



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Reference: Administration of the Family Court of Australia

SYDNEY

Monday 15 September 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
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Mr Melham	

Matter referred to the committee for inquiry into and report on:

Administration of the Family Court of Australia.

WITNESSES

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MORGAN, Mr Richard John, Member, Family Law Council, Lionel Murphy Building, 50 Blackall Street, Barton, Australian Capital Territory	2

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AFFAIRS

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Present

Mr Andrews (Chair)

Mr Mutch

Mr Randall

The committee met at 4.21 p.m.

Mr Andrews took the chair.

BOLAND, Mrs Jennifer Margaret, Chairperson, Family Law Council, Lionel Murphy Building, 50 Blackall Street, Barton, Australian Capital Territory

MORGAN, Mr Richard John, Member, Family Law Council, Lionel Murphy Building, 50 Blackall Street, Barton, Australian Capital Territory

CHAIR - I declare open this hearing of the committee's inquiry into the Australian National Audit Office report on the administration of the Family Court of Australia, audit report No. 33. This hearing arose out of the report of the audit office to the parliament, and the matter was referred to this committee because it was seen as in some way being a successor of the Joint Select Committee on the Family Law Act and perhaps more appropriate than the usual committee to which audit reports are referred.

CHAIR - Welcome. Although the committee does not require you to give evidence under oath, I should advise you that 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 your submission of July of this year. Would you like to make some comments about it?

Mrs Boland - Thank you very much. I think the members of your committee would probably be aware of the role of the Family Law Council. The council is appointed under section 115 of the Family Law Act to advise the Attorney of the day or of its own motion on matters relating to family law and legal aid. This matter comes peripherally within our jurisdiction in that we looked at the family law aspects. I would like to apologise to the committee. As you can probably hear from my voice, having withstood the flu all winter, it has finally caught up with me and I have very little voice.

Essentially, and Mr Morgan will expand on this, the basis of our report was that we in fact agreed with the findings of the audit report in their essential findings and the findings of the Family Court. I think our point of departure was, and I would ask Mr Morgan to expand on this, that we felt that there were some aspects which were in the terms of reference which had not been addressed by the audit report.

In summary, our view was that the court has of recent years been subject to any number of investigations and reports, the McKiernan report, the Evans report and the Coaldrake report, and we really felt that, given the time and disruption that a lot of these investigations and reports cause to the court, it was appropriate at this point in time that the court have a breathing space to actually put its management policies into place, get its new information platform up and running and in fact be freed of the constraints of the reports to actually implement what it is about in its court principles and its business plans. So that is essentially the thrust of our submission, and I would be very happy to answer any questions you might have. Mr Morgan might like to expand.

Mr Morgan - This particular report, as you identified before, Mr Chairman, emanates from the joint select committee report into the administration of the court. That was a very detailed report on the court and its administration. It made a number of critical findings and criticisms of the court in respect of its basis of operation. As a consequence of that, it suggested that further work be done and that an auditor be appointed to look at issues. The Attorney-General of the day took that up and made a reference. This is the second of the reports dealing with that reference.

As Mrs Boland said, in the main, the Family Law Council does not have any particular concerns with the findings of the audit report or with the proposals and recommendations made by it. There are one or two matters that I wonder about, though. For instance, if one goes to the summary of the audit report, paragraph 3, some statistics are provided which show that each year more than 100,000 adults and more than 150,000 children are affected directly by proceedings in the court.

I would not like to quibble too much about the statistics other than to say that for many years now the Family Law Council has been complaining in its annual reports and in letters to the Chief Justice of the Family Court about the adequacy of some of the statistics that are available out of the court system. Some of those concerns were sought to be satisfied by the Blackstone system that has been put into the system. In general, I think there has been a substantial improvement in statistics, although, like all sets of statistics, if you are trying to do some policy development about a particular issue, you will find that the statistics that are available do not always go to the very nature of the issue that you are trying to grapple with and to effect policies.

I come back to the actual figures that are quoted - 100,000 adults and 150,000 children. As I said, for many years the council has been providing statistics to the parliament by virtue of its annual reports. The last statement we have about matters affecting children before the Family Court was in their 1993-94 annual report. Table 5 on page 49 of that report shows the number of children involved in divorce from 1989 to 1993. In 1989 it is 43,317, up to 48,055 in 1993. Yet the auditor's report finds that in 1996-97 the figure is more than four times greater. It seems strange to me that those figures are around because the figure of 100,000 adults is in itself fairly consistent with the number of adults.

The number of dissolution proceedings in 1995-96 in the Family Court of Australia turned out to be 44,626, which means that if you double that, just on 90,000 adults appeared in there and there would be other ancillary matters where adults who are represented in the divorce proceedings were involved, so 100,000 seems pretty fair.

I think the figure for children gives a misleading view about the number of children involved. That could colour to some extent the way in which people view the report. This is about procedures of the court and the administration of the court. Yet one of the most important parts of the court's work is the children's work and the volume seems to have significantly increased. I do not know that that is right and I do not know that the auditor's findings about it are necessarily spot on.

CHAIR - Mr Morgan, can we perhaps take them one at a time? That might save us going back.

Mr Morgan - I wish to make one further point about it. Paragraph 11 of that same summary talks about the workload, which increased from two per cent to four per cent per year, which leads us to some difficulties. I do not doubt that there are increases on a yearly basis and I do not doubt that the court workload is significant, but I think the figures mislead to the full volume.

CHAIR - I was just going to comment on the number of children. I will ask the audit office about that, obviously. I presumed that they had made a mistake and meant 50,000 rather than 150,000, but there is a difficulty with this because if you take the latest report of the Family Court, at table 1 on page 64,

‘divorces involving children’, the statistics for 1994 and 1995 are not available.

Mr Morgan - No, but if you go back to the three previous years, there is 46,000, 45,000 and 48,000 -

CHAIR - That is why I presumed it was a mistake and it was probably 50,000. We can quibble about the figure, and I understand the point you are making, but I suppose the more pertinent question here is: why haven't we got figures for 1994 and 1995 - and perhaps subsequently - about the number of children involved in divorce?

Mr Morgan - I think that goes back to my comment of a few moments ago that statistics out of the court have always been very difficult to get. Blackstone was supposed to provide better statistics, but Blackstone has been geared towards the new case management system, which I want to come to. This means that, because the statistics are captured for a different purpose, they may not capture the statistics as well as other people would like.

Mrs Boland - The point that I was going to make - and I come to this point wearing my practitioner's hat - is that you may in fact file several applications in the court relating to the same children. When you file an application for divorce on behalf of a client, you would name the children in the application so they would be counted there. You would file a separate application if you were seeking a residence or contact order about those children, so you may have some degree of double counting there.

I think this has been part of the thrust of the Family Law Council, when we say that to have good policy direction about the court you really need to be able to break down and get out from the statistics whether you are comparing apples and apples, or apples and pears. I think that is part of the problem. It was certainly in the technology platform prior to these reports, and I know it is being addressed as part of trying to change what is happening there.

CHAIR - Could I just take that one step further? One of the other matters which the audit office raised in paragraph 4.30 of its report was:

The court does not routinely collect and analyse demographic data to determine the demand for its services.

Then there is some further material about that. Obviously, all these questions will be for the Family Court as well, but I am interested in the Family Law Council's view about this. It would seem to me that the routine use of other generally available demographic data -through the ABS, et cetera - would be very valuable to assist the court in terms of determining changing trends and needs, particularly on a resource allocation basis, but generally in terms of where the court's services might be required in the future.

Mrs Boland - Mr Morgan may have different views to mine. I can only say that I think that that data, by way of background material to the court, of course would have to be of relevance.

Recently, the Family Law Council conducted its meeting in Coffs Harbour. One becomes very aware there of the very large number of single parent families, the resulting different needs of the court and the

very different types of orders being made in that registry, where you have a much more shared parenting role because you have a very high number of people dependent on social security. I think that sort of demographic background would be very important for the court to know that they would need to concentrate, say, counselling resources in a registry of that type of background.

As to experience in terms of whether marriages are more likely to break down at a particular stage, whether with the demographic shift of the population with the baby boomers we are going to see more marriage breakdowns in that age group and are therefore likely to see more property matters rather than children's matters, if those things were covered with work from the Australian Institute of Family Studies, who could give some background, it would have to be helpful in long-term planning for the court's resources. That is my personal view, not the view of the council.

Mr Morgan - That personal view, I think, is shared by members of the council. One of the things we need to bear in mind - and this is where the council perhaps cannot be as helpful as you might wish it to be - is the relationship between the court and the council and the way in which we are aware of what the court does. Because the council has a broad charter under section 115 to investigate and to make reports, we get a lot of very good cooperation from the Chief Justice and from the court in respect of issues upon which we are undertaking investigation at a particular time. The actual day-to-day running of the court we do not normally become involved in.

The sorts of issues that you just raised about the way we plan probably come from the day-to-day running. Unless we have a particular concern about it or a concern has been raised with us as to an inadequacy of resources in a particular area, we probably would not be saying to the court, 'What are your plans in this area? What are you proposing to do?' so much because our function is more policy development, policy input - the way in which the system as a whole operates, rather than getting down into the nitty-gritty of establishing arrangements.

For instance, the court some four or five years ago decided it was going to do a simplification of its procedures exercise and it put into place new case management procedures as a result of that. That was a deliberate policy of the court. It was to overcome a concern that had been around for quite some time regarding significant delays in court proceedings. People were being disadvantaged by it. The court went to a tremendous amount of endeavour to ensure proper and appropriate consultation. They got people from outside the court on a working group to develop proposals for consideration and promulgating. They really went to a lot of effort. They are now in the process of evaluating that so that they do take notice of externals.

But bodies like the Family Law Council and the Institute of Family Studies do not have ready access—you would aware of section 121, which provides a blanket on information to a large extent - to the records. When we want to do an exercise we approach the Chief Justice and the Chief Justice invariably assists us, makes his files available as appropriate and ensures that we are not deprived of information. But getting into the nitty-gritty of the court's operation is something that the council does not do as a matter of course. So our information is limited because of that.

CHAIR - But in terms of future planning, Mr Morgan, somebody should be looking at demographic trends and how that is going to have an impact on the Family Court. My question, I suppose, is simply this:

should it be the Family Court? Should it be the Attorney-General's Department? Should it be AIFS? Whom should it be?

Mr Morgan - If one takes that position then the court itself should do it. I understand that it does do it, but I cannot say to you definitively that it does. Whenever the court wishes to change some directions or needs to consult on new policy proposals, all those sorts of things, it consults our department. There is a courts and tribunals branch of our department which deals with most of the new policy proposals because they come out of jurisdiction issues or administration issues. They, no doubt, have regard to a lot of external factors.

So far as policy development, which is my area, is concerned, we look at the court's proposals. We also look at externals and policies based upon a whole range of reports, a whole range of information available from the ABS and other areas. For instance, we would be looking at whether we should do something in the de facto relationships area. We went to the ABS and got demographics about de facto relationship issues. So we certainly look at those, and I am certain the court does too.

CHAIR - Anyway, I interrupted your presentation, Mr Morgan.

Mr Morgan - I mentioned the work that the court has done in its own development of its procedures, such as the simplification exercise which is about to be undertaken and re-evaluated. They have also had the Coaldrake report, which is mentioned in this particular audit report and which is still under consideration. That gives some very significant directions to the court as to simplification of their structures. Structures, workload and resources quite often get tied up with issues such as delays. It is interesting to note that, with the simplification of the court's processes a few years ago, one of the virtues of that was going to be the shortening of the delays in court proceedings because there was a more structured approach to putting clients of the court through processes. They did not get lost as they used to years ago in the black holes and the cases would not surface for a terribly long time.

I believe overall that the resources that have been devoted to that have been well worth the effort. Mrs Boland may know from private sector involvement, but in more recent times it seems to me that the council is becoming aware of concerns being expressed by the community about delays in the courts again. I do not know what the genesis of that is or the rationale for that, but it does seem that the court is going back to times of taking a longer time to deal with matters. Yet the simplification exercise was supposed to shorten the time frames and to make it a structured approach so that people went through in an orderly way. I do not know that the principles have gone wrong. There may be other reasons which I am not aware of.

Mrs Boland - Perhaps I could comment on that, because I work in this jurisdiction on a regular basis. The simplification has been very effective in registries such as Sydney and from the period of filing to normally a matter being heard you were looking at two years. Even the most complex cases are now dealt with within 12 months. There is extreme client satisfaction about that for those small number of cases that do go through the system. Certainly, you do not have matters being stood over generally. The matters are moved along and very well managed.

I understand that at the registries where there are delays, such as Newcastle and particularly in Brisbane, it is really a question of insufficient judicial resources. The cases are coming through more quickly

than the judges can cope with them. I would have to say from a practitioner's point of view that for my clients simplification has been cost effective and time effective and all of the things that one hopes for in this jurisdiction, that is, it provides cheaper access to justice, which is what the aim was about.

CHAIR - I am ignorant because I did not practice in the Family Court. I recall a time in the supreme courts, particularly in their commercial lists, when they introduced a very strict regime. If you did not meet the almost weekly requirement to file your documents and everything, you virtually were thrown out of court sometimes, depending on the judge.

Mrs Boland - I must say that the regime that was introduced by Justice Andrew Rogers in the commercial list in Sydney has a very similar feel to the way the cases are being handled in the Sydney registry by Justice O'Ryan. It is very efficient. Practitioners can have costs orders awarded against them if they do not comply with timetables. They are asked to bring their clients so that the clients actually hear if it is the solicitor's fault that things are not happening. I think it has put a lot more pressure on the profession, and rightly so.

CHAIR - From a practitioner's point of view, you are happy with that?

Mrs Boland - Yes. I just have to work harder.

Mr Morgan - That exemplifies the point I was making that the court in fact has done a lot of very good work, does take notice of external issues and is trying very much. I do not understand what the rationale is. There seems to be a spate of concerns being expressed by the community about delays and there must be good reasons for this. As Mrs Boland said, maybe the judicial resources in some centres are insufficient, and that is something for the court to tell you. The court has worked extremely hard to try to get systems in place which look after the client. After all, that is what the whole thing is really about, the client.

CHAIR - Were there any other matters, Mr Morgan?

Mr Morgan - No, they were just the two issues that I wanted to raise.

CHAIR - I will just take up a few things at random. I will just work through them; that might be the easiest way. They are in the order of the report rather than any other logic. We do not have a copy of the Coaldrake report. Is it possible for us to obtain a copy of that?

Mr Morgan - The court would be able to give you a copy. I do not have a copy, although I have seen it. The department has a copy of the report. But, certainly, Mr Glare would make one available.

CHAIR - We will ask him on Thursday for a copy and about the progress of it, et cetera. There is one matter which I think you commented on in your submission. In paragraph 3.16 on page 22 of the audit report the ANAO criticised the court plan. The last dot point there says:

. . . the Court's objective that 'Justice is provided in an environment which safeguards the independent exercise of judicial power' has, as its first strategy, 'ensure independence of the Court and judges, and other exercising judicial power from

influences upon their impartiality’.

There is a criticism there that that cannot be measured. Do you have any comments on that criticism?

Mrs Boland - I think I would say what was being highlighted there was simply the need for the executive and the judiciary, as in chapter 3 of the constitution, to be seen as separate and distinct and the court maintaining that as a principle. I can understand how it could be said that there is some difficulty in having a measurable standard that you can benchmark against that particular standard. When I read this I was trying to think of ways in which the court could measure its independence.

I attended the Australian Institute of Judicial Administration conference recently. Certainly, one of the very strong themes of that conference from all judicial members who attended from courts in Asia, Singapore and Australia was the Beijing charter where they set out in that charter the points that are essential to maintaining the independence of the judiciary. I think the points in that Beijing charter are ones that probably could be used as a benchmark standard for independence of the judiciary and the independence of the judges of the Family Court.

CHAIR - It struck me that it may not be feasible to measure an objective like but that there are some principles which, from an audit point of view, particularly from a financial administration point of view, may sound desirable but when you are dealing with a court it is much more difficult to do that.

Mrs Boland - I think this is the difficult aspect, but there is probably some degree to which they could be measured. I have to apologise for not being on the judicial stream. I was probably not as conscious of those points except knowing that they exist. Justice Malcolm Davies of the Supreme Court of Western Australia talked about the ability that had occurred by a number of courts and a number of jurisdictions being able to get together and say that they were the fundamentals of the independence of the judiciary.

CHAIR - On page 5 of your submission you list the criteria developed by the ANAO for the second audit. Do you think that was the best possible set of criteria? Or do you think it has omitted any relevant aspects of the court administration?

Mrs Boland - Mr Morgan may like to comment, but I think the criteria were not lacking in the particular criteria. The point we make in our report is that a number of the positives that the court had achieved, and some of the things about the background in which the court had to achieve those things—the increasing jurisdiction in fact—do not seem to have been spelt out in the report itself.

I would also make the overarching comment in relation to this that the expertise in audit is not something that really vests in the Family Law Council. We try to look at this from a policy point of view of matters affecting family law. We do not profess to have expertise in auditing requirements.

Mr Morgan - I also agree that those criteria are very relevant criteria for the assessment of any court. If you go to page 9 of our submission, you will see in the second and third lines of the final paragraph that it was generally found to be well administered but:

. . . it provided no detailed analysis of the efficiency or the economy of the Court's administrative processes, and of whether the Court's operations met the audit standards in this regard.

I think that that is the major criticism of this council. When one reads this report you can get an impression that it is not well argued, not well supported by some of the statements it makes. I think it said it was a field body - I would hate to get it wrong - that did this. It looks as though they had in their minds a whole lot of information that they had available, but I do not know that they necessarily considered and weighed all of that and the importance of putting some of that information in the body of the report. They had a concern, they were given information about the concern which satisfied them and they seem to have just accepted that without indicating precisely how they should have accepted it or why they accepted it. I think that that is a shortcoming of this report.

CHAIR - Is that a criticism, Mr Morgan, of balance, if I can use that expression?

Mr Morgan - I think you are right. It is a criticism of the balance of the audit report. I am not saying that the information provided was not there or was not satisfactory. I am just saying that when one reads the report one would normally expect to find that, if an issue or concern is raised, there would be some analysis of facts that either gave rise to dispel or substantiate it and a conclusion reached. In a number of places in this report you do not get that analysis of the factual evidence available.

CHAIR - Let me get this clear. There are individual examples raised by the audit office - for example, in figure 6 on page 23 of their report there is an analysis of the Family Court business plans. If you look down the column 'Performance indicators and time frames', for court counselling there is 'some', for human resource development it says 'no', for personnel policy, et cetera, it says 'no', for information technology it says 'yes', for southern regional office it says 'no', and for Dandenong Registry action plan it says 'no'. That seems to be detailed -

Mr Morgan—There is a lack of detail.

CHAIR - You are saying that there is lack of detail as to why they have said yes or no. Nonetheless, they have indicated areas in which, according to the criteria that they have established, the court plan is not yet adequate.

Mr Morgan - Yes, that is right. I think that is the case. If they have said that it is not there, is there a reason for it not being there? Is there an acceptable reason at this stage? Look at the comments: for instance, for 'Human resources development' it says 'no' and then it says 'Performance indicators to be determined in consultation with project leaders.' Whilst that may be an appropriate and satisfactory situation, there is no indication from them that it is going to occur, there is no indication of whether they have commenced doing it. From an audit point of view I would have thought that the report seemed to me to be saying, 'We have a satisfaction about this but we are not really telling everyone why we have that satisfaction.'

CHAIR - On the top of page 6 of your submission there is a series of dot points which relate to areas in which the audit office noted further improvement was possible. Are you able to comment on those six

points and, if so, are you able to make any comment about the priority that ought to be accorded to them? You say you agree with its findings; can you elaborate?

Mrs Boland - Yes. I think that the council's view was that the court would have to and should properly consult with the Attorney to make sure that, in terms of the directions of the court and its priorities - notwithstanding that one talks about judicial independence; you cannot work in a total vacuum - the wishes and priorities of the Attorney of the day are things that the court takes into account.

From reading the audit report, it seemed to be that one of the things that was lacking was that the business plans did not necessarily coordinate or fit into the court's master plan. That obviously needs work within the administration to see that they are working towards a common goal and that the business plans, as in any organisation, fit into the overall philosophy and mission of the organisation.

The next ones - I would see them as more administrative roles for the chief executive officer to make sure that the goals are being met in benchmarking - are certainly ones that we would support as being ones that can only lead to the funds which government provides to the court to provide an effective service to the consumer being used in the most cost effective way to deliver to the end consumer of the court. If that is the priority, then all of the court plans should be geared to achieving that aim. I think that they are probably very simple aims. At the bottom line, you ask for a system that develops justice fairly, effectively and as cheaply as possible to all litigants who need to use the court's services in Australia.

CHAIR - I have some detailed matters which are more appropriate to take up with the court rather than with the Family Law Council, in terms of progress. There are quite a number of matters in the audit report to which the court's response is that this is being looked at or this is being developed. I think it would be useful to know their progress.

Mr Morgan, this issue arises from one of your opening comments. You spoke about the time and disruption of constant reviews of the court, and admittedly there has been some scrutiny of the court over the past couple of parliaments.

Mr Morgan - Since 1991, it would be fair to say, the court has been under almost continual scrutiny - sometimes through joint select committees - and there have been three in reality. There has been the 1992 report, the 1993 report and the 1995 report on the administration of the court itself. Then they have had Coaldrake to review the structure of the court itself, its operational structure. Plus they have had the auditors in there for the last 18 months or so. So it has been almost continual since 1990-91 that some form or other of review of the court or investigation of the court's process has been in operation.

It takes a considerable amount of resources to service those sorts of inquiries. The unfortunate part is that the services quite often have to be performed by people who are required for other functions within the court's method of dealing with case work and the like, and that has an impact on case work. That is the point we are really making: if you take up resources in some areas of the court for continual investigation, then you pay a price at the other end because you get delays, you get people concerned about the delays that are occurring.

The council gets some complaints to it on a regular basis about delays and other aspects of the court. The department - if I can digress from my Family Law Council hat for a moment - gets hundreds a month. A lot of them are about delays and about the way in which they went to court today because they were told it was going to be on but there was some urgent matter came up and they were put off and it cost them so much for the day wasted. When you have investigations impacting upon the court's capacity all the time, that is an inevitable consequence. We as a council say in this report as our final comment that it seems to us that this court has been through the mill for so long that it really does need some breathing space to get down and settle down and do its primary, core function, that is, adjudicate on matters or provide PDR for those who can use it, and let's see if we get better results, better outputs, from the court as a consequence.

CHAIR - I take it you are not saying, though, Mr Morgan, that a short focused inquiry such as this one or one into the annual report of the Family Court is inappropriate, given the -

Mr Morgan - That is not a criticism I am making, either of this committee or of any other committee of the parliament with respect to the things which are part of its statutory function. If you get caught with having to respond to a parliamentary inquiry about your annual report on the basis of your operations, that is not going to take large numbers of resources, but where you get significant investigations or inquiries and they want significant statistics and details of case loads and the like, that does impact very much on the operational part of the court.

Mrs Boland - At the same time these things have been happening the court has had the Family Law Amendment Act 1995 come into force, which has meant tremendous changes in the court and a whole lot of new work for people within the court, legal practitioners and clients of the court.

The other thing which I think is very important to remember is that there are a number of very dedicated people who work at the court, from the counter staff to the registrars - I am talking about the people who are at the administrative coalface - and they are feeling that they are constantly under scrutiny and perhaps not getting on with their job, because my experience of the vast majority of these people is that they work extremely hard and do try to do a very good job. They feel very much undermined with constantly feeling that their whole system is under review.

CHAIR - There was just one other matter. The question of the regional management of the court has been a contentious issue since Buckley and there have been various changes. Does the council have any views or any policy about the devolution of management to the regions or the structure in which there is a regional layer of management?

Mrs Boland - I think you will find in our report in 1996 to the Attorney, which is annexed to our report, a suggestion that there ought to be a rationalisation of the court structure and that we supported that. I know it was one of the earlier recommendations and we specifically commented on that in our letter to the Attorney.

Mr Morgan - On page 28 of the document is the management structures, but that goes more to the judicial structure. On page 29 it says:

There are already a number of devices in place to ensure that the judges are consulted;

It has been a concern.

Mrs Boland - My recollection is that there was a specific recommendation in the earlier report and that we had commented on that. I know we were certainly looking at the recommendations on the collegiate structure.

CHAIR - I was just referred to it. In the fourth paragraph on page 29 you say:

Council notes that the Coaldrake Report does not support abolition of the regional structure of the Court. Council agrees with the Coaldrake Report.

Mrs Boland - Chair, I apologise, but I think it is about 18 months since I read that report. It certainly recommended some rationalisation, as I understood it, of the administrative structures within the court.

Mr Morgan - My recollection is that it was a two-stage consideration by Coaldrake. One was whether the court itself should operate just as one single court structure across Australia, other than Western Australia, or whether there should be regions. That is what Coaldrake said and the council agreed to - that there does need to be some regionalisation. But when there were three or four regions, that seemed to be too much and there has now been rationalisation down to two.

CHAIR - We will check that with Coaldrake and the court then. Any more questions?

Mr RANDALL - Being a Western Australian, I would like to make the observation that it is nice to see that the Family Court of Western Australia seems to be able to outperform the Family Court, as shown in your appendix.

Mrs Boland - We learn a great deal from Western Australia frequently on the council. Justice Carolyn Martin comes as an observer to the council. In our paper on the Magistrates Court, which this council published recommending a federal magistracy, we had enormous help from the Western Australian model. I am sure the Chair would also be aware that we discussed in-depth the situation where you have a separate funder for the counselling service provided in the Family Court of Western Australia. We learn many things from the west.

CHAIR - On that parochial note, I thank you for your submission and also thank you for making the time available to come and discuss it with us today. We will look forward to hearing from the Family Court on Thursday.

Resolved (on motion by Mr Randall):

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

Committee adjourned at 5.08 p.m.