed as a result of approaches made by members of parliament.'

**Mr Helprin**—No, I did not say they were.

**CHAIR**—I am saying that the recommendation was contrary to what you have proposed today. Given that we have had contrary suggestions from two different groups of celebrants, I am not opposing, necessarily, that members of parliament should do it, but why members of parliament?

**Mr Helprin**—I feel that a member of parliament is in a key position to know what is going on in an electorate. He would be familiar with the work of the celebrant in his community involvement, in his civic involvement and his pastoral involvement, if that is the case. The member is in the key position. In fact, the member is in a key position also to be a resource centre for all the sort of information that needs to be marketed or advertised such as pamphlets and so on, and we heard that this morning.

I feel that the office of a local member of parliament and his staff ought to have a little bit of space to display things like counselling services, mediation services, what to do in the event of marital difficulties, a list of the civil marriage celebrants in the area, a list of all the religious celebrants in the area and their denomination and so on. I think it should be used as a resource centre.

**Mr MUTCH**—You do understand though that it would be then a bit like a JP application. I do not think that too many members would be refusing applications, provided they could ascertain that the person making the application was of sound moral character and had the necessary qualifications, because it is in the interest of the local member to be popular. So I would imagine that it certainly would not restrict the field in any way.

**Mr Helprin**—No, no-one is suggesting that we restrict the field. But, first, I think there should be an identified need for it. Someone ought to be able to say that members of the public are having a great deal of difficulty in finding a civil marriage celebrant in this area and then, and only then, do we start looking for one. There is no point in building bridges where there is no river. That is Khrushchev, I think.

I suggest that future appointments follow on. I suggest that future appointments of all celebrants be authorised only on the completion of training, and I would like my wife, Sheila, to speak on this a little later. I suggest that training programs for all celebrants be fast-tracked, and I feel that the sooner the better.

I suggest that the terms ‘other persons’ and ‘members of the public’ not be used in respect of civil marriage celebrants, which has been the case in the past with the Attorneys. I suggest that we modify industrial relations laws to allow couples working full time the option of part-time employment, particularly in a parenting situation. I believe that that is now to become a federal matter. States are handing over industrial relations to—

**Mr MUTCH**—Victoria is establishing a good precedent.

**Mr Helprin**—If it does then you are in a strong position to change the laws to allow tandem type jobs where two people can share one job and so on.

**CHAIR**—That is a little outside the terms of reference.

**Mr Helprin**—I know, I am just throwing it in as a point of interest.

**Mrs ELIZABETH GRACE**—It is all helping with family relations.

**Mr Helprin**—We say that national television be used to promote marriage education, marriage preparation, marriage enrichment and family values by way of community service programs, and I think we have heard a fair bit of that today. We say that dispute resolution techniques coupled with marriage classes be conducted for senior students at high schools. As I said before, Scandinavia to me was a real eye opener. I saw just how well it has worked in the schools there. As a result of that I saw policeman who were quite friendly, young people who were well disciplined, no graffiti, no vandalism, and that was in all three Scandinavian countries. I was very impressed. I do not say there is a correlation but it looks that way.

**Mr MUTCH**—Do they still have compulsory military training in those countries?

**Mr Helprin**—That could be. On the other hand, I saw a military wedding and it was really something. Could I ask my colleague, my wife, Sheila Helprin to talk about TAFE?

**Mrs Helprin**—I am a TAFE teacher and I have specialised in distance learning and development of distance education programs. I have tabled a suggestion there for the type of program that could be developed for civil marriage celebrants.

In line with industry based training programs, a celebrant training program is a must if we are to develop professionally and develop people's skills. It is very unfair to ask a person to do a job, particularly when they have been authorised by the Australian government, without any training whatsoever. It also presents the opportunity for all celebrants, not just civil celebrants, for added professional support and development of their skills.

I have done a certain amount of research on the type of courses and spoken to celebrants on the time that they are willing to give or could give. It could be in the form of a short course within the national framework for the recognition of training. It would still have to go through the various processes. There would have to be certain standards to be followed, which seems to be the way of all mediation, counselling, and so there is no reason why it should not be for a celebrant.

My reasoning for the distance learning modules would be because of the remote and rural areas involved. People are scattered right throughout Australia and it could be very easily developed. I have given you topics and ways of presentation in the extra paper I have submitted but I would like to include and make sure that celebrants, current and aspiring, are aware of ethnic and cultural differences. This is what civil celebrants are experiencing very much. I sometimes wonder how much celebrants know about the cultural and ethnic differences and how to handle them without any training.

The completion of the course would demonstrate all the skills necessary to perform quality ceremonies, particularly if there is any pre-marriage program to go with it. Also, they would attend to all the documentation in a professional manner so that it would be satisfactory to all concerned. That is all I have to say on the training and how it could be presented.

**CHAIR**—Could I have a motion from Mrs Grace to incorporate the document entitled *Training* into *Hansard*.

**Mrs ELIZABETH GRACE**—I do so move.

**CHAIR**—Not being opposed, it is so resolved.

*The document read as follows—*

**Mr Hill**—The question I ask, first of all, is why I chose to work as a marriage celebrant. There are numerous reasons and this is important in the context of what I want to share with you this afternoon. By profession, I am a counsellor and I work in a private school in the lower North Shore. I have been involved in marriages—I was a Catholic priest in the early 1960s and I worked in that capacity till 1978. I applied to become a marriage celebrant and that came through about two or three years ago.

I put that as a preamble because anyone who works in this field—and this is one of the criteria that applied to those who were selected to become marriage celebrants—must have an interest in the community. That is not a monetary interest. It is an interest in the community and this has always been seen as community work that adds something to the ethos and to the values of the community. So, in working in this field, it is obvious that a large amount of time is put into the preparation of a marriage service and it is tailored to the type of people you are dealing with—whether it is humanistic, whether it has spiritual content. The content has to be applicable.

While working as a Catholic priest I was dealing with people in pre-marriage education. I was able to work with a preventative form of education. In counselling I use this method also. I look at the statistics on the break-up of marriages, which, as we all know, is one in three marriages, and we see that very few today take into account the attendance at pre-marriage courses.

I deal with this cost to the community also within the framework of a school. The statistic in most schools, whether private or public, is that 30 per cent of children are in single-parent families. When they say \$300,000 million is involved, I can see it in the context of the physical and mental health that is impaired, the effects long term on children, homelessness and social problems that result.

What I am looking at in terms of pre-marriage education, is the context in which programs can be developed. They touch on everything from juggling careers, finances, the community, dealing with conflict resolution, children, in-laws, et cetera. If they do not have any awareness into a commitment that, presumably, was initially lifelong, then the results often do not augur well. I have seen, from statistics, that where a government has funded studies, 83 per cent of the people that had studies done relating to pre-marriage work have found it beneficial.

In suggesting preventative measures we are looking at an education which provides assistance before a problem begins or before a situation becomes exacerbated by whatever else that is involved.

If a government can support an education program that minimises the costs to the family and communities that come from family break-up and separation, then I think from the community's point of view the community has made a great step forward. It is a benefit, not only financially but emotionally, psychologically and spiritually, for the community. I think couples need to be prepared. They need to understand the commitment they are about to undertake and at the same time they need to have access to further help during marriage. I am saying education gives support to couples, first of all by developing skills to tackle obstacles that arise in the life cycle of the marriage, but, more than that, it offers support, and support is one of the key ingredients of keeping a community healthy. It offers support to those that seek to develop continuing and fulfilling relationships.

That is how I view it. As I initially said, those of us who are marriage celebrants do not go into it for financial gain. There might be a bit of pocket money, but I certainly would not be doing it full-time as it would not be enough to support my family. In a sense it is a balancing act for me in terms of full-time commitments five days a week, school sport on Saturday and everything that goes with it. But I think it is well worthwhile because this is one area where I believe we are giving something to a community and really, in a sense, not asking anything back other than this is our contribution. That is all I have got to say.

**Mr Helprin**—Perhaps Affie would like to speak a little in support of that idea, of celebrants being involved in pre-marital education.

**Ms Adagio**—I am a marriage and family therapist and mediator as well as a civil marriage celebrant. I remember clearly when I was appointed that we were told that we were not permitted to bring those two together, and I think that that is a waste of resource. When people come to see me, I give them the pamphlets and say they can go to a marriage counselling relationship agency and prepare. I am a prepare practitioner, but people do not really take it seriously because it is something that we are not encouraged to follow up. I think that if there were more of a practice, as John was saying, then that would be different. That is all I need to say about that.

I have been asked to speak on the recommendation that field officers be appointed to coordinate this whole area. The suggestion is that there be three field officers on a part-time basis to liaise with the New South Wales civil marriage celebrants on a trial arrangement of 12 months, after which time the appointments could be reviewed. It is suggested that this appointment be made similar to the contract basis to the Australian Bureau of Statistics for the temporary appointment of field managers. The budget suggested will not exceed \$200,000 and will cover salaries, travel expenses, accommodation expense, office equipment, phone, clerical assistance and other contingencies.

The duties would be: liaising between the family service branch, civil marriage celebrants, civil marriage celebrant organisations and agencies as required; to mediate disputes; to behave as a team member; to have empathy, trust and respect towards civil marriage celebrants; to support civil marriage celebrants when they have difficulties; to perform quality checks; to represent the family services branch in the field and be knowledgeable in the law for this area of work. The field officers would have a commitment to the ethics of the program: its aim, objects and principles. I support this, more so because of the lack of co-ordination that exists at the moment. I think that the field officers would be sharing information—gathering and giving information. More coordination would mean that there would be a similar standard right throughout.

**Mr Helprin**—I would like to add that in 1990 the Attorney-General's department designed a training package, but it was never funded because no funds were provided from the parliament for the package to be implemented, which I thought was a great shame. But I have been waiting patiently and I am sure it will happen.

The government now has a strong commitment to family and family values, and it appears to be very serious about reforms and providing the resources for new and exciting initiatives. That is my commercial.

**CHAIR**—Mr Hill, in relation to marriage education and civil celebrants, the evidence that we have is

that, whilst something like 20 per cent of couples attend pre-marriage education, that 20 per cent come almost entirely from religious celebrants rather than civil celebrants. I am not saying that there are no referrals, but the evidence would seem to be that there are very few referrals. Given that half the weddings that are performed in Australia are civil weddings—and without going into all the reasons why marriage education is a good idea—what can we do about improving the referral rate?

**Mr Hill**—I would like to answer that in two ways. Firstly, in a sense, I would pre-empt it. When someone comes along and asks me if I will celebrate their marriage, I normally see them three or four times. It is a quantifiable thing as well as a qualifiable thing.

**CHAIR**—Can I just stop you there?

**Mr Hill**—Yes.

**CHAIR**—When you say you see them three or four times, are you—

**Mr Hill**—I am talking as an individual.

**CHAIR**—Yes, I know that, but in those three or four times, are you providing a marriage education program for them, in effect?

**Mr Hill**—I would say, yes, in so far as I am wanting to draw out of them in some way what is important in this relationship for them and where they see their future. But, this is not something I can foist upon them. It is a purely voluntary thing if they want to share and talk about it. In a sense there is no set structure; it is ad hoc. But, as an individual, this is the way I would work. Within the framework of a religious institution, you can almost mandate a referral. But this is not a mandated thing as it stands now.

**CHAIR**—That may be why 20 per cent of referrals come almost entirely from religious celebrants and virtually none from civil celebrants. There is not that persuasive factor present.

**Mr Hill**—Well again, having said that, many people obviously want a religious service. Often, some of the ones that I get are people that have been alienated from institutions et cetera, et cetera, but who, at the same time, still want something that for them is purposeful and even spiritual. That does not mean that I can do any mandating of the process, but it is something we can talk through, even using concepts like their understanding of the continuity of a relationship, long-term fidelity, children, and everything that goes with that. I do not have a structure; how I work is where I am coming from with this particular couple that I am dealing with.

**CHAIR**—Is there a suggestion, though, that—and I am picking up on Ms Adagio's comments—there has been active discouragement by the Attorney-General's Department for civil marriage celebrants also to be marriage educators, if I can use that broad expression? Is that a regulatory imposition or is it simply a discouragement?

**Mr Helprin**—I would say it is an active discouragement.



**Ms Adagio**—I was not permitted to have the qualification ‘civil marriage celebrant’ on my marriage and family therapist business card. That is how strongly it was put to me.

**CHAIR**—Mr Helprin, you said that you were trained in the use of the prepare inventory.

**Mr Helprin**—That is correct.

**CHAIR**—Do you use it?

**Mr Helprin**—No, I am not allowed to. It is very frustrating. I would dearly love to have used it but I was not permitted.

**CHAIR**—If religious celebrants can be trained to use prepare and focus and similar instruments, do you know why civil celebrants cannot?

**Mr Helprin**—No, I do not know the reason, but if you ask Legal Aid and Family Services they might be able to tell you why. I do not know.

**CHAIR**—I will. I am just exploring it with you because they are not here and you are, at the moment.

**Mr Helprin**—The only answer I ever got to that sort of question was that it is not appropriate for civil marriage celebrants to delve into marriage education or prepare programs or anything at all like this.

**Ms Adagio**—Can I add something to that. I work for Unifam, which is one of the major marriage counselling agencies, and, as I was trained in prepare, I could do prepare with that agency when people came in as I was one of the few who knew how to do it. But I could not do it for people who were coming to ask me to perform a marriage for them.

**CHAIR**—I will ask the department about this when we have the department, but I presume there is some perceived conflict of interest that the department thought existed. Maybe that is worth exploring. Obviously, not every civil celebrant would necessarily have the personality or disposition, if I can put it that way, to be a marriage educator. But it seems strange to me that some civil celebrants who may well have the disposition to be marriage educators are being actively precluded from being so. We will take that up with them.

**Mr Hill**—I will say something to follow on from what you said. Even the concept of marriage celebrant has a certain ambiguity attached to it. A marriage celebrant does not become some general factotum dealing with just a set of rituals or anything like that. The domain of the education of those to be married has been set within an ecclesiastical framework. The humanist dimension has been negated in that the civil marriage celebrant would not be trusted enough to deal with something as particular, as the spirituality of marriage.

I would really question that, in so far as I think that we go into our roles first of all as people who are

wanting to perform a community service. I would say that is sort of a sine qua non of the whole thing—that we are going in there as community people. Admittedly, my background is in psychology and counselling, and others are in that category too. As you said, not everyone who happens to be a marriage celebrant has that sort of background, and that does seem to create some sort of problem in the process. But I think it is the image that has been given to the civil marriage celebrant, at a certain cost.

**CHAIR**—I understand that.

**Mrs ELIZABETH GRACE**—Earlier today, Mrs Hill said that people who come to a marriage celebrant are sometimes quite vulnerable, in that they are very dependent on that person to guide them through that particular stage of their life. Therefore, people who are untrained in this counselling and preparation area could end up giving that couple the wrong information or pointing them in totally the wrong direction. So I see a conflict there with what you people are saying and what was said this morning, but I do not see it as an impossible area to work through. I would just like you to qualify that if you could, please.

**Mr Hill**—I go back to the mid-1960s when I first performed marriages, and a high proportion of people I was marrying then were 18-, 19- and 20-year-olds. I am finding now—and I might perform up to 40 marriages a year now, which is not a great number but it is 40 marriages that I put a fair amount of work into—that most of them are not young people, so they are less vulnerable. My feeling is that the age difference, compared with the marriages I was doing in the 1960s, is quite considerable. I am supposing that the vulnerability that was there then is not necessarily a factor now. I have not found that in my two years working as a civil celebrant. I have not been exposed to that sort of vulnerability. Or perhaps it goes back to what you are saying, that each of us comes in with our own background and our own way of dealing with people.

**Ms Adagio**—I would like to comment on the concept of them being vulnerable. It is a life stage where, at whatever age, they will feel a certain amount of vulnerability, or change, which can create a little bit of stress. I would like to see a training program for all marriage celebrants where once they been appointed they can have a short course in the basic skills of how to provide that education. As they come to us, we are an adequate source of information and support. To send them somewhere else does not help them.

**Mrs ELIZABETH GRACE**—I agree with that side of it, but I just wanted to see how you felt about it. So in your training, you would encourage people to do a basic counselling or basic course so that they are prepared to do that. Following that, I have another question. You were saying that there have been X number of extra celebrants added to the—

**Mr Hill**—Double.

**Mrs ELIZABETH GRACE**—Yes, in the last couple of years. Do you think there should be a mandatory number of services conducted by a civil celebrant over a period of time, be it 12 months or whatever? Let us take that as an arbitrary figure and if that is not complied with they are no longer registered as celebrants. What I am thinking of is, should we be trying to weed out the ones who are not actually active and are taking the place of somebody who might like to be active or something along those lines, or reduce the numbers perhaps?

**Mrs Edmonds**—It depends actually what your mandatory number would be. Where I am is only a small village and I have probably only done about 10 weddings in the last 12 months. That is only because of the area. The others live in a big city.

**Mrs ELIZABETH GRACE**—So we might have to look at geographical registration or something along those lines.

**Mrs Edmonds**—Yes, that is right.

**Mrs ELIZABETH GRACE**—In the concept of the idea, do you think that is something that is worthwhile?

**Mrs Edmonds**—Yes. It has been stated particularly that there are some people who have applied for it and become a celebrant just to perform one ceremony for their own family and that is it; they have not done anything more. This has been written up quite a few times. Also I would like to see a training course for the celebrants in pre-marriage counselling and some education. We are marrying them and therefore, if they come to us and if there are any problems later on, they can come back to us if we are trained rather than go anywhere else, because we have married them and they have an interaction with us. Once they get to the courts, I have found that it goes on. But, if we can keep them out of the courts and out of solicitors' hands—irrespective of the law society—we can do much more to keep that marriage intact than if we let them go on and on and on.

**Mrs ELIZABETH GRACE**—That was what Leonie Hill was saying this morning in a different way.

**Ms Adagio**—If that condition were to be applied then we would need to be permitted to advertise.

**Mrs ELIZABETH GRACE**—Yes, there is a whole parameter of things there. You seem to feel that there are too many celebrants out there, particularly untrained ones. I am just wondering if this is one way we could rein in those numbers and perhaps have a better quality celebrant there in the overall pattern.

**Mr Hill**—Using that as a criterion, there are two things present. When a celebrant starts out, it takes a few years to build up some sort of clientele. A lot of the weddings that I have had are those that have been associated with my work as a counsellor in a school and also my past clerical life. A clergyman might ring me up and say, 'They can't get married here. Will you do the wedding?' One thing that is really important is to break into a field. If you use that criterion, there could be a few hiccups because it does take a few years to get a game plan—using a crude analogy—to work.

The other thing is that with deregulation it is very easy for some people to ring up and ask, 'How much do you charge for a wedding?' I think that is a non-question in a way because you are talking about the dignity of the ceremony, but you do have budget weddings going around. So if someone decides to undercut and undercut and undercut, he might do a plethora of weddings while someone else has little opportunity. That is one of the problems that we are facing. Firstly, once you move into that area it does take a while to get established and secondly, with the cost-cutting that tends to go on and which is even advertised as a budget wedding, in some ways I feel that desecrates the whole concept of a wedding. You have to deal

with that also.

**Mrs ELIZABETH GRACE**—So there are parameters and we have to look at beyond that.

**Mr Helprin**—I would be very much against any regulatory minimum number of marriages to restrict any celebrant. I think the way to go is through an educational process. Those who graduate, graduate and those who do not, get left behind. I think that is the simplest way. Let market forces take care of the market.

**CHAIR**—I must draw this to a close so that we can continue. Can I thank you for your submission and the additional material and also for coming this afternoon so that we have had an opportunity to discuss some of these things. What you have said certainly informed us and will no doubt be part of our deliberations.

[3.32 p.m.]

**SPENCER, Mrs Gerlinde, Immediate Past President and Committee Member, Marriage Educators Association of Australia and Joint National Chair, Couples for Marriage Enrichment Australia, 85 River Road, Greenwich, New South Wales 2065**

**CHAIR**—Welcome. Although the committee does not require you to give evidence under oath, I am obliged to advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

To date, we have not had, as far as I am aware, a submission from the Marriage Educators Association.

**Mrs Spencer**—I have a copy with me. It must have come in late.

**CHAIR**—It could have arrived but we do not have a recollection of having received it. We will just get a couple of photocopies made. We have been on the road with public hearings all week so that is why we have not seen it. Perhaps while we are doing that you will make a statement and we can then follow it up.

**Mrs Spencer**—I apologise for not being here earlier in that I may be repeating things that other people have said. I also say that, although the other organisation, Couples for Marriage Enrichment Australia, has not put in a submission, I am representing them on an informal basis.

I come from a background of having been involved in one of the funded agencies for many years and having been in the field of marriage education probably for about 25 years and marriage counselling as well. I am particularly addressing marriage education and some of the needs I see and some of the improvements that could possibly be made in that field Australia wide today.

There are a few points that I have written down which I will speak to. The major one of those is a concern about the present application of funding to supply the need across Australia. I understand that that funding is limited and that, in endeavouring to service areas where there is little or no provision for marriage education, a mapping exercise of needs was done and some of these are now being targeted with relatively small amounts of money. It advertised by tender for people who will supply a program.

There are several difficulties with the present method and I do not want to be critical of the department as I think they are trying to do their best. However, the difficulties that I see are that this funding method ignores the quality control issues and the support of the infrastructure that is needed for a good quality service delivery. I have a number of instances—unfortunately I did not make notes on them so it is anecdotal and with not much detail—of people seeing the ad in the local paper, applying and, with very little knowledge in marriage education, being awarded the money to run the programs. They were then going to the people who were the experts, who have less funds than they need to run the programs they already do, and they were expecting them to teach them how to do it.

There seems to be a lack of awareness of the fact that marriage education, like marriage counselling, is a discipline which requires a body of knowledge. It requires particular skills by the educator and it also requires a certain attitude by the educator which is facilitative to the couples in relation to marriage. With the present way of distributing the money, sometimes it goes to people who can do a very good job and at other times, not. I had a phone call from a country centre, when I was still president of the Marriage Educators Association, from a very distressed gentleman who I think had his own building construction business. Obviously he and his wife were local marriage educators. He said, 'Look, we have got all this money for marriage education for our diocese. We do not know what to do with it.' I do not know how much it was, but it was a large sum, about \$60,000

Now I guess that is an extreme example and perhaps he was not aware of who was supposed to be administering that money. But obviously somebody in that diocese said, 'Get to it, do what you can.' That man was at the level of lay leadership, not capable of training, not in a position to organise or attract other people. Quite frankly, my reaction to that was anger, because there are agencies and people who have the expertise who are struggling for money who could have been invited to tender for that area.

So one of the difficulties with the distribution of money at present, as I see it, is the ignoring, in a sense, of the expertise that is already there and seeking to maximise the resources that are there. I think it goes further than that. It goes to slowly eroding those resources. The funded agencies have, in a sense, been going backwards financially. If they are going to meet increased demands, then the infrastructure needs to be supported. There needs to be some salary component for someone to develop programs, to keep up the training, to provide supervision and the quality control that is needed. That type of thing is not being supported financially. I know a number of agencies who have had to contract positions and the expertise is going. We may finish up with a less effective service delivery out in the community than we can do these days—because we know a lot about how to do it well—simply because of the method of distribution of the funds.

That is in relation to funded agencies. As well as that, there is a large community resource, and that is where the Marriage Educators Association and CMEA come in. There is a large community resource of bodies which work in the field, which do a great deal towards networking, supporting and training, through conferences, through newsletters, through workshops and general expertise, who now receive no support for this at all, or very ad hoc support.

The Marriage Educators Association is a new body, and one of the ways, which is mentioned here in our submission, that we could more effectively support the quality of marriage education in Australia would be if some funding—and it would not need to be great—were to be available to that organisation.

As an organisation, however, our members are at present very much involved in the marriage education conferences. To me, an even greater priority would be a subsidy for the conferences each year to enable the on-the-ground marriage educator to get to those conferences. I am pretty sure I will not be at the next conference. I will attend committee meetings for MEAA but not participate, because my husband and I are now retired and to participate in a conference which is Australia-wide at present would cost a minimum of about \$600 each or \$1,200. A lot of marriage educators are couples where one person is working. Quite often they are doing the educating for no remuneration and they cannot afford financially to go to a

conference. It makes a lot of sense to subsidise the conference to enable more people to take part.

I am very aware, having come from the field of marriage counselling as well, that in marriage education there is a much greater turnover of personnel than there is in marriage counselling. Marriage counselling these days is seen as a professional activity with long-term training. People do not drop in and out of that. Marriage education has a much greater turnover and, therefore, continuing training and keeping up with the field is an essential ingredient. Along with the conference I would regard *Threshold* magazine as being a vital lifeline for educators and the Marriage Educators Association now has a newsletter that is seeking to be a resource to the members.

The other organisation that I am involved with is Couples for Marriage Enrichment Australia. The Western Australian chapter received funding some years ago from the state government. During the time that they had that funding the number of marriage enrichment weekends they were able to mount went up to about 40. We have the expertise and the trained leaders, but it is difficult to get things off the ground. There is no money for advertising, couples will not pay large amounts for weekends and leaders cannot pay much for training. It is a non-profit area. In Sydney, with the leader couples we have, we will only be running about 15 programs in a city as big as that. And that is an excellent program for strengthening marriages, for preventing breakdown and for helping couples seek counselling if they need it and in the early stages when something can be done.

To sum that up, there are organisations and there are supports to marriage education Australia-wide which, with not very large sums, could do a terrific job because they capitalise on hours of voluntary work which is gladly given. There are a number of organisations providing high quality marriage education who do not receive any funding at all and who are struggling because of that. I am not sure that, in the present climate, there will be room for more to be admitted to the numbers who can receive some help or not. But at least they need to be supported by the other infrastructures which I have just mentioned.

The last area I want to comment on is the great need for community education across Australia. I believe that, while not much money was spent, gradually that has been effective in marriage counselling. Generally, the population—except in some country centres—is pretty aware of marriage counselling as a resource and many people are willing to seek it. Marriage education, for most Australians, is not something they even think about. It needs to be in the public eye. At the recent marriage education conference we had some very interesting exposure to the message of the media to young people about marriage. When you take all the soapies into consideration, the constant educational message that is getting across is appalling—and we are not even advertising that marriage education is available for those who would be interested in doing it to counter that.

Something needs to be done about budgeting for some general promotion of marriage education. Along with that, I am very keen on programs being developed at the school level, because there needs to be something to counter what the kids are getting about marriage. Certainly, speaking for CMEA, there are couples who are experienced CMEA leaders who would be happy to provide programs for schools. Some of the funded agencies, because they have educators on their staff or sessional staff, would be very capable of developing schools packages.

I would be very much against handing over that area to schoolteachers, because it is an area where there needs to be some training and some attitudinal stuff that is appropriate. There are a lot of schoolteachers who, like the rest of the population, are very confused about relationships and would simply not be able to do that teaching in the interactional style which is needed for it to be done well. It would be better, if that type of program were envisaged, that the resources of the people who already have the expertise were drawn on. Having rattled through that, I will pause for a breath.

**CHAIR**—May I ask a couple of questions? You were saying, about the funding under the new funding arrangements since the Justice Statement and the latest round since this year's budget, that there ought to be some provision in those tendered amounts for infrastructure which is not there at the moment.

**Mrs Spencer**—I am not sure about that being tied to the tendered amounts, I guess.

**CHAIR**—I see.

**Mrs Spencer**—I have a difficulty because of the fact that just about anybody can tender. Not everybody gets it, of course: I do not mean that. But there seems to be, at the funding end, no recognition of the existing field.

**CHAIR**—No. So you are suggesting that in the funding there ought to be at least two categories: the tendered amount for providing a particular service, as is the case now—

**Mrs Spencer**—In a needs area.

**CHAIR**—And also some recognition of basic infrastructure which is not being recognised in funding at the moment.

**Mrs Spencer**—Yes. Maybe, the first call for the tendering process should be upon the people who are already doing it, rather than opening it to the general community and assuming that the expertise is already sitting there.

**CHAIR**—Yes. A criticism which we have heard is that, at least historically—maybe it is less so now—there was a lack of transparency in funding.

**Mrs Spencer**—To the funded agencies?

**CHAIR**—Yes; there was, I understand, no clear way of understanding why particular agencies got particular amounts, nor of necessarily understanding any relation between the amounts provided and the service provided: is that historically a reasonable view?

**Mrs Spencer**—Historically, that is a reasonable statement.

**CHAIR**—Do you think that has changed?



**Mrs Spencer**—I have been out of the agency field for two years, but I understand that that has changed. I do not know how effective that is now. I am aware that it is always difficult, because you have got a lot of factors to consider as to why so-and-so got so much and you did not.

**CHAIR**—Yes. In terms of the tendering process, should there be some advisory group from the field to the Attorney-General's Department? If we have a situation where somebody, to take your example, gets \$60,000 to run a service and then has to ring up and ask, 'What in the hell do we do with it?' it would seem to me that there is a lack of coordination and on-ground experience by those who are granting the funds. I am just wondering how you overcome that.

I accept that it is ultimately the responsibility of government to grant the funds, but I wonder whether there could be some advisory role played by a body, in terms of checking out whether an agency that nobody has heard about before actually has got some experience on the ground. I am saying that I can see an argument for existing agencies to get funding. I can also see arguments for new agencies to get funding, and for unfunded agencies—

**Mrs Spencer**—Or unfunded agencies in the area.

**CHAIR**—For them to get funding. I would have difficulty with a system that ruled either out, but I agree with you that it is an undesirable situation to have an agency that has not existed, or that has existed in name only, suddenly getting money and not having the expertise to do anything with it.

**Mrs Spencer**—Or else it has expertise in an other area but not in that particular one.

**CHAIR**—How do you overcome that?

**Mrs Spencer**—I am not sure where the Family Services Council fits in, and whether it would be regarded as an advisory body.

**CHAIR**—As I understand it, it does not fit in, in terms of actually looking at applications for funding and making any suggestions about that. It fits in more at a policy development level.

**Mrs Spencer**—The difficulty is that it has got bigger and more removed from the workforce, in a sense. Going back to the early days, the chief psychologist in the Attorney-General's Department knew who could do what and in what areas and in which state, and could therefore say, 'This is an opportunity to provide a service. Are you in a position to do it?' That is the way it used to work. Family Life and Marriage Guidance, as it was then, were invited to go to Dubbo because the Dubbo community had requested a marriage counselling centre, and Family Life was financially and personnel wise in a position to do it and so took that tender on. That was entirely internal. That was not an advertised thing to find out who would like to open a marriage counselling service in Dubbo, because these people were regarded as having standards that were acceptable. I realise that that is no longer possible and that it would be difficult in relation to the unfunded groups that do marriage education. I would see a place for an advisory body which had a database which included some idea of the quality of service.

**CHAIR**—Family Services Australia, in their evidence this morning, said—and I paraphrase it—that if you are a funded body you get looked after to some extent by the Attorney-General’s Department; but that if you are unfunded, you might as well not exist. You have, in a sense, reinforced that. Given that there is, particularly in marriage and relationship education, a range of bodies out there providing services that are unfunded, I understand you to be saying that, even if they cannot be directly funded, there is a role for government to play in relation to those services by providing some broad professional support—whether it is in helping to sponsor conferences or sponsoring publications that go out to marriage educators, or other things of that nature—which would help to raise the standards of those services and of the personnel involved in those services.

**Mrs Spencer**—Yes. I am aware of the fact that money is very tight. That would be at a low level, tapping into and supporting an important part of the contribution to marriage education.

**CHAIR**—Yes. Mrs Grace might have some questions, but can I ask you this? You were here when we were having the discussion with Mr Helprin and some of the civil marriage celebrants about the role of civil marriage celebrants and the discouragement of them at the present time from being able, where suitably disposed, to act as marriage educators. Would you like to comment on that?

**Mrs Spencer**—Yes; I would appreciate being able to comment on that. My sense is that that edict was given to protect people from the eager amateur in the counselling education area. I have met civil celebrants who would do damage if they were allowed to educate, because the screening for their abilities and attitudes in that area is not available at present. On the other hand, it seems a waste of resources not to recognise expertise that is already there, such as some of the people who were on this panel, and to forbid people who are qualified to fulfil that function. As I see it, it is very difficult to get couples who go to celebrants to go to marriage education programs. If we can increase the numbers of marriage celebrants who are qualified and do a good job, then that is the way to go.

**CHAIR**—Hypothetically, if there was some provision that, for example, a civil celebrant was a qualified member of the Marriage Educators Association, according to whatever certified level—

**Mrs Spencer**—It would need to be of professional standing, yes.

**CHAIR**—At whatever the professional standard is—and I am not going into the detail, just in broad terms. So would you say that, subject to all the requirements a marriage educator would have, there would be no reason why somebody who was a civil marriage celebrant who was also qualified as an educator should not be able to provide education?

**Mrs Spencer**—Yes. That is using resources which are not really being used now. On the other hand, there would need to be protection from some of the people who are there to make money and who have some very peculiar views. When I was administering the marriage education service for Family Life I actually had abusive letters after we contacted civil celebrants to ask them to recommend our programs. One civil celebrant wrote several anonymous abusive letters about the damage done by marriage counselling and marriage education. You would not want somebody like that.

**CHAIR**—No. There was one other thing I wanted to raise with you which calls on your past experience with Family Life. As I recall, Family Life offers programs of relationship education in schools at different levels. Is that right?

**Mrs Spencer**—Sex education.

**CHAIR**—It was more the relationship—

**Mrs Spencer**—And some relationship education.

**CHAIR**—We have heard an overwhelming body of evidence so far, from a variety of quarters, saying that there should be relationship education in schools—that there is sex education in schools but there is virtually no relationship education. I picked up your point that teachers are not necessarily the best qualified people to provide that. Another difficulty I perceive is that what tends to happen in schools is that if the maths teacher is away the geography teacher fills in for the day. If the qualified relationship teacher—if I can call it that—is away, you might not want the Phys.Ed teacher filling in for the day. Given that Family Life is involved more in the sex education side but that it is basically a relationship oriented organisation, would you like to comment on what possibly could be done by way of relationship education in schools?

**Mrs Spencer**—In a sense, something is already being done in the self-esteem area. Relationship education starts with self-respect and self-esteem and I think Family Life already has some programs for both adolescents and primary school kids as part of a package. The step from that would be to have a six-session or four-session program that could be slotted into the school curriculum in their health education section, or whatever it is called now. It needs to be done by people who are trained and it needs to teach the principles of conflict resolution, of win-win solutions—particularly in the conflict resolution area—and management of emotions. There is some very good stuff around for that. In fact, there are even some programs around which an organisation like Family Life, or others who already have trained staff, could simply adapt to the Australian scene or use with some stuff that is available from other countries.

**Mrs ELIZABETH GRACE**—I have one question. You say in your submission, on the role of governments, that you think that a national training panel could be appointed when it comes to developing an accredited training program. Would you like to expand on that a little for us?

**Mrs Spencer**—Yes, that was a submission which I was not part of preparing, and that would be subject to funding. I think the Marriage Educators Association at present does not see itself as a training body, so that would need to be fitted in differently. But it sees itself very much involving itself in competency measures and standards and encouraging members to achieve certain standards and to have a professional category of membership. At present, if you do marriage education you can be a member. We want to keep that because that keeps people in touch and they can lift their game. I think that was an extension of possibly even providing that training.

**Mrs ELIZABETH GRACE**—Providing an umbrella type area—

**Mrs Spencer**—Yes.

**Mrs ELIZABETH GRACE**—And everybody could get accredited to go out and do it.

**Mrs Spencer**—Yes, but that would require substantial funding because that would need staff.

**Mrs ELIZABETH GRACE**—That is all right, thank you. I just wanted to know whether I was thinking the same way.

**CHAIR**—Thanks very much, Gerlinde, for coming in and for the submission. We might be talking to Jillian Nichol when we get to Adelaide as well.

**Mrs Spencer**—Good. She prepared that; she is now president. Thank you for fitting me in.

**CHAIR**—For the purposes of the submission can I have a motion, Elizabeth, that the submission received from the Marriage Educators Association of Australia today be authorised as a submission to the inquiry and also for publication.

**Mrs ELIZABETH GRACE**—I so move.

**CHAIR**—There being no objection it is so resolved.

[4.04 p.m.]

**HULBERT, Mr Paul Raymond, Manager, Training and Transport Activities, Family Life Movement of Australia (NSW Branch), 16 Jersey Road, Strathfield, New South Wales 2135**

**MOKANY, Reverend Tibor, Manager, Counselling and Mediation Services, Family Life Movement of Australia (NSW Branch), 16 Jersey Road, Strathfield, New South Wales 2135**

**CHAIR**—Welcome. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself, and giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

We have received your submission, which is numbered 97. Unless there are any alterations you wish to make to it, I invite you to make an opening statement or any elaboration that you would like to on that submission.

**Mr Hulbert**—Thank you. On behalf of Family Life, I thank you for the opportunity to come before the committee. Our paper covers four main areas in which we feel the government can be involved in reducing marriage breakdown. I will quickly run through those four areas and then Tibor will make some other mentions.

Firstly, we feel that there is need for a collective community value. In the last few generations the community value was very much that marriage was forever; that when you got married that was it and it was worthwhile and important, with divorces being very few and far between. That has now changed, not altogether but almost totally, to leave a void where there is not now a collective community value.

We suggest that this should be replaced with the value that pre-marriage education is essential. We consider that, if the community can be assisted in developing a concept of the importance of pre-marriage education, we are a long way along the lines of reducing breakdowns.

I guess a comparison would be to look at the concept of drink driving. It was not that long ago that it was a community value that 'Let's have one for the road before we go'. That was the common acceptable approach in our society. There has been an extensive community campaign, backed and mainly funded by the government, to a point now where there is a considerable change in that community value, where it is more in terms of responsibility in driving and drinking.

Our second point goes to young people—and I know that the committee has had a lot of submissions which we back up very much—in that there is very little, if any, educational training in relationship skills in our schools. We suggest there are two areas that can assist in addressing this. The short-term one, which can be done quite quickly, is skills training for relationships for young people in their last two years in school. The second one is of the longer term, and it would be more integrated within our community; it is that of responsibilities in relationships.

From year one young people would be inculcated with the idea of relationships, the skills that go into communicating and the skills and attitude of responsibility within a relationship. We have very much developed, fostered and succeeded in giving our young people the idea of their rights, which is fine. However, that does not seem to be balanced with their responsibilities. We are looking at that as long-term. As the previous witness mentioned, we from Family Life are poised to do this sort of work without any trouble at all in the schools.

Our third point goes to the different sorts of programs which are available for individuals. There are a number of organisations, including our own, that run different sorts of training groups and activities in terms of emotional stress, self-esteem, understanding the dynamics within relationships. A lot of training courses are available. Unfortunately, because of the costs of running them by non-profit organisations such as ours, we do not have money to advertise them very extensively; and those who can come are those who can afford it. So there is a definite limitation there.

The fourth area in which the government could certainly become involved is related to multicultural Australia. We have successfully moved into this area as a country. Therefore, by implication, we have mixed marriages in which, unfortunately, exist all the potential problems as exist in same-culture marriages plus problems of misunderstanding because of different cultural ideas and expectations. We suggest there that specific ethnic groups could be running those. Added to our submission there, which we inadvertently omitted, is the idea that organisations, such as ours and others that already have skills in this area, can support ethnic groups in their training and development of packages. In the recent funding round we have applied, in conjunction with the Australian-Arabic Welfare Council, to do just that.

They are the four main points. We also would draw to the committee's attention our concern about the requirements for reporting that we have from government departments. We certainly totally agree that we are accountable, and all organisations receiving government funding are accountable. We do, however, have some concern about the amount of time and labour required in providing all these reports. We suggest that the department have a very close look at what they really need from the agencies in terms of what they can use and what they need to use.

Personally, I worked in a government department for many years and I know that the statistics and information that is wanted is great in theory, but the actual use of that information is quite minimal. So we would suggest a review of that.

It was reported in this morning's news that the Prime Minister, at a function for small businesses—I think it was last night—made mention that the government could, without much trouble at all, cut 50 per cent of the requirements that small businesses have. We would like to see the same principle apply to agencies.

**Mr Mokany**—I would present something more concrete than that provided by the report. There is just a brief overview of Family Life in this pamphlet that was handed out. It would be useful for the committee to know of the organisation that is making the submission.

Family Life is a large organisation, particularly in New South Wales, that focuses on a lot of areas of service to the community for a non-profit based service. As a consequence, Family Life struggles—as do all

the other non-profit organisations—to maintain the levels of service required by the community which are increasing all the time. We were confused, as was the previous speaker, about the way in which the recent round of funding was conducted. We were confused with the infrastructure and systems required to run those new funded programs by people who did not have the background or superstructure that organisations like Family Life have. It would cost an enormous amount of money just to set them up in the first place. We felt that the government would have looked for a more economical use of their funding dollar. I would just like to echo that.

We would like to add to our submission our annual report. Included in this report are the range of our activities and the statistics of our work. If the committee requires more copies of this report for its other members, I do have them.

Without reading the report for you—I will let you do that—I would just like to highlight the fact that at the bottom of page 5 of the report are the statistics for our 1995-96 year. We range from the far north coast right out to the Dubbo and Sydney areas. We have eight regional centres. Family Life has serviced 35,000 people in this last year. That super structure could sustain the kind of marriage education programs that are necessary in order to make good use of the government's dollar in terms of funding.

You might be interested to know about education in schools. In 1995-96, Family Life have run family based programs in 256 schools. They occur in the evening with the whole family there; it is a father and son kind of event. About 200 schools have employed Family Life to run programs in sex education during the day for children. Group training expertise exists in organisations such as Family Life. I am not saying that we are the only ones that can do this. In terms of school education, the structure and sessional and trained staff already exist in other areas, which at the moment do not receive funding. A little extra could blow the opportunities wide open for the government to actually cash in on its policies and for the community as a whole to make use of the opportunities to make good, solid relationships last in our community.

We are starting early; we are starting at the beginning. We are training our children in what relationships are about and what they are on about as people. In so doing, I believe that it would also add a much greater sense of community loyalty and national pride and sense of ownership of our nation and the responsibility that goes with that. It is about not just rights, as is being taught at the moment, but also the responsibilities that go with that. I would just like to present that as a good basis on which we can speak.

I am now an Australian, but, having been a new Australian and having had to integrate into the culture here and having cross-married into a family originating from the First Fleet—not that this is relevant to the committee—I have had to learn an awful lot about what it means to be part of Australia and part of relationships. Part of being a marriage counselling manager and mediation manager with Family Life has had to do with understanding the complex nature of our society and the complex mix of cultures. The mix of understanding and values about gender is an enormous difficulty in our society, given the non-equality gender-based cultures that we take people from. There is also a mix of understanding about relationships. The government could really utilise the opportunities that stem from organisations that have a super structure and have already got contacts with non-English speaking background communities, such as Family Life and others.

Marriage education, community education and funding for them is the way to go. Without funding, none of this is possible, because nobody in the service industry does this for a profit. We do not work for a profit. As Gerlinda said, if marriage educators were to do that, they just would not be doing it, because there is no money in this. So we solely depend on the wisdom and foresight of governments in being able to provide the funding dollar.

I close by echoing Paul's statement about the incredible demand by the government agencies for reports. We need staff, dollars and equipment to keep running. The funding dollar is being taken away in order to keep the reports going, which could be simplified and streamlined so easily. It goes beyond our understanding as to why it has not been done. Yet we depend on it and so are caught in between. We now say that it is a problem and that it would be good to simplify it.

**CHAIR**—I want to take up the issue of reporting. As I understand it—this is in terms of the Attorney-General's Department—you may well have state funding which we cannot deal with. Let us just deal with the Commonwealth. As I understand the situation, you have to put in a six-monthly return of statistics and an annual financial report. Is there anything in addition to those two, per program, presumably?

**Mr Hulbert**—Per program, that is where it multiplies. There is an audited annual financial statement. We have recently been advised that LAS will be requiring, in addition to those, appraisal reports for new projects, an assets register and annual budgets. We have been on notice that that is going to be required as well. For us, the annual budget is going to be particularly difficult and expensive. It is a different computer program. We have to totally change our whole way of accounts. It is a major cost and involves major time for us.

**Mr Mokany**—In total, we have to present to the federal government 16 reports annually.

**CHAIR**—Why are they requiring a budget if you tender for an amount of money? Presumably, your tender document is, in effect, a budget and provides the relevant financial details. Why, in addition to that, do you have to provide a budget?

**Mr Hulbert**—That is a very good question. I do not know the answer to it.

**CHAIR**—We will ask them that. Let us take them one by one. The six-monthly return is a one-page document. Is that a burden?

**Mr Hulbert**—It is actually a two-page document for us. My area of responsibility is marriage education.

**CHAIR**—Let us take an example. We do not need to go through it all.

**Mr Hulbert**—It is statistical accounting. We keep them anyway. It is a matter of spending time to extract them and collate them in the particular format that is required under each program, each centre that runs them and the type of program. For marriage education, we have two that we are funded for: the pre-marriage and the early post-marriage programs. They have to be broken up. It is about compiling them. It is



not an onerous task, but it is cumulative because there are so many of them. Even if it were 12-monthly, we would be—

**CHAIR**—I am personally supportive of the figures being provided, because there needs to be some correlation between the service provided and the funding given for it. Is anything done with the six-monthly figures?

**Mr Hulbert**—Well, I wonder if anything is done with them. I do not know. I cannot say. They may be of great detail, but they may be stored away in a cupboard somewhere and just left there. I do not know.

**CHAIR**—We have not got the figures yet. Perhaps they are still all stored away. You obviously have to prepare an annual report anyway. If an annual report and a 12-monthly return were the requirement, that would cut in half the number of returns. That would fit in with your normal accounting requirements. You are an incorporated company, so that would fit in with those sorts of requirements.

**Mr Hulbert**—That would be a great assistance.

**CHAIR**—The other question is why you need to provide a budget if you are providing an application which, in a sense, is budgeted. Presumably, once you get an amount of money, subject to any CPI increases from year to year, it is based on the same service delivery. It would be more sensible for you to provide some details if there was going to be some substantial change in the service delivery. If the same service is being provided, and that is being reported in the annual report, it is a good question as to why you have to go through the exercise of providing a budget. I presume your budgeting is basically based on your funding from the previous year plus or minus whatever you ascertain that to be. We will take that up with the department.

**CHAIR**—Can I go back to the schools and try to tease that out a little bit further. You have got that long history and experience of providing what I will call sex education programs—that might be a blunt description. I have a couple of questions about this other component of relationship education. You talk about being able to do something about this in years 11 and 12. I wonder whether it is too late by years 11 and 12. Having a year 9 daughter and a year 7 going on year 8 son, I suspect years 7 and 8 might be more appropriate than years 11 and 12 from one perspective. The other perspective is the incredible amount of work by way of projects that is now required from upper secondary school students which I never had when I was at school. I wonder whether there is already an overburdening of years 11 and 12 students in our schools that this, whilst valuable, would just contribute to. I wonder whether you might comment on that.

Secondly, if we were to make a recommendation, for example, that this sort of thing ought to be provided in secondary schools, would an organisation like yours be able to readily pick it up and run with it? If we reported in, say, April or May next year and one of our recommendations was that this be adopted in the school year for 1998—I am not saying that the government would respond that quickly but if it did—how quickly would you be able to respond in terms of providing that sort of program?

**Mr Hulbert**—To answer the second part of your question, within three to four weeks, we would have the programs up and going. We are, in fact, already running those sorts of programs in many schools, particularly country schools, and some private city schools. So we already have programs there. It would be a

matter of just which particular slant was wanted to be taken; program development would be the time requirement. We have staff, we have expertise and we have experience available.

**CHAIR**—Just before you go on, would it be possible to provide us with some more details of the nature of that program? What concerns me is that this is, as I have said, a suggestion that has kept coming through and I suspect it will continue to come through in our public hearings. If we are to address it in any sensible, realistic way, we need to know and grapple with what we are actually dealing with. To make a sort of bland recommendation that relationship education be provided in schools is fairly useless. I think we need to look at it in some more detail. If it were possible to provide us with some more detail about what you have in mind as an example of the sorts of things which are being provided and could be provided more broadly, that would be very useful for us in terms of our deliberations.

**Mr Hulbert**—Yes, we can supply that in writing to you.

**CHAIR**—Thank you.

**Mr Mokany**—To support that, the basis on which we are able to do that is a lot of our education programs and group work is modularised or is moving towards modularisation and content is adaptable. Retraining of staff is not required because the training programs that we run, and we have, support the ability to fit in from childhood right through to retiring age. There is a range of programs that can be supplied and are supplied in various forms. So it is not a problem to do that. We would be delighted to be able to provide some of that, so that you can have some direction of how it would shape up, what it would look like and what it would sound like.

Coming back to the question of the school situation, in our mind, when we were putting the proposal together, we were seeing the two as being parallel, not as separate suggestions. The years 11 and 12 were not like an either/or situation. It was as if that was on top of what would normally be happening in schools in relationship education. The reason for focusing on years 11 and 12—and on tertiary institutions as well in some way—is that major pairing off and partner selection go on.

That is when the hurt and the relationship difficulties surface, when young people begin to struggle through what it means to be living together, to contemplate a future together, to discover closeness and the difficulties concerned with that, and when fantasies wear off, and so on. It is at that level that certain kinds of education are unique to that particular group of people, as opposed to people who are marrying in the 30 to 35 age bracket. They have different needs. They have to deal with disillusionment and with a whole range of other emotional components similar to the late teenagers and young adults—they are at a different stage. They need to be working at it differently.

In a school environment, with an easily adaptable infrastructure, they need to provide an easy access for that stage of development to make use of the information that will actually help them form permanent and committed relationships in a way that will benefit them—as opposed to ad hoc experimentation where people can get hurt—and to set in motion cycles of behaviour and patterns of relating which will continue on into their life. It is at that stage that it is critical. It is a key time. But this would be built on primary and foundational relationship principles which schools would enable the students to be exposed to, as a result of

what may happen before. So I am seeing it in parallel; I am just reinforcing that.

**CHAIR**—Is there anything happening in curriculum development along these lines at the present time?

**Mr Mokany**—In schools?

**CHAIR**—Yes. Are you in touch with this?

**Mr Mokany**—I am not that in touch but I am not aware of relationship development. There is certainly self-esteem, self-concept and communication, but I am not aware of the different dynamics of relationships.

**CHAIR**—Presumably, that is a continuum, the self-esteem and self-development and all of that.

**Mr Mokany**—It is part and parcel of it, yes, but it is the next step again.

**CHAIR**—But it is not in a holistic manner.

**Mr Hulbert**—Yes, that is right.

**Mrs ELIZABETH GRACE**—We have been concentrating on school and education but you obviously work in other areas as well. How do people find you? How do you get your clients? What is the process?

**Mr Hulbert**—Again, marketing is a big issue that we cannot afford. A lot of our clients, especially for counselling, come through the *Yellow Pages*. For our group programs, our courses, it is a little of that but it is more word of mouth. Clients, after they have been to counselling, might want further developing in a group facility. There is also a network through referrals from doctors, other organisations and other agencies. For our pre-marriage courses, we write to every minister and every marriage celebrant in the greater Sydney area, and we have that in some country areas. As mentioned before, like other pre-marriage organisations, most of our referrals come from the religious organisations. Very few come from the civil marriage celebrants.

**Mrs ELIZABETH GRACE**—And do you have any thoughts on the court counselling, which we have also had a lot of talk about. The people using the court counselling, such as the solicitors in particular, are very keen for us to keep it, and outside agencies are a bit lukewarm on this. Have you got any opinions about what is happening in court counselling and mediation as opposed to outside agencies?

**Mr Hulbert**—Maybe Tibor can answer that as manager for counselling.

**Mr Mokany**—I am not sure if you are aware of a meeting last week organised by Jenny Cook from the Family Law Court which brought together the organisational leadership with the Family Law Court counsellors and mediators. It was a fruitful first and a very affirming one, in that there appears to be a reasonable amount of ignorance of what the two different halves of community services do in terms of counselling.

I would like to say that, from our agency's point of view, we are not equipped to deal with court referred counselling in which reports need to be written in order for the court system to arrive at decisions in contentious disputes and so on. We are not able to do that because our training is of a different type. Their training programs, and the court counsellors who provide that kind of service, are integral to the Family Law Court. It is my point of view that it is not possible to do away with that. That is a part of the Family Law Court which is very important.

The Family Law Court counsellors also deal with voluntary counselling, where solicitors and lawyers refer people on to the Family Law Court counsellors on a voluntary basis. There is a foreshadowed suggestion that there may be fees charged for that. I would like to think that that is the kind of counselling—where couples are still at the stage of deciding what their relationship is about and, if they are encountering difficulties, whether it is salvageable; where litigation has not begun—where community funded organisations would be the natural choice for referral. From the meeting that I previously mentioned, it appears that the Family Law Court counsellors are quite open to referral. Of course, it provides an enormous amount of job satisfaction to be able to work with people who want to work on their relationship, as opposed to constantly having to see couples who are breaking up. I would affirm that and I can see why they would want to hang on to a component of that work. I would not want to see the Family Law Court counsellors and mediators done away with. I see that they perform a very important service in the community which others cannot do, just by the sheer nature of their training.

I affirm the process, but I would like to see a greater degree of cooperation and interconnecting, networking together which, in itself, is a problem because the law costs time and money for that to happen and it all comes out of the funded dollar. For example, if I go to those meetings, my salary is being paid by the funded dollar; there are clients who are not being seen, if you know what I mean. It is a very important issue for governments to talk through and to arrive at some wise but practical decisions on. I do not know whether that answers your question.

**Mrs ELIZABETH GRACE**—Yes, it does.

**CHAIR**—Thank you for your submission and also for coming in this afternoon. The discussion has been quite useful for us. We would very much appreciate that further information if you can provide it to us. Thank you.

Resolved (on motion by **Mrs Elizabeth Grace**):

That the 17th Annual Report of Family Life New South Wales; a supplementary submission, a letter from the Association of All Authorised Civil Marriage Celebrants Nationwide Inc., by Leonie Hill, tabled at the public hearings in Sydney on 13 November; an exhibit received from Leonie Hill at the public hearings in Sydney on 13 November, being two letters dated 4 November 1996 from Mr Clem Dick, Assistant Director of the education, celebrants and counselling section of Legal Aid and Family Services, Attorney-General's Department; a confidential exhibit received from Mrs Marilyn Hendy of the Uniting Church of Australia, tabled at the public hearings in Sydney on 13 November 1996; the annual report of the Anglican Counselling Centre for 1995-96; and a document 'Costs and Contributions, Marriage Counselling 1995-96' to the Anglican Counselling Centre be received as exhibits.

**CORBETT-JONES, Reverend Michael Anthony, Director, Anglican Counselling Centre, 56 Bland Street, Ashfield, New South Wales 2131**

**CHAIR**—Michael, thank you for coming along. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. We are in receipt of your submission, No. 10, in our volumes of submissions, and also the further documents that you have tabled today. Unless there are any matters that you want to correct or change in the actual submission, I invite you to make a statement to the committee and elaborate on any matters that you would like to elaborate on.

**Mr Corbett-Jones**—Thank you very much. I think there are four issues, broadly speaking, that I have raised in the letter. One concerns the question of when is marriage education most effective. I have mentioned there my belief that there is a point in marriage where marriage education could be applied in a very effective way, and that is not so much before the couple marry but more like one or two years into the marriage. I could expand on that as time goes on.

I am concerned about equality of funding for the agencies to do marriage education and marriage counselling. I have referred in my letter to past experience, and I would like to talk with you about the present base of funding and point out what I think are some anomalies. I am also concerned about the adequacy, or inadequacy, of funding as it affects our organisation in particular, but I realise we are one of many, and probably they would all say the same things. But I would like to draw your attention to our situation in particular.

I would like to talk about the possibility of working out a way of funding agencies that takes into account the work that is being done, as well as the group of people whose needs are being met and the geographical regions in which they are being met. It seems to me that there are three factors that need to be considered and that one or other of these has been left out in different times in my experience of the funding of the agencies. I have been Director of the Anglican Counselling Centre for 16 years and have a long history of interacting with the department in Canberra on these issues.

**CHAIR**—Thank you. We will take up the latter point first and perhaps then come back to the appropriate timing of education programs. We have already had evidence before the committee about a perceived lack of transparency so far as funding is concerned. For example, in your submission you say that in the present situation one agency may be counselling 8,000 hours and receiving a grant of \$340,000, with another agency counselling the same number of hours but receiving \$7.65 million.

**Mr Corbett-Jones**—That was amended to thousands, sorry. There is an amendment.

**CHAIR**—Sorry, I had better make that clear.

**Mr Corbett-Jones**—Yes, we followed that letter with another letter correcting that.

**CHAIR**—Cross off one zero. Anyhow, another might receive \$765,000 while another agency

counselling 16,000 hours, which is double, receives several million dollars. I presume that is what you are talking about in relation to what you said in your opening statement. Would you like to elaborate on that.

**Mr Corbett-Jones**—Yes. That is highlighting the anomaly that I see. It is hard to understand how agencies that are doing a certain amount of counselling are funded at one level and others at another level. That is one of the anomalies. Another big anomaly I mentioned in that letter, which is now history, was that the last time we received a funding increase other than CPI was six years ago, and it was when Senator Michael Tate had the responsibility, but the government increased the funding to marriage counselling at that time by so many millions of dollars. His way of distributing it was to give everybody 20 per cent on top of what they had.

To me, it is clear that that is a very inequitable way of providing funds because it means that an agency like ours which had the potential to do more work and which had counsellors who were employed part time but who wanted full-time work had to remain part time or sessional counsellors because the amount of funds that were given to us were just not adequate to employ them full time. On the other hand, an agency, say, that had a base funding at that time of \$2 million received \$400,000 in excess which enabled them to employ and to expand their work enormously.

That seemed to me to be a gross inequity. It is a matter of history now, but I notice that the government at present is seeking to fund on what they call a needs based funding and they seem to be targeting geographical areas—areas where counselling does not seem to be available or marriage education does not seem to be provided—or to groups of people who do not seem to have adequate resources for marriage counselling or marriage education. So it seems to be largely based on geographical areas.

Because our contact with the community is through our local parishes, as the Anglican Diocese of Sydney has around about 280 parishes and maybe 500 licensed clergy, we do not find that geography is an issue. We can present a marriage education program in a region. I invite you to turn to page 15 in the annual report to the marriage education report. Down the left-hand side there is a list of the areas where we mount marriage education. Our aim has been to have provision for education in a region that is easily accessible by a couple who might own a car so that they do not necessarily have it on their doorstep but they are not travelling more than 45 minutes or an hour to get to the program.

The funding for the last program was very much based on regions. We were asked to put in our submission and show how we were going to provide the education work in the St George area or in the Hornsby area. The nature of our work is that we send our brochures out to our clergy. Our clergy are loyal to us. They are also loyal to family life movement and they will hand out both the family life movement brochures and our brochures.

But it seems to me that when it comes to the choice that is being made the couples that are attending are not looking to attend a place that is in their region or neighbourhood. They are prepared to travel. They will travel to the one that is on at the right time or to the one that suits their convenience as far as date is concerned. The fact that they travel even from Parramatta to Turrumurra to attend a group there does not seem to matter to them.

I am concerned that there seems to be a mentality that we have to provide counselling like we provide GPs: in a particular geographical locality. I understand that there is a need for marriage counselling and marriage education to be readily available, but I think what is being missed out at the moment is an understanding that we have a clientele that is connected to our agency based on their particular ethos, their religious outlook, their culture and their loyalty to the Anglican church, for example—although I hasten to say that we do not limit our work to that; about 50 per cent to 60 per cent is among Anglicans.

They are not going to be looking for a marriage counselling agency in their region. They are going to be ringing up the Anglican Counselling Centre and saying, ‘Where is there a venue for counselling near where I live?’ If they live in Liverpool, they may well travel to Campbelltown. We would love to put counsellors in Liverpool; we just have not been able to afford to do that.

Maybe the way the funding for marriage counselling is decided will be the way they have recently funded the marriage education programs and they are going to fund it on the basis of regions or identified areas of need that are based on geography and an absence of a marriage counsellor in the area. But I think there is another criterion that needs to be taken into account—that is, many people’s choice is based on the organisation that is offering it, the reputation it has and the recommendations that have been made and there are others that choose according to a geographical region. But I think this other factor is being missed out.

**CHAIR**—I should say out of fairness to the department that I have not asked them this next question yet, but I do not understand the basis upon which the needs mapping was undertaken. You may not know either, but was it based on the fact that you could locate a geographic area and say that there were so many weddings that occurred in that area, therefore that must be the need from that area?

**Mr Corbett-Jones**—We were never told; it is a mystery to us. There was no conference. There was no discussion. They came up with these needs based areas and then we were required to seek funding on the basis of these.

**CHAIR**—We will take that up with them, but nobody seems to know the answer to that question so far. So that is obviously something which, as you say, remains a mystery. The second one is more in the historic sense.

**Mr Corbett-Jones**—Yes, that is a sore point that one.

**CHAIR**—I would like to get to the bottom of that as well. Again, in order to get to the bottom of it one has to rely on what information can be provided by the department. Let us go back to your example of the same number of hours being provided by two different agencies and the great discrepancy in the funding provided. Can you tell me what information is provided in common—by ‘in common’ I mean by all agencies that have to make returns—to the department that we could then use to measure this matter? For example, in your return on counselling, what information do you have to provide, that is in common with every other counselling organisation presumably around the country, that can be used as a measure? Do you have to provide counselling in terms of clients, or in terms of sessions, or in terms of hours, or a combination or what?

**Mr Corbett-Jones**—It is counselling hours and number of clients and then the clients are broken down into male, female, ethnic origin and so on.

**CHAIR**—So presumably we can ask the department for a breakdown?

**Mr Corbett-Jones**—Yes.

**CHAIR**—For how many years has this been provided to the department?

**Mr Corbett-Jones**—It goes back as long as I can remember—16 years.

**CHAIR**—We may not want to go back that far, but presumably we can go to the department, therefore—the department has this information somewhere—and ask them for a breakdown, for example, for the last five years for each counselling agency or service in Australia which provides us with the number of hours of counselling that is indicated on the returns, the number of clients and whether those clients are male or female. The department should have that information.

**Mr Corbett-Jones**—Yes, and how much funding they were given.

**CHAIR**—I was going to come to that. So one ought to be able to draw some comparisons.

**Mr Corbett-Jones**—Yes, you ought to be able to get a table like this one I have presented to you for our last financial year, in which it can be seen that the government funding was at that level and our diocesan organisation provided the \$72,500. We collected \$191,904 in fees and there is a shortfall in terms of what it cost. The total cost is at the top of \$157,317, which we had to find and have to find for ourselves. I might add that in finding that, we have to spend a lot of time and energy that could be devoted to marriage counselling and training marriage counsellors. We have to find that money by running training courses that are not directly relevant to marriage counselling and hold workshops. We do not actually run fetes, but that is what we have to do to try to keep our level of counselling going.

If you could look at the percentages, you will see how that breaks down. Twenty-one per cent is a shortfall, which we have to find ourselves by our own efforts. If you look at the cost of each counselling session, which is arrived at by dividing the number of hours of counselling into the total cost—that total cost includes costs of supervision, administration and other overheads that are essential to maintaining the quality of counselling—we arrive at this proportion. It would be very interesting to see what the cost is per session across the different agencies with this simple calculation—I think ours is a very cost-effective and reasonable one—and where the agencies are getting the money from in terms of fees.

When it comes to the fees figure, this indicates that the average fee we get from our client over the whole spread of our clients is \$21.50, which is not a lot of money. There are other agencies whose average income from their clients is much higher. For example, if you added our shortfall to our fees, and we charged our clients \$40 and did not accept any client other than those who would pay \$40, we would not have to do all of that work.



There are agencies who will not accept a client who cannot pay as much as \$40. We have had clients ring up our agency and say, 'We've been referred to you because you will take clients for less than \$40 and we cannot afford to pay \$40.' They actually refer those clients on to us.

I invite you to turn to our treasurer's report on page 18. We have a policy, which I think is the government policy, that no person who seeks counselling should be turned away. We adhere to that. We would not doubt that we can work harder and we do work harder at encouraging our counsellors to get more from their clients by way of contribution and by way of paying fees. We work very hard at that and we have lifted our game by an average of \$2 per person, which does not seem to be a lot but it has increased our income by \$20,000.

We have stretched our counsellors to the limit to the point where they feel uncomfortable asking people who cannot afford to pay, more than they can afford to pay, and they feel embarrassed doing it. We do not feel that we can do that any more. But what we have not done is select clients based on their ability to pay, and I believe other agencies do. I am using the plural. There is an indication that one or more may do that, and I think that needs to be investigated.

**CHAIR**—Can I just go back to what I was pursuing. Can any objections be made to seeking a breakdown in the manner which you have provided? Can it be said that that in some way is not a realistic breakdown or that it is misleading? I am trying to deal with the objection that might be raised before it is raised.

**Mr Corbett-Jones**—Yes, I understand. What is not included is what is in the total cost. Our total cost is \$750,589. We have to run a tight ship. We have not spent anything on maintenance, we have not bought any new computers, we have not bought any new furniture and we are very reasonably on the lower side of average salaries. An agency that is spending big on facilities, on salaries, on furnishings and on overheads will have a much higher cost than we have indicated here. You would get a much higher cost per session as well. That would be an indication.

**CHAIR**—Nonetheless, if one obtains those figures right across the nation, then you will get the range of—

**Mr Corbett-Jones**—Yes, you certainly would. The other cost factor that is involved here—and I think all the agencies are very responsible with regard to the quality of service—is the provision of supervision, which is very expensive. We call our counsellors in and one of our senior counsellors provides the supervision. Let us say that for every 10 hours of counselling another five hours of supervision, case conference and workshops might lie behind that. So it is the old story: for every man on the battle front, there is another 10 working to service him. That is very much the case in marriage counselling. I think all agencies are very responsible with regard to quality and maintaining that quality. So that is a cost that we all share, but it can vary across the board.

**Mrs ELIZABETH GRACE**—Everyone seems to be suffering from trying to get the two ends to meet. They are having a lot of difficulty. I would like to go back to your comments about education. You say in your submission that you feel that education after the first or second year of marriage is possibly

preferable to pre-marriage education.

**Mr Corbett-Jones**—I would not say preferable. I would say that pre-marriage education is essential. However, the time that that education will be most effective if it is done in the right way will be at the end of the first or second year.

**Mrs ELIZABETH GRACE**—A couple of questions that come out of that: how do you target the group; how do you find those people; and how do you get them into those sessions?

**Mr Corbett-Jones**—There are two possible ways that I think of immediately. One is a follow-up for those who attend our pre-marriage sessions. Names and addresses change straight after marriage, so it is not easy to follow them up. The other way would simply be to advertise it through our links, through the community organisations and in the newspapers, and to even have the token system being proposed for marriage education whereby couples who have been married a year or two can come along and spend their token. So there is encouragement for them on that basis. It could be advertised and, in a sense, you get the couples that are keen to do it anyway, but that is true of marriage education at any level.

**Mrs ELIZABETH GRACE**—Have you tried targeting these particular people?

**Mr Corbett-Jones**—We have run marriage enrichment weekends, and we are glad to include couples who have been married for one or two years. In our weekends we cross the whole range. I have found through my counselling experience that, in relation to the couples who have waited 10 or 15 years and have gone through those destructive cycles that produce the hurts, the resentments, the withdrawal and the inability to communicate—not because they do not want to but because they do not feel safe to—so much work has to be done to get the connections back again. A couple that comes in to work on those things after one or two years finds out what is going on. They see it, they understand it, they can do something about it and the reward is immense. The amount of time it takes to do it is negligible—two, three or four sessions—as against months of work with a couple further down the track.

**Mrs ELIZABETH GRACE**—You have probably answered my last question in that you have done some anecdotal research in this area and that is why you have come to the conclusion that it is better to work with these more recently—

**Mr Corbett-Jones**—No, I am not saying better—as well as.

**Mrs ELIZABETH GRACE**—And you are going to get probably a more stable relationship.

**Mr Corbett-Jones**—Yes. The young couples are keen, they have felt the pain but they are not so hurt that they are into the withdrawing, not talking and it being too painful to look at. That has not happened yet, but they have had enough experience to know that this is going to be helpful—whereas at the pre-marriage stage all we are doing is giving them behavioural, relationship and communication skills at a very superficial level. What they are not aware of yet are the systems that can get in place where they, because they are a polarised couple or because one is pursuing and the other is withdrawing, do not actually see it happening but just feel the pain of it happening. When they can be helped to see it, to identify what needs to happen and

then to explore the fear of behaving differently—it needs more skill than our marriage educators may have; it needs some of the skills of a marriage counsellor—it is so rewarding and so effective.

**Mrs ELIZABETH GRACE**—You say you have been in this area for 16 years. Has your group done anything in the form of longitudinal studies to get something positive in to show these results?

**Mr Corbett-Jones**—No, I am sorry.

**Mrs ELIZABETH GRACE**—Would it be something that you would like to do if funding were available? Do you think it is something that would be beneficial?

**Mr Corbett-Jones**—Certainly if we had the person who would be equipped to do it, yes, it would be very worthwhile.

**CHAIR**—Michael, I think that has probably covered most of it.

**Mr Corbett-Jones**—Can I add something?

**CHAIR**—Yes.

**Mr Corbett-Jones**—Thank you for that. I invite you to turn to the director's report, which is on page 9. We have, over the last 16 years that I have been director, increased the number of hours of marriage counselling that we have done each year by increasing the amount of money that we find for ourselves in order to accomplish that. We had serious deficits in our funding in the last two financial years such that we went into crisis mode. We have not replaced counsellors who have left. We are still looking at the possibility of reducing the number of members we have on staff because we cannot continue in a deficit situation.

We have not replaced any equipment and we have not done any repairs in the last three years because we have not been able to afford to do so. This last year we had to cut our counselling hours by 1,000—that is, by 10 per cent—as a result of not taking on marriage counsellors when others left. We are in a situation where, because there has been no increase in funding, we can only cut down on our service. We have been reluctant to do it because it is contrary to our mission, it is contrary to our policy, it is contrary to our understanding of service. In spite of funding not being increased for six years, we have still increased the level of marriage counselling, but we can do it no longer.

**CHAIR**—I understand that.

**Mr Corbett-Jones**—Thank you.

**CHAIR**—I thank you for your submission.

**Mr Corbett-Jones**—Thank you for hearing me.

**CHAIR**—Thank you for any additional documentation you have given and more particularly for

taking the time to come along this afternoon to discuss with us the matters that do not immediately jump from the page but have become more clear during the discussion. We appreciate that. It will help us to inform our further investigations and ultimately help us with deliberations about the matter.

**Mr Corbett-Jones**—Thank you very much. Thanks for the opportunity.

**CHAIR**—I thank everyone who is still here for their attendance today and thank Hansard.

Resolved (on motion by **Mrs Elizabeth Grace**):

That this committee authorises publication of the evidence given before it at public hearing this day.

**Committee adjourned at 5.10 p.m.**