



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Reference: Aspects of family services

CAIRNS

Friday, 2 May 1997

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.

WITNESSES

DRAKE, Reverend Milton John, Director (CEO), Lifeline Far North Queensland, PO Box 5144, Cairns, Queensland 4870	777
EDWARDS, Mr Gregory John, Secretary, Family Unity and Equality, 10-31/33 Herberton Road, Atherton, Queensland 4883	741
FAMMARTINO, Mr Rocco, Coordinator, St John’s House Crisis Accommodation and Support Centre, PO Box 154, Cairns, Queensland	764
FRYER, Mr Colin Frank, Member, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883	741
GIBNEY, Mr James Patrick, Managing Solicitor, Cairns Community Legal Centre, 128 Martyn Street, Cairns, Queensland 4870	789
MASLEN, Mr Barry Edward, Member, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883	741
McLUCAS, Ms Faye, Coordinator, St Margaret’s House Crisis Accommodation and Support Centre, PO Box 692E, Earlville, Queensland 4878	764
McLUSKEY, Mr Philip Nigel, Information Officer, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883	741
VENABLES, Ms Ruth Louise, Principal Solicitor, North Queensland Women’s Legal Service, PO Box 2209, Townsville, Queensland 4810	789

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS

Aspects of family services

CAIRNS

Friday, 2 May 1997

Present

Mr Andrews (Chair)

Mr McClelland

Mr Kelvin Thomson

Mr Melham

The committee met at 9.36 a.m.

Mr Andrews took the chair.

CHAIR—Ladies and gentlemen, I declare open this public hearing of the inquiry by the House of Representatives Standing Committee on Legal and Constitutional Affairs into aspects of family services. I welcome the witnesses and members of the public and others who are attending this meeting of the committee.

We are pleased to be able to be in Cairns today to take evidence from a variety of individuals and groups, and we look forward to hearing the views that relate to the committee's inquiry, which is fundamentally about factors contributing to marriage and relationship breakdown, those categories of individuals likely to benefit from programs aimed at preventing marriage and relationship breakdown, the effective strategies to address their needs, and the role of government in the provision of these services.

The committee is moving towards the conclusion of taking evidence to the inquiry. We have sought to obtain evidence from a broad range of witnesses and have received over 160 submissions to date and taken evidence in all capital cities in Australia, and now in Cairns as well.

The nature of the evidence given from place to place varies, and what we have tried to do across the broad spectrum of the nation is pick up various interests and various points of view, so any one place does not necessarily represent the range of evidence given to the inquiry but overall we hope that we get a broad view.

One thing that we are particularly interested in here in Cairns is to understand whether there are any particular regional differences or regional problems or regional issues that are highlighted in this area in terms of the terms of reference generally.

I thank all of those who have made—and will make—themselves available to assist the committee today. I now call upon the first group, Family Unity and Equality, Far North Queensland, to give evidence.

EDWARDS, Mr Gregory John, Secretary, Family Unity and Equality, 10-31/33 Herberton Road, Atherton, Queensland 4883

FRYER, Mr Colin Frank, Member, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883

McLUSKEY, Mr Philip Nigel, Information Officer, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883

MASLEN, Mr Barry Edward, Member, Family Unity and Equality, c/- 10-31/33 Herberton Road, Atherton, Queensland 4883

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 the parliament.

We have received your submission to the inquiry. Can I invite you to make any opening statements that you may have.

Mr Edwards—We have two, if it is all right with you.

CHAIR—Yes, certainly.

Mr McLuskey—Unfortunately, I did not receive information pertinent to this inquiry until 7 o'clock last night, so this is somewhat hurried and may not address all the issues that we would like to. We stated in the submission that there is a lack of fundamental guidelines to moral and social standards. However, we do not advocate that governments legislate morality since this is a personal issue and would vary markedly between peoples.

We would encourage governments to assimilate relationships education as a core subject in all schools. As a society we recognise the importance of reading, writing and arithmetic. We teach our children these things so that they may better understand, cope and grow within our community. At present in Queensland we virtually ignore the most important aspect of our society, our relationships with others.

We believe that giving subsequent generations the skills of mediation, conflict resolution and conciliation is a necessity if we are to form a productive, coherent, cooperative and harmonious society. A number of respondents to this committee to date have expressed a similar belief. One respondent suggested that educating children alone can have little effect unless the parents are similarly educated at the same time. We do not believe this. By arming the child with knowledge and role plays, he or she can then interpret the dynamics of what is actually happening in the personal situations at home. Should the child's parents separate, the child can better understand and cope with the turmoil created and even assist the parents to some degree.

We also stated that in lower socioeconomic strata it could be a financial incentive for a woman to end her marriage. We are not suggesting that governments reduce benefits to single parents. Rather, we are stating the obvious—that this could be a reason for some relationship breakdowns.

I have been told a story of parents separating in order to take advantage of benefits to give their child a tertiary education. In other words, there are people who will utilise the system for pecuniary advantage. As an alternative we would suggest that the single parent pension be abolished and be replaced with newstart allowance and increased funding of child care centres. As the parents gain employment, they are no longer a drain on the public purse and contribute to the productivity of the country and the government coffers through PAYE taxation. The children gain the benefit of trained child carers and interaction with other similarly aged children. Conflict resolution and conciliation can be taught as another benefit.

We spoke of the perception that men are the sole perpetrators of domestic violence, and this was highlighted by a number of respondents who spoke only of males as perpetrators and how to deal with them. This perception suggests that women are devoid of anger, spite, aggression, competitiveness, jealousy, lust, et cetera, and flies in the face of all reliable statistical evidence.

Some statistical examples are: research done by Richard J. Gelles of the University of New Hampshire and Murray A. Straus of the University of Rhode Island. These two men are social scientists and have been studying domestic violence for more than 25 years. In their *Second National Family Violence Survey* they found that:

. . . women assault their partners at about the same rate as men assault their partners. This applies to both minor and severe assaults.

They also found that violence in lesbian couples was about the same as in heterosexual couples. They therefore concluded that possibly domestic violence was a product of intimate relationships rather than some male genetically linked testosterone factor. Another interesting finding was that by far the majority of domestic violence occurred between siblings.

Recently, the television program *Foreign Correspondent* dealt with growing concern about infanticide in England. Infanticide is murder. In 1990, children under the age of one were four times more likely to be murdered than the average British citizen and it was in excess of 85 per cent likely that the murderer was the child's mother.

On 21 April just past, the television program *Four Corners* dealt with increasing violence by women. One of the statistics they found was that 18 per cent of woman perpetrated physical domestic violence as opposed to 13 per cent of men. That is to say that approximately one in five homes has a violent female and one in eight has a violent male. This related to homes in Britain.

Mr Tilman Furniss was Professor of Child Psychiatry at Munster University and wrote *The Multiple Professional Handbook of Child Sexual Abuse*. He stated that:

At first it was thought that sexual abuse was all by men against girls. . . We have increasing knowledge of female abusers assaulting children for the same reason as men. . .

Risin and Koss found that men are responsible for 49.3 per cent of exhibition—that is, women are responsible for 50.7 per cent—60.9 per cent of fondling and 46.8 per cent of penetration. That is to say, women are responsible for 53.2 per cent of penetration.

There is little similar study in Australia. For some reason, the Australian Bureau of Statistics and the Centre for Epidemiology and Population Health seem to do surveys only when they can demonstrate women are victims and not responsible for anything in their lives. Common anecdotes show that most men have been called names, have been ridiculed, have suffered the cold shoulder, have been humiliated, have experienced controlling behaviour, have been pressured, have had property destroyed, have been isolated from friends and family—especially the man's mother—have suffered extreme jealousy and have been pushed, shoved or slapped. The most common anecdote refers to women withholding sex until a man does something she wants. All this is domestic violence, and a significant proportion of men suffer some form of this domestic violence once per month every month.

Some Australian statistics show that in 1995 the University of Western Australia found that 45 per cent of domestic violence victims admitted to hospital were men. The Melbourne *Age* carried out a survey in 1993 at the casualty departments of major hospitals, showing that for every 12 women attending hospital for injuries caused by domestic violence there were seven men, and their injuries were more severe, because of a woman's tendency to use a weapon.

It seems then that women are not less bad or more good than men, however, the Family Court, many magistrates and government seem to hold to this belief that men are intrinsically bad, whereas women are intrinsically good. The Family Court holds that women are regarded as nurturers and primary care givers. It also contends that where the children are is where they will stay. When a relationship breaks down, most often it is either the male who leaves empty-handed, so as to cause least disruption, or when a woman leaves, she takes the children and, therefore, the male has an immediate hurdle to overcome.

This is further compounded by a Chief Justice of the Family Court, who in 1992 during an interview with Geraldine Doogue, stated that he had instructed Family Court judges not to imprison or fine women who denied access. This denial of access is generally a cruel attempt at hurting the father, but this action also hurts the children and is actively encouraged by the courts, who continually refuse to punish delinquent mothers who flout court orders. Solicitors advise their male clients that if they want custody of their children, they had better come up with a very good reason plus \$20,000 for costs.

Magistrates hand out domestic violence orders under the grounds of probability, which seems to indicate that men are probably always bad and women probably never lie. A man here in Cairns who is associated with our group, attempted to contest a DVO, but the magistrate would not hear any evidence from the man and granted the order. This case was taken to the Human Rights Commission, which stated there was no case since it is left to the magistrate's discretion. This man is not alone.

One of the committee's respondents said that in her experience DVOs are not misused. I can only conclude that she has limited experience. A growing picture is emerging of women's organisations and solicitors advising women to take out a DVO during a relationship breakdown in order to gain control over assets and children. A DVO instantly evicts a man from his home, children and goods and chattels. He is

virtually out on the street with the clothes on his back. The same respondent said that women are not empowered; a DVO ultimately disempowers a man. DVOs are also used to overturn Family Court orders, so that the father has to appeal yet again to the Family Court with all the associated costs and in the knowledge that the case may not be heard for 10 months. Another story of DVO misuse is the situation where a DVO is issued, and when the male attends court to contest the order, the woman withdraws the application and then walks out of the courtroom into the police station, and takes out another.

We believe that there is a necessity for some sort of violence protection order, but we believe that this should not be a civil matter, but be a criminal matter with the obligation of proving guilt, rather than a respondent having to prove innocence. Any person convicted of an offence of violence should have to accept the full weight of the law plus a violence protection order. DVOs do not protect victims from attack, but do come in very useful when entering into Family Court matters. Males who are innocent subjects of an order feel betrayed, not only by their spouse but also by the system which they once respected. He has been found guilty of something he has not done and suffers for it.

A representative of a women's centre in Cairns said on radio that the state government recognised that women, by virtue of the fact that they are women, need free counselling, financial advice, legal advice and help with self-esteem. We cannot understand this. It seems to suggest that all men are always stable under any circumstances, financially competent, imbued with a working knowledge of the law and always confident. This is not our experience.

CHAIR—Now was there another statement?

Mr Maslen—I have not got my statement. Unfortunately, a week ago, I put my statement in at the typing office to be done. I called there this morning and it had not been done. They assured me they would have it around in about 30 minutes, but it has not as yet turned up unfortunately. So I will just mention that in part of the submission we put in before I came up with this idea of having case managers. I still believe it does have a lot of merit.

No doubt you have read this. My own personal experience with the Family Court is that the court counsellors are either incompetent or totally biased. My own personal situation has been is that I have been dealing with counsellors of the Family Court now for two and a half years. In that two and a half years, I have been trying to have access to my children. I still have not succeeded. I have not had real access or contact with my children for two and a half years. The way I have been treated by some of the counsellors to my mind is totally wrong and totally biased. In fact they have told me that what I really should do is just go away and forget about my kids. In fact, at one time, when I said I was not getting access and I did not think that was right or fair, the counsellor just said to me, 'Well, so what if you never see your kids again. It will not be the end of the world.' This is the sort of treatment that I get from them. As far as they are concerned that is what I should do—go away, stop being a nuisance and forget about my kids. I find this very difficult to do.

I have also been told by a counsellor at one session that marriage breakdown is all the fault of men because we no longer match up with and are no longer relevant—and this is really what he was saying—in today's society. It was all our fault because we do not match up. To me this is an admission of bias because

you know, even before you go into the mediation room, that there is this biased attitude that men are to blame. I wrote this some time ago, but it is still ongoing. I am still trying to fight to have access to my children.

The idea is that we need a better system of counselling for people who get into trouble in their marriage. There need to be counsellors who will try and sort out problems before they get out of hand and before they reach the stage where there is no reconciliation. In my case, this was never done. Our marriage was just allowed to fall apart totally, without any counselling whatsoever. The other problem was that unfortunately a lot of women do have advice from these women's groups where they can get legal advice and advice on all sorts of things which it is not available to men.

I am not really sure what the agenda of some of these women's groups is, but it is certainly very anti-male. Once they interfere, the situation only becomes worse—the hatred, the bitterness and everything else only increases. If there are problems in the family—and most families will run into problems at times—there should be somewhere where these two people can go to get have help to sort out their problems before they do get out of hand. To me this does seem to be missing.

Certainly, there are places for women to go, but there has to be somewhere where both parties can go and get proper advice and help—not just the woman. In my situation again, all the tricks of the trade were used against me to stop me having access. Not only did I not get any help at all from the counsellors, but she was able to have a domestic violence order placed against me which was absolutely and totally false. The affidavit was a whole heap of lies and I had no money of course.

I did go to see a solicitor for advice and I was told that to have him represent me in court it would cost me \$700 for the day. He said I would be wasting my money because I could not win. He said there was no way possible I could win. I managed to prove him wrong because I did win. My case was one of the rare occasions when I was able to defeat a domestic violence order. The only way I could do that was to involve the eldest daughter, who is my step-daughter. By involving her I was able to defeat it because she could prove that her mother was lying.

That was all very stressful. A man should not have to go to those extremes to prove his innocence. Unfortunately, when these orders are put on, he is immediately guilty and has to try and prove his innocence. It is an impossibility because it is all put there on a probability that it may have happened. These things are used against us, and they are extremely stressful. We have no defence against it.

Unfortunately, these sorts of things are put in place to give women an advantage to stop the male from having access to his children or access to property or whatever. Once these are in place he is right out in the cold and has nowhere to go. He usually does not know where he can get help or how he can solve these problems. From then on the problems just become worse.

CHAIR—Obviously in this inquiry we cannot get into pros and cons of people's perceptions of the Family Court. It is not an inquiry into the Family Court operations as such. As I understand what you are saying as it relates to our terms of reference, there is virtually no reconciliation counselling which occurs; the counselling that does occur is more about conciliation of the parties to ease the way to the divorce settlement.

Tell me if I am wrong, but I understand in that context that your proposal is one which says that, from a much earlier stage, there should be some more intensive system whereby there is an opportunity for reconciliation between the parties before they get to the point where the reality is that that is unlikely to occur. Is that what you are saying?

Mr Maslen—That is exactly true. The other point with the Family Court counselling is that both parties receive a letter that they are to go along to counselling. On all of those letters there is also a paragraph which states that if there is any domestic violence in the family situation, the woman has a right not to attend counselling.

Apparently, women are advised not to attend counselling because that makes it look like she comes from a violent situation. Also, it puts the man in another situation: he cannot negotiate. He goes along in all good faith to the counselling to try and resolve the problems and she will just not turn up. He is left totally out on a limb. To me this is wrong. This has happened, not only to me, but to other people. For that reason I cannot get access to my children because I cannot negotiate anything.

CHAIR—I understand that. The difficulty I have is, if you have the current time frame in place, I suspect that, by the time somebody actually goes to the Family Court to issue some sort of proceedings, it is probably beyond the point of reconciliation in most instances. In order for some system such as you are proposing to be workable, there would have to be an earlier trigger—that is, there would have to be some notification at a much earlier period.

Mr Maslen—Yes. Quite often the first trigger is when people separate.

CHAIR—Yes. I am just trying to tease this out here. Are you therefore proposing that, at the point of separation, people should then have to file some sort of document saying, ‘I have separated’, and that then brings on line this system of case management that you are talking about?

Mr Maslen—Yes. That happens anyway when that becomes official. A separation is a pretty official thing.

CHAIR—You can claim separation now retrospectively—that is, you can say, ‘I have been separated for 12 months.’ Somebody could go to the Family Court today and say, ‘I am filing for a divorce on the basis of irretrievable breakdown of the marriage evidenced by 12 months separation, and that separation started January last year’. There is no requirement at the moment, as I understand it, to make some official notification of separation at the time you are claiming it begins.

Mr Maslen—Yes, I think that would be an idea. At that point, yes, the couples should then be called in for counselling to see if there can be some reconciliation, to see what the problem is. Some of these problems quite often start from something very small but they get out of hand, get out of control, because they are allowed to.

CHAIR—Just on the counselling, if you had that system, the nature of the counselling would have to be different, would it not?

Mr Maslen—Yes.

CHAIR—I do not think it is inaccurate to say, because I think the Family Court has admitted this themselves, that the counselling which occurs in the Family Court is conciliation counselling rather than reconciliation counselling. This has some topical relevance, so do you have any views, if you were to have that sort of system, about whether that reconciliation counselling should be done in the Family Court or ought to be contracted out to agencies within the community such as—and I am not sure what agencies there are in Cairns—Relationships Australia or Centacare or Anglicare or whatever the other church bodies are that run these sorts of programs?

Mr Maslen—I am not totally sure about that because I, like many others, have little faith in the Family Court, for one thing. But if it could be contracted out and it was overseen, and if it was unbiased and of a very professional nature, I do not see why not. I think this is very important. I believe that a lot of marriages could be saved if there was proper counselling and the intervention came before it was too late, before things got really out of control. I really believe that.

CHAIR—I have one more question before my colleagues have a go. I am interested in any of your views about this. The reality these days is that two-thirds of divorces are initiated by women. Do you have any comments why that is the case?

Mr Edwards—Most certainly.

CHAIR—Keep it brief.

Mr Edwards—There are three main areas where I believe this is fairly relevant. The first one is it has become a very lucrative money earner for the legal profession. I know from the solicitor that I had representing me that any female client that goes to him when there is a marriage breakdown, he automatically tells them to get a restraining order, irrespective of whether or not there has been violence, because it does not have to be proved. The allegation is made, the order is granted, and then that puts the person, especially the male, at a disadvantage on child access, custody and property. Then, instead of it just being a \$700-a-day thing in court, it runs into thousands and thousands of dollars as the property dispute is drawn out.

Secondly, the pressure of our society on women to exert their individuality and to succeed seems to be contributing to a wife and mother becoming dissatisfied with her life because she feels that she is not successful and does not meet the standards of what society portrays as the new age liberated woman.

Thirdly, all the women's agencies seem to need the numbers of distressed women for verification of their funding—that is, it suits their job security to have ongoing conflict rather than resolution. I honestly believe that it is a self-perpetuating set-up with all these women's agencies. In the circumstances when I was first in difficulty with my marriage—and one partner is generally the last one to know that there are problems—I rang a lot of the agencies and there was no counselling for men at all. I rang Lifeline because I said that I had a domestic violence order against me and I was innocent. The bloke wanted to talk to me about controlling my violence, and yet I was never violent.

It was alleged that I was violent and therefore everybody just assumed that I was, but when I wanted to get counselling on how to overcome the anger that I was feeling about the situation I was in, there was nothing. But all the women's shelters and things like that run anger management and all these sort of things, they give women legal advice, they give them advice on how to access a lot of the funds of the marriage before they actually separate. I know from personally talking to one woman who was in that situation that she tells her female clients, if it is not a violent situation, to hang in there as long as possible and to accumulate as much of the marital funds as they can before they end the marriage.

These sorts of things are absolutely pulling marriages and families apart, and it seems that everybody is self-interested in perpetuating their own future rather than solving any conflicts that come along.

Mr KELVIN THOMSON—There is a large gap between what you tell us and what the women's legal services tell us—a very large gap.

Mr Maslen—I could imagine that.

Mr KELVIN THOMSON—It just reflects, I guess, that the area of family law sadly remains one of great ongoing controversy. Can I ask you something about your work load or work rate. How many members are in your group, or how many people do you assist or are involved with in some way?

Mr Maslen—That is very difficult. We have a very loose group of men. We have absolutely no funding, no money. We are trying to do everything on a shoestring; as I say, we have absolutely nothing. We cannot give a lot of support. The only support we can give is a bit of telephone conversation, a bit of personal contact. Apart from that we cannot do anything. We desperately need funding. Men do need funding for crisis shelters, for legal advice, for all these things, and we have none of that—absolutely nothing. We have not a place where we can really sit down and hold a meeting. We have not a permanent address. We are virtually living out of a shoe box.

Mr McLuskey—We have all but merged, I guess you could really say, with another group that we helped to start up called the Men's Help Group, and I find that there is a group called Men's Help Line in Brisbane. Strangely enough, the activities of that group are proposed to be along very similar lines to the Men's Help Line, in that the need has been recognised within the community and we, as volunteers, and the rest of the members of that group, have taken it upon ourselves to try and meet that need. We are currently seeking funding for the Men's Help Group, to get rented premises and some basic necessities—furniture and the like.

Mr Edwards—As far as the demand goes, last year when we first kicked off I put an ad in the paper in the *Cairns Post* and the tableland papers, and put in my telephone number. Since then I have had well in excess of 200 calls from different people. A lot of them I have not documented because they have told me that they do not want to become public. In the long run, I started to get the stage where—I am not a professional counsellor; I have gone through a hell of a beating myself—it was starting to really affect me, listening to the stories of men who are absolutely victimised by the system. You say that the women's legal profession does not give those sorts of figures. Have you ever sat down and discussed with the men that have actually lived through the situation just exactly what is going on?

Mr KELVIN THOMSON—That is the point of this conversation, and this question is about demand for your services—whether you see that as growing or declining or static.

Mr Edwards—As to the demand, we have got a fellow running from Townsville to Canberra, he starts on the 10th of this month. A fellow by the name of Laurie Chalker is running from Townsville to Canberra to try and get people to join up. There is a heap of demand but it is very hard for men to come together to show the figures, because there is no central area where they can go. There is no agency, no crisis line or anything like that that is accumulating all this information so that it can be used. Believe you me, I honestly believe that it suits all other parties that this never ever happens.

Mr KELVIN THOMSON—A fair bit of what you have said to us is beyond our terms of reference, which are limited to factors contributing to marriage and relationship breakdown. This is not a review of the Family Law Act, so in a sense everything that happens after the breakdown is outside our jurisdiction. But I take it that you are saying that the ease with which people can get apprehended violence orders or domestic violence orders contributes to breakdown—that these things are obtained before the marriage has necessarily irretrievably broken down. If you are saying that, I would be interested in examples of that happening, or some more comment about that.

Mr Edwards—I can tell you that once the DV was put on me, my marriage was totally and absolutely finished, because I could never ever trust that person again. They lied. I will say this publicly: it was granted on a pure and simple lie. If it was under the criminal code, with proof beyond reasonable doubt, that restraining order would not be there. But it is granted on grounds of probability and, as I say, solicitors tell the women, ‘Take out a restraining order. It gives you an advantage over child custody and access and it gives you an advantage over property.’ As one counsellor, a female counsellor, told me, the women are encouraged to overstate the relativity of the domestic violence so that the restraining order will be granted. They are in emotional turmoil as well. They are quite easily led. They are encouraged to take out this restraining order that everybody says is just a piece of paper, which is totally untrue—it is very destructive. Once they have done that, they cannot stand up in court and say, ‘Look, I lied,’ and they are not going to do it. So it makes the whole situation irreversible, totally and absolutely.

Mr KELVIN THOMSON—Just to follow that one, your solicitor, Mr Maslen, was it, said you could not win that case.

Mr Maslen—That is right.

Mr KELVIN THOMSON—Why did he advise you that way?

Mr Maslen—Because that is exactly how it happens. It is so easy to have a temporary restraining order put on. Once the temporary restraining order is in place, you immediately are virtually guilty and you have to abide by the terms of that order. Then there is a court case, usually in about two weeks, where you have a chance to defend it. But a temporary restraining order in virtually all instances becomes a permanent restraining order. Once the temporary one is granted, in almost all instances it becomes a permanent restraining order—unfortunately because you already have the order on and you have no way of proving your innocence.

CHAIR—This is done in the Magistrate's Court in Queensland?

Mr Maslen—That is right. I will point out here that a man can go to the Family Court to spend thousands of dollars to get an access order or to reinforce an access order. The next day it is possible to have a restraining order placed against him and that makes the orders he has just obtained in the Family Court null and void. He has wasted all that money, time, effort and anguish by which he thought he was getting access; next week it will just be tossed out on a restraining order. That was tried in my case, in actual fact, and I did beat it, but it still did not give me access.

Mr Edwards—To follow up: out of those over 200 calls I have had four from actual wives, which surprised me. I had one woman who rang me up and she was very distraught because she had been talked into taking out a restraining order. She had gone to the women's centre; she was having difficulty in the marriage and she wanted time and space to think things over. She was encouraged to take out a domestic violence restraining order. They told her that that would give her the time and space and she would be able to think things through. But it had exactly the opposite effect to what she wanted. She went to that women's centre to actually save her marriage, and she was very distraught talking to me because it absolutely destroyed her marriage. She took out that restraining order and she could not reverse it, and she said that once she got in the system she was totally and absolutely trapped.

Mr MELHAM—Why could she not reverse it? Why could she not go to court and have it withdrawn?

Mr Edwards—She could have had it revoked but her husband just would not have anything more to do with her. As I say to you—

Mr MELHAM—I accept that, I accept the latter aspect but that is why I wanted to check—

Mr Edwards—That is what she said to me. The advice that she was given backfired on her because her husband just totally and absolutely would not have anything more to do with her.

Mr MELHAM—But in terms of the restraining order, did she actually get it withdrawn?

Mr Edwards—No, she did not, she left it in place because she felt that under the circumstances—

Mr MELHAM—The relationship deteriorated.

Mr Edwards—Not just the relationship. She had aggravated her husband to the extent where she was starting to feel concerned—but it was a lie, and that is coming from the woman herself. It was a lie in the first place to get it.

Mr McCLELLAND—Referring to your case, Mr Maslen, I understand it is very easy for a woman to get an interim restraining order but then it comes on for hearing for the substantive application as to whether it becomes permanent.

Mr Maslen—That is right.

Mr McCLELLAND—Did you have the opportunity to cross-examine your wife when she applied for that permanent order?

Mr Maslen—Yes, I did.

Mr McCLELLAND—Did you have a lawyer at that stage?

Mr Maslen—No, I could not afford one. It would have cost me \$700 and I did not have the money anyway, so I represented myself.

Mr McCLELLAND—Do you think that if you had had a lawyer who could have tested the veracity of her evidence—the truth of her evidence—it would have been less likely for her to have succeeded in the application for the permanent order?

Mr Maslen—As I say, this was a particular case I did win, but that is most unusual.

Mr McCLELLAND—That was down the track later on?

Mr Maslen—No, I won that domestic violence—it was not put in place. I did win it.

Mr McCLELLAND—But on your own you tested—

Mr Maslen—Yes, on my own.

Mr McCLELLAND—Because you called the daughter.

Mr Maslen—I called the eldest daughter as my witness, which was very, very stressful.

Mr McCLELLAND—And I suppose it would have been very difficult for you because you would have felt the emotion—

Mr Maslen—It was unreal.

Mr McCLELLAND—But it is a situation where you really do need someone objective in front of you, is it not?

Mr Maslen—Yes. But most cases, even when the defendants buy barristers and solicitors, they still lose.

Mr Fryer—If I could add something here, we actually know of a case where a man in Innisfail hired a barrister from Brisbane at a cost of some \$6,000. He flew him up here to Innisfail for the case. From what we are told, the magistrate simply would not listen to the barrister and just said, ‘I don’t need to hear you. I

have read her documents so I don't need to hear you.' That was it, he lost the case.

Mr McCLELLAND—Do you think that, at least in the first instance, given the ease of getting these interim domestic violence orders, it would assist if the woman—assuming it is a woman, or a male if it was—had to give some undertaking as to damages if they did not go on to succeed and prove the legitimacy of their allegations? If they had to, at that time, give an undertaking that they would compensate or pay damages in respect of any harm caused by false allegations, would that be of assistance?

Mr Fryer—I would say that something like that would be of great assistance, because they are absolutely free of any penalty for lying at the moment.

Mr Edwards—Also a full police inquiry. I was hit with a temporary restraining order without any knowledge that it was coming. It was just that I was guilty. If I had broken that restraining order, I would have gone to jail. When I did go to court 10 days later, I had a statement prepared to read out in court. Because I stood up and said, 'Yes, I am contesting it,' it was put down for another month later. So there was nearly six weeks that I was found guilty without a trial and, in that month period, I had health problems. When my mother offered to pay for a solicitor, the legal advice I got was, 'What is the use of the contesting it because this magistrate is going to grant it in any case?'

Mr MELHAM—I am sorry I have not listened to all the evidence—maybe I have missed some of this. What are you suggesting as the alternative? Violence is increasing in the community and there are a number of women, who have had protection orders issued, who have been executed by their husbands. There are a number of court cases around the countryside indicating that this issue of domestic violence is a very live issue where women's groups are arguing that they are not getting enough protection. I understand your concerns in terms of false complaints or whatever, and probably family law is an area where there are no winners. But in terms of the women, what are we supposed to do—put the onus so high that we then have a situation where some women are in genuine fear that they are given no protection?

Mr Maslen—You did mention that there are a number of cases where there have been terrible crimes committed—domestic violence murders and what have you. I think you will find that, in a lot of these cases where this has happened, there has already been a domestic violence order issued. Now what that suggests is that a domestic violence order in itself is not going to stop that sort of violence.

Mr MELHAM—What it also suggests is that probably politicians should be looking at ways of strengthening them. That is the problem. I understand what you are saying about their being abused. I do not want us in the area where an allegation is made and there is no substance for it. I acknowledge the problem that some people are abusing the system, but I just query whether you can go back in terms of saying that you have to make it a lot more difficult before you issue these restraining orders.

Mr Edwards—No, do not make it more difficult but redefine domestic violence as physical, or actual proven threats of physical violence. With all the rubbish that goes on now, domestic violence is just covering such a wide range of areas. We are being lumped in with fellows that have shot their wives and I totally and absolutely get upset about that. So if you want to put more severe penalties on it, then redefine domestic violence as actual violence.

Mr McCLELLAND—In your case, Mr Edwards, for instance, did the affidavit contain evidence such as when you attended the home you were shouting because of the emotion—

Mr Edwards—No, mine was on the threat to shoot her, which was totally and absolutely untrue, but there is no way in the world that I could disprove that. I had evidence to state that the day that I was supposed to—

Mr McCLELLAND—We will not go into all of that because the time is getting away from us and there are a number of issues that we need to cover. Mr Maslen, you indicated that part of the problem you saw with voluntary counselling or counselling agencies was that it may be unlikely for a wife—but I suppose on the other side of the coin, it may be unlikely for a husband—to turn up. In other words, there is no compulsion. In the industrial field, for instance, in many jurisdictions, after an industrial dispute is notified to a conciliation commissioner, that conciliation commissioner has the power to order a compulsory conference between the disputing parties. Do you think a similar sort of thing should be looked at in terms of family law once a notification is given? We noted an option earlier where, at the start of a separation period, there is a notification of an intended 12-month separation. Do you think it would be helpful if, at that point in time, a conciliation commissioner role came into play and that conciliation commissioner ordered a compulsory conference to see what he could do between the parties, or to refer them to agencies that might assist?

Mr Maslen—Yes, that is quite a possibility. Because the matter of a marriage breakdown is so serious I do not believe a woman should be allowed to just opt out by not turning up and thereby making it look as if she comes from a violent situation. If she has, then maybe she can sit down and talk with someone. For most cases, I cannot see why two people who have been married cannot sit down and try and work out, with a trained counsellor, what the problems are.

Mr MELHAM—The problem, Mr Maslen, is that the law has moved on. It is separation for 12 months, whether you like it or not. It does not matter whether you have done something right or wrong, if your partner grows apart from you, all they require is 12 months separation. The old days are gone where you had the snoop detective taking the photographs. Isn't that really the problem? In a lot of instances—I know people feel wronged by it—if either partner wants to walk away, they can walk away. All the counselling—

Mr McCLELLAND—I think Mr Maslen, in fairness to him, in the previous discussion was talking about a situation where the intention of a 12-month separation was notified at the commencement of the 12-month period as opposed to retrospectively. I think that was the context of the answer.

Also, in a number of jurisdictions in that industrial conciliation field, the conciliator has an immediate obligation, if one party objects to the presence of a lawyer for the other party, to dismiss the lawyer from the proceedings. Do you think that would be worthwhile in a conciliation stage in family law proceedings?

Mr Maslen—One thing which I did mention in this, which I think would be helpful, would be to have a case manager to manage the situation. That case manager, after each meeting, would write up a statement of what took place. This would be available to all parties involved to read so that everyone knows what is going on at all times.

Mr McCLELLAND—I understand that from your submission. What I am getting at is: particularly at that early conciliation stage, are lawyers helpful or unhelpful in the equation?

Mr Maslen—Mostly unhelpful.

Mr McCLELLAND—Do you think the conciliator should therefore have the power to expel the lawyers from the proceedings if one party objects to lawyers being present?

Mr Maslen—I think so. The other thing is that I do not think lawyers should be brought in until it is absolutely necessary. There is no way anything can be solved without lawyers. If there is any possibility that it can be, they should be kept out. They are in it for the money, believe me. They can muddy the waters and make things drag out as long as they know there is money to be made.

Mr MELHAM—They can also exacerbate the situation by encouraging, in terms of your evidence, their clients to put in—

Mr Maslen—Absolutely. This is also the concept behind that—to try to keep the lawyers out of it as long as possible.

Mr MELHAM—In the initial stages?

Mr Maslen—Yes. Out of it altogether, if it is possible.

Mr McLuskey—Mr Melham, in response to that domestic violence question and what we would expect you to do about that, in my submission I said that we believed there was a necessity for some sort of violence protection order. We believed this should not be a civil matter but a criminal matter, with the obligation of proving guilt rather than the respondent having to prove innocence. Any person convicted of an offence of violence should have to accept the full weight of the law plus a violence protection order. We do not condone violence. We think that people should be able to live in a safe environment in their homes and in the streets.

Mr MELHAM—If violence has been committed, then there are criminal sanctions, and that is where you get beyond reasonable doubt. You are only talking about civil proceedings here; that is the problem. I understand what you are saying. An allegation of violence is different from an actual violent act being committed. If a violent act is being committed, then that has to be proved beyond reasonable doubt. This is a threat of violence. The last thing we want is to bring you in on a social problem to the criminal arena. That is the problem here.

Mr Edwards—The ramifications of a civil domestic violence order are so severe.

Mr MELHAM—Yes, I accept that. It goes on your record and it does not get taken off. That is the aspect I am interested in.

Mr Edwards—No. I am not just talking about your record. Let us face it: it is not just a piece of

paper. It effectively bars you from everything you have ever worked for. You can be evicted from your home; you can have access to your children denied.

Mr MELHAM—I understand.

Mr Edwards—It is a civil matter. Everybody says, ‘We’re doing you a favour because it’s a civil matter.’ I have been under a domestic violence restraining order. I would have much rather it had been under the criminal code. If it was proved, then I would have deserved it, and I would accept that. When it is just on the grounds of probability and everything I have ever worked for was taken away from me, then I honestly do not think you have got a leg to stand on when you say, ‘We don’t want to bring it into the criminal code.’

As a person under a domestic violence restraining order, I want to see it brought in under the criminal code. If I was found guilty of domestic violence, then I deserve all that the law can throw at me, and I would accept that. But I certainly do not accept just the probability of me having threatened my wife.

Mr MELHAM—But it does come under the criminal code if you start violating the order and breaching it.

Mr Edwards—That is right—violation. That means once you violate the order, you are guilty without a fair trial. In this country, as far as I was concerned, it was always the case that you were innocent until proven guilty.

Mr MELHAM—If you violate an order, Mr Edwards, and you are in defiance of a court order, then frankly the book should be thrown at you. I am not arguing the merits. I think it is a different argument to violate an order, whether you agree with it or not, as against the initial order being placed on you. I understand what you are saying—that leads to the later problem. It is exacerbating the situation; it is not helping it. I am not totally against you, don’t get me wrong.

Mr Edwards—What I am saying to you is: if you have ever been accused of something you have not done, you feel totally and absolutely upset about it. If you are under something that you have not done and you do violate it, it exacerbates the situation and there is more aggravation than there would have been.

In a woman’s case, especially, if she has taken out a domestic violence order on a lie, then she is going to do everything possible to get you to violate it so that she can turn around and say, ‘There you are, I was justified.’ So you are put under a great deal of stress straight away. You are put into situations where you could react differently. I would rather see it under the criminal code, where it is proved beyond doubt in the first place, and for any violation after that, you cop the whole lot, because you cop everything now, with it just being a civil matter.

Mr McLuskey—Is it legal for me to threaten you?

Mr MELHAM—No, it is not. That is the point of this exercise.

Mr McLuskey—That is what I am suggesting—it is illegal for me to threaten you with physical

violence, therefore why cannot that be a criminal matter in domestic violence orders?

Mr MELHAM—It is a criminal matter and this is something that is less because it realises that it is a social situation. It is not trying to exacerbate it. I am not saying it is working perfectly, and I am not saying the system cannot be improved. I understand what you are saying—that a whole range of things are being picked up when this order is being placed on you, even on an interim basis. There is a stain that remains there. But there is also another side to the story as well. There are many women who have been abused by their partners because of a number of factors—alcohol amongst other things. They are entitled to the protection of the law as well as others.

Mr Fryer—I do not think we would want to argue that at all. Our main concern is the abuses that are occurring.

Mr McCLELLAND—You are concerned with frivolous applications or vexatious applications?

Mr Fryer—Yes, exactly. They may be frivolous but the results are disastrous. We have a case this week. I had an application placed against me in response to one I had already put on her.

Mr McCLELLAND—Just on that, and it may be that that is as a result of legal tactics: we mentioned earlier that it may be desirable, before someone got one of these orders, particularly at an interim stage, if they had to give an undertaking as to damages. Do you think it would help also if there was a subsequent power vested in the court to order costs against a lawyer who was involved in proceedings where false—

Mr Fryer—Yes, very much so, because in this particular case I now have an order put on me simply because she has applied; the order is on.

Mr McCLELLAND—That may compel the lawyer, mightn't it, to obtain a statutory declaration from his client in order to protect him from an order for costs, and then she is liable under that statutory declaration for making a false oath.

Mr Fryer—What has happened in this case is that the temporary order is on. I have not had a hearing yet. Within days of that order being put on, she made an allegation that the order had been breached and the police called at my home. I have not had a hearing yet; now I could be up on a criminal matter. It just so happened I had a witness there at that time that that incident was not true.

Mr MELHAM—That is a matter that can be dealt with on its facts. The reality is that it is the client who gives the instructions to the solicitor. The other thing is that you can all run around and blame the lawyers; they can only give advice. They act on instructions. If they give the wrong advice or if they concoct or are a party to fabrications, they can be taken off to the Law Society and certain allegations can be made, if you can prove that.

Mr Fryer—The Law Society appears to be a bit too—

Mr McLuskey—With regard to allotting damages, I do not think that is the crux of the problem. I think the crux of the problem is that someone can make an allegation and not have to prove it. So when it goes to a magistrate, the magistrate can then rule on a probability and there are no damages or costs awarded. If it were then taken out of civil proceedings and put in a criminal court with that obligation of proof, then damages might be effective.

CHAIR—We are running out of time. I just want to raise one other issue which is unrelated to what we are talking about at the moment. I have been wondering for some time whether or not a better way of approaching the whole family law issue would be simply to put it on the same contractual basis as any other agreement in society. What I am saying is: when parties get married, why shouldn't they simply enter into a contract in which their rights and responsibilities are determined by the parties and if that agreement comes to an end—that is, the relationship—they have already set out what is going to happen with property, custody, access and things like that. Do you have any comment about that?

Mr Edwards—When I got married 25 years ago this year, it was assumed that we got married under the old marital system, which was a contract. Because the law has changed, that contract is invalid. Even though you may make up a contract now, what is to say that in 15 to 20 years time the law has nullified that contract as well?

CHAIR—Leave that aside—that laws can change over time. I suppose I am asking you: what is your reaction to a system which was based on an agreement entered into between the parties that they sign a contract so that the state might deem certain conditions of that contract in relation to the best interests of the children and things like that which we would, as a matter of public policy, want in all such agreements? But if the arrangement comes to an end, then the parties have set out what they want to happen in relation to children, access, property and all of that, and it is simply a matter of interpreting the contract.

Mr Fryer—The only problem with that is that the contract is made in one year and the break-up occurs 25 years later. Of course, everything has changed.

CHAIR—I understand that.

Mr Maslen—It could be an idea. I think people do need to be educated before they go into marriage as to what their reasonable expectations out of the marriage should be and are. If there is some sort of contract put down, and it is written there, that could well be very beneficial.

Mr McLuskey—I cannot really see that. That is more the American system. It seems to work over there and there is a lot of litigation in the system.

CHAIR—For the most part, it is the same as ours.

Mr McLuskey—I mean for pre-nuptial agreements, et cetera, which are not recognised here.

CHAIR—If you are rich enough, yes. If you are a Hollywood star, you are all right, but for the 99.99 per cent of ordinary people, it is pretty much the same system as ours.

Mr McLuskey—Yes, but they can avail themselves of that system, which we do not have here. I still do not think that that is the crux of the matter, either. I am a really big believer in education. I think that, by educating people in human relationships and the full gamut of that, you are going to empower someone to make considered and probably correct decisions rather than emotive and unsubstantiated decisions. I think that would help people with their relationships and any offspring that they may have, in order to create a better society down the track. It would take probably a couple of generations but it has got to start somewhere.

Mr Maslen—Yes, education, and also immediate help when a family does get into trouble. I believe that a lot of the resources that now go to women's organisations to help women should be diverted to help the whole family. Some could possibly go to men's groups because they do need it, but some of that money that is available should be diverted—not just to help the woman, but to help the whole family.

Then there would be a far greater chance of having reconciliation and saving some of these marriages and solving the problems before they get totally out of control. Unfortunately for the man, quite often the woman has already gone to the women's group and found out everything she can about where she stands. The man is still totally in the dark—he does not even know it is going on. So if there is a problem, if they both go along to somewhere where they can get help, that would be far better. Even if there has been domestic violence of some sort, usually both people are involved, not just the male. They can both go along and sort it out before they start putting these domestic violence orders on each other and doing other nasty things.

Mr Fryer—I would just like to say that I believe one of the greatest dangers with relationship breakdowns is really the solicitors. The moment solicitors are contacted, they are paid by the hour and they have no interest whatsoever in making that short and sweet; their interest is quite the reverse. If their method of payment were altered completely to the other way around, we might see some spectacularly different results.

The other problem is that, once the relationship gets into the family law court system, the judge will just hear whatever the application is in front of him; another one comes in front of him and he deals with that; then six months later, he deals with that. There is no system in the court for checking those cases that are running way out of control. It would be so simple, particularly with modern computers, when a case appears more than six times, that the registrar should pull it in and say, 'Why has the court not settled this so far?' The court has a part to play. He should call the parties in and try to find out the dynamics of what the problem is and fix it.

CHAIR—So you are advocating a hands-on case management approach by the court as well?

Mr Fryer—Yes.

Mr McLuskey—Might I just say in closing that I think it would be beneficial if people, to get a marriage licence, had to go through a training period prior to getting that licence—maybe in some sort of human relationships training. We have to get drivers licences and all the rest and I think that marriage sometimes is entered into without full knowledge of ramifications.

CHAIR—There are marriage and relationship education programs. Are you saying that we ought to make them mandatory?

Mr McLuskey—Correct.

CHAIR—What about the notification period? At the moment you have got to give notification of between one and six months prior to the wedding. Do you think that should be longer?

Mr McLuskey—I personally do, I think it should be 12 months. There are some people who get married quickly for whatever reason—I do not think that that is a recipe for success.

Mr MELHAM—What do you do with people who are living together who do not see the need to go through a ceremony and regard themselves as married anyway? Is that not the problem? The old definition of marriage, as living as a couple, is out the window in a modern society.

Mr McLuskey—Pretty well. Yes, two people cohabit. At some point in time they may decide to get married. If they have been cohabiting for two years, it is pointless saying they have got to wait another 12 months.

Mr MELHAM—Some people cohabit for 20 years and do not feel the need to go through the ceremony because they regard the bond between them as sufficient.

Mr McLuskey—I would agree with it. But where people want to make a legal contract I think that they should be made aware of all of the ramifications of that.

Mr MELHAM—In the modern society, is there not a legal contract in terms of people cohabiting for 20 years anyway, without the piece of paper?

Mr McLuskey—We are moving towards that in our society and I think that is a pretty fair thing, but there are still differences at law between a marriage and a cohabitation arrangement. It would be difficult to net everyone in that sort of thing but I think that if, in two generations time when our children have grown up with a full knowledge of relationships, then that is fine, we do not need to do anything about a 12-month period for training. In the interim period, what does one do?

Mr Fryer—Can I just say that 80 per cent of all problems are relationship problems.

Mr MELHAM—That is right, and the system with lawyers is adversarial.

Mr Fryer—Yet we really receive no training in them whatsoever. That is why we are face to face today, because we have problems.

Mr Edwards—My marriage would have broken up irrespectively, from what I have found out. Everybody said to me, ‘Your wife has the right to do that. She is an individual.’ But I honestly think that the emphasis should be starting to shift around because there are other individuals in that marriage as well, not

just the one that wants to leave. There are the other three individuals who are still there. That is where society is falling down. There is too much emphasis put on one individual and, in most cases, the female.

Mr Maslen—The ease with which they can break marriages is absolutely incredible. It takes two people to make a marriage and then one can just walk out of it at any time they choose. It is so incredibly easy, and the consequences that follow are absolutely horrendous.

Mr Fryer—The solicitors and the court give it a momentum which cannot be stopped.

Mr Maslen—The children, everyone, suffer afterwards. It is incredible.

CHAIR—We now are going over what we have been over, so can I thank you for your submissions and also for coming along this morning.

Mr Maslen—Thank you.

Mr Fryer—Thank you for the opportunity.

Resolved (on motion by Mr Thomson):

That the submission from Mr Edwards be accepted and four exhibits tabled.

Resolved (on motion by Mr Melham):

That a confidential exhibit be received.

[11.14 a.m.]

FAMMARTINO, Mr Rocco, Coordinator, St John's House Crisis Accommodation and Support Centre, PO Box 154, Cairns, Queensland

McLUCAS, Ms Faye, Coordinator, St Margaret's House Crisis Accommodation and Support Centre, PO Box 692E, Earlville, Queensland 4878

CHAIR—Welcome. Thank you for coming along today. Do you have any comments to make on the capacity in which you appear?

Ms McLucas—I am the coordinator of St Margaret's House, which is a crisis accommodation and support centre for young women who are aged between 16 and 18.

Mr Fammartino—I am the coordinator of St John's House. We are a crisis accommodation centre and we cater for young males in the age group between 16 and 18 years.

CHAIR—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 do not have a written submission from you but you are aware of our terms of reference. I invite you to make any opening comments that you may wish to make in relation to them.

Ms McLucas—Could we have the terms of reference clarified? Rocco and I have not had a lot of pre-information.

CHAIR—Should I read them to you?

Ms McLucas—Yes, please.

CHAIR—The committee shall consider 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 provision of these services.

I will say by way of additional information that this committee is dealing with this subject because the Commonwealth government, through the Attorney-General's Department, funds marriage education, marriage counselling, family mediation, parent-adolescent mediation—which may be of relevance particularly to you—family skills or parenting training and some other programs as well. So that is why we are looking at the matter: it relates to the Attorney-General's portfolio.

You do not need to make an opening statement if you do not wish to. We can just ask you some

questions, if that is more convenient.

Ms McLucas—I would like to give a couple of points.

CHAIR—Certainly.

Ms McLucas—Although we are funded basically for 16 to 18 years, there is a gap in services provided for people younger than that, and also older than that, with regard to the crisis accommodation and support we require. We have a few people under the age of 16, as in the way of 15-year-olds. Generally 15-year-olds are not looking at family reconciliation; they are looking towards independent living.

For people under the age of 15, we focus strongly on family reconciliation and family issues. To do that, we request an agreement with the client and the family and the agency to work, because that is not really part of what we are structured to do. We are seeing that there is a gap in the service there, so we provide that service. Also, for people outside over the age of 18 we provide a service as well.

CHAIR—Do you receive any funding from the Commonwealth?

Ms McLucas—We receive funding annually through the Department of Families, Youth and Community Care. The funding is limited because of the age range; it is focused on 16 to 18.

CHAIR—Is that funding tied to youth homelessness?

Ms McLucas—Yes. Our main focus is crisis accommodation. We have now included a support centre in that, because we find also a number of young people will access the service a number of times before requesting accommodation. They may remain in an unsatisfactory relationship, or in a home environment that is not necessarily safe for them, for a while until they reach a point of crisis, where they cannot remain there any more. Because they do not feel as though there are other services to go to a lot, they come to us and they talk to us a number of times before accessing the crisis accommodation side. So we offer a support service as well.

CHAIR—Do any agencies in Cairns provide parent-adolescent mediation services?

Ms McLucas—Yes. I will ask Rocco to back me up on this. I know of a couple.

Mr Fammartino—There are a few community based organisations—Youthlink, YETI. At the moment, I have been using the Dispute Resolution Centre, which has been more user-friendly for family situations. The other organisations give the impression that it is more youth orientated, and parents are aware of that and do not feel comfortable in that situation, whereas the Dispute Resolution Centre seems to be working really well, as far as our organisation is concerned, with young people and parents.

CHAIR—Are there particular regional problems that you experience here but that may not be experienced elsewhere?

Ms McLucas—I do not know whether this is particularly regional, but certainly, a lot of our clients come from blended families, with a lot of family breakdown and then remarriage, and issues that come out of that are step-parent issues. Obviously there are relationship problems, adults trying to formulate relationships at the same time as they are trying to deal with young people's issues. They might have gone from a two-child family to sometimes a four-child family. We have had families where they have gone from two or three people to seven people in a household, and that adds stresses. I do not think that is necessarily a regional issue. I think that is a general issue that is happening throughout Australia.

On regional issues, I would say that there is certainly a shortage of reasonably priced accommodation in this region and that increases family stresses. It also increases the stresses on young people trying to work through our service and then find accessible accommodation. As to other regional issues, probably employment is very low here. Incomes are low as well. So they would be general things here.

Mr Fammartino—It is virtually impossible for our clients to obtain accommodation unless it is through another agency such as Youthlink, which has units and flats available. Apart from that it is the caravan parks, which can be a little bit outrageous in price, and the lifestyle there can be quite rough.

CHAIR—In one of the submissions—I do not remember which one now—there was reference to tourism to the region creating its own problems. Can you elucidate on that?

Mr Fammartino—Would that be in the employment area?

CHAIR—I do not know. It was a reference to tourism.

Mr Fammartino—I have not been in hospitality here. Quite a few tourists do obtain employment up here and they come here specifically for that reason, especially in the winter. They will spend winter here and when it is the wet season they will go south. A lot of tourists do get employment, and they will get employment in places because they are prepared to wait there till the load of work is there, where the workplace takes advantage of the situation.

CHAIR—Presumably, just looking around here at the moment, it is very seasonal here.

Mr Fammartino—It is.

Ms McLucas—It is probably not as seasonal as it used to be. I remember that, when I first came to Cairns, for six months of the year you were active with tourists, for six months of the year probably you had a quiet time. There are tourists here most of the time now.

A lot of our young people find that, although they do training for work in the tourist industry, there is a high turnover of staffing in the tourist industry and that becomes a problem in itself. I think also, as Rocco said, there are a lot of people who come up here as to tourists and remain to do some work and then move on. That affects the people within this region in employment as well.

CHAIR—I will just go back to the step-families issue. There are a number of things. We know that

second and subsequent relationships break down at an even higher rate than first ones, unfortunately, and there are all the complicating issues of different children from different families and all of that, which makes it more complex. I wonder if you could comment on whether there is anything more, and if so what it might be, that we could be doing prior to the formation of subsequent relationships? They tend to be step-family relationships unless there are no children about; that is in a minority of cases, I suspect.

Ms McLucas—I think there are a lot of abuse issues in relationships and families in this country that are not being currently resolved, and those issues go from one family to another. Rocco and I have looked at this and discussed what needs to happen. People need to have more education on identifying what is an abusive relationship and on what stresses they are under when they move into a new relationship or out of a previous relationship. There needs to be education in schools in identifying early, for young people, what equals abusive relationships; and, for the more mature people or people getting into and out of relationships, there need to be more accessible agencies where they can go and say, ‘Hey, I’m having a few problems,’ without feeling stigmatised. There is a definite thing that if you are not resolving your own issues in the house at the moment, you have a problem. There is a stigma in trying to contact anybody and resolve those issues. I do not know, maybe it is a case of having some more user-friendly agencies that you can go to and say, ‘I am having difficulties here and this is what they are.’

Also, what we have noticed in working with young people is that at 14 years old today young people are becoming more mature. They have had a lot of information and their hormones are active and one thing and another, and they are mature at 14 probably to the level that we were at 16, and probably to the level that our families or our parents were at 18. That is not taken into account either today, and families are seeing that as being the problem instead of seeing, ‘Well, this is just part of normal growing up. It is causing issues. Who do we access to talk to about that?’

CHAIR—That takes us further and further back down the life cycle to a point of providing services. Can I just stay with the step-families for the moment?

Ms McLucas—Okay.

CHAIR—I read—and these figures are not exactly right but the impression is correct according to the figures—that if people re-enter a relationship within three years, according to some Institute of Family Studies research their chances of that second relationship breaking down are very much higher than if it is after three years. It also showed that the great majority of people re-entered a relationship within three years. It is sort of a self-fulfilling prophecy.

Given that ideally you would not want relationships breaking down, but the reality is that they will, and people will form new relationships, is there any way particularly that we can get to those people in your experience? You cannot say to people, ‘No, you cannot form a new relationship,’ obviously but you would want, as a matter of public policy, to be able to get to them and educate them about dealing with all the issues of their previous relationship before they go into a new one. Do you have any enlightened ideas that you can share with us on that?

Ms McLucas—I do not know about enlightened. I do not think most people do deal with the previous

issues before getting into another relationship, and I think that is a lot of the problem. Once again, it is people taking the attitude, 'If I need help then there is something wrong with me,' instead of being able to openly talk to others.

Perhaps there should be some sort of public education to tell people that we do have a high rate of turnover in relationships and things like, and that that is not something to feel bad about, there is no stigma attached to this. They need to be taught to ask, 'How do you resolve your issues? What has it left you feeling? Has your self-esteem gone down?' I think a lot of it is self-esteem issues.

I do not have any brilliant answers. I think a lot of it is education. We need to have more user-friendly agencies that people can access to say, 'This has happened.' They could place some sort of counselling service in the neighbourhood centres, so that people could be going in there for any reason. If you go to Relationship Australia or whatever, people assume that you are going in there to deal with relationships. That in itself makes you feel uncomfortable going there. Counsellors should be set up in neighbourhood centres or something like that, so each area would have something that is easily accessible where people could be going for any reason.

Another regional thing is that accessibility that you were asking about before. A lot of people up here find it difficult to access services that are either in the city or over the other side of town. It needs to be in their vicinity.

CHAIR—People who are going into a second relationship have obviously come through the Family Court system in some form or another, with more or less conflict. Do you think there would be any advantage if the Family Court had some obligation at the end of that process to refer them? You obviously could not force it, but it seems to me that people come out of the end of the Family Court system a bit like a sausage out of a machine, and that is the end of it. If there were some obligation on the Family Court to at least make available information about educational programs, would that assist people?

Mr Fammartino—I think it is important that something like that happens so that people can reflect and look back and see what went wrong. It boils down to experience, learning, finding out and being educated.

CHAIR—Coming back to the group of young people you are dealing with, if a lot of the problems are step-family, blended family related problems, are there other categories of problems as well?

Ms McLucas—I think one of the issues is that young people are developing earlier and that is not being acknowledged. It is being seen as a young person wanting their independence or that they have a behavioural problem, and that is not so. We need to say, 'Instead of this being seen as abnormal, it is normal.' I guarantee that with every family I know, once their daughter—maybe their sons, but I know specifically with their daughters—reaches 14, it is as though they go to bed at night as one person and wake up the next day a different person. That has been acknowledged to me by a number of people.

They need to know that that is a normal growing up process. It is not an abnormal thing. There are a lot of power and control issues at that stage too. That happens not just in step-families; that happens in

families across the board. They need to understand that the young person is growing up and they need to release some of the control and the power that you are having over them. That power seems to be a big issue with families too.

CHAIR—Do we need some form of parenting education programs for parents of children who are about to become teenagers?

Ms McLucas—Yes. That is something we have discussed too, that they do need that education as to what is going to happen. That could go into schools as well. It could go into relationships for young people to see what is going to happen, but there could also be something put in place for the parents and adults that says, ‘These are some of the experiences you could have. Don’t treat them as abnormal. There is nothing wrong with you. It is just a process.’

Mr KELVIN THOMSON—Do you think marriage education should be compulsory?

Ms McLucas—I have a problem with the word ‘compulsory’ on anything for anybody. I think we need to make as much information available as we can. We have an obligation to give everybody as much information as we can share, but not necessarily make it compulsory.

Mr KELVIN THOMSON—But marriage is not compulsory.

Ms McLucas—No, marriage is not compulsory. You do not want my opinions on marriage.

CHAIR—I am not sure what the law is in Queensland, but as I understand the law in Victoria now—and I have not had to make use of it recently—to get a drivers licence you have to give 12 months notice, except in exceptional circumstances, and you have to go through a driving course. Why, for the realm of driving on the roads, can the state require that, but in the area of relationships we say, ‘Oh well, it is all private.’

Mr MELHAM—When you get a licence it is a licence to kill, if you are not properly trained.

CHAIR—We have just heard evidence, Daryl, that sometimes marriage is a licence to kill.

Ms McLucas—You have a point there. I still think it comes down very much to the individual. As you were saying, when you give somebody a licence to drive a car they can be putting other people at risk; give somebody a licence in a marriage and, yes, they can be putting other people at risk. But I think it is a matter of identifying those risk factors too. We need education to, say, identify what is a form of abuse, the domestic violence cycle, and things like that. It is something that builds up. It is not that you get into a marriage and drive negligently, deliberately, or anything like that. It is just a process, so people need to be aware of that process. I could not support any compulsory marriage training, but I would support as much information and public awareness as possible on what can happen in a relationship.

Mr KELVIN THOMSON—Marriage information is available now, but people tend not to avail themselves of it because it is unfashionable and it suggests that you have got a problem at the very time

when you regard yourself as having no problems. The present rate of usage or take-up of those facilities is pretty poor, as far as we can tell.

Mr Fammartino—Maybe it has to be promoted in a way so that it is attractive for people to learn about.

Mr KELVIN THOMSON—We were talking with the people who were here earlier about apprehended violence orders, restraining orders, and so on. Do you come across those in your work?

Mr Fammartino—I have had orders against fathers contacting their sons in our shelter.

Mr KELVIN THOMSON—Is it your impression that those orders make relationships harder, or do you think that there is a necessity for them in the circumstances where they have arisen?

Mr Fammartino—Normally the father still tries to get in touch, either at school or through the phone at the shelter. Obviously they have to be done because I have had young boys in there who have been harmed and you can understand why they have orders against their fathers because they have been physically harmed and mentally abused. It is obvious that they need to be apart for some time. It is too also that the father, while he is under that order, should be not only ordered to keep away but also efforts must be made to find out why he is doing what he is doing because he has the problem and the son is suffering. As far as I am concerned the perpetrator needs to really have some intense counselling or work in with someone who can work with him and get in touch with him.

Mr McCLELLAND—I gather from your evidence that the incidence of childhood homelessness is higher in the case of marital breakdown?

Mr Fammartino—Also when you have a stepfather or stepmother, that is the main one with our—

Mr McCLELLAND—Has anyone ever done any statistics as to whether cases of youth suicide are higher among children who have been affected by marital breakdown?

Mr Fammartino—Not that I am aware of.

Ms McLucas—I am not aware of statistics but I would say certainly it increases the stress level on all people in that family and therefore there is a good chance, if a young person is prone to deep depression or suicidal tendencies, that that will be an influencing factor.

Mr McCLELLAND—Just finally by way of a plug more than a question, there is currently an inquiry going on by the treaties committee into the conventions concerning the rights of the child. Have you thought of making a submission in respect of that inquiry as well?

Ms McLucas—That is a plug, isn't it? I had not thought of that.

Mr McCLELLAND—That is something I have just drawn to your attention.

Ms McLucas—It is something to think about. You are giving me information to think about. I appreciate that.

CHAIR—Can I just ask about the Aboriginal communities in the region. Are there any peculiar issues that relate to the Aboriginal community?

Ms McLucas—We do not have a lot of ATSI clients because there are ATSI agencies set up in most areas for the clients in this region whether it be women or young people such as our clients. There are usually ATSI agencies and they prefer to go to those.

Mr Fammartino—We have the occasional ATSI client. My clients have always been supported by their families. They have extended families and there never seems to be any ill feeling. I have never dealt with domestic violence although I know that exists. With the clients that I have worked with it is mainly behavioural and as far as their family is concerned they are always supportive.

CHAIR—I take it that if we were looking at what we can do to try to prevent the problems of young people that you are dealing with that fundamentally it is about education of parents in terms of their relationships with their teenagers and the changes they can expect and how they deal with it generally?

Ms McLucas—Yes, I think it is mostly education of the community, of identifying what is emotional and physical abuse and what is normal, and what is growth for a young person such as when the changes happen when they reach certain ages and things.

Mr Fammartino—There are young boys that come in from their homes and they have never experienced love, affection, warmth and giving. Where do you learn those? You are meant to learn those from the beginning so we have to start from the beginning.

Mr McCLELLAND—Do you think in respect to step-parents that more needs to be done to enforce, or at least make more aware, the appropriate disciplining role? I am familiar just through my own associations that there is often resentment for a stepfather to undertake any discipline, particularly of younger children, although they may be doing something very naughty. Often the wife resents the stepfather having any role in that. Is there a need to discuss that with parents before they remarry?

Mr Fammartino—For sure, really important. I would even suggest they go to a dispute resolution centre beforehand. Every relationship I know, including my previous marriage and experience of my children with my new wife, has problems. If I knew we could have used a dispute resolution centre so many years ago, I would have used it to resolve whatever the problem was. Even if we are a stable family, we are still going to have those problems and I wish I knew a way that it could be fixed.

Ms McLucas—I think too, that it comes down again to people thinking that if we need it, there is something wrong with us and there is some sort of stigma attached instead of the community seeing it as being a normal thing to go through. Also they need to understand that forming a new relationship takes time. You cannot immediately have the sort of controls over your stepchildren that you might have over your own children because of the resentment factor. Those sorts of things do take education but you cannot force

people to access education. You can make it as user-friendly as you can and let people know wherever possible that the services are available. But then of course you do have to have the services available if you are going to advertise them as being available. They should be able to access these things and do it without feeling, 'I'm a failure' or 'There's something wrong with me.'

CHAIR—I have to say that I am a little sceptical that education alone is going to get us the numbers of people to attend the service. I think there is a cultural impediment because of the reasons you have given. If you are seen to go along to something that is about relationships, it is an admission that there is something wrong with your relationship or it is unAustralian or it is goodness knows what. I am wondering whether we ought to perhaps be funding these services differently. For example, things like marriage education, parenting and even marriage counselling and reconciliation counselling are all funded by the Commonwealth providing grants to agencies to provide their services, part of which is to advertise in the community that their services are available.

Could you comment—in terms of education and getting more people to use them—on a suggestion that we actually provide a voucher to couples, either pre-first marriage or when they are thinking about a second marriage, rather than giving the funds directly to the agencies. The voucher could then be expended by the couple at the approved agencies, so the funds flow through to the agencies; they are not missing out. That would encourage more people to actually use the programs.

Ms McLucas—I think it could but once again you have got to get rid of the stigma first of people saying that 'If I need this—' or 'Are they saying that there is something wrong with me?' If you give somebody a voucher for this, they might think you are pointing the finger and saying, 'You are going to have problems.' The reality is that they might have—

CHAIR—If that voucher went to everyone, with a nice letter from—my colleagues may not agree with this in the current context but times change—the Prime Minister, for example, or someone else saying the people of Australia are concerned about marriages and relationships, here is a voucher redeemable at an approved agency. That is at least trying to normalise it. If it comes from someone like that or the Attorney-General or whoever, it is not saying that you have got a problem, it is saying we are concerned you make the best of your relationship. Do you think that would overcome some of that stigma?

Ms McLucas—I think you might have to put the foundation in to overcome the stigma before you hand them the voucher. I think it certainly has some relevance, given the cost of some services and I think that might assist in making it a bit more user-friendly and people being more open to it but there still is the thing of, 'Are they saying that there is something wrong with me?' You do need to overcome that first and, as far as education goes, we cannot direct education totally at people in relationships now or mature adults. It has to start in primary schools—identifying what is abusive behaviour, what is acceptable and what is not—and go through with relationship education into high schools, understanding too that there are a lot of gender issues and things like that. There are cultural and gender issues. All of those things need to be understood.

Mr Fammartino—Why can't they start a class from prep on live-in social relationships that goes on right through?

CHAIR—We have not heard from, say, primary schools. We have not heard from state education authorities. I presume they would say—and I am reflecting anecdotally on my experience of having one child still in primary school and three in secondary school—that there is emphasis on relating in primary school and on not engaging in bullying behaviour and those things. I suspect the primary schools, whilst maybe not dealing with it under the heading of relationships, are tending to deal with that. But maybe more could be done.

Mr McCLELLAND—Yes. My kids, who are in primary school, have life education classes which start off by talking about a healthy lifestyle. Then, as they get a bit older, they introduce more controversial topics such as avoiding drugs. As they get a bit more sophisticated, sex education and so forth comes into it. Do you think that sort of system could utilise a bit of relationship training?

Ms McLucas—Definitely. I think it is excellent and something that can develop and grow. I would also like to see more families and parents encouraged to attend through the schools or whatever so it can be a family thing as well. I do not know how they would choose to put that in place, but I can see that as being very important. It is not the children on one side with the school working with them and the families on the other—it becomes a team effort.

Mr McCLELLAND—Yes. One of our terms of reference is to identify the categories of individuals most likely to benefit from counselling. Is it possible, from your observations, to pick personality types? I know personality types may be narrower than our terms of reference. When someone comes in the door, are you able to say this person could be a problem in a relationship because of some personality trait?

Ms McLucas—Probably we have had difficulties with people not where the problem has been a personality trait but a life experience. With Vietnam war vets, we have had a lot of aggressive fathers. People from non-English speaking backgrounds, where the young people are living in this culture in this country and their parents are still in another culture, are also a difficulty. The blended family is probably the major one.

Mr Fammartino—Then it reflects on the child's behaviour later on.

Mr McCLELLAND—So the cycle may continue. They may have relationship problems.

Mr Fammartino—You know they are going to develop the same problem and become like their parent or possibly worse.

CHAIR—I ask you about one other factor which I would like to hear your views about. In the last decade or so, the reality is that most families need two parents in the paid work force. The number of hours worked in Australia have increased substantially over the last 10 or 15 years. To what extent is that placing additional strains on families? Family time, it would seem on some observations, is being squeezed.

Ms McLucas—I think it does place a big strain. Personally, as a woman and as a mother, if I had had some sort of income that acknowledged me as an individual as well as giving us assistance toward our family support, I would have stayed home with my child as would many women, I believe—even the fathers if they wanted to do it.

Mr McCLELLAND—I can imagine there are all kinds of Treasury figures which would be used against an argument in favour of allowing parents to income split. Do you think there would be a social advantage in allowing one breadwinner to income split—that is, identify half the income as being attributable to the wage earner and half as attributable to the family maker?

Ms McLucas—Absolutely, I would have to say. There is still a lot of attitude, whether you be a man or a woman, that if you stay at home and raise the children, you are not contributing equally to that household. It needs to be acknowledged that you are working. Even if you stay at home, you are working, and you are working hard. You are working for something that we need towards a social balance, towards healthy young people. There is a person there they can access and they can talk to. Whoever takes that role on, it needs to be acknowledged as being very important in our society.

Mr McCLELLAND—I think one insurer has introduced the ability for a mother doing domestic duties to insure herself for a replacement value of about \$50,000 or \$60,000. Do you think that would be a fair assessment?

Ms McLucas—No, I think that would be an underestimate. With regard to what you are saying, they can contribute socially. I honestly believe, if we are going to get a healthy society, we need to look at that very strongly, especially if we are looking at unemployment and the number of people who say women are taking jobs away from the young. I hear this all the time. Let us give women the option to stay home if they choose to. I am sure a woman would rather stay home with her family than go work in a factory.

Mr McCLELLAND—It is my understanding that, in any event, a lot of businesses—for instance, partners in a legal firm—frequently have trust arrangements which put into effect an income splitting arrangement. If it is available to some sectors involved in private business, is there an argument that it should be extended through the community generally?

Ms McLucas—How are we looking at the income split? If you are looking at one family income that both the woman and man have equally earned, it is still not enough income to support the family. You can have that income split, but is it enough to support a family of six people?

Mr McCLELLAND—It would assist, though, wouldn't it, in so far as it would reduce the tax threshold for each half income? Presumably there would be more taxable disposal income.

Ms McLucas—Yes. Theoretically that is okay. I am not sure exactly how it would work in practice.

Mr McCLELLAND—If you get the advantage of the tax free threshold, which is of the order of \$6,000 a year, that puts a family in a better financial situation than they were in before.

Ms McLucas—Yes.

CHAIR—Professor Duncan Ironmonger at Melbourne University has estimated that the household economy is worth the same or more than the productive economy in Australia. He says it ought to be taken into account in the gross national product. It is an element, which is the point in another way, and your point

too. I thank you very much for coming along today and providing an insight from your perspective into this issue that we are trying to tackle.

Luncheon adjournment

[1.33 p.m.]

DRAKE, Reverend Milton John, Director (CEO), Lifeline Far North Queensland, PO Box 5144, Cairns, Queensland 4870

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you 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 contempt of the parliament. We have your submission of 31 October last year. Would you like to make any opening comments or statement in relation to it?

Mr Drake—If I may please, Mr Chairman. I have brought some further material which you may like to have. Shall I table that now?

CHAIR—Yes, certainly.

Mr Drake—I would like to speak to those as a follow-through because I think they might be helpful. I would like to speak particularly in the areas of education and counselling for reasons that are relevant as we look at those figures. If I could draw your attention to those very briefly, these are the statistics from our records on a month to month basis. If we look at the figures for January 1997, you will find that the counselling statistics for January, February and March are follow-through figures. January happened to be the highest ever number of calls we have received on our telephone counselling line in the history of Lifeline Far North Queensland. If you look down at the by category grouping, you will find at the top of that, 'relationship changes and problems' is the highest category in any of the months in the year. If we go down two lines to 'wellbeing', 'coping' and 'dignity' and then down to 'personal changes to life situations', those things together relate very much to the whole area of relationships and to education and counselling.

I thought it might be useful for the committee to have some of those statistics from the Lifeline records. If I could invite you to have a look at the next page, there is a breakdown there for January, an analysis of calls by gender and it is clear that there are more females who call our telephone counselling service than males. That will be true in the figures for two months later that you will see.

Mr MELHAM—Almost three to one.

Mr Drake—Yes, and again if we go to the next page to the February 1997 figures, the range of statistics is the same or similar right through. At the bottom of that page, or two-thirds of the way down, in the face-to-face counselling figures, you will see we employ three face-to-face counsellors who are fully occupied in crisis face-to-face counselling, in addition to our 95 telephone counselling staff. Those figures there simply indicate, not by category grouping, but by number, the number of clients face-to-face counsellors meet in any of those months. They are broken down in terms of the particular people who are face-to-face counsellors. I thought that those figures might be useful for you.

The next couple of pages show a similar pattern, without going through them in a laborious fashion. But I thought I might table those for your consideration. In addition to those, we have a domestic violence

service which is staffed by four people, including a worker with children who have been witnesses of domestic violence. That is a growing area of concern and care in which we are involved. Our domestic violence service in this town meets up to 40 women a week who have been in a domestic violence situation. Every Monday their day is full in court, in presenting or giving evidence in cases where domestic violence orders are being taken out against the men who are the perpetrators of domestic violence. The ratio of men to women, as perpetrators of domestic violence, is about 9.5 to 0.5.

CHAIR—The 9.5 to 0.5 is the ratio of males to females of those where a domestic violence order is sought?

Mr Drake—Yes. In this city, there have been a number of murders identified as directly related to domestic violence in recent months and I cannot be accurate about the figures because that is fairly difficult. But there is a figure of four murders of females by males in the last three months being mentioned where domestic violence orders had been taken out. The men had contravened the orders and then gone out and murdered the women. That again, from our point of view, is just pointing up the need for both education and skill building in relationships and counselling being available.

We run, as part of an education program to seek to prevent or lessen domestic violence and male aggression on females, a stop aggression in the home course, which runs twice a year for about 26 weeks and has about 20 men in each course. Some of those men are referred by other agencies; some self refer. That is run by one of our male counsellors with a couple of facilitators, usually with one woman facilitator at least. And that same counsellor, every Tuesday spends his day at Lotus Glen prison working with men who have been violent. He runs both a personal counselling program and a stop aggression program with the men in the Lotus Glen prison.

The other area that points up the need, from our point of view, is our financial counselling area. We have one white Australian financial counsellor, who is an Italian, and we have one Aboriginal financial counsellor. Our senior financial counsellor is constantly reporting to the board her concern at the increasing number of domestically violent situations that are coming through from financial counselling and the number of marriage breakdowns that are taking place because of the financial pressures. We have a particular concern in this city in regard to the number of bankruptcies of small businesses at this current time in the last four months or so. They have escalated quite markedly.

CHAIR—Can I just interrupt you there? Are you suggesting that there is some anecdotal evidence at least that financial difficulties are leading to an escalation in domestic violence?

Mr Drake—No, what I am saying is that I could not quite go to that point, but financial pressure is contributing to marriage breakdown and to relationship breakdown. I could go back through the figures, but I did not do that unfortunately. I could go back through the figures and actually provide some statistics on that, I think, if I went back to our senior financial counsellor.

Mr KELVIN THOMSON—There is some data around on the first point about the number of bankruptcies having risen in Queensland particularly markedly in the last few months. Would you say that there have been an increase in the number of relationship breakdowns?

Mr Drake—That would be a pure guess on my part.

Mr KELVIN THOMSON—Yes. If we were trying to be scientific about this, it would be a question of seeing what evidence is around numerically about the number of relationship breakdowns and whether there was any evidence suggesting that the bankruptcies were a cause of it.

Mr Drake—I think the only thing that we could say in terms of marriage breakdowns or relationship breakdowns is that it is coming up in financial counselling to a degree that it was not previously being raised.

Mr KELVIN THOMSON—Yes, we understand.

Mr Drake—We would say that all of that points to a continuous need for quality education for couples and for the availability of counselling for people in regard to relationship pressures. We would want to pose that education in regard to relationships is possibly best geared at several groups, one of whom would be young people, perhaps within the school system. I happen to have been the leader of the health education team in South Australia when the first K12 health education program in Australia was developed and that was a key component of that program. The whole program was built around mental, emotional and social health and I think that was a good way to go.

Mr McCLELLAND—Sorry, what was that program called?

Mr Drake—It was called a health education program from kindergarten to grade 12.

Mr McCLELLAND—I think in New South Wales they call it the life education program. That would be a similar sort of thing.

Mr Drake—They are similar kinds of programs. South Australia now has given theirs a different name too.

Mr McCLELLAND—Right.

Mr Drake—Men and women as singles, I think, need the opportunity to undertake some kind of skill building and educational program in regard to the building of relationships particularly if they are anticipating moving into relationships, whether it be marriage or some other form of relationship. It seems to us to be very clear—and we find that even in the training of our counsellors for the telephone—that there are a lot of people who have never received any education, training or skill building in terms of their own self-esteem, their ability to relate to others, their ability to relate to different kinds of people and their ability to live beyond the initial point in a relationship. We would see that as a very high agenda item from our point of view—that education for relationships.

Another area that we believe is important is an educational program for marriage. Often, when people are preparing for marriage, they will undertake a preparation for marriage course. It seems to be a wise move to actually have that preparation for marriage course span the pre-marriage into marriage period. As they get closer to the wedding day, they get wrapped up in what is going to happen and then post the wedding day—a

month or three months later—they often come back and say, ‘We are not doing this the way that we want to. Can we talk about it?’ It seems that there is a need for marriage education or relationship education programs to be continuing from before the relationship through to perhaps the first year or somewhere of the relationship.

The other area that might be very useful there is parenting education. People are not prepared for parenting. It seems to us that the parenting education and the relationship education that people receive is very often geared to the model they had in their family of origin. If that is the only model they have had and it was a negative model—the men only know how to behave in a relationship the way their fathers behaved and the women only know how to relate in a relationship the way that their mothers behaved—that seems to us to be a fairly typical kind of pattern. We believe some education in those area would be high on the agenda.

In terms of counselling opportunities, we believe the Family Court no-fee counselling program is essential and we believe that it is essential to maintain as a no-fee counselling program. I know that that might run against some trends now but, in talking this through with our senior counsellor, she was very strongly of the view that there was a better possibility of getting men to attend counselling if it was a no-fee issue, especially if the men are reluctant to move to counselling.

Mr McCLELLAND—Let me intervene at that point. Do you think that such counselling and/or conciliation—whatever it might be called—should be made mandatory?

Mr Drake—I wish I could be really clear in my mind as to the value of that. We find that, where people are made to participate in courses, the resentment is very strong. My view, in terms of use of government resources, is that it would be far better for government resources to be spent in supporting agencies providing counselling and educational programs. A fairly hefty chunk of resources should go to an Australia wide promotion of the value of being involved in counselling and training or educational programs.

Mr McCLELLAND—Would early intervention by the state, say, a form of compulsory conference early in the separation period be appropriate? At that conference, the conciliator, or whoever it might be, could advise the party of these counselling options. Let us say that during the separation or divorce process, one of the partners had or had not genuinely participated in counselling programs through private agencies. Would it be appropriate for that to be considered in terms of the deliberations of the Family Court proceedings?

Mr Drake—Yes, I think it would. I think it is important to have a fairly clear understanding of the difference between mediation and counselling. There are many family relationship breakdown areas in which mediation is not at all appropriate.

Mr McCLELLAND—Yes. As I understand it, lawyers have an obligation under the current Family Law Act to force their client to consider whether there has indeed been an irretrievable breakdown in the relationship. That has always seemed to me to be a touch unrealistic because the lawyers have a vested interest in there being an irretrievable breakdown. If there was this other intervention early in the separation period, such as a formal conciliator making an assessment and advising the parties of options for counselling,

perhaps it would be beneficial as at least another force in addition to the requirement upon lawyers?

Mr Drake—Yes, I believe so. It is one of those situations where, if we can introduce a process like that that does not become abusive, we really ought to be trying every avenue open to us to provide for the possibility of a relationship being rebuilt. My experience, it is obviously only with those people with whom I have worked over 30 years, in marriage guidance and marriage counselling, is that many of them do not want the relationship to end. They move out of the relationship because they feel that they have no option. If we could find a way for counselling to be introduced to them—say, through a conciliator who is not imposing it in a way that becomes abusive or demeaning to either parties—I suggest that we look at it. I have not thought about how it would be implemented but I think it is a thought that is well worth considering.

In terms of action, there are a number of community groups who provide education and skills training in relationships and who touch only a portion of the population. Unfortunately, I think we mostly touch those people who are aware and probably least need the services. That is why I would want to promote government views in resources to promote the acceptability and desirability of making it one of those areas that people anticipate as a very positive move, to move into a relationship skills education program. The slip, slop, slap program has become very attractive to people across Australia. If we had something of a similar impact in terms of the value of relationship education and skills building that could make a big difference in terms of the numbers and the groups of people who access relationship skills training.

I mentioned the Family Court counselling and we underline that we believe that that is important as counselling and not as mediation, and that it ought to continue to be a free service so that more people can access it than would be the case if it were a service for which people were charged. We also believe that the Family Court education program is important. Books for children in Family Court counselling include *Children in Separation* and *Questions and Answers about Divorce for Children*. They are good publications and we would want to see publications such as that and any other children's educational programs continue.

We are participating in the state government's program of a child witness worker for children who have witnessed domestic violence. There are a whole lot of other children out there who are seeing relationships that are not as healthy as they might be and who are developing models of what it is like to relate to members of the opposite gender. Male and female roles and relationships are key factors. People grow up with a model and we have to unlearn a lot of things before we can learn to build a model of our own that is a healthy one.

Mr McCLELLAND—Is literacy a problem? Your educated couple would obviously be able to use that resource material but have you found that a problem with illiteracy?

Mr Drake—Not here in this program, but certainly I know from other places that it is. Again, I think that the promotion of a program through a publicity venue like the 'Slip, slop, slap' program—

Mr McCLELLAND—To tell everyone what is happening.

Mr Drake—Yes, to encourage people to get into relationship skills education. Then the program does not have to rely on literacy skills at all. It can just rely on interpersonal skills building. I would underline our

belief that promotion of the value of relationships education is important and encourage attendance.

The school health education program or life relationships education program—whatever they are called—are really important not only for young people but also for their parents. When we introduced the South Australian health education program, obviously the two areas that were most controversial were sex and drugs. We targeted some of the key points in the state, such as the Nuriootpa valley which is a big wine-making area. We knew that there was a lot of sexual activity going on, from our work with the kids in the schools. We went in and ran our sex education and drug education components with a group of senior high school students, their teachers and their parents. We found that, almost every time, the parents who were going to be our strongest antagonists became our strongest protagonists, because they could see the value of what we were doing when they were able to be exposed to it and participate in it themselves. So it had a double value.

CHAIR—In relation to that, was there difficulty getting the parents?

Mr Drake—Not at all, because they wanted to come to fire holes in the program. So they came. The beauty of it was that we were able, through actually running the educational program with them, not just to win them over but to have them become very enthusiastic supporters of introducing that program into their schools.

Mr McCLELLAND—How would you describe that socioeconomic area you mentioned?

Mr Drake—The Nuriootpa valley area? I am looking back a few years when we introduced that program, and I have been out of there for a while, but in those days it was a fairly healthy economy. But I have no idea at all.

Mr McCLELLAND—There is a bit of anecdotal evidence that parents from lower socioeconomic areas are perhaps more disinclined to participate in school activities. I do not know whether you have found that.

Mr Drake—Again, I am looking at that same era because that was when I was involved in schools. I conducted some programs in schools like Port Adelaide Girls High School, which was a disadvantaged area school, which had at that time what South Australia was calling 'superheads'. I found that that was not the case, but the parents were very interested in what we were doing with the kids. That is only one isolated example.

Mr McCLELLAND—That is encouraging.

Mr Drake—I happen to take the view that we should not rely on governments to fund everything that goes on in the world, but I do believe that this is an important area for some government funding to be available. I know some is, and I am not being at all critical of any of that, but I believe that this an area that might be important for government funding.

In Lifeline Far North Queensland, we produce 90 per cent of our own program funding. We rely on

external funding for only 10 per cent of our \$1.4 million program and we want to keep it that way. We do not want to be relying on external funding for programs although there are other organisations who do not have the resources to do that. There are some programs we cannot fund without some external funding. Our domestic violence service is fully funded. Our family resource program which supports families in relationship difficulties is about 85 per cent funded. Those funds are important to us. Education and promotion and skills building, I believe, is an area that would benefit greatly from some government funding, but I want to underline that I believe the greatest contribution government funding can make would be to promote the value, the acceptability and desirability of people being involved in relationship skills building and relationships education.

CHAIR—Just on that last point, it seems to me that the difficulty you are describing is that there is a cultural attitude that to attend a program about education for relationships is inappropriate because of a view, ‘There is nothing wrong with my relationship.’ You mentioned the slip, slop, slap approach; of course that is a very expensive approach when you are talking about, effectively, prime time television and radio, and the print media to back it up, if you are going to be effective about it. Yes, it has been shown to work. It is also expensive.

I will float another idea that I have floated with others, just to see what your reaction is. It concerns the funding to the agencies that now provide programs like marriage education and parenting skills and that. The funding goes to the agency and then it is up to the agency to go and attract their clientele. Is there any advantage in the government funding the individuals by way of a voucher, for example, which is then redeemable at an agency? Do you think that would increase the attendance rate, or would we still be facing the same cultural problem?

Mr Drake—It is a totally personal response. I would not believe that it is a process that would be valuable. I think it is far better for the agency to be able to offer free counselling or education than actually to provide a voucher to the people as an incentive to come. We are the only agency in this town, I think, who provide free-service counselling and free education programs. I think that is true; I would not like to be unfair to any other agency. That is so important because there are many people who do come to counselling and who cannot afford any fees at all, especially if they are in a relationship difficulty where the relationship looks like it is crumbling and finance is a part of all that, if they are people who have not any skills in managing money—all of those things run together.

Our experience is that people respond very, very warmly to the availability of counselling and education programs that are no-fee programs, because they can afford to come to them and they see the organisation providing a service that at that point they recognise that they need. I think that that is the key thing, that people at some point in their lives do recognise that they need this support. What I am proposing is that we seek to find a way of promoting the program in such a way that people will see they need the support of that program before they run into trouble. I am wanting to be proactive about it.

It may be—I had not put this forward and I am not particularly wanting to push it—that the way to do it is that, in the funding of organisations to develop and run programs, government funding could be included to promote the program. Along with that I would want to say that there needs to be built in a component of accountability to the funding body. That is happening more and more with all government programs, and

Lifeline's telephone counselling-youth suicide intervention program, which is a federal government-national initiative with Lifeline, has built into it both an accountability factor and a data collecting, research component. We are contracted with the Australian government to provide back research details and results which will enable the government to have better resources for the forming of future policies. I think all of that is really a useful sort of range of inclusions in contracts.

CHAIR—To do that would take a substantial increase in government funding. Just to take, say, the marriage education programs—I am not sure what is funded here in Cairns, whether Relationships Australia are, or Centacare or what other organisations—

Mr Drake—Relationships Australia have just won the contract.

CHAIR—I think those contracts were for about \$50,000 each, and I think they are based on the premise that there will be a user-pays element as well. If you were talking about making it totally free, you would probably have to double the amount of funding, let alone running an advertising campaign as well. So there is a cost there. What about the view, though, that ultimately people value only what they make some contribution towards?

Mr Drake—That is not our experience. We do have people who make voluntary contributions. They will walk out of a counselling program or an educational program and want to make a contribution. It might be very small but they want to make it. There are others who cannot do that at all. But our experience certainly has not been that people undervalue or down-value what they do not have to pay for. Our experience has been that people value that greatly, because they see it as a service that the organisation is offering. I cannot speak for anybody else, of course, but that is our experience.

CHAIR—There are two other matters that we have put to other people and that I would be interested in your comments about. One is: should we extend the notification period for getting married? At the moment, you have to give notice between one and six months prior to the wedding. It used to be between one and three months, as I recall. Should we extend that notification period to, say, 12 months as a maximum? Secondly—possibly related, but not necessarily—should we make these programs mandatory?

Mr Drake—As you would be aware, I am a marriage celebrant. My view is that I would lengthen the end time but not necessarily see a value in lengthening the beginning time. I would say somewhere between six and two months. It seems to me that where we get down to one month and you start to work with a couple in preparation for marriage, in whatever form you do so as a celebrant, if you come to a point where you pick up something that may be a real difficulty that you would want to work with them on or a real concern that you would want to check out through the registrar you are sometimes well down the track and very close to the wedding before you actually get the signals for that. I would go this other way of saying somewhere between six and two months, and that we have to have the notification of marriage form at least two months before the date. It is very, very rare that couples do not know two months in advance that they want to get married.

CHAIR—I do not know what it is like in Cairns, but in Melbourne—and, I suspect, in Sydney—if you want to book anything, whether it is a car or a reception centre or even the flowers, you probably have

got to give between 12 and 18 months notice.

Mr Drake—Exactly. In that sense, whilst I would not promote it, I would see no harm in having, say, somewhere between 12 and six months, or 12 and three months, or anything like that. I do not have any problem with the lead time close to the wedding being a two or three months gap before the notice has to be in.

CHAIR—Longer before the wedding as the minimum period?

Mr Drake—Yes.

CHAIR—I suppose it does not matter how long it is in a sense, whether it is six months or 12 months before the notice is given.

Mr Drake—No, I would think not. But that other end I think is important. When people come in a month before the wedding, you immediately say, ‘Why on earth are you only giving a month’s notice?’ Therefore, your antennae are always up. I guess that comes out of experience, again, of 30 years. Generally, if people come in to book their wedding only a month in advance—unless something has gone foul with a relationship with someone they were already working with or whatever it might be, but even that you need to do some checking on—it immediately makes you wonder why on earth these people have not booked before. Even celebrants are not easy to get a month before a wedding. I would not have any problem with a longer time frame; it is that period between the blue notice having to be in and the wedding itself that I think is the crucial one.

In terms of making them mandatory, I think it depends on which day of the week it is as to which opinion I hold—

Mr KELVIN THOMSON—And today?

Mr Drake—It is so hard. Let us suppose that all of the providers of relationships-marriage education training, or whatever you would like to call that, were really skilled people in understanding where people are coming from. I would be inclined to make it mandatory because a skilled person is able to get past that resentment if there is enough time. A skilled person can move beyond the resentment and help the people move beyond the resentment and find the value in the preparation program.

For that reason, I believe that any preparation for relationships, whether it be marriage or some other relationship, needs to be very interactive—probably better with more than one couple so that there is interaction between people in a similar position—and that the processes that the trainers use are very interactive processes where the trainer and the people can interact and the people can interact with each other. I use a particular model that grows out of a denomination other than my own which is totally geared for interaction between the couple, with the celebrant or the trainer being a facilitator of that. It is not geared for them to relate to me; it is geared for them to relate to each other.

CHAIR—Is this like focus or prepare or—

Mr Drake—No, it is actually a Catholic program that is called ‘preparing for marriage’. I use it in a particular way where I actually invite the couple to work with one segment of it one night a week, respond to it, sit and talk about it and then come back and talk with me about it. It is very time consuming but I have a very strong commitment to that.

CHAIR—I have one last question before I hand over to my colleagues. With respect to that hostility you talk about, would it be likely that you would not have the same hostility if there was a universal expectation? It is a bit like getting a drivers licence, I suppose.

Mr Drake—In some ways the analogy is possibly more with wearing seat belts. When seat belts were first introduced in Victoria and made mandatory, everybody was cranky about it. Then they modelled it on the television show, *Homicide*, which was very interesting. The modelling of it on a television show had a significant effect on the attitude in Victoria of people wearing seat belts. I do not want to push the analogy too far, but I would rather be hopeful that, if there were some strong expectation and skilled people working in the education or training area, an attitude change could take place.

In the process of people preparing for marriage and the trainers understanding the business about models of family of origin, and needing to move beyond those models to new models for this relationship, I believe that it would be possible. I have no evidence for it, I just believe it would be possible to change some attitudes and behavioural approaches.

CHAIR—I will just take up one other matter—leaving that aside and going back to divorce. Mr McClelland was asking you about compulsory conferences, et cetera. One of the other things we have been discussing with witnesses is whether or not there ought to be a requirement for notification of separation when it occurs, rather than the retrospective aspect of it. Also, rather than having things like domestic violence orders, there should be some provision for allowing couples to have a cooling off period. Do you have any views about that?

Mr Drake—I am certainly attracted to the idea of allowing couples to have cooling off periods provided that each member of the family can be safe. That is really important. In terms of how the process goes, if the process can be set up in some way where there is an opportunity for a cooling off period and counselling is available, I would be very happy about that kind of process taking place.

Mr McCLELLAND—Perhaps allowing a cooling off period if one party requests it, providing that it is conditional upon the person who requested it also participating in counselling? What do you think about something along those lines?

Mr Drake—I would not be unhappy about that at all. There should be every opportunity to provide opportunity for ongoing education and counselling, provided the provision of that is not abusive to the person. It needs to be very sensitive and skilled. I would not have any objection to the provision of avenues for the couple to be able to work on the issues before they make a final decision to go off on a different track. As I said earlier, a lot of the couples I have worked with over the years really do not want to go down separate tracks. They just do not know whether they can stay together.

CHAIR—I thank you for your submission and for discussing it with us today. It has been quite useful.

Mr Drake—Thank you and I apologise at this point for missing the time this morning.

CHAIR—We have caught up again. I have a resolution to accept the supplementary papers and exhibit. There being no objection, it is so resolved.

[2.19 p.m.]

GIBNEY, Mr James Patrick, Managing Solicitor, Cairns Community Legal Centre, 128 Martyn Street, Cairns, Queensland 4870

VENABLES, Ms Ruth Louise, Principal Solicitor, North Queensland Women's Legal Service, PO Box 2209, Townsville, Queensland 4810

CHAIR—Thank you. 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. Would you like to make an opening statement or statements to the committee?

Mr Gibney—I am sure members of the committee are familiar with community legal centres and their functions. I will outline broadly the operations of the Cairns Community Legal Centre. We are a very new operation, having only been funded for some four years. We provide services to the community from Sarina, south of Mackay, to the New Guinea border and west to the Northern Territory border. It is an immense region with a widely dispersed population.

We provide legal advice, casework services and community legal education services and we undertake law reform campaigns. We provide services in a holistic model. That is, we provide advice and information about legal issues in their social context. The growth of the Cairns Community Legal Service has been dramatic in the past four years. We now operate with a budget of nearly a quarter of a million dollars.

There are three solicitors employed who provide services in disability discrimination, consumer rights services, and we have a generalist legal service where the solicitor in charge of that service—myself, in particular—provides services across the whole range of legal issues. Forty-five to 50 per cent of the advices we give out of our service relate to family law problems. We provide three telephone advice services and we have a weekly face-to-face advice session at the legal centre in Cairns. We also run an outreach service which is a face-to-face advice service on the Atherton Tableland.

In the first four years we have operated, we have concentrated on developing our core office in Cairns and our core services out of Cairns. We are now at the stage of our development after four years of having that relatively consolidated and we are now orientating ourselves particularly to outreach services to people in Cape York, the gulf and the Torres Strait. We do have some clients that come across the borders from New Guinea and Irian Jaya but that is merely to explain our outreach orientation at this stage.

Perhaps I can leave it at that as an opening note to advise you where we are coming from and who we are. I could also usefully mention that in the past 10 years I have worked as the principal solicitor in four community legal centres including the Caxton Centre in Brisbane, which I believe you have had submissions from, the Townsville Community Legal Service and the prisoners legal service and this legal service in Cairns. So I have some basic understanding of the issues about which you are concerned.

Ms Venables—I am with the North Queensland Women's Legal Service. In terms of the types of services that we provide, they are very similar to those provided by my friend's organisation, but obviously we have a focus on women and, in particular, disadvantaged women.

Our service is a little different. Our region is the same and it is very easy for my friend to give you the rough boundaries of the region, but for those of you who are from, say, Melbourne, it might be easier for you to understand the size of the region if we explain that it is roughly five times the size of Victoria. That can give you a rough idea of the sort of geographical region that we are trying to service. Another big difference with our service is that more in the region of 90 per cent of our clients would come to us with family law and/or domestic violence matters. I would say that a majority of the clients would have both family law and domestic violence problems.

In terms of my background, for a short period I held the job that my friend now holds—that was in a temporary capacity. My background before that is with legal aid in the Northern Territory and in Queensland, in the family law sections of both of those organisations.

The main point that the North Queensland Women's Legal Service would like to stress is that one of the most common causes of marriage and relationship breakdown that we come across is domestic violence. We would also like to express some concern that the focus of many organisations, perhaps including that of this committee, appears to be on how to prevent marriage breakdown. Our concern would be that in many relationships, especially those characterised by domestic violence, the focus ought to be on how to end the relationship rather than how to keep it together. That is because the most healthy outcome for all of the people concerned, especially the children of that relationship, would be for the relationship to end.

We accept that there is a concern that there is a financial cost to the community of the breakdown of the relationship. There is obviously an emotional cost to the individuals concerned in the breakdown of the relationship. However, we would submit that in any relationships characterised by domestic violence, the emotional cost is certainly more severe if the relationship does not end, not to mention the physical health costs.

In relation to the financial cost to the community, we suggest that the appropriate approach to preventing that financial cost is to put resources into preventing relationships that were never meant to be from commencing rather than into stopping them from breaking down once they have commenced. In relation to that, I would support many of the comments that I heard the former witness make. I only caught the end of his evidence but many of the submissions made by the minister from Lifeline I would have to support. There needs to be an emphasis on young people. I think defining the target group is one of the crucial issues. The emphasis should be on providing information, education and counselling to young people and other people contemplating entering into relationships. It ought to be freely available and accessible. In particular, it ought to be accessible in rural and remote areas not just in large cities. It would certainly be helpful if it was encouraged as being an acceptable thing to do rather than being an uncool thing to do. The attitude of 'Why should I go to counselling? There is nothing wrong with my relationship' ought to be discouraged.

There is information and research done which provides information about early signs of domestic violence. There is no reason why that cannot be incorporated into education programs with youth to hopefully

prevent the forming of relationships that are likely to become violent.

Another target group I would submit is people contemplating entering relationships that would create blended families. There ought to be some sort of concentration on counselling information and education available for the family as a whole. I cannot give you statistics but there is a very large proportion of my clients who need legal advice because the relationship they have entered into has a third or fourth party, namely the child or children, who obviously have to be a part of the entire family. There has been insufficient information or education for the new couple about exactly what is involved in step-parenting. Having said all of that, I do accept that there is a proper role in some cases for services which assist in keeping relationships together. We submit that there ought to be sufficient funding for all of those, particularly in blended families. I think my friend had some comments to make about the Family Court Counselling Service.

Mr Gibney—Just before I move to that, I would like to raise an aspect which may not have been put to you. It relates to something that my colleague, Ruth, has just said. It relates to relationships education and counselling for young people. I had the benefit of hearing the Reverend Drake speak to you some minutes ago. It may be that there has been a focus in evidence given to your committee on counselling and education of people who are about to enter some form of relationship such as a marriage-like relationship. Please pull me up if I am wasting your time and this point has been made. In the sense of educating younger people or people who are forming relationships and primary relationships with others, it seems to me that the focus should properly be on how to relate to people in general, and not specifically how to prepare for a marriage. If our basic education system had a concentrated component of skilling people with those skills of how to relate to people to achieve certain ends or resolve disputes or negotiate certain things with people, that could be the focus of such programs—rather than focusing on preparing for marriage or something like that, which may, from an adolescent point of view, be rather ‘uncool’, to use my friend’s term.

Another point which I would like to make, and which relates to that, is that there has recently been a plethora of mediation services developing in our community as alternatives to legal and other means of resolving disputes. I actually have some experience, in that I work as a mediator in the Dispute Resolutions Centre here in Cairns and also worked as a conciliator and mediator within the human rights commission for a period. I have a commitment to mediation as a model, and not only as a model in resolving disputes of other people. I have found through my experience that the people who come with disputes they have not been able to resolve themselves can take advantage of modelling the mediation process, and actually adopt that process into their lives and become themselves skilled in negotiating disputes between themselves and others.

It seems to me that those basic skills could, to great advantage, be incorporated into relationship or general education training for the young people of our community in allowing them to negotiate all sorts of relationships, including primary and marriage type relationships. That might be a way in which those education programs could be better promulgated amongst the young people of the community. Perhaps I will leave that point at this stage.

Regarding the provision of services and the role of government in providing services of the nature we are talking about, there are a few things to say. My colleague, Ruth Venables, has mentioned the necessity to provide for proper funding and resources for programs, and it has already been mentioned by the previous

speaker that the best practice is to provide them free of charge to the community.

It is also important to realise that to provide properly for a proper program in regional and remote Australia is necessarily more expensive and there are different hurdles to be got over. There are different problems in delivering services in remote places like Far North Queensland, and this goes for places like the Pilbara and places in mid New South Wales—all around the country. I believe that the government has a responsibility to provide those basic services and it is economic good sense to do so. Rather than trying to fix up problems after they have happened, we should focus our resources on front end options and they should be funded properly. The services provided in regional and remote Australia will need extra care as to how they are funded—not only funded but how they are implemented, particularly with relation to Aboriginal and Torres Strait Islander communities.

At the moment, from what we have seen, the services in Cape York, the gulf and Torres Strait are abysmal—if they exist at all—and access to the services in places like Cairns is like trying to access something on Mars. The people in North Queensland, in Cairns, talk about trying to access services in the southern part of Queensland or in Sydney or Melbourne. It is that sort of leap which people have to make from Torres Strait or the peninsula, not only in terms of physical access or in terms of making a phone call or travelling, but also culturally. In Torres Strait, as you may well know, many people still talk creole and the culture is vastly different.

All of those things need to be taken into account. To properly provide services in regions like this requires extra funding and extra planning and needs analysis. We are still very much at the frontier in Far North Queensland.

In the past, I believe, these services have not been funded properly. An immediate example comes to mind where in Queensland, as you may have heard, a social and community services award has just been implemented. By law, community service providers in the welfare area have to comply with award payments to their staff. The funders, including the federal government, have so far, to my knowledge, failed to provide implementation funding to bring those bodies up to a level where they can actually afford to do that. The responses which the community service has had to make is to reduce services and to cut staff time. That is an immediate example for how I do not think government is fully coming to the party.

There has been other substantial diminution of services in this region. Examples include changes in the Family Court counselling and mediation; we understand that that is being wound back to some extent. We understand that a charge is being brought in, and when I advise my clients to take up mediation counselling options they say that they are just not interested when I point out that there may be a charge applied to Family Court services. Then you have to look to where else you can obtain these services in the community. Until recently, apart from the Dispute Resolution Centre, which is a state government generalist mediation service, not specialised in family law issues, there was nowhere else. I understand that Relationships Australia has recently been funded in Cairns. I am not certain what arrangements have been made to ensure the suitability of the services provided by Relationships Australia—whether, for instance, they are using credit mediators, I am not sure. I am just uninformed, ill-informed.

I think it is true to say without being unduly critical that there has been a dearth of properly funded

services to meet the needs which you are looking into at the present time. I propose now to field your questions, if you have any.

CHAIR—Thank you. I will pick up on a point you made, Ms Venables, about the direction of the committee about—I cannot remember your exact words—the availability for people to end their marriages and the system to do that, in circumstances where that it appropriate. It is probably fair to say that the reason why our focus, as in the terms of reference, is that there has been a whole series of inquiries over 20 years into divorce, separation and ending of marriages and yet there has not been one into how you strengthen them. That is the reason for this focus. I do not think it should be read into those terms of reference that in any way it is being suggested that people do not have a right to end marriages in appropriate circumstances. I think it is worth clearing the air about that.

Can we just pick up the regional problems and how we deal with them. So we are not going over old ground, let us assume that we know what the problems are generally and that problems in relationships, whilst they might vary a bit in Cairns, are going to be problems in relationships in Melbourne and the Pilbara and elsewhere. The reason that we have come to Cairns, I should say, is to try and get a sense of what are the peculiarities of a regional area, and not only a regional area but one which has got a rural and remote aspect to it as well.

What solutions are there? What should be done? Could you go beyond saying, ‘More money,’ because that is always the solution to government. It is not good our going back with a report that simply says, ‘More money.’ We have to be concrete about what particular problems there are and, if there are particular problems in regional areas, how they should be dealt with in order to effect a benefit.

Ms Venables—That is difficult.

Mr Gibney—Yes. I do not think there is any clear response. There are many issues involved, I think. One I could start with from my appreciation of the little travel I have done in Cape York, Torres Strait and the gulf country is that designing, even knowing what the issues are, in terms of relationships in remote Aboriginal and Islander communities needs to be done first. It is not quite true to say that the relationships and the issues about relationships and how they break down, or why or what they are, even, are the same in this region as in Melbourne, Sydney or even Cairns. So far as Aboriginal and Torres Strait Islander communities go, I think there are vast differences and I do not know that they are appreciated.

CHAIR—One of the previous witnesses today—I cannot remember which one, now—when asked about their Aboriginal clientele, if I can use that expression, said that largely that was provided through the ATSIC organisation and ATSIC funding.

Ms Venables—What was provided? Who was the witness?

CHAIR—This was in terms of counselling and support for Aboriginals who have relationship difficulties.

Ms Venables—I am not personally aware of those services and I cannot say to what extent ATSIC

funds them. I can comment to the extent that I have had dealings with family law issues for Aboriginal people. I might say that I have probably had as much experience dealing with Aboriginal people as family law clients as pretty well anyone would have, working at legal aid and in the Northern Territory at legal aid. But having said that, I might add that it is my view that Aboriginal people tend to use family lawyers less than other people do, so perhaps nobody has got a lot of experience at it.

In my experience of doing that work I have not come across clients who have spoken about any services that they have accessed and that are aimed at giving them information or education about relationships prior to entering into them, or information or education about how to keep them together once they are in them. In my memory, I have not had an Aboriginal client who has ever said to me that they were making use of such a service.

Mr McCLELLAND—You have indicated here that among your clients the incidence of domestic violence is very high in terms of the family law cases. Is it comparable in the white community and in the Aboriginal and Torres Strait community? Is there any difference?

Ms Venables—When you say ‘comparable’, are you talking about numbers or severity or circumstances?

Mr McCLELLAND—My question was directed at percentages, but now that you have raised severity would you provide your comments on that as well.

Ms Venables—I cannot say that I have statistical information to say which group of people has the higher numbers. I cannot give you that information.

In relation to terms of severity and circumstance, I would say that the types of situations that come before me, from my clients, that relate to indigenous women are frequently more severe in terms of the actual injuries that may be caused. However, I find that the non-indigenous clients I instruct tend to have incidents that are more—I do not quite know the word that I am looking for; perhaps it is ‘sinister’. I have white clients who tell me things like, ‘I came home last night and there was a loaded gun in my bed.’ They do not necessarily walk away from that with a broken arm or a black eye, but I would suggest to you that an action of leaving a loaded gun in the matrimonial bed is something which I would be loath to describe as not severe. Perhaps the circumstances are different, but in terms of severity it is difficult to increment that.

Mr McCLELLAND—Is it the situation that you think every case involving domestic violence which comes before you is irretrievable? Are there some where you think that, with the intervention of counselling, the relationship could be retrievable?

Ms Venables—There is philosophical debate about what is the definition of domestic violence.

Mr McCLELLAND—Leaving that aside and going on the facts of the circumstances that are presented to you, do you think that, based on the facts given by the people coming through the door, it is necessarily the case that because domestic violence was involved the relationship is irretrievable? Or, is it the case that despite there having been some domestic violence that, with counselling, the relationship could be

retrieved?

Ms Venables—You cannot answer that without asking: what is domestic violence? I would say that in 100 per cent of relationships there is an imbalance of power one way or the other; perhaps it is 49:51 or perhaps it is 90:10. Somewhere in between those two you cross a line which says ‘This is now domestic violence.’ If you draw that line at the point where somebody is getting physical injuries, I think it is fair to say that those relationships are not retrievable. Some people would draw the line a long way before physical injuries are experienced, and they would call that domestic violence. If you call that domestic violence, then I think it is fair to say that perhaps some of those relationships are retrievable.

Mr McCLELLAND—What about a situation—I am being a devil’s advocate—of extreme stress? We will assume, again, the stereotype of the male usually being the aggressor. He has lost his job; he has found out that day and it has caused him to go and drink too much. They have been married for five years and on this one occasion, with the build-up of stress and pressure, he comes home and hits his wife. Is that necessarily an indication, in your opinion, of an irretrievable breakdown in a relationship?

Ms Venables—At the end of the day, it is his wife’s decision about that, really, more than mine.

Mr McCLELLAND—But it is not, really, because if she is coming in for counselling and you have got a preconceived view that one instance—or any instance—of physical violence necessarily means that there has been an irretrievable breakdown in the relationship, then you will convey that advice to the woman; and that is a very powerful position to be in.

Ms Venables—I think you have to be very careful about understanding what my role is. I am not a counsellor, I am a lawyer and I would never, ever, give my clients any advice about whether they should or should not keep their relationship together.

Mr McCLELLAND—Under the Family Law Act, though, you have a responsibility to assess whether you consider the relationship has irretrievably broken down.

Ms Venables—I would like to have another look at the specific section that you are talking about. I am aware of it; but I am sure you said to the previous witness, ‘You must force the client to consider the issue’, and I am sure that the section does not use those words.

Mr McCLELLAND—No, it does not go that far. But, certainly, you have got to turn your mind to it and, to do that properly, you would have to discuss that with your client. It is very powerful—we have all been lawyers, I think, although I am not speaking for all of us here. If you are expressing a point of view to your client that any instance of violence necessarily evidences irretrievable breakdown, then it is likely that the relationship will break down.

Ms Venables—I would certainly never express such a view to a client.

Mr MELHAM—You would give them advice and it is then a matter for the client.

Ms Venables—Precisely. I do not regard myself as skilled or trained in any way in that area, and I do not propose to give advice to clients about whether they should or should not maintain their relationship. Certainly, in order to comply with the Family Law Act, I might be required to remind the client that they need to make that decision, but as far as advising them about that decision, it is not a matter for me.

CHAIR—What proportion of your clients would seek restraining orders—domestic violence orders?

Ms Venables—Again, I have not brought statistics with me. In any event, we would not have statistics on the numbers that have orders or do not have orders. But I would say that it is more than half who instruct me that they have experienced violence of some sort, and at a guess, I would say more around 70 per cent—and not all of those go to court and get orders.

CHAIR—If a client says to you, ‘I have experienced violence’, what is your advice to the client?

Ms Venables—I generally ask immediately, ‘Do you feel safe? Do you believe that you are safe?’. I think I might be a little unusual in terms of what most lawyers are like because I do not often advise clients to do anything, really. My approach, and perhaps it is idiosyncratic to me, is to ask lots of questions and find out where the client is coming from—find out what the client actually wants to do, whether the client has considered other options that they may not have thought of. If I think of an option that the client has not thought of, I put the option to the client and ask, ‘What do you think would happen if you did this, for example, and what do you think would happen if you did that?’, and then advise the client in terms of giving them information about what might or might not or will or won’t happen if they choose option A, B or C. But I rarely ever say to a client, ‘You should do this.’ I would say, ‘If you do this, then you would be breaking the law,’ or ‘You would not be breaking the law,’ or ‘He might do that.’ Do you understand the distinction that I am making?

Mr MELHAM—You advise them of their options based on what they have told you.

Ms Venables—That is right, and the possible or likely consequences of those options.

Mr KELVIN THOMSON—As a Victorian, that was a most impressive statistic—five times the size of Victoria. We have got a premier who is looking for a bigger challenge—we might send him up here. Can you comment some more on that issue of the adequacy of resources for this area, and in particular any trends which are happening in terms of adequacy of resources for this area?

Ms Venables—Resources in terms of relationships information and education?

Mr KELVIN THOMSON—The resources that are available to you to do the job that you are doing.

Ms Venables—That is not the job that I do. I give legal advice and representation. Our resources to do that are totally and utterly inadequate, but I do not know that that is necessarily within the terms of reference of this inquiry. In terms of resources to provide counselling, information and education, and also education about the legal consequences of entering into relationships, I am not aware of any resources available in this region to give information about the legal consequences of entering into a relationship, other

than an individual getting specific legal advice about their own personal circumstances. As far as I am aware, even the legal studies courses at schools do not give—

Mr Gibney—They seem to have a different focus.

Ms Venables—Yes.

Mr Gibney—Things like workers compensation law or consumer law.

CHAIR—I have often thought that the biggest disincentive to marriage would be to tell people about the child support scheme.

Ms Venables—Precisely.

Mr Gibney—I think that is a very good point. That is the thing which is lacking in this region and probably in many regions in Australia. It is a problem which you probably see at your doors—people not understanding their responsibilities, having had children, and the next thing is that they get a letter from the child support authority.

Ms Venables—And that is not available in schools, as far as I am aware.

Mr Gibney—It seems to generate an immense amount of anger amongst payers, or liable payers.

Mr McCLELLAND—And you think that information should be given before marriage?

Mr Gibney—Absolutely, it should be part of school education.

Ms Venables—Before puberty!

Mr MELHAM—People should be reminded that they have an obligation; they just cannot father children and expect the state to pick it up beyond a certain stage.

Mr Gibney—It is a matter of the rights of the children and the responsibilities of people who have the ability to bring children into the world. We are putting people out on the streets who do not know that until the tax department sends them a summons, and that is really quite negligent of our system.

Mr MELHAM—We are also educating them that there is no job to go to.

Mr Gibney—That is right.

Mr KELVIN THOMSON—It is partly relevant to this area and partly something we have been asking a lot of witnesses—about the possibility of a voucher system for pre-marriage education where the government would send people a voucher and say, ‘Here you are, you can redeem this and we think it would be a good idea if you did.’ Do you have any views about the potential value of that?

Mr Gibney—I think there are a lot of people in our community who are not orientated towards marriage at all, and they would not be caught in that sort of scheme. I think we need more than a voucher distribution system where you can take advantage of this free government education campaign. We would need to actually put this into the education system so that people know how our system works, how and what their responsibilities are, according to how they live. They need to know about family law—how it changes their property rights and interests. They need to know, if you do not get married and you enter into a relationship, what your rights and responsibilities are, and they are quite vastly different across the states. In Queensland, we do not have de facto property legislation; it is an appalling situation.

Mr McCLELLAND—You don't have—

Ms Venables—We do not have a de facto relationships act like South Australia, New South Wales and Victoria have.

Mr Gibney—Much of the advice that we give at the legal centre—I cannot tell you how many; there could be one or two out of 20 advices on a typical Thursday night legal session—is where you have an ex-partner from a de facto relationship and they have interests in cars, they share loans, they hold half interests in a house, or they do not have any legal interest in the house but they might have equitable interest in the house. People are getting done over and because they have not known their rights, they have not taken this into account when they have ended relationships and acquired property or interests. After the relationship fails, there is just not the law to properly deal with it. People are thrown into destitution with children and there is a whole social cost which could be avoided if we had proper laws.

Mr KELVIN THOMSON—Presumably, with the marriage education idea, a component of that would be directed to precisely the legal consequences of all this, including the Child Support Agency and so on, so that people do not enter into marriages ignorant of what may be down the road.

Mr Gibney—My point was that if you are waiting for people to come up towards marriage and then issue them with a voucher, you are missing about 30 per cent of the population who will go into dangerous relationships.

Mr KELVIN THOMSON—We will try to think about that, too, but we are also interested in the 70 per cent.

Mr MELHAM—The last thing they are going to go and do as they are developing a relationship is seek counselling and advice as to how to, in effect, bond as the relationship continues. Isn't that really the case, Mr Gibney?

Mr Gibney—I am not quite sure I understand.

Mr MELHAM—The assumption is that everyone is going to go and get a certificate and go through a formal ceremony, et cetera. A lot of people in this modern day and age do not see the need to get a marriage certificate and, frankly, would find it quite offensive that they are being counselled as to rights and obligations in terms of entering a relationship, whether it be because they have got other priorities or

whatever.

Mr Gibney—Or other values.

Mr MELHAM—Other values; I am just being a devil's advocate here.

Mr Gibney—Sure. I believe we should have a comprehensive education program so that people knew their rights in relation to other people's, no matter what their relationship was with them. So if you are entering into a marriage, the family law provisions apply and there are these rights to property, children and responsibilities. But if you are looking at a de facto relationship you have rights and ways and means of setting up your relationship and your affairs so that you are likewise looking after your affairs in a proper, responsible way.

Mr MELHAM—I accept that. Do you expect this to be done in the schools?

Mr Gibney—Absolutely.

Mr MELHAM—Do you expect Catholic schools to educate children about de facto relationships? I am only being a devil's advocate here, because you have got situations where some Catholic schools still insist on people teaching who are not in homosexual relationships. There is a bit of simplicity coming into this which I think is not recognising the complex nature of the current society. I am not saying it is not beneficial. I am not saying it should not be pushed. Do we then insist on Catholic schools and other schools providing education outside what they regard—

Ms Venables—It is certainly a good idea to have it in schools. I could see there would be enormous difficulties with getting that into Catholic schools. For that reason it needs also to be available in other places.

Mr MELHAM—I accept that.

Mr Gibney—I think it could be said, too, that there must be controls on Catholic schools, Lutheran schools or martian schools—no matter what brand of school it is. There is surely regulation as to what they must teach.

Mr MELHAM—I do not disagree with you, Mr Gibney, but they have all got exemptions under existing legislation based on their religious affiliation and the fact that they do not want to be dictated to by government.

Mr Gibney—Are they provided with funds by the government?

Mr MELHAM—This is the circular argument.

Mr Gibney—Doesn't the parliament have some control over the legislation exemptions?

Mr MELHAM—Except that politicians have not had the courage in the past to impose uniform standards. That is why there are exemptions in the—

Mr Gibney—It may be that the Catholics miss out on the opportunity.

Mr KELVIN THOMSON—My response to some of this would be to say that it may well be the case that with relationship education we will not catch up with everybody, but at the moment all the evidence suggests that we are catching up with very few people, so the question is: are there measures that we could take, whether it is the voucher system, work in the schools, or wherever it might be, in order to catch up with a lot more people and improve the present situation?

Mr Gibney—Every option should be examined and applied where possible.

Mr MELHAM—I should put on the record, just so that it is not thought I am anti-Catholic, that I am actually a practising Catholic; I am just playing the devil's advocate.

Mr Gibney—To take up that point, there are many options and some very effective ones, to answer the first question that was put. We started talking about Aboriginal issues. There are some very simple and effective means of communicating with young people which are not properly used. I could think quickly of things like the *Streetwise* magazine. Are you aware of that? It is a publication from an organisation called Streetwise. It comes from Sydney.

That style of educational material goes a long way. It has been used very effectively in subcultures which are not mainstream culture, such as Aboriginal communities. So we do not have to think about a teacher standing in front of a blackboard and conducting a course. We could have interaction type stuff and we could use people like community legal centres to contribute to education programs in the schools, or wherever, if we had the resources to do it. We see it as our brief to provide the community with that sort of information but we do not have the resources to do it.

Mr McCLELLAND—It has got to be persuasive that that sort of information should be provided at schools. Ms Venables, you seemed a little pessimistic. Do you think it is futile to nonetheless provide that education and/or assistance during the stage of marriage when things start to go wrong?

Ms Venables—Do I think it is futile to provide it?

Mr McCLELLAND—Yes. Or do you think it would nonetheless be worthwhile to provide relationship counselling and education during the course of a relationship which is not going in the right direction?

Ms Venables—No. In my opening statement I did point out all of the difficulties I find with having emphasis on keeping relationships together where I think there should be greater focus on stopping the bad ones from starting in the first place. But I did say, I think, that I accept that there is a proper role in some cases for services which assist in keeping relationships together and that there is a particular need for that for blended families, where there are additional difficulties involved in keeping a relationship together. There is

really no reason why the relationship would not or should not be able to work but there are difficulties that people just do not have the information, such as about what is involved in being a step-parent and how you do it really well.

Mr McCLELLAND—So that is still a worthwhile role for government funding in that area?

Ms Venables—I certainly believe that is the case, yes.

Mr MELHAM—But is it not even more complicated than that? There are a lot of pressures that are brought to bear, not in the development of a relationship but after a relationship has commenced, for example if someone suddenly finds themselves in unemployment. No-one can tell me that the close-down of BHP in Newcastle, with 2,500 resultant job losses in Newcastle, is not going to create enormous pressure on relationships in that community.

Mr Gibney—It puts enormous pressures on everything.

Mr MELHAM—On everything. But I mean in terms of marriage breakups and what they do to the interaction between couples. How do you account for that?

Ms Venables—What do you mean, how do I account for that? I would have to agree with you that that is very likely to cause lots of problems.

Mr MELHAM—Pressure and stress.

Ms Venables—Absolutely.

Mr McCLELLAND—From your previous answer, it would be worth while to provide assistance to help those—

Ms Venables—It would certainly be worth while to provide assistance. It is a situation analogous to the flooding out west. I think the Department of Families, Youth and Community Care put on special disaster counsellors for that situation.

Mr MELHAM—It seems to me that in that situation you need counsellors as well, because there are going to be pressures on relationships, resulting from unemployment and the loss of self-esteem in those instance where the male sees that he has been the provider for the family and now he is worthless because he does not have a job.

Ms Venables—There is no doubt about that. I do accept that there is a role for services being provided to assist relationships to stay together when there are adversities facing them—no doubt about it.

Mr Gibney—Could I take that a little further? It is developing the idea a bit, I think. In places like Far North Queensland we do not have the shut-down of BHP, but we do have a lot of stress brought on the community by development of our natural resources and our tourist industry, and the agitation over pastoral

interests as against mining interests as against indigenous interests in our assets here.

Mr MELHAM—That is an area where the government is wanting to intervene. They do not want to let the marketplace rule.

Mr Gibney—Sure. What I was coming to was that we had enormous change in our society in this region, particularly since the mid-1980s development of the jet airport in Cairns. It brought an enormous change to our culture and our developmental opportunities in this region. There has been a growth rate in Cairns—a population growth rate and development—and centres like the Cairns Community Legal Centre have been developed in the last four years, but we are way, way behind the infrastructure which needs to be put in by the government to support the people who are here.

We have an enormous dislocation factor in our community, which creates stress in the Cairns region. A lot of people are coming from Victoria and other states where opportunities might have changed. They have come into Queensland; they see this as a land of opportunity. They come to places like Cairns, where there is apparently development, things happening, but they find that they cannot exist here. They cannot get the jobs. You have got enormous turnover. You could get a job and then be laid off because that project is finished. There are all sorts of implications for family arrangements and relationships. If you really look at the growth of social infrastructure in Cairns, Cape York and other places in the far north, you see that it has not grown with anything like the incremental development that we have had.

Mr MELHAM—Would it also be fair to say that there has actually been a retreat from government providing those services?

Mr Gibney—That is right.

Mr MELHAM—What they have relied on is basically volunteer organisations and other affected people who band together and provide that service.

Mr Gibney—Yes.

Mr McCLELLAND—If the government does retreat from the area of Family Court counselling, do you think that the voluntary organisations will come in to fill that vacuum?

Mr Gibney—No, they do not even have the skills base. They do not have the time; there are not enough people with skills in this region. That is a part of the issue I am referring to—the social infrastructure. You just do not have the people up here with that sort of training or you do not have the numbers of them. In Cairns, for instance, the Cairns Community Legal Centre has five paid workers—three of them are lawyers—but we have something like 31 lawyers on our volunteer roster. If we costed that out, we would pick up something like \$200,000 per annum in lawyer time coming into that resource which has been given to the community free of charge, free of any bill to the government. That is a very good thing but that is the end of it. We could not pick up any more.

Mr McCLELLAND—What is your experience as to the standard of the Family Court counsellors? I

suppose I will ask each of you that question. Are they talented at what they do? Is that your experience?

Mr Gibney—Yes, and they are supported by a culture which has built up in the last 25 years in the Family Court of experience and support. They have a lot going for them which just is not available anywhere else.

Mr McCLELLAND—Ms Venables?

Ms Venables—First of all, I presume that you know that the focus of the Family Court Counselling Service is not on keeping relationships together. It starts from the accepted position that the relationship has broken down and now they need to work out what arrangements are to be made for children. At that, I would say that they are probably the most skilled counsellors about. They have certainly got the most experience. They have been in it now for 22 years and that body has built up a level of expertise that is not found anywhere else.

Mr MELHAM—They are also committed, I imagine, and work above and beyond the call of duty.

Ms Venables—Absolutely. And they are well paid. In comparison to counsellors who work, for example, for Lifeline, I would suggest to you that the levels of pay that a senior counsellor at the Family Court Counselling Service would receive would be higher. That, of course, encourages skilled and trained people. Having said that, I do not accept that every single counsellor has come to grips with the issue of domestic violence. I am aware from some of my clients that that is certainly not the case.

However, they have come a long way, particularly in the last, say, three or four years. I think that the amendments that were introduced into the Family Law Act in June last year have forced those counsellors who were perhaps not up-to-date or sensitive to the issues of domestic violence, to at least rethink them. What has also gone a long way to assisting those counsellors who were not sensitive to those issues is the direction of the Chief Justice of the Family Court in relation to family violence matters. I do say that there are still problems. However, the Family Court Counselling Service is probably the most experienced and most expert body that we have in Australia and they are, on the whole, a very expert body and achieve some fantastic results.

I think it is a real concern, the move towards charging for that service. In my experience, men are reluctant to use that service. Some women are, too, but on the whole I would say that men are more reluctant to use that service than women are. It does not really matter which is which because at the end of the day there is no point in using the service unless they are both there. If we are now going to charge \$40 an hour for voluntary counselling there, that service is simply going to be underutilised and the cost to the community through litigation is going to be even more.

Mr MELHAM—So it is a false economy?

Ms Venables—Absolutely. I do not think we have too many arguments with the concept that legal services are too expensive. There are not too many lawyers who charge \$40 an hour that I know of.

Mr Gibney—The chairman started with questions about appropriate ways of implementing programs and education through this regional area. There has been some innovative work done—you are probably aware of it—using video conferencing for those sorts of purposes. I understand the health department in Queensland for instance has spent some millions of dollars on equipping centres throughout these regional areas. It seems to me that that could be a useful thing to think about as a medium for allowing people such as the community legal centres or others to communicate across the remote regions. It is just beyond the budgets of the smaller centres themselves. If the infrastructure was set up, advices could be given, workshops could be run and you could have interactional stuff going on right across the region for a very small amount of money. I understand a typical system could be set up through personal computers for an investment of about \$18,000. A community in Cairns could be linked with communities in the Torres Strait or wherever. Information interchange could happen at a very low cost once the infrastructure was set up.

CHAIR—Thank you for that. Thank you for coming along today and for the discussion which has been most informative.

Resolved (on motion by Mr McClelland):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 3.17 p.m.