

Preface

This is a report about strengthening marital relationships. It is about preventing marital distress and the consequent breakdown of relationships. It arises from our concern for children; for their future, their happiness, and their ability to form their own loving and fulfilling relationships.

Marriage has been substantially redefined in recent times. In the words of Dr Don Edgar, the former director of the Australian Institute of Family Studies, marriage has been defined backwards by reference to divorce over the past two decades.

Marriage and divorce have often resulted in polarised views within the community. A debate continues between those who say that divorce is a right, not to be encumbered in any way; and those who maintain that it has led to social breakdown and adverse consequences for both adults and children.

We believe that there is another, alternative way forward through the adoption of a national strategy to strengthen marriages and relationships. This strategy calls for a renewed focus on the underlying objectives of marriage and family law in Australia, and the determination to achieve a new balance.

The introduction of the *Family Law Act 1975* reflected changes to matrimonial laws in much of the western world. Prior to 1959, divorce law in Australia remained under the jurisdictions of the States. In that year, the Commonwealth Government, pursuant to s 51 of the Constitution, introduced its own legislation in the form of the Matrimonial Causes Bill. The effect of the Bill was to consolidate the laws of the States into a code of general application throughout Australia. The Act provided 14 grounds for divorce. The Commonwealth Parliament subsequently addressed the formalities for the creation of marriage in the *Marriage Act 1961*.

Fundamental changes to the existing law were proposed when Senator Lionel Murphy, then Commonwealth Attorney-General, introduced a series of bills in 1973 and 1974, culminating in the Family Law Act.

Two fundamental principles can be discerned from the legislation: first, the importance of family; and, secondly, the rights and obligations of spouses both during marriage and upon its ending. Hence the bill introduced in 1973, upon which subsequent bills were drafted, was based on a series of stated principles, the first of which was that 'a good family law should buttress, rather than undermine, the stability of marriage.' The central importance of marriage and family was explicitly recognised in section 43 of the Family Law Act. This section provided that, in making any adjudication, the Family Court must have regard to: the need to preserve and protect the institution of

marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life; the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children; the need to protect the rights of children and promote their welfare; and the means available for assisting parties to marriage to consider reconciliation or the improvement of their relationship to each other and to the children of the marriage.

This pillar was supported by requirements in both the Marriage Act and the Family Law Act for the provision of funds to marriage education and counselling services.

The other pillar of the Family Law Act is reflected in the replacement of the grounds of divorce based on matrimonial fault with a single ground – breakdown of marriage, evidenced by 12 months separation of the parties.

Two decades after the introduction of the Family Law Act, this pillar, the divorce of the parties, remains the predominant operational basis of the legislation.

But when it is claimed that there is a right to divorce, it should not mean that we are uncaring about marriage; when we acknowledge that increasingly the pathway taken into marriage is through cohabitation, we should not ignore the fact that people still seek committed relationships; and when we recognise that many marriages end in separation, we should not abandon our aspiration for strong and healthy marital relationships.

This report calls for the rebuilding of the first pillar of marriage and family policy in Australia. It calls for a national strategy to strengthen and support marriage and relationships in the community. It offers a comprehensive program, building upon the achievements of family service agencies, and recognising the important assistance that government can provide to individuals and organisations dedicated to preventive educational work.

The central theme of this report involves the recommendation that the Family Relationships Services Program should clearly recognise in its objectives and funding mechanisms the programs of prevention (marriage and relationship education, and family skills training) as distinct from programs of therapy, counselling and mediation.

The Committee believes that the priority areas for marriage and relationship education relate to three life transition events, namely, marriage; the birth of the first child; and separation (including the formation of new relationships).

The Committee calls for a \$1.6 million increase in funding to the preventive programs of marriage and relationship education, and a new fairer and transparent funding system that will help to encourage more people to participate in these programs.

The Committee also recommends that a new Council for Marriage, Relationships and Parenting Education be established as a peak body in the field, both to represent the educators involved in this work, and, where appropriate, to provide advice to the Commonwealth Government.

It is further recommended that the Australian Institute of Family Studies be relocated in the Attorney-General's Department, and its statutory function to promote, by the conduct and encouragement of research, identification and understanding of the factors affecting family and marital stability be renewed.

The Committee also calls for an increase of \$1.5 million in funding to programs of marriage counselling.

Other recommendations are set out in the body of the report.

For the past two decades, much attention has been given to strategies to lessen the consequences of marriage breakdown. Much time and many reports have been spent on separation, divorce and family law.

It is timely to renew our attention on the causes of marital stability and instability, and to promote programs of preventive education.

Kevin Andrews MP
Chairman

June 1998

Membership of the Committee

Mr Kevin Andrews MP Chairman
Mr Robert McClelland MP Deputy Chair

Mr Neil Andrew MP (until 29 September 1997)
Mr Phillip Barresi MP
Mr Russell Broadbent MP (until 9 October 1996)
Mrs Elizabeth Grace MP
Mr Michael Hatton MP
Hon Duncan Kerr MP
Hon Peter McGauran MP (from 10 March 1998)
Mr Daryl Melham MP
Mr Stephen Mutch MP
Hon Roger Price MP (from 17 November 1997)
Mr Donald Randall MP
Rt Hon Ian Sinclair MP (until 4 March 1998)
Mr Anthony Smith MP (from 28 October 1996 until May 1997 when Mr Smith elected not to participate in the inquiry)
Dr Andrew Southcott MP
Mr Kelvin Thomson MP (until 12 January 1998)
Mrs Danna Vale MP (from 29 September 1997)

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Inquiry into aspects of family services

Terms of reference

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.

Abbreviations and Glossary

AAME	Australian Association for Marriage Education
ABS	Australian Bureau of Statistics
ACOMCO	Australian Council of Marriage and Family Counselling Organisations
ADR	alternative dispute resolution
AIFS	Australian Institute of Family Studies
AIHW	Australian Institute of Health and Welfare
ARC	Australian Research Council
CC	Couple Communication
CMEA	Couples for Marriage Enrichment Australia
CSME	Catholic Society for Marriage Education
ENRICH	Evaluation and Nurturing Relationship Issues, Communication and Happiness
FAMQIS	This is the new Quality Strategy and Information System for services approved and funded by the Family Relationships Services Branch
FIS	Family Impact Seminar
FOCCUS	Facilitating Open Couple Communication Understanding and Study
FRCSP	Family Relationships Counselling Sub-Program
FRSB	Family Relationships Services Branch (previously know as the Family Services Branch)
FRSP	Family Relationships Services Program (previously known as the Family Services Program)
FSA	Family Services Australia Inc
FSC	Family Services Council
FSTSP	Family Skills Training sub-program
JSC	Joint Select Committee
LAFS	Legal Aid and Family Services Branch of the Attorney-General's Department
MC	Marriage and Children
MEAA	Marriage Educators Association of Australia

NADRAC	National Alternative Dispute Resolution Advisory Council
NAPCAN	National Association for the Prevention of Child Abuse and Neglect
PDR	primary dispute resolution
PET	Parent Effectiveness Training
PREP	Prevention and Relationship Enhancement Program
PREPARE	Premarital Personal And Relationship Evaluation
RE	Relationship Enhancement
STEP	Systematic Training for Effective Parenting
VFL	Value For Life
VFLS	Value For Life Seminar

Summary and recommendations

Chapter 1 – Introduction

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

The Committee invited submissions and took evidence from a variety of persons and organisations including: providers of family services and their peak organisations; State premiers and Territory chief ministers; academics and research institutes; Commonwealth departments and agencies; and other interested persons.

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

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

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

Chapter 2 – Marriage and family in Australia

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

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

Chapter 3 – The impact of change

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

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

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

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

Chapter 4 – Factors contributing to marriage and relationship breakdown

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

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

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

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

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

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

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

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

Chapter 5 – The Role of the Commonwealth Government

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

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

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

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

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

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

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

Chapter 6 – Marriage and Relationship Education

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

Marriage education research

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

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

Recommendation 1

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

National survey of service providers

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

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

The role of prevention

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

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

Recommendation 2

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

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

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

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

Recommendation 3

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

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

Recommendation 4

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

Funding

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

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

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

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

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

Recommendation 5

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

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

Recommendation 6

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

Strategies for increasing participation in marriage education

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

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

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

Recommendation 7

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

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

Mandatory pre-marriage education

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

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

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

Recommendation 8

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

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

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

Notification period for marriage

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

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

Recommendation 9

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

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

Financial incentives

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

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

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

Recommendation 10

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

Recommendation 11

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

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

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

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

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

Recommendation 12

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

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

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

Recommendation 13

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

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

Recommendation 14

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

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

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

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

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

Recommendation 15

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

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

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

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

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

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

Recommendation 16

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

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

Recommendation 17

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

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

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

Training and standards

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

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

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

Recommendation 18

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

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

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

Recommendation 19

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

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

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

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

Threshold magazine

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

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

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

Recommendation 20

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

The role of civil marriage celebrants

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

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

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

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

Recommendation 21

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

Recommendation 22

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

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

Recommendation 23

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

Recommendation 24

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

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

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

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

Recommendation 25

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

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

USA: Reforming marriage and divorce law

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

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

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

Recommendation 26

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

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

Innovative projects funding

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

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

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

Recommendation 27

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

Funding of other Family Relationship Services Programs

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

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

Recommendation 28

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

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

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

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

A postscript: The Keys Young Evaluation

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

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

Recommendation 29

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

Recommendation 30

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

Chapter 7 – Family Skills Training

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

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

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

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

Recommendation 31

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

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

Recommendation 32

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

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

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

Recommendation 33

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

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

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

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

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

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

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

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

Recommendation 34

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

Chapter 8 – Marriage Counselling

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

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

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

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

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

Recommendation 35

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

Recommendation 36

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

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

Recommendation 37

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

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

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

Recommendation 38

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

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

Recommendation 39

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

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

The special needs of men in family relationships

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

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

Chapter 9 – Family Court Counselling

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

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

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

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

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

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

Recommendation 40

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

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

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

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

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

Recommendation 41

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

Chapter 10 – Divorce Mediation

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

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

Recommendation 42

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

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

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

Recommendation 43

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

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

Recommendation 44

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

Recommendation 45

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

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

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

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

Recommendation 46

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

Recommendation 47

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

Chapter 11 – Advisory bodies

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

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

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

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

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

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

Recommendation 48

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

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

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

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

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

Recommendation 49

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

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

Recommendation 50

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

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

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

Recommendation 51

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

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

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

Recommendation 52

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

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

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

Recommendation 53

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

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

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

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

Recommendation 54

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

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

Recommendation 55

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

Chapter 1

Introduction

The inquiry process

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

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

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

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

1 The terms of reference appear above.

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

3 A list of exhibits is at Appendix B.

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

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

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

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

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

Background to the inquiry

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

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

Scope of the report

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

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

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

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

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

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

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

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

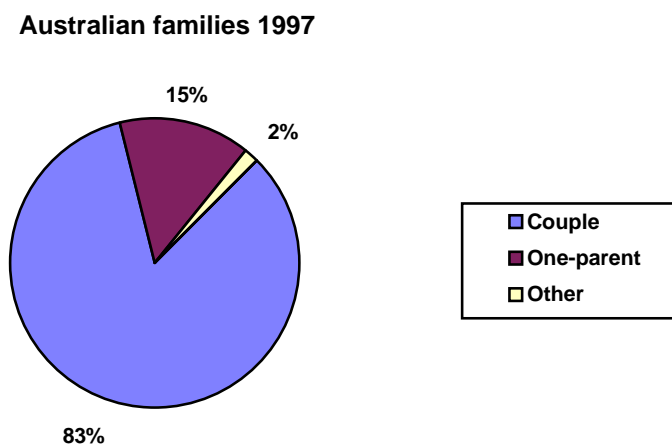
Chapter 2

Marriage and family in Australia

Following the Second World War, marriages and births that had been delayed by the conflict soared – a trend which continued through the fifties and early sixties, while divorce rates fell.

A series of changes during subsequent decades had a major impact on family life: the advent of the contraceptive pill, the entry of married women into the paid workforce, the widening of sole parents benefits, and the introduction of no-fault divorce legislation. By the 1980s, the divorce rate had soared, out-of-wedlock confinements had increased, marriages were delayed, and birthrates fell. The structure of the Australian family had changed remarkably. The purpose of this chapter is to outline the changes and trends that have occurred to family structures.

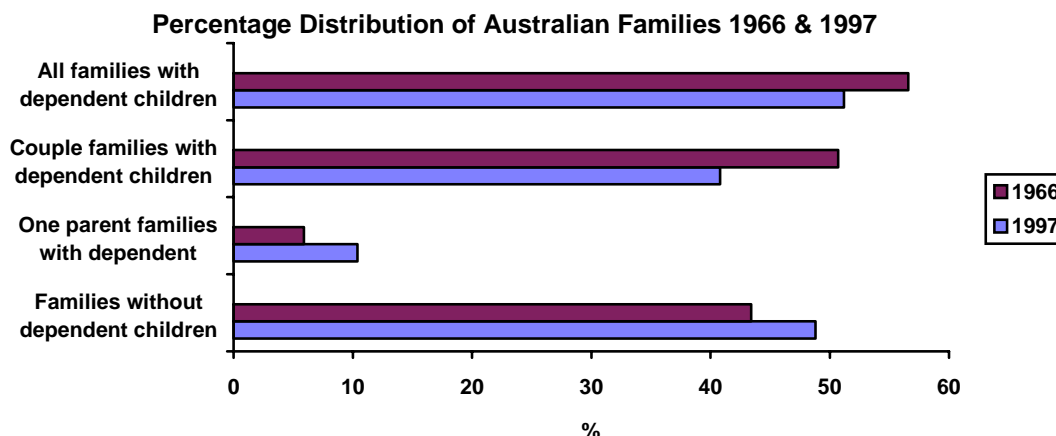
Family structure



Source: ABS *Labour Force Status & Other Characteristics of Families* Cat 6224.0

Families and children

Of 4,775,200 families in 1992, 4,097,100 (86 per cent) were couple families, 620,000 (13 per cent) were single parent families, and 58,100 (1 per cent) were other families. Of the couples families, 3,752,500 (92 per cent) were married, of which 1,908,200 (51 per cent) had dependent children. Another 344,600 (8 per cent) were de facto relationships, of which 123,100 (36 per cent) had dependent children. By 1997, the proportion of single-parent families had risen to 14.5 per cent. Of the 620,000 single parent families, 522,100 (84 per cent) were mother-headed, and 97,900 (16 per cent) were father-headed.



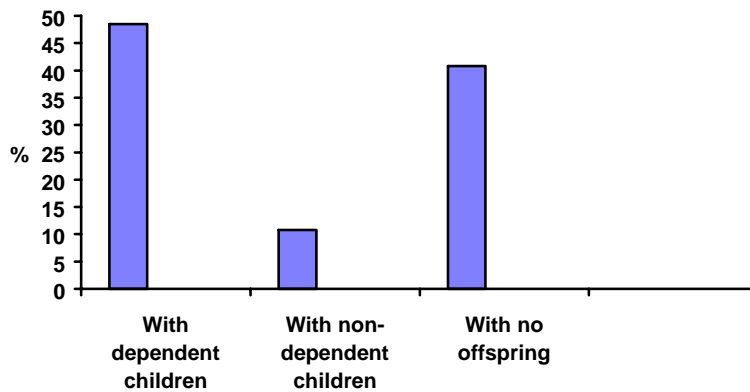
Source: ABS Census Data *Australia's Families* Cat 4418.0 and ABS *Labour Force Status and Other Characteristics of Families* Cat 6224.0

By 1996, 48 per cent of Australian couples had dependent children. A further 11 per cent had non-dependent children, while 41 per cent had no offspring at all. Some 80 per cent of children were living with both parents, 12 per cent in a single parent family, and 5 per cent as a step-child.

Earlier in the century, when families were much larger and life expectancy shorter, a higher proportion of households had dependent children. Dr Moira Eastman, author of *Family – The Vital Factor*, observes, ‘As a greater proportion of the population is single or childless, marriage and family may have less status and commitment from the society at large, and the concerns and issues of parents may recede from public consciousness.’¹

1 M Eastman (1992) *Family: the vital factor* Melbourne: Collins Dove.

Australian couple families 1996

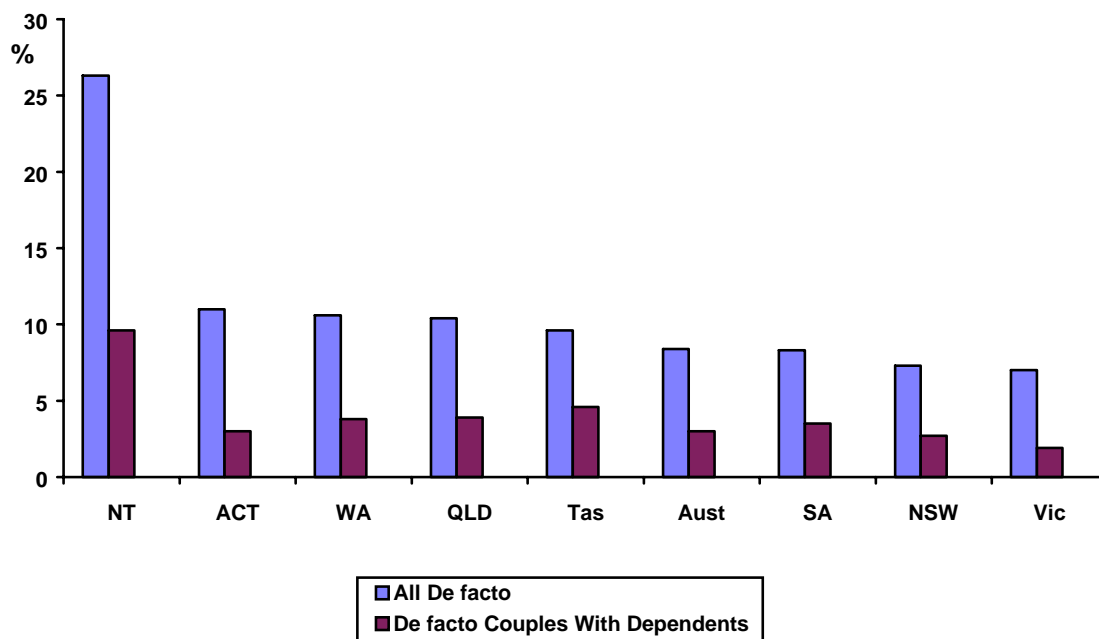


Source: ABS 1996 Census

De facto couples

De facto couples as a proportion of all couples varies across the states and territories. In 1992, the highest proportion was 26 per cent in the Northern Territory, and the lowest was 7 per cent in Victoria. The proportion of de facto couples with dependent children varied from 10 per cent in the Northern Territory to 2 per cent in Victoria.

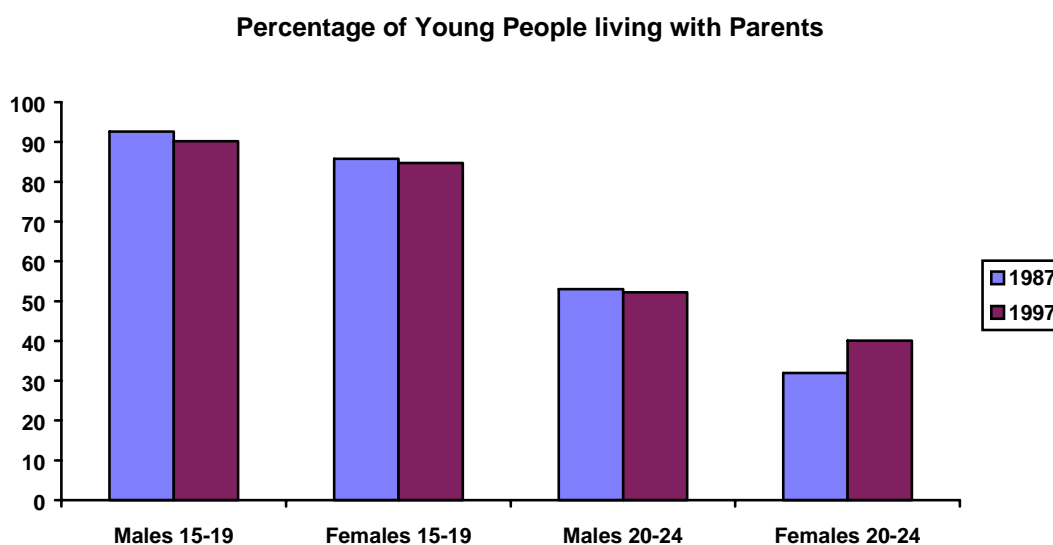
De facto couples as a % of all couples 1992



Source: ABS *Australian Families* Cat 4418.0

Children at home

The earlier pattern of young people living at home with parents, which declined in the 1970s and 80s, has emerged again in the 1990s, due to longer years of formal education and higher levels of unemployment. In 1981, more than 6 in 10 single people aged 15 to 24 years were recorded as living at home with their parents. By 1992, four out of five single people aged 15 to 24 were living with one or two parents.



Source: ABS Labour Force Status and Other Characteristics of Families 6224.0

Most young people aged 15 to 19 live with a parent or parents. Between 1987 and 1997, the number of people aged 20 to 34 living with their parents increased substantially. It is estimated that the median age for leaving home over the past decade is about 19 for women and 20 for men. Since the 1970s, people have left home for reasons of independence rather than just marriage, work and study.

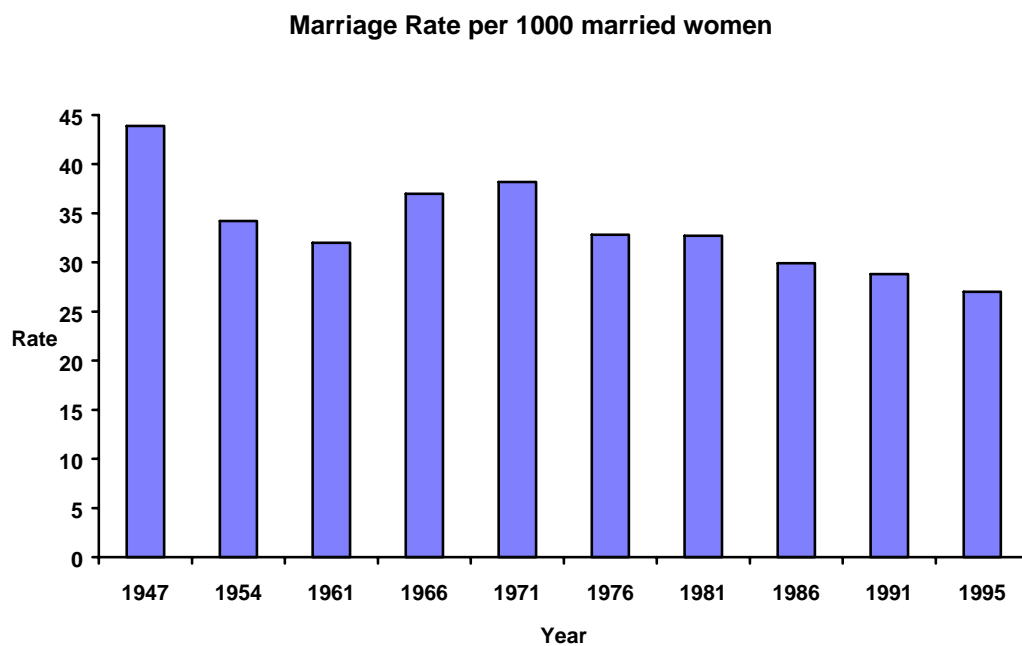
Trends

The changes in family patterns involve a number of discernible trends.

People are marrying less

Marriage rate per 1000 married women

1947	1954	1961	1966	1971	1976	1981	1986	1991	1995
43.9	34.2	32.0	37.0	38.2	32.8	32.7	29.9	28.8	27.0



Source: ABS *Marriages and Divorces* Cat 3310.0

Australia has experienced a declining rate of marriages since 1947. The crude marriage rate (the number of marriages per 1,000 people) fell to 6.2 in 1994, almost as low as the rate during the Great Depression, and half the rate during World War II. After rising again in the 1960s and 1970s, the rate has fallen again to 6.1 in 1995 when 109,386 marriages were registered. The number of people aged over 15 who are married fell from 65.4 per cent in 1976 to 57.4 per cent in 1994. There were 106,100 marriages in 1996. In terms of weddings per 1000 people, this was the lowest rate since 1900. These figures reflect trends in other western nations.

According to Dr Don Edgar, the former Director of the Australian Institute of Family Studies, the factors shaping 'modern marriage' are:

- the certainty of contraception and the careful planning of births;

- the new preparation pathway to marriage via multiple relationships and prolonged autonomy as an individual earner;
- a growing realisation on the part of women that they cannot and ought not rely upon or be dependants of men; and
- a legal framework progressively enacting equal opportunity, human rights and joint responsibility for men and women in fulfilling the obligations of marriage and parenthood.²

For the first half of this century, less than 10 per cent of women never married during their lifetime. However, the trend has been steadily moving upwards since the end of the Second World War. Sociologist Peter McDonald concluded that on present indicators, 22 per cent of women will not have married by age 35 by the end of the century – the highest level in Australian history.³

According to the 1996 Census, more men – 2,359,842 – than women – 1,941,876 – had never married.

2 D Edgar (1988) 'The new marriage: changing rules for changing times' *Threshold* 22: 9.

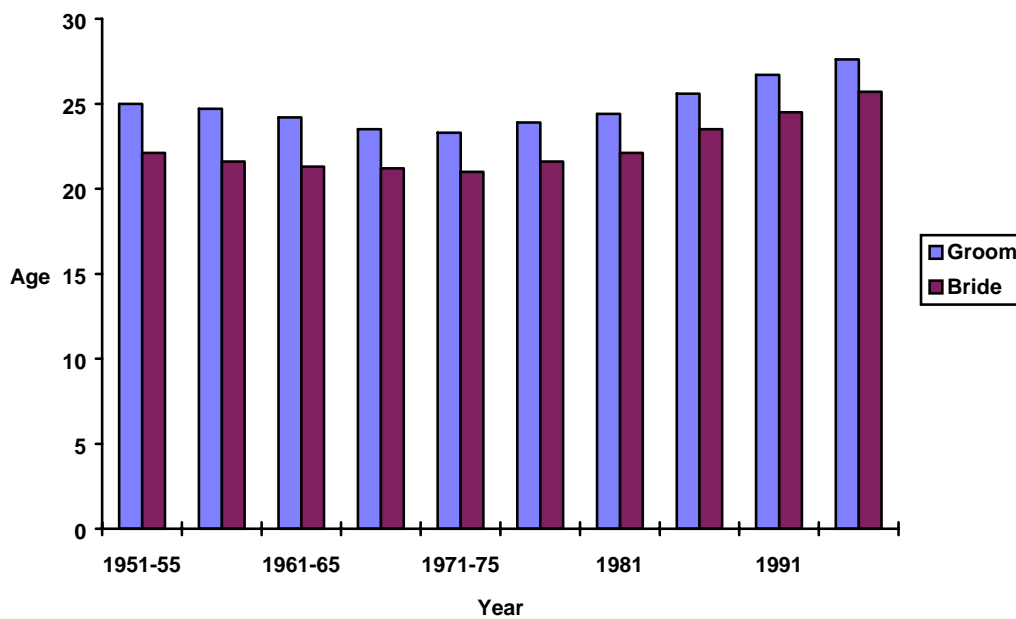
3 P McDonald (1995) *Families in Australia – A socio-demographic perspective* Melbourne: AIFS.

Those couples who marry do so at an older age

Median ages at marriage

	1951 -55	1956 -60	1961 -65	1966 -70	1971 -75	1976 -80	1981	1986	1991	1996
Groom	25.	24.7	24.2	23.5	23.3	23.9	24.4	25.6	26.7	27.6
Bride	22.1	21.6	21.3	21.2	21.0	21.6	22.1	23.5	24.5	25.7

Median Age (years) at Marriage of Bride and Bridegroom
(never previously married)



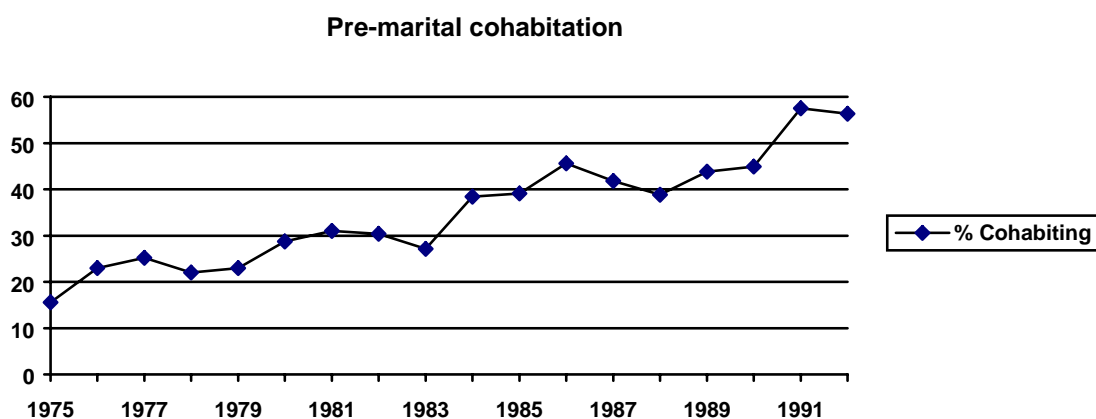
Source: ABS *Marriages* Cat 3306.0 and *Marriages and Divorces* Cat 3310.0

In Australia from 1951–55, the median age at marriage was 25 years for grooms and 22.1 years for brides. These ages dropped to 23.3 and 21 in the early 1970s. By 1996, the median age had risen markedly for grooms and for brides.

Although men still marry on average later than women, women are increasingly marrying at a later age. In 1972, 33 per cent of women had married by the time they turned 20, and 83 per cent of those reaching 25 had married. By 1991, these figures had dropped to 5 per cent and 47 per cent – levels closer to 1934, when the figures were 14 per cent and 48 per cent.

More couples cohabit before marriage

There have been major changes in the pathways that couples take into marriage. By 1992 about 56 per cent of marriages were preceded by a period of cohabitation. This figure has almost quadrupled in two decades. These trends have been supported in changes to laws governing the rights of cohabiting persons.



Source: ABS Australia's Families Cat 4418.0

Although cohabitation has become popular since the 1970s, these relationships tend to be of short duration. According to the *Australian Family Formation Project*, 25 per cent of de facto relationships lasted 12 months, around half ended after two years, and three quarters ended by four years. Many ended in marriage. A fifth of those in existing de facto relationships had been involved in their relationship three months or less before moving in together; a further 25 per cent had known each other four to six months; another 28 per cent seven to twelve months; 18 per cent between one and two years; and 7 per cent had known each other for more than two years before they started living together.⁴

The *Australian Family Formation Project* found that after five years of marriage, 13 per cent of those who had cohabited would divorce, compared to 6 per cent of those who had not cohabited. Ten years later the proportions were 26 per cent for those who had cohabited and 14 per cent for those who had not. These findings have been supported by research in Britain, Canada, the United States and Sweden.⁵

Kerry James, a Sydney marriage counsellor, has noted that 'people who do decide not to get married and to live together may be unsure of their commitment in the

4 AIFS (1991) *Australian Family Formation Study* Melbourne: AIFS.

5 See Chapter 4 above.

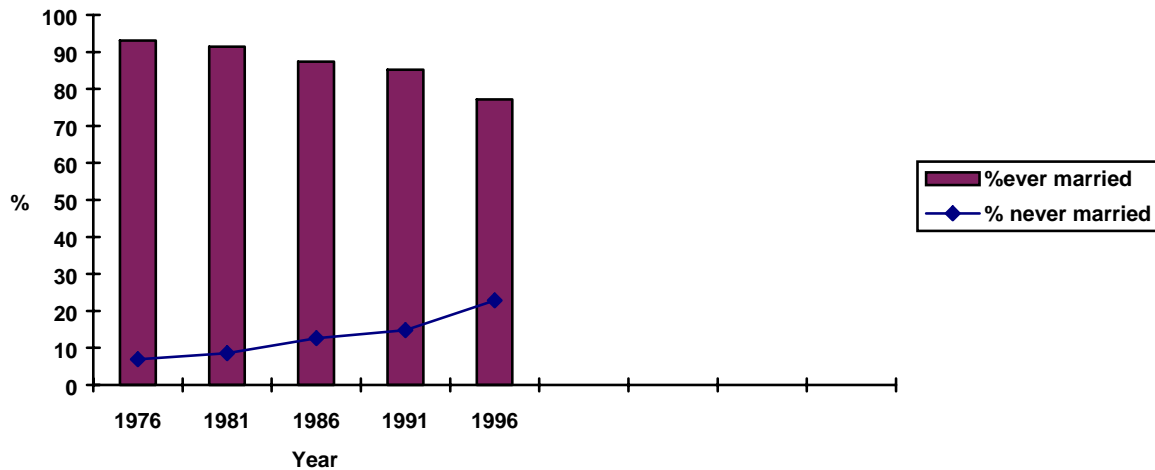
first place, and then they may decide to get married. The lack of certainty about the commitment continues and that's when the marriage can break down.'⁶

More people remain unmarried

Females Aged 30–34

	1976	1981	1986	1991	1996
% ever married	93.1	91.4	87.4	85.2	77.2
% never married	6.9	8.6	12.6	14.8	22.8

Females Aged 30 - 34 % ever married & % never married



Source: ABS Estimated Resident Population by Marital Status, Age and Sex Cat 3220.0 and ABS 1996 Census data

The proportion of never married men and women has doubled over the past 25 years. There has also been a dramatic decrease in the number of young married adults. In 1991, only 19.6 per cent of women aged 20–24 had married, compared to 64.3 per cent in 1971 and 59 per cent in 1954. For men aged 25-29, 45.2 per cent had married in 1991, compared to 74.3 per cent in 1971 and 63.5 per cent in 1954.

6 K James *The Midday Show* Channel 9: Sydney 14 June 1994.

Remarriage

The rates of remarriage have fallen in Australia over the past 20 years. Prior to the introduction of the Family Law Act in 1975, about a quarter of divorced people aged 25–40 remarried in any given year.

According to sociologist Peter McDonald the remarriage rate has more than halved since 1971, falling for males from 246 per thousand divorced persons to 120 by 1991; and for females from 215 per thousand divorced persons to just 101 by 1991. Denis Ladbrook, Professor of Social Work at Curtin University, Perth, suggests that ‘this halving of remarriage rates over a sixteen year period probably reflects a rise in cohabitation on the part of men and women who have already been divorced.’⁷

By 1992, one in three marriages included at least one partner who had been married previously.

	Neither married before	One divorced	Both divorced	Other
1966	86.5	7.8	2.0	3.7
1992	67.2	19.8	11.2	1.8

Source: ABS *Marriages and Divorces* Cat 3306.0

In 1993, 69 per cent of men and 65 per cent of women had remarried within five years of being divorced. The proportion of widowed who had remarried after five years was lower – 61 per cent for men and 43 per cent for woman.

The median interval between divorce and remarriage was 2.8 years for men and 3.2 years for women. ‘While this figure obscures the important length of time between separation and remarriage,’ states Professor Ladbrook, ‘it does suggest that the possibility of marriages being hastily contracted without adequate time for debriefing the past and rebuilding life securely in the present.’

By contrast, the median interval between the death of a spouse and remarriage is 3 years for men and 5.7 years for women.

Weddings

The proportion of Australian weddings celebrated by ministers of religion declined from 84 per cent in 1973 to 57 per cent in 1994. Despite the decline in the proportion

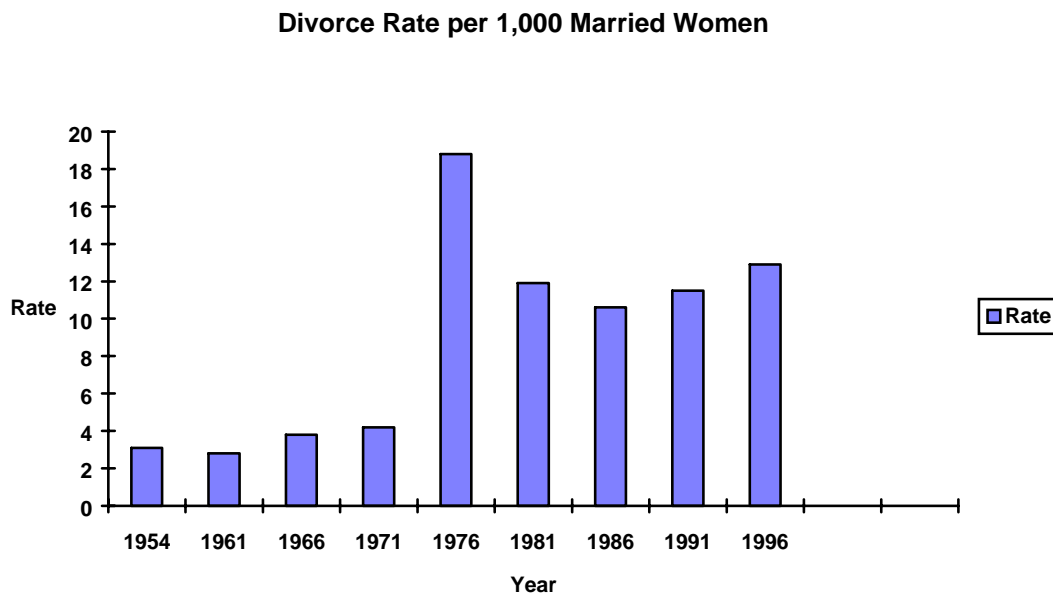
7 D Ladbrook (1995) *Social Contexts of Marriage and Family in Australia in the Mid to Late 1980s* Kenmore Qld: PREPARE-ENRICH Australia.

of people participating in a wedding celebrated by a minister of religion, Professor Denis Ladbrook, believes that ‘a rising number of people are turning away from secularism and are renewing their spirituality in informal ways.’⁸

There has been a dramatic increase in divorce

Divorce rate per 1,000 married women

1954	1961	1966	1971	1976	1981	1986	1991	1996
3.1	2.8	3.8	4.2	18.8	11.9	10.6	11.5	12.9



Source: ABS *Divorces* Cat 3307.0 and *Marriages and Divorces* Cat 3310.0

For most of the century there has been a steady increase in the number of divorces granted each year. From 1901–10, there were about 400 divorces granted each year. By 1961–70, this had risen to about 9,000 divorces per year. Following the introduction of the no-fault Family Law Act, an average of 45,220 divorces were granted in the years 1976–80, with 63,200 in 1976 alone. The proportion of the population divorced has risen from 0.15 per cent in 1911 to 6.4 per cent in 1996. Divorce is increasing in Australia, rising 12 per cent over the decade. Given the increase in de facto relationships, the divorce statistics underestimate the real level of separations. There were 52,500 divorces granted in 1996. This is the second highest since the record number granted in 1976 (63,230) when the Family Law Act was introduced.

8 D Ladbrook *ibid.*

According to a 1995 study, ten per cent of marriages failed within six years, 20 per cent within 10 years, 30 per cent by 20 years, and 40 per cent by 30 years. Of the couples who divorced in 1996, 27 per cent separated within the first five years of marriage, and a further 22 per cent within the next five years. The average length of marriage was 7.6 years.

Chinese-born people have the highest divorce rate of any ethnic group. The rate of 13.5 for men and 17 per 1,000 for women compared to 4.1 per 1,000 for Italian-born men and 2.8 per 1,000 for Italian-born women. Australian-born rates in 1993 were 4.8 for men and 4.9 for women.

Eventually, 43 per cent of marriages will fail, according to a recent study. However, family researcher Moira Eastman cautions that projections into the future may overestimate the amount of current divorce among younger people.⁹

The trends are particularly grim for couples who marry young. Seven out of ten teenage bridegrooms and a half of teenage brides are divorced within 10 years of their wedding. According to the *Australian Family Formation Study*, the pre-marital experiences contributing most to the risk of marital breakdown are pre-marital cohabitation, having an ex-nuptial child, and leaving home at an early age.¹⁰

The rate of divorce also reflects attitudes to marriage and relationships. Marriage educator Margaret Andrews writes:

In former times, marriages were based around economic factors. Personal relationships were of relatively low priority. The marriage was considered a success if it survived economically. Husband and wife roles were very clearly defined. Man's value was in his ability to provide a living; the woman was primarily the mother and housekeeper.

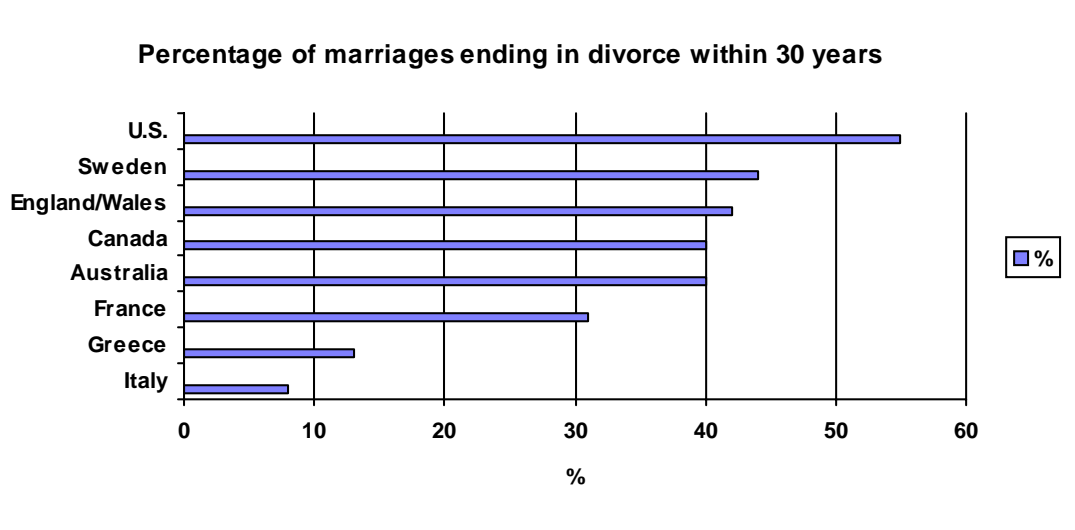
However, we live in an age that places different expectations and pressures on marriage. The advent of labour-saving devices, both within and outside the home, means that the couple experience more leisure time. They look for personal fulfilment, particularly through their marital relationship. Increased education and greater economic independence of women is also a factor in contemporary marriage. Women no longer feel obliged to stay in unhappy marriages. Indeed two out of three divorces are initiated by women.¹¹

9 M Eastman *supra*.

10 H Glezer (1994) 'Family backgrounds and marital breakdown' *Threshold* 43:16-19.

11 M Andrews (1994) *Marriage Education* Melbourne: Threshold Publishing.

International comparisons

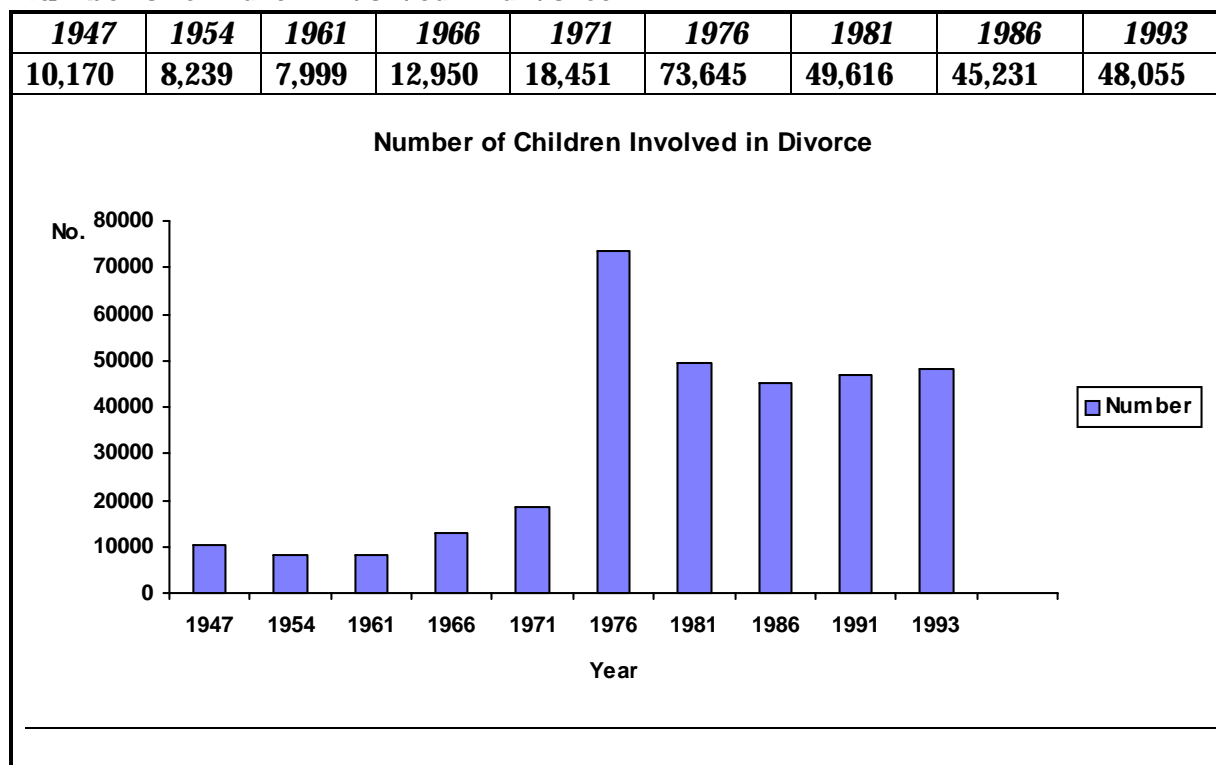


Source: AIFS, using 1989 rates, except for US where 1985 rates are used

The rate of divorce per 1000 people increased from 2.4 in 1987 to 2.9 in 1996, the third highest figure since the introduction of the Family Law Act in 1975. This is the third highest divorce rate in the world, behind the United States (4.6) and the United Kingdom (3.0), but higher than Canada (2.7), New Zealand (2.6), Sweden (2.5), the Netherlands (2.4), Germany (1.9), France (1.9), and Singapore (1.3).

The number of children involved in divorce has grown markedly in the past two decades

Number of children involved in divorce



Source: Family Court of Australia *Annual Reports* Note: National data is not available for 1994 and 1995

In 1993, there were 25, 461 divorces which involved children. This was 52.6 per cent of all divorces. In 1993, 48, 000 children were affected by divorce, an average of 1.9 children per divorce. About 54 per cent of divorces involve children under 18 years of age. By age 18, some 18 per cent of children will experience their parents divorcing. However, these figures underestimate the total number of children affected by divorce in any given year. According to the Family Court, in 1996 the number of children affected by divorce and divorce related proceedings of some kind was 158, 058.¹² The Chief Executive Officer of the Family Court, Mr Len Glare, indicated that these figures were likely to be conservative.

About 80 per cent of children live with their mothers after separation, about 15 per cent with their fathers, and the rest in a variety of circumstances.

Separation and divorce contribute to the feminisation of poverty in Australia. Although Professor Anne Harding has shown that estimated poverty rates for sole parents had reduced dramatically over the early 1990s, possibly as a consequence of

12 House of Representatives Standing Committee on Legal and Constitutional Affairs (1997) inquiry into the administration of the Family Court of Australia, submission from Family Court of Australia (1997) *Submissions*, pp. S40–S41.

increased family payments, rent assistance and child support payments, sole parents still remain in the most poor groups in the community.¹³

In its report *Our Homeless Children*, the Inquiry into Youth Homelessness identified family breakdown as a major cause of thousands of children leaving home.¹⁴

Professor Paul Amato has found that children of divorced parents ‘tend to have poorer quality relationships with their parents, in particular their fathers, they tend to have poorer marital quality within their own marriages and they are more prone to divorce.’¹⁵

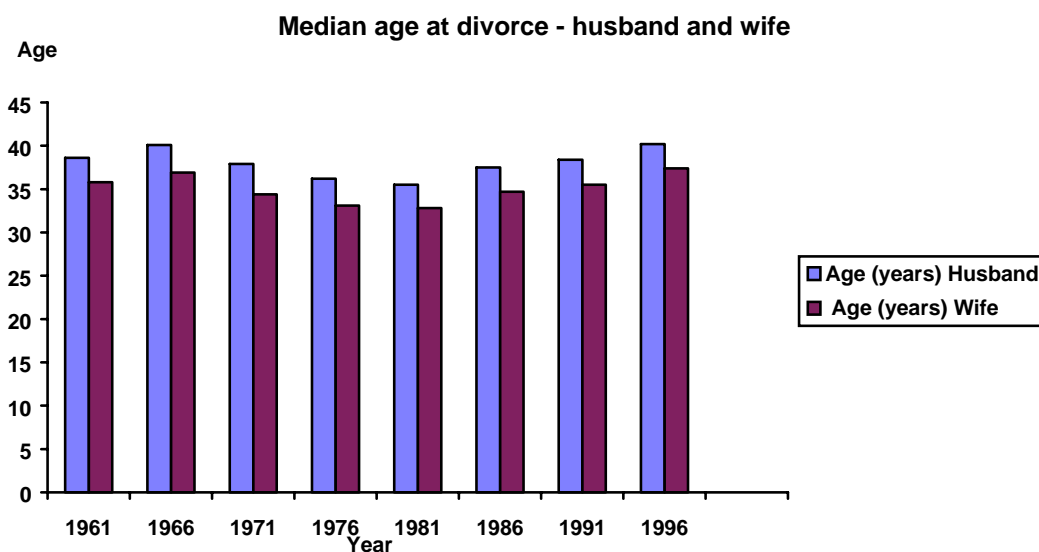
Median age at divorce of husband and wife

Year	1961	1966	1971	1976	1981	1986	1991	1996
Age Husband	38.6	40.1	37.9	36.2	35.5	37.5	38.4	40.2
Age Wife	35.8	36.9	34.4	33.1	32.8	34.7	35.5	37.4

13 A Harding (1994) *Family income and social security policy* Canberra: National Centre for Social and Economic Modelling. See also: A Harding & D Mitchell (1992) ‘The efficiency and effectiveness of the tax-transfer system in the 1980s’ *Australian Tax Forum* 9: 277–303; A Harding & D Mitchell (1993) *Changes in poverty among families during the 1980s* Canberra: NATSEM.

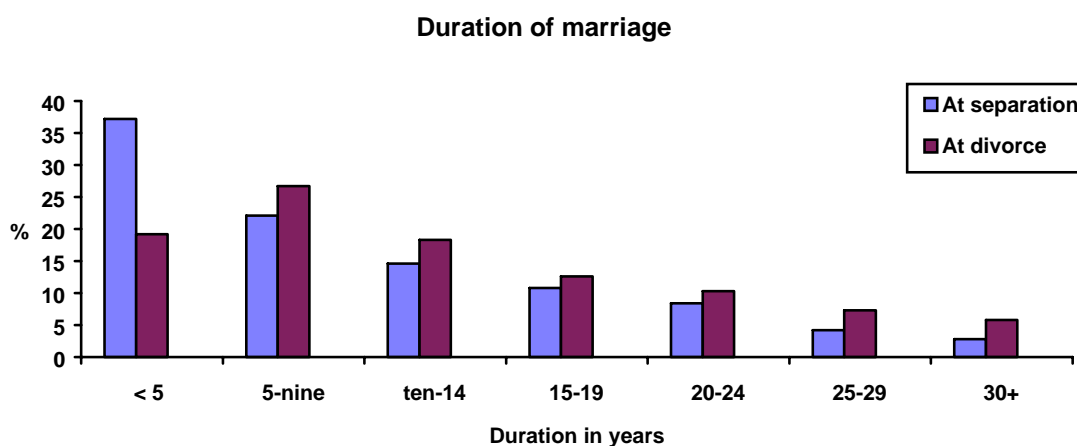
14 Human Rights and Equal Opportunity Commission (1989) *Our Homeless Children* Canberra: AGPS.

15 P Amato (1986) ‘Marital conflict and the parent-child relationship and child self esteem’ *Family Relations* 35: 403–410; (1988) ‘Parental divorce and attitudes toward marriage and family life’ *Journal of Marriage and the Family* 50: 453–461; (1997) ‘Explaining the intergenerational transmission of divorce’ *Threshold* 54: 15–27; and P Amato & A Booth (1997) *A generation at risk* Cambridge: Harvard University Press.



Source: ABS *Marriages and Divorces* Cat 3310.0 and *Divorces* Cat 3307.0

Although the median age at divorce has remained within a range of 36 to 40 years for men, and 30 to 37 years for women, the median age of marriage has been rising, reflecting a shortening of the length on average of marriages that end in divorce. In 1995, the mean duration of marriage at the point of separation was 7.6 years, and at divorce 11 years. The largest number of marriages that breakdown (38 per cent) do so within the first five years. The final separation of the couple for 59 per cent of the marriages ending in divorce occurs within ten years of the wedding. ‘Divorce leaves its mark upon the entire kinship system as relatives, particularly grandparents, adjust to the changes incurred by parents leading separate lives,’ writes AIFS researcher, Ruth Weston.¹⁶



Source: ABS *Marriages and Divorces* Cat 3310.0

Remarriage

16 R Weston (1992) ‘New families, new finances’ *Family Matters* 31: 29.

Fathers remarry more quickly than mothers, and for both sexes, rates of remarriage are highest in the first year after divorce and second highest in the second year. 'Those who divorce before the age of 35 are more likely to repartner than older divorcees, a trend which that is particularly marked for women,' according to researcher, Siew-Ean Khoo.¹⁷

Between 1971 and 1994, the proportion of people who had previously been married divorcing again increased from 7.4 per cent to 17.2 per cent. Of the men who remarried after divorce in 1974, 35 per cent had divorced by 1994, compared to 32 per cent of those who married for the first time, and 14 per cent for those who were widowed. Of women, 36 per cent of those who remarried after divorce had divorced again by 1994, compared to 31 per cent of the women who had married a first time, and 20 per cent of those who had been widowed.

Step-families

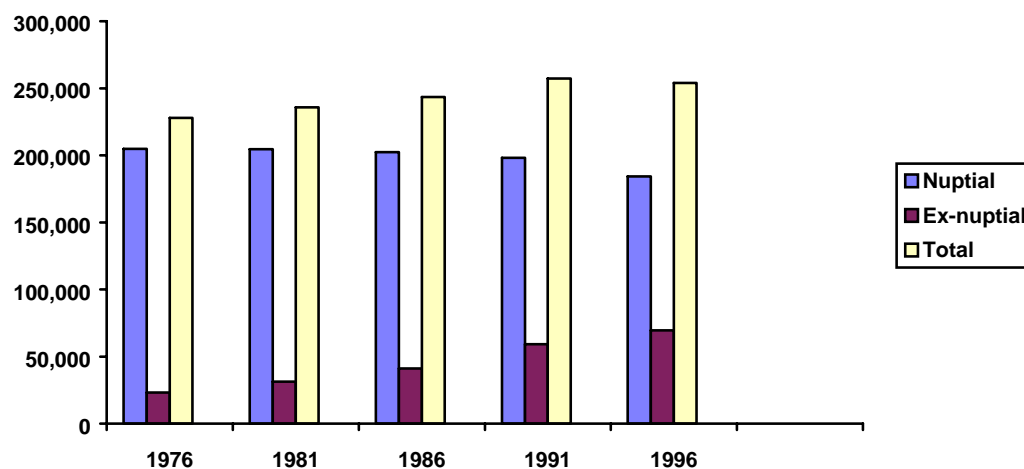
Almost half the children whose mothers divorce have a step father living in the household within the next six years. And about a third of these children also have a half or step sibling living with them.

The proportion of children born out of wedlock has increased

The proportion of ex-nuptial births has grown markedly since the end of the Second World War when just four in one hundred children were born out of wedlock. The proportion doubled to nine in one hundred children by 1971, before increasing rapidly to 24 in 100 by 1992. By 1995, 26.6 per cent of Australian children were born out of wedlock.

17 S Khoo quoted in D Bagnall (1994) 'Children of a lesser mode' *Bulletin* 8 March: 29; and P McDonald & S Khoo (1988) *Ex-nuptial births and unmarried cohabitations in Australia* Melbourne: AIFS.

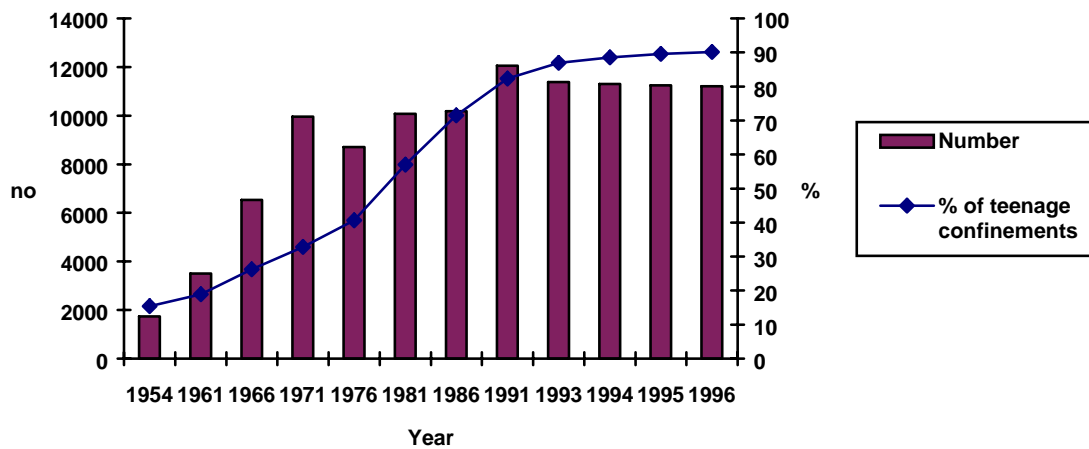
Nuptial and ex-nuptial births



Source: ABS *Births Australia* Cat 3301.0

In 1993, about half of exnuptial births were to women in de facto relationships and about half to unpartnered women. Teenage mothers accounted for about one quarter of all unpartnered mothers, but only 5 per cent of all births. More than one-third of ex-nuptial births are to women aged 20-24. The next largest number is to women aged 25-29 years. There has been a marked increase in ex-nuptial births to women in the their late twenties and early thirties over the past 25 years.

Teenage Ex-nuptial Confinements



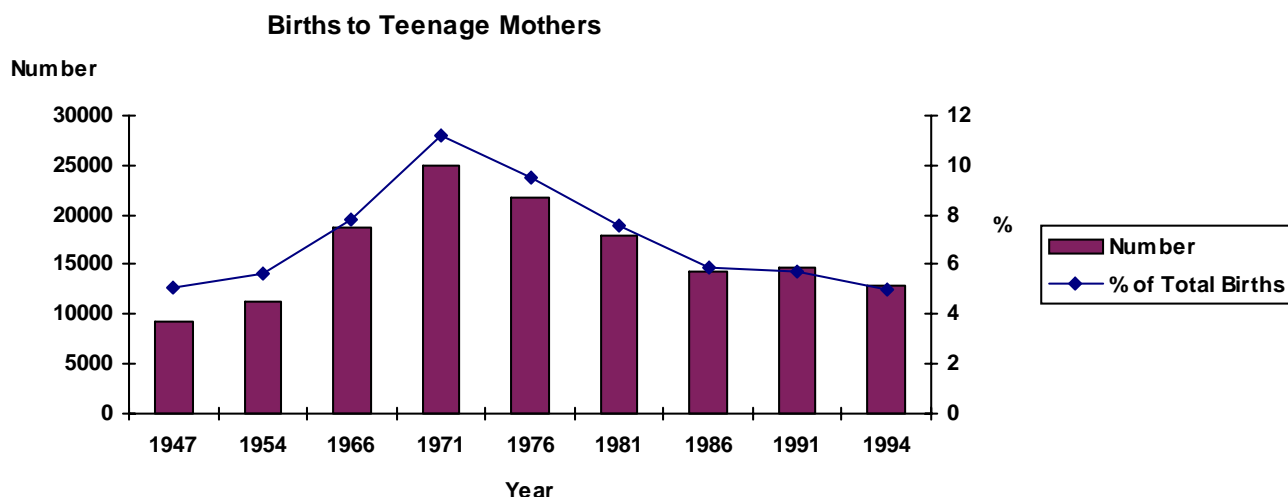
Source: ABS *Births* Cat 3301.0

Eighty per cent of ex-nuptial births are acknowledged by the father in Australia, reflecting the high number of children born to couples in de facto relationships. Australian Institute of Family Studies research has found that de facto couples who have children are of relatively low socioeconomic status compared with de facto couples without children and married couples with children.

Some 40 per cent of these parents had less than ten years schooling compared with nine per cent of married parents. Twenty per cent had received unemployment benefits preceding the study compared to three per cent of married couples with children. Another survey which interviewed parents eighteen months after the birth of their child found that 19 per cent of de facto couples had separated, compared to 2 per cent of married couples.

Births to Teenage Mothers (nuptial and ex-nuptial)

	1947	1954	1961	1966	1971	1976	1981	1986	1991	1993	1994
Number	9241	11361	18669	25055	30500	21713	17912	14326	14717	13090	12853
% of total births	5.1	5.6	7.8	11.2	11.0	9.5	7.6	5.9	5.7	5.1	5.0



Source: ABS Yearbooks

After rising sharply throughout the 1950s and 60s, the proportion of births to teenage mothers has fallen again to immediate post-war levels.¹⁸

About 400 unmarried girls under 16 give birth each year. A 1993 study found that, of nearly 9,000 teenage mothers, only 1,709 were married. Two-thirds of teenage mothers leave school before year 10; one out of ten are abandoned by their partner within a year; half of them smoke, compared with 30 per cent of all women; one-third drink regularly during their pregnancy; and many are too embarrassed to breastfeed.¹⁹

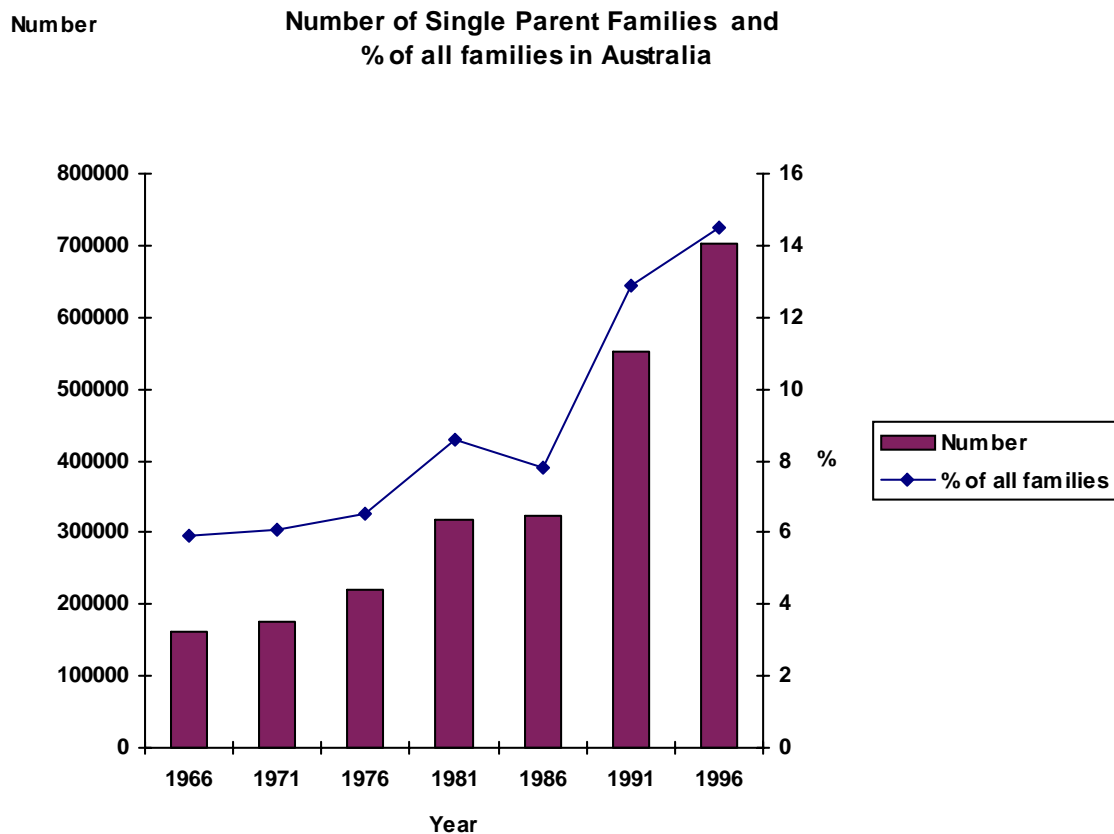
18 C Kilmartin (1997) *Teenage ex-nuptial births* Family Matters 48: 42-43.

19 Cited in K Andrews & M Curtis *Changing Australia* (forthcoming).

There has been a growth in lone parent families

Single parent families as a proportion of all families

Year	1966	1971	1976	1981	1986	1991	1996
Number	162,911	175,900	221,469	317,190	356,000	552,412	672,800
% of all families	5.9	6.1	6.5	8.6	9.0	12.9	14.5



Source: ABS Australia's One Parent Families Cat 2511.0 and Australian Families and Households Cat 2506.0; 1991 and 1996 Basic Community Profile Data

There has been a substantial increase of single parent families with dependant children. In 1976, 6.5 per cent of families with dependant children were lone parent families, compared with about 14.5 per cent in 1996.

According to a recent survey by Professor Peter McDonald from the Australian National University, 65 per cent of ex-nuptial births are the women in de facto relationships who have never married, 18 per cent to never married solo women, 8.5 per cent to divorced but solo women, and 8.5 per cent to women divorced but in a de facto relationship. 'About half of the ex-nuptial births are to women who are in and out of relationships, women with complex relationship histories. Even if the child is born in a de facto relationship, that often breaks down,' Professor McDonald is reported saying. The research indicates that a third of the de facto parents marry

after the birth of their child, but 15 per cent of these marriages end within a few years. Where the child's parents don't marry, 38 per cent of these relationships break up in less than five years. Of the women having ex-nuptial children, the ANU research indicates that 51 per cent didn't finish secondary school and 70 per cent had no post-school qualifications.²⁰

Of the 620,000 single parent families in Australia in 1993, 84 per cent were mother-headed. An Australian Institute of Family Studies survey which interviewed parents 18 months after the birth of their child found that 19 per cent of de facto couples had separated, compared to two per cent of married couples.

Conclusion

These trends are not isolated to Australia but are evident in most industrialised nations.²¹ They reflect profound changes for families and children. Professor David Popenoe has summarised the changes as containing five measurable components:

First, rising rates of divorce and unwed child bearing, which mean the steady disintegration of married, mother-father child raising unit. Second, the growing inability of families to carry out their primary social functions: maintaining the population level, regulating sexual behaviour, socialising children, and caring for family members. Third, the transfer of influence and authority from families to other institutions, such as schools, peer groups, the media, and the state. Fourth, smaller and more unstable family units. And fifth, the weakening of familism as a cultural value in relationship to other values, such as personal autonomy and egalitarianism.²²

The impact of these trends is discussed in the following chapter.

20 B Arndt (1998) 'And Baby Makes Two' *Sydney Morning Herald* Spectrum 1 14 February.

21 U Bronfenbrenner 'Discovering What Families Do', in D Blankenhorn, S Bayne and J Bethke Elshtain (eds) (1990) *Rebuilding the Nest: A New Commitment to the American Family* Milwaukee: Family Service America; and K Andrews & M Andrews (1997) *With this ring . . .* Melbourne: Threshold Publishing 2-11.

22 D Popenoe (1988) *Disturbing the Nest: Family Change and Decline in Modern Societies* New York: Walter de Gruyter.

Chapter 3

The impact of change

1. Marriage, separation and health

Decades of research have clearly established links between health and well-being and marriage, separation and divorce. Professor William Doherty notes that 'for adults, a stable, happy marriage is the best protector against illness and premature death, and for children, such a marriage is the best source of emotional stability and good physical health.'¹ A considerable body of research evidence indicates that adults and children are at increased risk for mental and physical problems due to marital distress.² 'There is both conclusive evidence to show that marriage is a 'healthy environment' associated with lower mortality and morbidity and strong evidence that the process of divorce leaves men, women and children vulnerable to ill-health. Any initiative which aims to prevent ill-health and promote good health must take account of this reality.'³

In a recent review of the literature, Professor Linda Waite, past-President of the American Population Association observed:

In a variety of ways and along a number of dimensions, married men and women lead healthier lives than the unmarried. This includes more drinking, substance abuse, drinking and driving and generally living dangerously among single men. Married women more often have access to health insurance. Divorced and widowed men and women are more likely to get into arguments and fights, do dangerous things, take chances that could cause accidents. The married lead more ordered lives, with healthier eating and sleeping habits. Marriage improves both men's and women's psychological well-being. Perhaps as a result, married men and women generally live longer than single men and women.⁴

1 William J Doherty (1997) 'The scientific case for marriage and couples education in health care' paper University of Minnesota.

2 AJ Cherlin & F Furstenberg Jr (1994) 'Step families in the United States: A reconsideration' *Annual Review of Sociology* 20: 359-381; J Coie et al. (1993) 'The science of prevention: A conceptual framework and some directions for a national research program' *American Psychologist* 48: 1013-1022; JC Coyle, J Kahn & IH Gotlib (1987) *Depression. Family interaction and psychopathology: Theories, methods and findings* New York: Plenum Press; CP Cowan & PA Cowan (1992) *When partners become parents: The big life change for couples* New York: Harper Collins; F Fincham, J Grych & L Osborne (1993) 'Interparental conflict and child adjustment: A longitudinal analysis' paper presented at the biennial meeting of the Society for Research in Child Development New Orleans.

3 F McAllister (ed) (1995) *Marital breakdown and the Health of the Nation* London: One plus One.

4 LJ Waite (1997) 'Why marriage matters' *Threshold* 57: 4-8.

These conclusions are not confined to the United States or Britain. Curtin University Professor Denis Ladbrook notes that the conclusions drawn from the overseas data are broadly replicable in Australia.⁵

Mortality

Virtually every study which has analysed mortality rates by marital status shows that the unmarried have higher death rates, a finding confirmed since the 1930s in every country for which accurate health data exists.⁶ In a comparative study of 16 developed countries, Hu and Goldman found that not only is being married associated with increased longevity, but that the excess mortality of the unmarried relative to the married has been increasing over the past two or three decades; and divorced and widowed people in their twenties and thirties have particularly high risks of premature deaths.⁷ Morowitz re-examined earlier data which had documented the health risk of smoking and found that non-smokers who were divorced had only a slightly lower risk of dying from cancer than married men who smoked a pack or more of cigarettes a day.⁸ In another study, Larson found that the age specific death rate for divorced people in the United States is 84 per cent higher than for married people. This translates to a loss of ten years life per divorced man, the equivalent in health terms of smoking a pack of cigarettes a day for the rest of one's life.⁹

In a study of professional women in Wisconsin, Ladbrook found that the usual pattern of mortality in the US whereby males usually die six years earlier than females was reversed. The main factor accounting for this reversal was the higher ratio of women who were never married, widowed, separated or divorced compared with the married than was the case with men. A considerably higher percentage of

5 D Ladbrook (1997) 'Why marriage matters: An Australian perspective' *Threshold* 57: 9–10.

6 RH Coombs (1991) 'Marital status and personal well-being: A literature review' *Family Relations* 40: 97; JJ Lynch (1979) *The broken heart* Sydney: Harper & Row; and H Carter & P Glick (1970) *Marriage and divorce: A social and economic study* (Cambridge MA: Harvard University Press).

7 Y Hu & N Goldman (1990) 'Mortality differentials by marital status: An international comparison' *Demography* 27(2): 233. See also BD Cox, FA Huppert & MJ Whichelow (1993) *The health and lifestyles survey: Seven years on* London: Dartmouth Press; B Burman & G Margolin (1992) 'Analysis of the association between marital relationships and health problems: An international perspective' *Psychological Bulletin* 112: 39–63; and LM Verbrugge (1979) 'Marital status and health' *Journal of Marriage and the Family* 41: 267–285.

8 HJ Morowitz (1975) 'Hiding in the Hammond report' *Hospital Practice* August.

9 DB Larson, JP Swyers & SS Larson (1995) *The costly consequences of divorce: Assessing the clinical, economic and public health impact of marital disruption in the United States* Rockville MD: National Center for Healthcare Research 46.

men than women in this category were married and they were living longer than the women in the category.¹⁰

Marriage seems to protect from contracting cancer and offers better chance of survival after diagnosis. Lilienfield found that nearly every type of terminal cancer inflicted divorced persons of both sexes more frequently than it did the married. Divorced males had double the rate of respiratory cancer, and four-fold increase in buccal cavity and pharynx (throat) cancer, and more than a fifty per cent increase in cancer of the digestive system and peritoneum and urinary tract.¹¹ In a subsequent study, Goodwin found that married cancer patients did better medically than unmarried cancer patients.¹²

In addition to cancer, researchers have found a number of other diseases that have contributed to increased mortality among the divorced and separated. Lynch reviewed the mortality data from the National Center for Health Statistics on all deaths over a two year period and found that the premature death rate from cardiovascular disease, for both white and non-white divorced men, was double that of married men; the premature death rate due to pneumonia for white divorced men was more than seven times that of their married counterparts; and the premature death rate due to hypertension and cardiovascular diseases was double for divorced men compared to their married counterparts.¹³ As McAllister notes in her survey of the literature, 'marital status has long been identified as one of the social characteristics associated with heart disease and stroke.'¹⁴ She also notes that 'as in the case with cancer, there is also evidence of superior survival rates following myocardial infarction among the married, in comparison to other marital status groups.'

Australian studies support these conclusions. In *Health Differentials Among Working Age Australians*, Lee and colleagues identify the health risks of the never married and the divorced and widowed:

There are very large differences in mortality between married/separated men on the one hand, and never married and divorced/widowed men on the other. The latter groups have standardised rates over twice the former's . . . Separated/divorced/widowed men have more acute symptoms and mental health problems and smoke and drink more, although only the smoking and

10 D Ladbroke (1990) 'Sex differentials in premature death among professionals' *Journal of the Australian Population Association* 7: 1-26; 89-115.

11 AM Lilienfield, ML Levin & MJ Kessler (1972) *Cancer in the United States* Cambridge: Harvard University Press.

12 JS Goodwin et al (1987) 'The effect of marital status on stage, treatment, and survival of cancer patients' *Journal of the American Medical Association* 258: 3125-3130. See also the series of studies cited in F McAllister (ed) *Marital Breakdown* supra.

13 JJ Lynch (1977) *The lonely heart, broken heart, and sudden death* New York: Basic Books.

14 F McAllister (1995) *Marital Breakdown* supra 19.

mental health differences are of comparable magnitude to the mortality differences.

The differences between women in different marital status groups are not quite as extreme as those for men, but the mortality of never married women is still 80 per cent higher than that of married women, and that of divorced/widowed women over 60 per cent higher. The separated/divorced/widowed women in the surveys also report mental health problems, and smoke, at levels 80 per cent above married women, and they report 20 per cent more acute and chronic symptoms, the latter in contrast to men in the same group who show no excess.¹⁵

The subsequent 1992 report of the National Health Strategy *Enough to make you sick* confirmed the strong correlations between marital status and health outcomes:

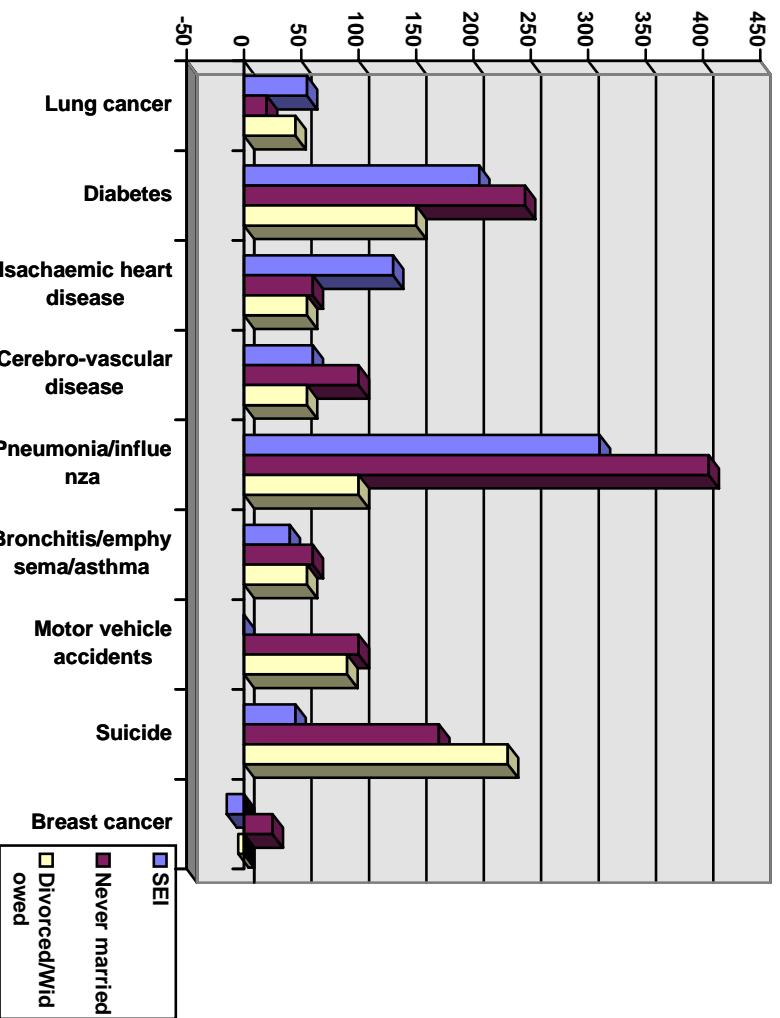
With the exception of stomach cancer, brain cancer, pancreatic cancer (in women) and prostate cancer (in men), married individuals aged 25–64 are at less risk of dying from all selected causes of death than never married individuals, widowed/divorced individuals or both (of the same age).¹⁶

Although the National Health Strategy concentrates on inequalities related to low socioeconomic status, Dr Moira Eastman has analysed the data to show a striking correlation between marital status and mortality rates.

15 SH Lee et al (1987) *Health Differentials Among Working Age Australians* Canberra: Australian Institute of Health.

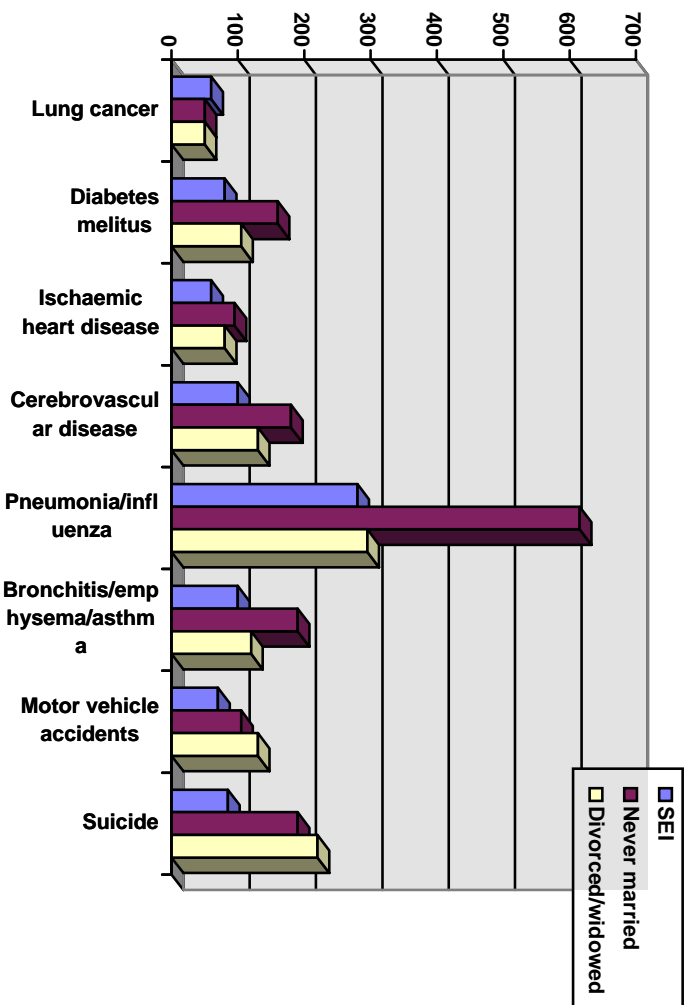
16 National Health Strategy (1992) *Enough to make you sick: How income and environment affect health*. Melbourne.

Mortality rates by SEI and marital status for women



Source: M Eastman (1997) 'Family variables, health outcomes and national health strategies' Threshold 56: 17

Mortality rates by SEI and marital status for men



Source: M Eastman (1997) 'Family variables, health outcomes and national health strategies' Threshold 56: 18

Eastman concludes:

Enough to make you sick gives the eight causes of death for which correlations are strongest between low socio-economic status and cause of death. For seven of these causes of death, correlations are even stronger with marital status. That is, the never married, widowed and divorced have higher death rates on seven of these eight causes of death compared with the married than do the lowest socio-economic bracket compared with the highest socio-economic bracket.¹⁷

Indeed, the mortality rates of individuals with poor social relationships are higher than those who smoke cigarettes for many years.¹⁸

Suicides and accidents

‘Relationship breakdown is one of the major causes of suicide worldwide, and the differential in mortality rates by marital status is huge,’ notes the One plus One Marriage and Partnership Research foundation. ‘This reflects the experience of loss and depression often associated with divorce and separation.’¹⁹ As the following table illustrates, the divorced have a three to four fold higher risk of suicide than the married.

	Period of study	Married		Divorced		Relative risk Div'd/Marr'd	
		Men	Women	Men	Women	Men	Women
England & Wales	1950-82	84	57	528	227	6.3	4.0
Scotland	1973-83	130	74	546	275	4.2	3.7
USA#	1979-81		119		349		2.9
Finland	1969-71	401	112	1538	349	3.8	3.1

Data for both men and women

Source: F. McAllister (ed) (1995) *Marital Breakdown* London: One plus One

Eastman notes that ‘for men and women the divorced/widowed have suicide rates over three times that of the married and the never married rates are almost three times the rate of the married.’²⁰ UK research reports that those who are separated but not divorced have suicide rates 20 times that of the married.²¹ A recent Australian

17 M Eastman (1997) ‘Family variables, health outcomes and national health strategies’ *Threshold* 56: 14–25.

18 JS House, KR Landis & D Umberson (1988) ‘Social relationships and health’ *Science* 241: 540–544.

19 F McAllister supra 21.

20 Eastman (1997) supra 20.

21 J Dominion (1991) *Marital Breakdown and the Health of the Nation* London: One plus One.

study at Griffith University of 4000 suicides found that 70 per cent were caused by relationship breakups. Men were nine times more likely to commit suicide than women.²²

As Ladbrook notes, 'marriage, parenting and other social relationships and the obligations that these ties entail actually give a protective solidarity that is less easily available to and accessible by people who live in isolated circumstances.'²³

Morbidity

Both perceived physical and mental health have been found to be related to marital status in a way similar to mortality.²⁴ Cox and colleagues suggest a beneficial effect of marriage on psycho-social health (measured by malaise score 'symptoms' including worrying, feeling lonely and having difficulty sleeping) after examining health data on the British population.²⁵ Those who married between the two surveys were more likely to either declare lower malaise scores at both times or to move into a lower category, that is, higher psycho-social well-being, in the follow-up. Of the married women who reported average or high malaise at the first survey, 32 per cent dropped to the low category, as compared with only 10 per cent of those who remained single. Similarly, analysis of the US data indicates that married men and women in all age groups are less likely to be limited in activity (a general health indice) due to illness than single, separated, divorced, or widowed people.²⁶ As Professor Ladbrook observes: 'Clearly having someone at home who cares, supervises and calls for help is an enormous advantage over being alone or in an unnoticing or caring social environment when one is ill.'²⁷

These trends extend to other behaviours. Alcohol consumption for example, has been found to be very much higher in the divorced,²⁸ and that twice as many marriages complicated by alcoholism end in divorce compared to marriages where alcohol problems are absent.²⁹

22 Professor Pierre Baume cited in L Slattery (1998) 'The descent of men' *Weekend Australian* 13-14 June.

23 D Ladbrook (1997) *supra* 10. See also, E Durkheim (1951) *Suicide* Glencoe IL: The Free Press.

24 F McAllister *supra* 7.

25 Cox et al *supra*.

26 National Center for Health Statistics (1997) *Health and selected socioeconomic characteristics of the family: United States 1988-90* Washington DC: General Printing Office.

27 D Ladbrook *supra* 10.

28 RT Squares (1985) 'Marital status and psychiatric morbidity in new clinical concepts' in OJWE Bjovksten (ed) *Marital Therapy* Washington DC: American Psychiatric Press; and McAllister (1995) *supra* 18.

29 EH Oppenheimer (1984) 'Marital stress and alcoholism' in *Marriage and Health* London: Marriage Research Centre.

Marital distress

Marital distress is an important health hazard for adults and children, concludes Professor Doherty.³⁰ Marital distress leads to depression and reduces immune system functioning in adults. In addition, chronic marital conflict harms the emotional and physical well-being of children.³¹ As Stanley and Markman note in their review of the literature: 'adults and children are at increased risk for mental and physical problems due to marital distress.'³²

30 W Doherty (1997) *supra*.

31 RE Emery (1982) *Marriage, divorce and children's adjustment* Newbury Park CA: Sage Publications; JM Gottman and LF Katz (1989) 'Effects of marital discord on young children's peer interruption and health' *Developmental Psychology* 25: 373-381; and JF Kiecolt-Glaser et al (1993) 'Negative behavior during marital conflict is associated with immunological down-regulation' *Psychosomatic Medicine* 55: 395-409.

32 SM Stanley & HJ Markman (1997) *Facts about marital distress and divorce* Denver: University of Denver, and the studies cited therein.

2. Children

These findings relate also to children. A large number of studies have shown that divorce has both a short term and a long term impact on children. Research also demonstrates that this impact often extends into adult life with consequences for health, family life, educational performance and occupational status.³³

In the short term, the age of children affected by divorce can relate to changes in behaviour. In their 1982 study, Richards and Dyson noted:

The most common reactions in children are anger, directed at one or both parents, sadness and depression. In younger children, clinging to parents and 'regressive' reactions like bedwetting are frequently seen while older children may withdraw somewhat from the home and seek relationships elsewhere.³⁴

In a subsequent study, Hetherington and Clingempeel found that while older children can disengage from the family situation by going out with friends or establishing supportive relationships with older relatives or family friends, younger children without these opportunities may behave differently. Conversely, the absence of monitoring by parents and 'overinvestment' in peer relationships can lead to behaviour problems in older children. The researchers found in their three-wave study that adolescent children in divorced lone mother families and in stepfamilies formed through remarriage, consistently scored less well on indices of behaviour, competence and education than comparable children whose parents were stably married. Over the two year study period, they noted a decline in the positive relationship between adolescents and stepfathers, and short-term increases in withdrawal and antisocial behaviour towards mothers.³⁵

These findings are of significance, as many young children are affected by divorce in Australia. In 1996, of the 28, 138 divorces involving children, 22, 495 involved pre-school and primary school aged children.³⁶

It is clear that divorce can also have a long term impact on children. In Britain, the 1946, 1958 and 1970 cohort studies have provided longitudinal evidence of the impact of divorce. McAllister writes that the follow-ups at 21, 26, 31 and 36 years of the 1946 cohort 'has provided us with robust evidence of a disturbing fact: the

33 See, McAllister (1995) supra 24.

34 MPM Richards & M Dyson (1982) *Separation, divorce & the development of children: A review* London: Department of Health and Social Security. See also NR Butling & J Golding (1986) *From birth to five: A study of the health and behaviour of Britain's five year olds* Oxford: Pergamon Press.

35 ME Hetherington & WG Clingempeel (1992) 'Coping with marital transitions' *Monographs of the Society for Research in Child Development* Series 227 Vol 57 No 2-3, Chicago: University of Chicago Press.

36 Australian Bureau of Statistics *Divorces* Cat 3307.0 and *Marriages and Divorces* Cat 3310.0.

experience of divorce as a child can have adverse effects in terms of health, behaviour and economic status thirty years later.³⁷ There is evidence that the children of parents who divorce when they are less than five years of age are particularly vulnerable.³⁸ The follow-up studies of the 1958 cohort revealed similar findings, particularly in terms of educational achievement and behaviour.³⁹ A series of other studies indicate:

- children of divorced parents seem much more susceptible to psychiatric illness;⁴⁰
- alcohol consumption by women whose parents' divorced is far higher than women from intact families;⁴¹
- the incidence of stomach ulcers and colitis is four times higher for men aged 26 whose parents had divorced before the child was five compared to those who had reached 16 years when their parents divorced;⁴²
- children of divorce living with formerly married mothers have a 50 per cent greater risk of developing asthma, and a 20–30 per cent greater risk of injury;⁴³ and
- parental divorce can be a factor in longevity.⁴⁴

Behavioural problems

There is also widespread evidence of increased behavioural problems and delinquency among both boys and girls whose parents have divorced. 'Unlike many of their parents, children do not usually experience an immediate sense of relief when their families break-up,' observes Dr David Larson from the National Institute for Healthcare Research. 'Rather, most undergo a great amount of emotional distress immediately after the divorce as they try to adjust to their new living

37 McAlister (1995) *supra* 25.

38 MEJ Wadsworth (1984) 'Early stress and associations with adult health behaviour and parenting' in NR Butler & BD Corner (eds) *Stress and disability in childhood* Bristol: John Wright & Sons 100–104.

39 BJ Elliott & MPM Richards (1991) 'Children and divorce: Educational performance and behaviour before and after parental separation' *International Journal of Law and the Family* 5: 258. See also Hetherington & Clingempeel (1992) *supra*.

40 MEJ Wadsworth (1984) *supra*; and D Kuh & M Maclean (1990) 'Women's childhood experience of parental separation and their subsequent health & socio-economic status in adulthood' *Journal of Biosocial Science* 22: 121.

41 D Kuh & M Maclean (1990) *supra*. See also, RH Needle, SS Su & WJ Doherty (1990) 'Divorce, remarriage and adolescent substance use: A prospective longitudinal study' *Journal of Marriage and the Family* 52: 157–169.

42 Wadsworth (1984) *supra*.

43 DA Dawson (1991) 'Family structure and children's health and well-being: data from the 1988 National Survey of Child Health' *Journal of Marriage and the Family* 53: 573–584.

44 HS Friedman et al (1995) 'Psychological and behavioral predictors of longevity: The ageing and death of the "Termites"' *American Psychologist* 50(2): 69–78.

arrangements.⁴⁵ Analysis of data from the National Health Interview Survey on Child Health by Deborah Dawson has shown that children who experienced separation and divorce were two to three times more likely to have been suspended or expelled from school, and three times as likely to be in need of treatment for emotional or behavioural problems. These children also scored higher on measures of antisocial behaviour, anxiety or depression, inattention, hyperactivity, dependency and fearfulness.⁴⁶ Although girls are less likely to become delinquent than boys, both boys and girls whose parents have divorced have elevated rates.⁴⁷ A number of researchers have also linked some violent and aggressive behaviour in school-age children to marital and family disruption.⁴⁸

Youth depression and suicide

Marital disruption has also been implicated in youth depression and suicide,⁴⁹ and early sexual activity.⁵⁰ A recent study by Whitbeck found that mother's post-divorce

45 DB Larson (1995) *supra* 121.

46 DA Dawson (1991) *supra*. See also, J Guidubaldi, J Perry & BK Nastasi (1987) 'Assessment and intervention for children of divorce' in JP Vincent (ed) *Advances in family intervention, assessment and theory* V4 Greenwich CT: JAI Press, 33–69; J Guidubaldi (1987) 'Growing up in a divorced family' in S Oskamp (ed) *Annual review of applied social psychology* Beverley Hills CA: Sage Publications 202–237; and J Guidubaldi (1988) 'Differences in children's divorce adjustment across grade level and gender' in S Wochick & P Karoly (eds) *Children of divorce* Lexington MA: Lexington Books 185–231.

47 DH Demo & AC Acock (1991) 'The impact of divorce on children' in A Booth (ed) *Contemporary families, looking forward, looking back* Minneapolis MN: National Council on Family Relations. See also, MEJ Wadsworth (1984) *supra*; BJ Elliott and MPM Richards (1991) *supra*; SM Dornbusch, JM Carlsmith & SJ Bushwall (1985) 'Single parents, extended households and the control of adolescents' *Child Development* 56: 326–342; LD Steinberg (1987) 'Single parents, stepparents, and the susceptibility of adolescents to antisocial peer pressure' *Child Development* 58: 269–275; and DP Farrington (1978) 'The family backgrounds of aggressive youths' in LA Hersov, M Berger and D Shaffer (eds) *Aggressive and antisocial behaviour in childhood and adolescence* Oxford: Pergamon Press 73–93.

48 JL Sheline, BJ Skipper and WE Broadhead (1994) 'Risk factors for violent behavior in elementary school boys: Have you hugged your child today?' *American Journal of Public Health* 84: 661–663; and P Cohen and J Brook (1987) 'Family factors related to persistence of psychopathology in childhood and adolescence' *Psychiatry* 50: 332–345.

49 PL McCall & KC Land (1994) 'Trends in white male adolescent, young-adult, and elderly suicide: Are there common underlying structural factors?' *Social Science Research* 23: 57–81; and JF Robertson & RL Simons (1989) 'Family factors, self-esteem and adolescent depression' *Journal of Marriage and the Family* 51: 125–138.

50 DP Hogan & EM Kitagawa (1985) 'The impact of social status, family structure, and neighbourhood on the fertility of black adolescents' *American Journal of Sociology* 90: 825–855; BC Miller et al (1987) 'Family configuration and adolescent sexual attitudes and behavior' *Population and Environment* 9(2): 111–123; F Mott (1984) 'The patterning of female teenage sexual behavior and its relationship to early fertility' paper presented to the American Public Health Association; and S Newcomer & JR Urdry (1987) 'Parental marital status effects on adolescent sexual behavior' *Journal of Marriage and the Family* 49: 235–240.

dating behaviours had a strong bearing on the sexual behaviour of adolescent boys, and indirectly influenced the adolescent girl's sexuality by affecting their sexual attitudes. The mothers' attitudes about the acceptability of sexual permissiveness influenced the daughters' sexual permissiveness and sexual practices.⁵¹ Researchers in another US study concluded that 'not living with both parents when 14 years old compared to living with both is positively associated with multiple recent partners among white women.'⁵²

Educational performance

A series of studies which have examined the impact of parental divorce on children have found the educational performance of children is adversely affected.⁵³ These studies reveal that:

- the adverse educational effects of divorce can occur in children at any age;⁵⁴
- the chances of attending university decrease for children of divorce;⁵⁵and
- unemployment and employment in low paying jobs is more prevalent for children of divorced parents.⁵⁶

Other studies reveal that children whose parents divorce are more likely to drop out of school and less likely to go onto tertiary studies.⁵⁷

WA Child Health Survey

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- 51 LB Whitbeck, RL Simons & M Kao (1994) 'The effects of divorced mothers' dating behaviors and sexual attitudes on the sexual attitudes and behaviors of their adolescent children' *Journal of Marriage and the Family* 56: 615–621.
- 52 SN Seidman, WD Mosher & SO Aral (1994) 'Predictors of high risk behavior in unmarried American women: Adolescent environment as a risk factor' *Journal of Adolescent Health* 15: 126–132.
- 53 M MacLean & MEJ Wadsworth (1988) 'The interests of children after parental divorce: A long term perspective' *International Journal of Law and the Family* 2:155; J Guidubaldi (1987) supra; FF Furstenberg, SP Morgan & PD Allison (1987) 'Parental participation and children's well being after marital dissolution' *American Sociological Review* 52: 695; PD Alison & FF Furstenberg (1989) 'How marital dissolution affects children' *Developmental Psychology* 25: 540; and D Dawson (1991) supra.
- 54 PD Allison & FF Furstenberg (1989) supra.
- 55 M MacLean & MEJ Wadsworth (1988) supra.
- 56 M MacLean & MEJ Wadsworth (1988) supra; and BJ Elliott & MPM Richards (1991) supra; and HM Aro & UK Palosaari (1992) 'Parental divorce, adolescence and the transition to young adulthood: a follow-up study' *American Journal of Orthopsychiatry* 62(3): 412–428.
- 57 RA Wojkiewicz (1993) 'Simplicity and complexity in the effects of parental structure on high school graduation' *Demography* 30(4): 701–717; and N Zill, DR Morrison & MJ Coiro (1993) 'Long term effects of parental divorce on parent-child relationships, adjustment, and achievement in young adulthood' *Journal of Family Psychology* 7(1): 91–103.

The Western Australian Child Health Survey was the largest of its kind in the nation, involving in-depth interviews with 2,790 children aged between 4 and 16.⁵⁸

The survey focuses on the three primary spheres of influence which shape children's development: the family, the school, and the community. An object was the establish 'at a population level the nature and extent of various protective factors and risk factors that may be operating in the lives of children and just what it is that tips the balance towards moving along a pathway of resiliency or a path of increased vulnerability.'⁵⁹

The researchers found that three major risk factors were predominant: discipline style; family type, whether it be an original, step/blended or one-parent family; and the level of family discipline present in the household. The following table indicates the risk factors found in the study.

Risks for mental health problems

	P value	Risk (odds ratio)	Confidence interval
Discipline style			
<i>Coercive</i>	<0.0001	3.3	1.9 - 5.6
<i>Detached</i>	0.0004	2.2	1.3 - 3.7
<i>Inconsistent</i>	<0.0001	2.2	1.7 - 3.0
Family type			
<i>Step/blended</i>	<0.0001	2.4	1.6 - 3.6
<i>One parent</i>	<0.0001	2.5	1.8 - 3.5
Level of discord			
<i>High</i>	0.0004	1.7	1.2 - 2.4

Source: WA Child Health Survey

One of the researchers, Mr Sven Silburn, explained the significance of the findings:

With the knowledge of just these three factors, one can correctly predict close to 80 per cent of those children with mental health problems. What you see here is the level of risk associated with each style. For example, if you are looking at a child living in a family with a coercive style of parenting, the children are 3.3 times more likely to have a mental health problem than are children living in a family where there is an encouraging style of parenting. Similarly, whether one is living in a step/blended or a one-parent family, there is a very similar level of risk associated with developing a mental health problem in contrast to those

58 Professor Stephen Zubrick and Mr Sven Silburn, *Transcript*, pp. 705–727.

59 *ibid.* 707.

children who are living in an original family. In a household where there is a high level of discord, they are 1.7 times more likely.

Because they are adjusted odds ratios, the odds are multiplicative. If you are a child living in a family with a coercive parenting style, for example, in a step/blended household and there is a high level of family discord, the risks of a mental health problem are 3.3 times 2.4 times 1.7.⁶⁰

Although the survey is not a study of divorce, it does provide a 'snap shot' of 'the average mental health status of children who are living in different family living arrangements at a particular point in time.'⁶¹

Some conclusions

Reflecting on the research, McAllister et al write:

these finding are of great importance, because those sceptical or unaware of the studies of the effects of divorce on children claim that observed differences are the result of economic factors. Accordingly, they argue that children suffer because the standard of their living falls. While it is undoubtedly true that the fall of economic standards has attendant short comings, for example, change of housing or moving school, it must be recognised that the evidence from research suggests that other factors are in play. Emotional disturbance and stress are particularly notable in the critical early years of childhood.⁶²

3. Intergenerational effects

Beginning with Judith Wallerstein's examination of the effects of divorce on children in California,⁶³ a series of studies have confirmed the intergenerational impact of divorce. Twenty-five years after their parents divorce, children continue to suffer the emotional repercussions, claims Wallerstein, the California researcher and author of one of the longest-running studies on the subject. She claims that the results of the 25 year follow-up of a group of 131 children whose parents were divorcing in northern California in the 1970s provides more evidence that the impact of divorce upon children is both long-lasting and cumulative. While the study does not quantify the effect of divorce by comparing children of broken marriages with those from intact

60 Mr Sven Silburn, *Transcript*, p. 711.

61 SR Silburn and SR Zubrick (1996) *The WA Child Health Survey: Methodology and Policy Implications* Melbourne: AIFS.

62 F McAllister (1995) *supra* 27.

63 J Wallerstein (1989) 'Daughters of divorce' *American Journal of Orthopsychiatry* 59: 593; J Wallerstein & S Blakeslee (1989) *Second chances: Men, women and children a decade after divorce* New York: Ticknor and Fields; and J Wallerstein 'The long-term effects of divorce upon children: a review' *Journal of the American Academy of Child Adolescent Psychiatry* 30(3): 349-360.

families, it offers descriptive details of their lives based on hundreds of hours of interviews that Wallerstein conducted over 25 years. 'Unlike the adult experience, the child's suffering does not reach its peak at the breakup and then level off. The effect of the parents' divorce is played and replayed throughout the first three decades of the children's lives.' While this does not necessarily cause them to fail as adults, she says, it does make the normal challenges of growing up even more difficult.⁶⁴ The earlier ten year report by Wallerstein found that many of the children appeared to be troubled, drifting and underachieving. Almost all confronted issues of love, commitment and marriage with anxiety. Often there was a great deal of concern about betrayal, abandonment and feeling unloved. About half of the young men and women in the study involved themselves in short-lived relationships and impulsive marriages which ended in divorce. Wallerstein found that ten years after their parents had divorced, 34 per cent were depressed, could not concentrate at school, had trouble making friends and suffered a wide range of behavioural problems. The remaining children were doing well in some areas but faltering in others. In a magazine article drawn from the book, Wallerstein noted that 'it would be hard to find any other group of children - except perhaps the victims of a natural disaster - who suffered such a rate of serious psychological problems.'⁶⁵

While Wallerstein's findings attract criticism about methodology because of the unmatched group, her conclusions are supported by other studies. British studies by Kiernan indicated that women whose parents' divorced were more likely to marry younger and more likely to divorce.⁶⁶ Kuh and MacLean found that at age 36, 16.3 per cent of children from intact homes had divorced, compared to 23 per cent from backgrounds of parental divorce and separation.⁶⁷ More recent studies have linked parental divorce to elevated risks of teenage child bearing,⁶⁸ and to distant relationships with their own children.⁶⁹

Professor Paul Amato has analysed a series of studies of parental divorce and adult well-being. In one study, he concluded that parental divorce increased the risk of being a single parent more for men than for women; while women had a higher risk of divorce than men.⁷⁰ In a subsequent longitudinal study, Professor Amato concluded that parental divorce elevates the risk of offspring divorce by increasing

64 B Vobejda (1997) 'Children of divorce heal slowly study finds' *The Washington Post* 3 June E1.

65 J Wallerstein 1989 'Children after divorce: Wounds that don't heal' *New York Times Magazine* 22 January 20.

66 KE Kiernan (1986) 'Teenage marriage and marital breakdown: A longitudinal study' *Population Studies* 40: 35.

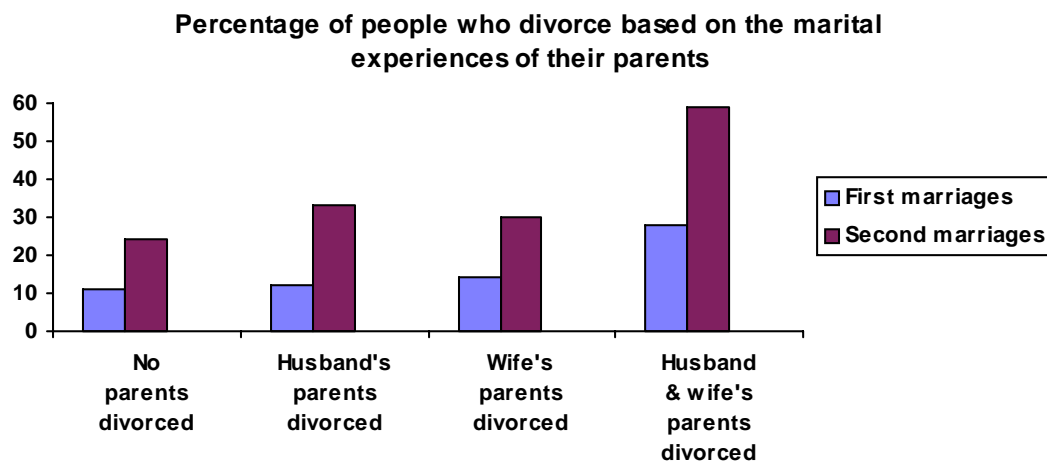
67 D Kuh & M MacLean (1990) *supra*.

68 MN Brohlchain, R Chappell & I Diamond (1994) 'Educational and socio-demographic outcomes among children of disrupted and intact marriages' *Population* 49(6): 1585-1612.

69 MEJ Wadsworth (1994) *supra*.

70 PR Amato & B Keith (1991) 'Parental divorce and adult well-being: A meta-analysis' *Journal of Marriage and the Family* 53: 43.

the likelihood that offspring exhibit behaviours that interfere with the maintenance of mutually rewarding intimate relationships.⁷¹ Professor Amato's findings are reproduced in graph form below:



Source: P Amato *Courier Mail* 28 November 1996

The possibility of intergenerational effects of divorce were also revealed in a longitudinal study in the UK. Using data from a cohort of the population that has been followed from birth to age 33, researchers were able to trace the effects of parental divorce on indicators of mental health over the entire sweep of the British study – from age 7 when behavioural information was first collected, through assessments at ages 11, 16, 23 and 33.⁷²

A previous study found that much of the apparent affect of a parental divorce on children's emotional problems between ages 7 and 11 could be attributed to characteristics of the child and family prior to the divorce.⁷³

The present study suggests that these earlier findings should be modified. To be sure, we found evidence that part of the difference in emotional problems between the divorce and no-divorce groups at age 33 can be attributed to predivorce characteristics at age 7. . . But as the two groups aged, the difference between the two groups widened. . .

This widening suggests that the divorce and its aftermath may have effects that persist into adulthood (although some time-varying predisruption characteristics

71 P Amato (1996) 'Explaining the intergenerational transmission of divorce' *Journal of Marriage and the Family* 58: 628–640; and (1997) *Threshold* 54: 15–27.

72 AJ Cherlin, PL Chase-Lansdale & C McRae (1998) 'Effects of parental divorce on mental health throughout the life course' *American Sociological Review* 63: 239–249.

73 AJ Cherlin et al (1991) 'Longitudinal studies of the effects of divorce on children in Great Britain and the United States' *Science* 252: 1386–1389.

that weren't fully measured may have widened the gap after age 7). If the continuing effect were a result of the divorce rather than unmeasured factors, it would suggest that this childhood event can set in motion a train of circumstances that affects individual's lives even after they have left home, married, and entered the labor force. . . . The absence of a strong post-disruption effect at age 11 suggests that the long-term effect may emerge only in adolescence or young adulthood. Parental divorce could trigger events such as early child bearing or curtailed education that, in turn, affect adult outcomes.⁷⁴

4. The role of conflict

This does not mean that the consequences are uniform for all people. As Demo and Acock note:

It is simplistic and inaccurate to think of divorce as having uniform consequences for children. The consequences of divorce vary along different dimensions of well-being, characteristics of children (eg. pre-divorce adjustment, age at time of disruption) and characteristics of families (eg. socioeconomic history, pre- and post-divorce levels of conflict, parent-child relationships and maternal employment). Most of the evidence reviewed . . . suggests that some sociodemographic characteristics of children such as race and gender are not as important as characteristics of families in mediating effects of divorce.⁷⁵

One characteristic that appears important is conflict between parents. As the One plus One Research team notes, the existence of conflict has been cited as a reason in favour of divorce: better to separate than to inflict a conflictual relationship on children.⁷⁶ More recent research has raised serious questions about this presumption.

The 1994 Exeter study in Britain compared children in intact families and children whose parents had divorced.⁷⁷ The children of divorce were grouped according to their current situation: single parent families, step families and 're-disrupted families' – meaning families where the custodial parent had experienced at least one further relationship breakdown after the original divorce. The intact families were further divided into 'high conflict and 'low conflict' groups. The researchers, Monica Crockett and John Tripp, concluded:

74 Cherlin, Chase-Lansdale & McRae supra 247.

75 DH Demo & AC Acock (1991) supra.

76 F McAllister et al (1995) supra 29.

77 M Crockett & J Tripp (1994) *The Exeter family study: Family breakdown and its impact on children* Exeter: University of Exeter Press.

Previous studies have strongly suggested that it is parental conflict rather than actual separation that is associated with poor outcomes for children following divorce. This has led some commentators to suggest that it is better to resolve a high conflict situation by ending the parental relationships than by allowing it to continue. This view, while not being widely promoted, has gained some credence as 'accepted wisdom', and indeed, many of the Exeter families who had divorced believed that their decision was in the best interests of their children as well as themselves. Data from this study provides some evidence that such a 'justification' for divorce may be misunderstanding of the reality. It suggests moreover, that parental separation itself is one of the major associations with difficulties for children. What the data does not show however, and we did not set out to demonstrate, is whether the outcomes would have been better if parents in unhappy marriages had stayed together 'for the sake of the children' instead of separating.

The findings from this pilot study indicate that although *most* children do not exhibit acute difficulties beyond the initial stage of family breakdown a significant minority of children encountered long term problems. Compared to their matched pairs in intact families, children who had experienced their parents' divorce were more likely to report problems in key areas of their lives, including psychosomatic disorders, difficulties with school work and a low sense of self-esteem. They were more likely to feel confused and uninvolved in arrangements about their future and to have lasting feelings of concern about both their resident and non-resident parents. Parental conflict and financial difficulties are clearly important features of family reorganisation that are associated with adverse outcomes for children. However, in this study it appeared that a more important adverse factor was the loss of a parent and the consequences, which included the risk that history would repeat itself with the breakdown of subsequent parental relationships.

These findings are consistent with studies that have found that adults who have been divorced more than once have poorer physical and mental health than those who have been through one divorce.⁷⁸

Longitudinal studies have been conducted in both the UK and the US in recent times. In the UK, the effects of parental divorce during childhood and adolescence on the mental health of young adults (aged 23) were examined using the National Child Development Study. Children born in 1958 were assessed at both birth and subsequently followed up at ages 7, 11, 16 and 23 by means of maternal and child

78 LA Kurdek (1991) 'The relationship between reported well-being and divorce history, availability of proximate adult and gender' *Journal of Marriage and the Family* 53: 71. See also, LA Kurdek (1993) 'Issues in proposing a general model of effects of divorce on children' *Journal of Marriage and the Family* 55(1): 39; S Gable, K Crnic & J Belsky (1994) 'Co-parenting within the family system: Influences on children's development' *Family Relations* 43(4): 380; and JH Grych & FD Fincham (1990) 'Marital conflict and children's adjustment: A cognitive contextual framework' *Psychological Bulletin* 108: 215-230.

interviews, and by psychological, school and medical assessments.⁷⁹ The study found that the long-term effects of divorce in childhood on adult emotional adjustment had negative consequences for both men and women. Although the researchers found that in the vast majority of cases, there is substantial recovery following divorce, they noted:

Our analysis of the clinical cut-off scores showed that in relative terms, divorce was associated with a substantial 39% increase in the risk of psychopathology. An effect of this magnitude in the number of young adults who may need clinical assistance due to parental divorce seems important and worrying.

Interestingly, they found that parental divorce was linked to greater changes in Malaise Inventory scores for better-adjusted children, but these children ultimately showed lower levels of mental health problems in young adulthood than did those from divorced homes who had higher behaviour problems at age 7.

A more recent 15 year intergenerational study by Professors Paul Amato and Alan Booth found that, while children often benefit from divorce when their parents are constantly quarrelsome, they do not from the majority of divorces where parents get along fairly well. The study involved interviews with parents in 1980, 1983, 1988 and 1992; and interviews with their adult children in 1992 and 1995. According to the researchers:

On the one hand, divorce appears to be a necessary 'Safety valve' for children (and Parents) in high conflict households. On the other hand, as divorce becomes increasingly normative, people may be leaving marriages that are only moderately unhappy. If the threshold for unhappiness at which parents abandon marriage is declining, then divorce is removing a growing number of children from two-parent homes that still provide many benefits. Although children in these latter situations gain little, they are likely to be exposed to many stresses that frequently follow divorce, such as moving, changing schools, conflict between parents over post divorce arrangements, and declines in household income. According to this latter scenario, most divorces in the past (when marital dissolution was uncommon and occurred only under the most troubling circumstances) freed children from home environments that were especially aversive. In contrast, many divorces today (when marital dissolution is common) subject children to a range of stressful experiences with few compensating advantages.⁸⁰

78 PL Chase-Lansdale, AJ Cherlin & KE Kiernan (1995) 'The long-term effect of parental divorce on the mental health of young adults: A developmental perspective' *Child Development* 66: 1614-1634.

80 PR Amato and A Booth (1997) *A generation at risk: Growing up in an era of family disheaval* Cambridge MASS: Harvard University Press.

In these low conflict marriages, 'parents do not hate each other,' says Professor Amato. 'Many are bored, and their marriages could be salvaged.' The researchers found that after divorces in low-conflict marriages, the children grow into adults who tend to have increased psychological distress, reduced happiness, fewer ties with kin and friends, and reduced marital quality.⁸¹

The findings led Amato and Booth to ask an important question: What proportion of divorces are preceded by a long period of overt interpersonal conflict, and hence, are beneficial to children?

From our own data we estimate that less than a third of parental divorces involve highly conflicted marriages. Only 28% of parents who divorced during the study reported any sort of spousal physical abuse prior to divorce, 30% reported more than two serious quarrels in the last month, and 23% reported they disagreed 'often' or 'very often' with their spouses. Thus it would appear that only a minority of divorces between 1980 and 1992 involve high-conflict marriage.⁸²

Professors Amato and Booth concluded:

If divorce today were limited only to high conflict marriages, then divorce would generally be in children's best interest. But the fact that one-half of all marriages today end in divorce suggests that this is not the case. Instead, with marital dissolution becoming increasingly socially acceptable, it is likely that people are leaving marriages at lower thresholds of unhappiness now than in the past. Unfortunately, these are the very divorces that are most likely to be stressful for children. Consequently, we conclude that the rise in marital disruption, although beneficial to some children, has, in balance, been detrimental to children. Furthermore, if the threshold of marital unhappiness required to trigger a divorce continues to decline, then outcomes for children of divorced parents may be more problematic in the future.⁸³

Professors Amato and Booth suggest that 'unless marriage becomes a more satisfying and secure arrangement in the future, the outlook for future generations of youth may be even more pessimistic.'⁸⁴

As McAllister and her co-researchers concluded:

No matter how the associations between marital breakdown, divorce and children's welfare are assessed, it is becoming increasingly clear that the parents' behaviour in their relationship with one another has a vital influence

81 PR Amato cited in K Peterson (1998) *USA Today* 19 February.

82 PR Amato and A Booth *supra* 220.

83 *id.*

84 *ibid.* 221.

on childrens' current and future well-being. Elements of particular salience for children include: levels of conflict between parents; father absence; changing family structures; economic factors. Marital breakdown and divorce can involve all of these factors in the short and long term.⁸⁵

5. Some manifestations of relationship dysfunction

Family violence

Family violence by definition involves relationship stress. Although it is impossible to accurately measure family violence, various studies and statistics reveal a considerable problem.⁸⁶ An ABS survey, *Crime and Safety in Australia*, indicated that 0.7 per cent of adult women had been victims of assault or threatened at their home. According to a community law reform paper, 3.5 per cent of all police call-outs in the ACT related to domestic incidents, of which one in five involved an assault. Victorian police statistics for 1994–95 revealed that there were 13,485 calls to family incidents, of which 13.7 per cent definitely involved violence against a person. Western Australian police records suggest an annual incidence of 109 assaults per 100,000 be males on females and 13 per 100,000 be females on males.

Another ABS survey of 6,300 women aged 18 and over across Australia found that 7 per cent of women had experienced violence in the previous 12 months. When applied to the nation, the survey *Women's Safety*, suggested that 490,000 women (7.1 per cent) had experienced an incident of violence. It indicated that 429,000 women (6.2 per cent) had experienced violence by a man and 110,700 by a woman (1.6 per cent), and 33 per cent of women who experienced violence in the previous 12 months reported incidents by more than one perpetrator. Violence was defined in the survey as any incident involving the occurrence, attempt or threat of either physical or sexual assault.

The National Committee on Violence claims that domestic violence is the most common form of abuse in Australia. According to the National Homicide Monitoring Program, 'just under one-half of all female victims of homicide were killed whether directly or indirectly as a result of a dispute between intimate partners.' Twenty-two per cent of all Queensland homicides between 1982 and 1987 were spousal murders. In New South Wales, 43 per cent of all homicides between 1968 and 1981 were within the family; and 23 per cent of these occurred between spouses. In 1992, 7,492 violent crimes were reported to South Australian police by females, of which 18.2 per cent have been classified as domestic violence. This

85 Fiona McAllister et al (1995) *supra* 30.

86 K Hegarty & G Roberts (1998) 'How common is domestic violence against women? The definition of partner abuse in prevalence studies' *Australian and New Zealand Journal of Public Health* 22(1): 49–54.

represents a rate of 3.4 per 1,000 married, separated and divorced women. Other studies also reveal unacceptably high levels of family violence.

There is also some evidence that the incidence of conflict is higher in cohabiting relationships. Dr Sotirios Sarantakas in his study *Living Together in Australia* found that 'there are more cohabitants reporting conflicts (29 per cent) than married, of whom 18 per cent admitted having conflicts of some kind. Furthermore, the study shows that cohabitants, especially women, seem to tolerate in their partner types of behaviour which marriers consider unacceptable.'⁸⁷

Child abuse

The incidence of child abuse and neglect also seems related to relationship dysfunction. The Australian Institute of Health and Welfare concluded 30,615 substantiated cases of child abuse and neglect, involving 26,544 children, were reported in 1994–95. Step children were involved in 21 per cent of cases, although less than 4 per cent of children lived in step families. Although 81 per cent of children lived with biological parents, they accounted for only 30 per cent of cases. Dr Neville Turner of the National Children's Bureau of Australia estimates that a child whose mother lives in a de facto relationship with a man other than the child's father, or with a husband that is not the child's father, is at least five times more likely to be abused than one who lives with both married parents.

Of 86 homicide victims aged under 15 years from 1989–92, 60 were likely to be killed by parents or de facto parents; three by other family members; 12 by acquaintances; and only three by strangers. A NSW study found that a high proportion of child killers are either step fathers or the mother's de facto or boyfriend. Dr Ania Wilczynski found that non-biological parents present 'a disproportionate risk for children, particularly in the early stages of their relationship with the child.' The proportion of suspected killers in de facto relationships was 6.5 times higher than for the general population. The study found that 28 per cent of the child killers had become parents when aged 20 years or younger.

Youth homelessness

According to the National Inquiry into Youth Homelessness, family conflict, including violence and abuse, is one of the major factors leading to youth homelessness in Australia.⁸⁸ That inquiry found that 'at least 20–25,000 youth were homeless'. It has been suggested that there are up to 250,000 young people not living with their families, and that approximately 30 per cent of 15–20 year olds are living

87 S Sarantakos (1984) *Living Together in Australia* Melbourne: Longman Cheshire 138.

88 Human Rights and Equal Opportunity Commission (1989) *National Inquiry into Youth Homelessness*.

independently from their families and are vulnerable to drifting in and out of homelessness. According to a Victorian study, there are about 11 in every 1,000 school children who are homeless.

Children aged between five and 18 made more than four million calls to the Kids Help Line between 1991 and 1995. There were 120,744 calls classified as serious, of which 44,554 (36.5 per cent) concerned relationship problems. Half of that number were about family relationships. Most of the callers were under 16, and three-quarters of them girls.

6. Some conclusions

These studies indicate that marriage benefits the health and well-being of individuals, and, conversely, that separation and divorce bring with them elevated risks for both former husbands and wives and their children. The extent to which these findings are accepted by social scientists is reflected in the work of a number of leading researchers. Sara McLanahan, herself a single parent, and professor of sociology at Princeton University, concluded her detailed analysis of four major national studies of families – three of them longitudinal:

Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents, regardless of the parent's race or educational background, regardless of whether the parents are married when the child is born, and regardless of whether the resident parent remarries.⁸⁹

McLanahan did not claim that single parenthood was the only reason that some children do poorly: income, parenting patterns, neighbourhood resources, educational level are all factors, but they are boosted by the absence of a parent.

The non-partisan Council on Families in America, comprising leading scholars of both conservative and liberal inclinations, concluded in their report on marriage:

The evidence continues to mount, and it points to one striking conclusion: the weakening of marriage has had devastating consequences for the well-being of children. To be sure, television, the movies, and popular music contribute to declining child well-being. So do poor teaching, the loss of skilled jobs, inefficient government bureaucracies, meagre or demeaning welfare programs, and the availability of guns and drugs. But by far the most important causal

89 S McLanahan & G Sandefurs (1994) *Growing up with a single parent; What hurts, What helps* Cambridge Mass: Harvard University Press.

factor is the remarkable collapse of marriage, leading to growing family instability and decreasing parental investment in children.⁹⁰

The renowned family scholar, Professor Urie Bronfenbrenner told an AIFS seminar in 1994: 'There has been a progressive disarray at an accelerating rate of the disorganisation of the family in the western world.'⁹¹ A series of other official reports and academic studies have reached the same conclusion.⁹²

In his recent book, *Men, Mateship, Marriage*, Dr Don Edgar, the former director of the Australian Institute of Family Studies, concludes:

There is now agreement in all studies on the key divorce effects, though the methodologies vary and there are still many contradictions. Divorce is, above all, disrupting to the lives of children, the continuity of their schooling, friendships and neighbourhood supports. Poverty is a widespread outcome which is, in itself, a huge disadvantage compared with children in a home with one or two steady incomes. Children are better off economically, psychologically, emotionally with both parents. And fathers (despite their bad press) are an important resource for their children's well-being. Step-families are a high risk, even though, financially, children are better off if the custodial parent re-marries.⁹³

In noting the research, the Committee acknowledges the admirable efforts of many single and step-parents, who raise their children in difficult circumstances. One loving parent is better than two parents in chronic high conflict. But this should not deter us from advocating programs that seek to strengthen relationships and prevent family breakdown.

As the National Council for the Single Mother and her Child informed the Committee:

When couples have a chance to explore fully the implications and commitments involved in the steps they are planning they may approach such commitments with more resources to enable them to cope with the demands they will face. The challenge is to encourage the community to see relationship

90 Council on Families in America (1995) *Marriage in America: A report to the nation* New York: Institute for American Values 6–7.

91 U Bronfenbrenner (1994) address to Australian Institute of Family Studies seminar Melbourne University: July.

92 For example, National Commission on Children (1991) *Beyond Rhetoric: A new American agenda for children and families* Washington DC; National Commission on America's Urban Families (1993) *Families First* Washington DC; D Popenoe (1988) *Disturbing the Nest* New York Walter de Gruyter.

93 D Edgar (1997) *Men, Mateship, Marriage* Sydney: Harper Collins 313.

education and counselling as a positive means of enhancing their relationship, rather than somewhere to go when things begin to go wrong.⁹⁴

Given some surveys reveal that 37 per cent of people regret their divorce five years later, and up to 40 per cent believe that it could have been avoided,⁹⁵ there is a substantial case for renewed strategies to strengthen marriages and relationships.

The cost of marriage breakdown

Marriage breakdown exacts a substantial cost on the nation. The cost is both direct and indirect.

Direct costs

Marriage and relationship breakdown is a direct cost to the Commonwealth budget in the form of social security payments, family court costs, legal aid, the child support scheme, and taxation rebates, as the following calculations indicate:

- the Department of Social Security spent \$3,134 million on the Sole Parent Pension, the Child Support Scheme and Jobs Education and Training (JET) in 1996-97. About 70 per cent of Sole Parent Pensioners were people who had been married or de facto married but had separated or divorced. Approximately \$2,200 million of the expenditure is referable to marriage and relationship breakdown.⁹⁶
- the Family Court of Australia costs \$112 million to operate in 1996-97.⁹⁷
- Legal Aid spent approximately \$40 million on Family Court cases in 1994-95.⁹⁸
- the Child Support Scheme cost \$169 million to run in 1996-97.⁹⁹
- the Sole Parent Tax Rebate cost Commonwealth revenue \$250 million in 1994-95.¹⁰⁰

These items total \$2,771 million per annum. The figure is necessarily conservative. Other costs could be rightfully included in the cost of marriage and relationship breakdown, but it is difficult to separate the components. For example, expenditure on emergency accommodation and the homeless allowance partly arises from marriage breakdown, but it has not been possible to determine the size of this part. Similarly, it has not been possible to separate out the expenditure on family payments for children of sole parent pensioners. Then there is a range of expenditure

94 National Council for the Single Mother and her Child, *Submissions*, p. S257.

95 Cited by Relationships Australia (Western Australia) at < www.relationships.com.au >

96 Department of Social Security *Annual Report 1996/97* and Commonwealth *Portfolio Budget Statements 1997-98*.

97 Family Court of Australia *Annual Report 1996-97*.

98 Attorney-General's Department *Legal Aid in Australia: 1994-95 Statistical Yearbook* tables 12 and 13.

99 Commonwealth Treasury *Portfolio Budget Statements 1997-98*.

100 Australian Taxation Office Statistics 1994-95.

by State and Territory Governments, municipal councils and charitable organisations which is also difficult to estimate.

Indirect costs

A review of the literature indicates that poor health is partially a consequence of marriage and relationship breakdown. The extent of this cost to the nation is immeasurable. It extends not only to physical and mental health, but to the social pathologies such as child and family abuse. Similarly, absenteeism and low productivity have been linked to relationship problems. Professor John Gottman estimates that for the US, approximately 30 per cent of sick time is due to family conflict.¹⁰¹

Conclusion

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

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

101 J Gottman (1998) 'Coalition for Marriage, Family and Couples Education' *Web newsletter* 13 March.

Chapter 4

Factors contributing to marriage and relationship breakdown

The Committee in its terms of reference has been asked to report on 'the range of community views on the factors contributing to marriage and relationship breakdown'. In this chapter, the Committee reviews both the factors raised in submissions, and the research and academic commentary on the issue.

Community views about marital breakdown

Evidence on this subject was received from a diverse range of organisations including many federally funded service providers, church organisations, government bodies, legal centres, and associations representing a diverse range of community interests. In addition, individual submissions were received from academics, marriage celebrants, counsellors, marriage educators through to private citizens documenting their individual experiences of marriage breakdown.

A common theme of these submissions is that the causes of marriage breakdown are complex, diverse and interactive and that no single factor can be isolated as the most significant or important reason for marriage breakdown. It is also evident that the views vary depending on the background and status of those who hold them, so that professionals in relationship development may hold theoretical understandings that differ widely from the personal experiences of individuals within the community.

Given the diversity of views presented to the inquiry, the Committee sees value in providing a summary of the most common themes presented in submissions. These themes can be broadly categorised into socio-economic, cultural and inter-personal factors.

Unemployment and work related problems

A discernible and quite striking trend noted in submissions was the importance attached to unemployment and other work related issues as factors contributing to marriage and relationship breakdown. Many submissions, particularly from welfare organisations suggested that the pressures placed on family life from unemployment are great and have a strong impact on the well being of relationships.

Unemployment not only has the effect of causing financial hardship but also lowers self esteem, creates isolation and limits the ability of families to lead fulfilling lives in the community. Similarly, at the other end of the spectrum, other families, due to financial pressures and fear of losing employment, are working longer hours with a

consequent reduction in time for family. This in turn places additional stress and pressure on family life.¹

Comments included:

Poverty associated with lack of adequate employment is a pressing issue. Unemployment, underemployment and the changing nature of paid work from full time permanent toward casual employment all contribute to reduced financial security, lowered expectations, isolation and disharmony for some families. Families are faced with increasing pressure from this changing nature of paid work. These uncertainties limit the ability of families to purchase homes, have access to credit or lead fulfilling lives in the community. This pressure has a strong impact upon the well being of their relationships.²

Many families struggle with poverty, unemployment or the uncertainty and fear of unemployment. Children growing up in such families frequently have lower expectations of stable economic futures.³

Financial strains are a major factor in family breakdown. Families are spending less time together and the inability of various family members to communicate effectively with each other is an outcome of this. This is exacerbated by some employers who refuse to recognise that workers have family responsibilities.⁴

The difficulties which couples face in dealing with social pressures can exacerbate relationship problems. For example, the economic demands of long periods of unemployment can prove too great for some. Work practices which are 'family unfriendly' can reduce the ability of couples to resolve differences. The pace of change, combined with high levels of uncertainty about the future of jobs etc. can be very destabilising.⁵

High risk factors

In many submission it was argued that the existence of certain factors in marriages place relationships at a high risk of breakdown.

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- 1 Submissions on this theme came from: Women's Action Alliance, p. S395; Kids Helpline, p. S269; Mr and Mrs John O'Neil p. S804; Ballarat Children's Homes and Family Services, p. S161; Australian Association of Social Workers, p. S684; Family Mediation Centre p. S379; Queensland Government, p. S635; Community Mediation Service Tasmania, p. S916.
 - 2 Family Resources Centre, *Submissions*, p. S370.
 - 3 Family Services Australia, *Submissions*, p. S690.
 - 4 Shop Distributive & Allied Employees Association, *Submissions*, p. S143.
 - 5 Adelaide Central Mission, *Submissions*, p. S175.

For example it was suggested that marriages often break down largely as a result of problems associated with alcohol, drugs and gambling. Apart from the economic drain they cause, such addictive behaviours, often bring associated problems of domestic violence.⁶

Illness was also cited as creating destabilising stresses within families. For example, children with a disability, or chronic or life threatening or psychiatric illness within families were also reported as having a negative impact on marital stability. As the Tasmanian Premier's Office said, statistics indicate that the potential for relationship breakdown is likely to follow the birth of a child with severe disabilities or the sudden death of a child or infant.⁷

Adelaide Central Mission suggested that another group of families which is particularly vulnerable to relationship breakdown is the group of blended families where there are children from previous marriages. Couples often lack understanding of the complexity of issues they need to deal with, and have unrealistic expectations. These marriages are statistically at high risk of breakdown.⁸

Marriage and relationship breakdown in the family of origin was also cited in some submissions as placing marriages under more stress. People who spend their developing life experience in a dysfunctional family may not be equipped to establish and maintain a healthy, happy, ongoing relationship.⁹

Cultural themes

In terms of cultural issues, a strong theme coming through submissions is that the redefinition of gender roles has had a major impact on marriage and the family. In the wake of the Women's Movement, women now have a radically new view of their role and status in society and many men are still uncertain how to respond to this

6 Submissions on this theme came from: Kids Helpline, p. S269; Sunnybank Family Support, p. S215; Tasmanian Premier's Office, p. S734; Ballarat Children's Homes and Family Services, p. S161; Catholic Society for Marriage Education, p. S934; Australian Association of Social Workers, p. S684; Adelaide Central Mission, p. S175; Centacare Australia, p. S841.

7 Tasmanian Premier's Office, *Submissions*, p. S735. Other submissions that referred to illness include: Australian Association of Social Workers, p. S684; Family Mediation Centre, p. S379; Ballarat Children's Homes and Family Services p. S160; Centacare Australia, p. S841.

8 Adelaide Central Mission, *Submissions*, p. S176. Also in Family Services Council, *Submissions*, p. S740; Ms McLucas, *Transcript*, p. 766.

9 Marriage/Relationship Education NT, *Submissions*, p. S794; Mr and Mrs John O'Neil *Submissions*, p. S804; Centacare Australia, *Submissions*, p. S841.

change. Submissions on this theme came from a diverse range of groups and included the following comments:¹⁰

Economic factors and the rights of women to choose to work have changed the dynamics of relationships over the past 20 years ... Role models provided by parents are not always relevant roles for the current generation where more women need to work.

The influence of the feminist agenda of equality has made the style of relationships change. The traditional roles of earlier generations have become more diverse with several styles of relationships. Conflict and breakdown may occur when one or the other partner changes and the other does not understand how to renegotiate their role within a relationship.¹¹

The rapidly changing status of women and the resultant demands on men being aspects of social changes to which many people have not adjusted, particularly in relation to concepts of marriage.¹²

The current patterns of marital breakdown is caused by the fact that the basic personal and cultural norms of gender are changing ... However there is little preparedness on men's part, ... for a conscious accommodation to changes on the part of so many women.¹³

Changing roles of both men and women have challenged expectations of marriages and lead to uncertain and unrealistic divisions of labour within families.¹⁴

The greater participation of women, then married women and finally married women with dependent children in the paid work force has had widespread ramifications for fertility, expectations of marriage and the roles of men and women in relation to their family responsibilities.¹⁵

Some proponents of radical feminism have been quite hostile to the institutions of marriage and family . . . feminism sees divorce as a liberation from an oppressive institution, not a break up of a sacred trust.¹⁶

10 Other submissions came from; Home Start Australia, p. S820; The Australian Institute of Family Studies, p S21; Family Services Council, p. S748; Sunnybank Family Support Inc, p. S215; Australian Association of Social Workers, p. S684; Mr Tim Jane, p. S12.

11 Marriage/Relationship Education NT, *Submissions*, p. S792.

12 Marriage Educators' Association of Australia, *Submissions*, p. S286.

13 Men's Contact and Resource Service, *Submissions*, p. S22.

14 Family Services Australia, *Submissions*, p. S690.

15 Family Court of Australia, *Submissions*, p. S975.

16 Strengthening Australia's Families, *Submissions*, p. S265.

Ambivalence towards marriage

A cultural theme coming through many submissions was that modern negative images of marriage undermine marital stability.¹⁷

Dr Moira Eastman, from the Australian Catholic University, presented the most scholarly submission on this theme when she referred to society's ambivalence towards marriage. She argued that one of the most important contributors to marriage and relationship breakdown is ambivalence (and possibly even hostility) towards the concept of marriage especially in academia, the government, bureaucracy, social services, public policy and the media.¹⁸

In Dr Eastman's opinion, perhaps the strongest evidence of ambivalence to marriage (and family) is that in at least two major policy areas, the positive contributions made by marriage and family are not acknowledged. One area of this 'silencing' is the domestic economy and the other is the contribution of marriage and family to health.

She referred to the fact that despite its significant contribution to the national economy, the domestic economy is 'neglected, disregarded, slighted and put out of the collective mind'. Similarly, marital status is a *significant* factor impacting on health, outweighing in impact the factor of smoking or not smoking. Despite this evidence, national health strategies ignore the role of marital status, family stability and family processes in creating or undermining health.¹⁹

Dr Eastman also argued that one reason for marriage's marginal status is that there are many 'myths of marriage' or widely accepted negative beliefs about marriage such as: marriage is good for men and bad for women, marriage contributes to health and well-being for men but makes women sick and unhappy, that marriage is a hitting licence; that violence and abuse are typical within marriage; that marriage was originally designed to facilitate both the maintenance of class inequality and the oppression of women and that to propose to reduce the amount of family breakdown is actually to attack, demean and stigmatise those who have experienced marriage break-down.²⁰

These views culminate in some overarching beliefs one of which is that current trends towards high levels of marriage/relationship breakdown cannot and should not be reversed. To attempt to reverse them is to force people back into violent and demeaning relationships. It involves placing a

17 Certified Male, *Submissions*, p. S708; Strengthening Australia's Families, *Submissions*, p. S266; Marriage/Relationship Education NT, *Submissions*, p. S792.

18 Dr Moira Eastman, *Submissions*, p. S897.

19 *ibid.* S899–S901.

20 *ibid.* S911.

stigma on the unmarried, separated, divorced and those in de facto marriages. Another overarching belief is that 'support' of marriage is of concern only to those of the extreme right – especially Christian fundamentalists or other minority groups who for various reasons are unable to listen to the facts that show that marriage is an essentially unjust, unsafe and even violent social arrangement.

Dr Eastman concluded that:

There is absolutely no evidence to support the above negative beliefs about marriage and family and the evidence to refute them is extremely strong and constantly growing (Eastman 1996). But unless the prevalence of these negative views of marriage is taken into account, and unless the government understands that there is a scholarly critique of these views, and becomes informed of this critique and on the basis of that information makes policy that supports families *and marriages as an essential component of family life*, then the cultural forces will overwhelm any purely 'educative' approaches that may be developed.²¹

Individualism

Several submissions suggested that many couples enter marriage believing that individual rights and needs should override the good of the marriage partnership. Such couples, it is argued, have been poorly trained or equipped for a lifetime of commitment.²² They often have unrealistic expectations of the challenge of marriage and the media images of blissful relationships contribute to high expectations without necessarily the concurrent skills.²³

Mr David Blankenhorn, President of the Institute for American Values, told the Committee that there has been a generational change in attitude to the meaning of marriage and marriage commitment and a strong move towards commitment to self and individualism. From his research in the US Mr Blankenhorn would argue that this is the principal reason for the weakening of marriage as an institution.²⁴

Other submissions suggested that with an increased life expectancy, couples committing to life-long commitments are looking forward to very much longer years

21 *ibid.* S912.

22 Women's Action Alliance, p. S395; Mr Tim Jane, p. S14; Mr and Mrs John O'Neil, p. S804; Lifeline, p. S787; Ballarat Children's Homes and Family Services, p. S160.

23 Kids Helpline, *Submissions*, p. S269; Marriage Educators Association of Australia, *Submissions*, p. S286; Mr and Mrs John O'Neil, *Submissions*, p. S804.

24 Mr David Blankenhorn, *Transcript*, p. 858.

of marriage than that of their great-grandparents. This brings with it added stresses and the greater likelihood that couples may outgrow one another.²⁵

Communication

On an interpersonal level, the most common factor cited as causing marital breakdown was poor communication skills.²⁶

The Community Mediation Service of Tasmania suggested that with the majority of counselling sessions in their experience, it is clear that many individuals are not able to clearly and assertively state their needs to avoid the build-up of resentment or anger which becomes destructive to the marriage.

Partners frequently express that their emotions have not been acknowledged; the teaching of listening skills appears to be important. It is expressed that partners would like to be listened to without a defensive/aggressive response. There appears to be a lack of social/relationship skills in dealing with problems in relationships: parties need assistance in developing negotiation skills to relate effectively.²⁷

Similarly Family Services Australia suggested:

Marriages and relationships are directly effected by the couple's ability to communicate. Where communication is poor, couples experience emotional isolation, uncertainty, neglect and sexual difficulties and sometimes seek intimacy outside the primary relationship.²⁸

Parenting

A lack of parenting skills was cited by some social welfare groups as placing stress on families. Organisations such as Marymead and Home-Start Australia argued that the child rearing years are some of the most stressful and couples approach parenting with little or no preparation. There are often few supports to deal with this and no longer are extended families available to support young parents.²⁹

It was also suggested that the time when children reach adolescence is a very demanding time for many parents, and relationships may be under threat due to these associated pressures. One submissions further suggested that the trend toward

25 Family Services Council, *Submissions*, p. S750; Family Services Australia, *Submissions*, p. S690.

26 Submissions on this theme were received from the Family Mediation Centre, p. S379; Australian Association of Social Workers, p. S684; Marymead p. S29; Lifeline, p. S787; Mr and Mrs John O'Neil, p. S804; Centacare Australia, p. S841; Bethany Family Support, p. S627.

27 Community Mediation Service Tasmania, *Submissions*, p. S915.

28 Family Services Australia, *Submissions*, p. S691.

29 Marymead, *Submissions*, p. S29; Kids Help Line, *Submissions*, p. S269; Home-Start Australia, *Submissions*, p. S820.

adult children remaining longer in their family of origin and third generation unemployment also created added stress on families.³⁰

Domestic violence

Domestic violence was cited in many submissions as a major reason for marriage breakdown. Evidence from the Domestic Violence Resource Centre³¹, the Women's Action Alliance³², the Northern Suburbs Family Resources Centre Inc³³, Kids Helpline³⁴, Lifeline³⁵, Women's Legal Service (Qld)³⁶, Family Services Australia³⁷, Ballarat Children's Home³⁸, the Australian Association of Social Workers³⁹ and the Queensland Government⁴⁰ all suggested that they had practical experience to indicate that domestic violence wreaked devastation upon many families. These submission agreed that violence is a major contributor to the breakdown in relationships.

Comments included:

At the Domestic Violence Resource Centre, we are daily confronted with the devastation wreaked upon families by violent individuals.⁴¹

The cycle of violence that often repeats from one generation to the next and which puts marriage under threat from the outset.⁴²

Violence and the abuse of power are evident in all types of families with many men viewing their partners and children as their property. There is plenty of evidence that violence is a major contributor to the breakdown in relationships.⁴³

30 Family Resources Centre, *Submissions*, p. S369.

31 *Submissions*, p. S865.

32 *Submissions*, p. S395.

33 *Submissions*, p. S370.

34 *Submissions*, p. S269.

35 *Submissions*, p. S787.

36 *Submissions*, p. S780.

37 *Submissions*, p. S690.

38 *Submissions*, p. S184.

39 *Submissions*, p. S684.

40 *Submissions*, p. S635.

41 Domestic Violence Resource Centre, *Submissions*, p. S865.

42 Women's Action Alliance, *Submissions*, p. S395.

43 Family Resources Centre, *Submissions*, p. S370.

Where issues of power are dominant, the result is often violence, trauma, sexual abuse or social isolation affecting mainly women and children.⁴⁴

44 Family Services Australia, *Submissions*, p. S690.

Ease of divorce

The relative ease with which marriage can be dissolved was a theme in submissions from the Women's Action Alliance⁴⁵, the Festival of Light⁴⁶, the Family Law Reform Association NSW⁴⁷ and Strengthening Australia's Families.

The Festival of Light argued:

The enormous increase in marriage breakdown in Western societies has followed the introduction of 'no fault' divorce in the last few decades. We believe the most important factor is the changed 'community mindset' on marriage induced by the Family Law Act. Under this law, couples enter marriage knowing that one of them can at any time walk out, with no legal sanctions, and with half the assets of the partnerships. They also know that this will happen to nearly 50 per cent of all couples marrying today. Any 1990s marriage begins in the worst possible way: with an expectation that divorce is possible, permissible and reasonably likely to happen. It is an expectation that when marriage problems occur, divorce is an acceptable way to go. It is a recipe for marriage failure.⁴⁸

Similar comments were:

Since the introduction of the Family Law Act in 1975, the traditional family has been rocked to its foundation. The ease by which a divorce can be obtained has led to a 'trendy' image of walking away from problems, instead of having the commitment to address them.

With a 'no-fault' system in place, a guilty party in a relationship has no fear of being financially disadvantaged. They can still be assured of their share of the family property and in many cases, custody of the children as well.⁴⁹

Society's attitude towards marriage has changed dramatically over the last 20 years....

The introduction of the 'no fault' principle and of the requirement for a 12 months separation only to determine eligibility for divorce has changed the essential nature of the marriage contract from one which was intended to be a permanent life-time relationship to one which, of its nature, is inherently temporary.⁵⁰

45 *Submissions*, p. S395.

46 *Submissions*, p. S347.

47 *Submissions*, p. S235.

48 Festival of Light, *Submissions*, p. S347.

49 Family Law Reform Association NSW, *Submissions*, p. S289.

50 Strengthening Australian Families, *Submissions*, p. S266.

On a similar theme, Peter Vogel, from Certified Male, suggested that separated fathers also believe that if divorce were not so easily obtained, they and their wives might have made a more serious effort to resolve their difficulties rather than giving up on the relationship so readily.⁵¹

This submission went further suggesting that many men believe the perceived pro-mother bias of the Family Court counsellors and judges causes their wives to give up on the marriage too easily because of their confidence in favourable treatment by the courts.⁵²

The Family Court in its submission countered these arguments saying that the 1975 legislation did undoubtedly make divorce more accessible as a response to marriage breakdown. However, in the Court's opinion, the abolition of the requirement to prove fault involved an acceptance by the legislators that behaviour was a *symptom* rather than a *cause* of marriage breakdown.⁵³

Isolation

The increasing isolation facing Australian families was also considered to place marriages under stress. It was suggested that the demise of the local shopping centre, the lack of community support services in many localities, poor transport systems, unemployment and the lack of extended family support networks are all factors which contributed to the social isolation of families.⁵⁴

The Adelaide Central Mission expressed a view common to many submissions arguing:

Lack of community supports in a society where the extended family and the neighbourhood have diminished in importance mean that families do not have additional resources to help them adapt. It is our view that there is an interplay between a strong community and a strong family.⁵⁵

Migration issues

51 Certified Male, *Submissions*, p. S709.

52 *ibid.*

53 Family Court of Australia, *Submissions*, p. S976.

54 Family Services Council, *Transcript*, p. 23; Australian Association of Social Workers, *Submissions*, p. S684; Queensland Government, *Submissions*, p. S636; Catholic Society for Marriage Education, *Submissions*, p. S934; Marymead, *Submissions*, p. S29.

55 Adelaide Central Mission, *Submissions*, p. S175.

Migrants were another group identified as having special problems that may place stress on marriages and relationships.

The Attorney General's Department in its submission cited a recent research report *Partners in any language: Meeting the Access and Equity needs of consumers from non-English speaking background in Commonwealth-funded marriage and relationship counselling services*. The report includes some community views on factors contributing to marriage and relationship breakdown. Participants from diverse linguistic and cultural backgrounds identified factors such as adjustment of the family post-migration; changes in the rights and independence of women; overly optimistic expectations of life in Australia prior to migration; cross cultural conflict; inter-generational conflict; infidelity; and domestic violence.⁵⁶ These were all considered to be risk factors that could affect the stability of marriages and relationships of people of diverse cultural and linguistic backgrounds.

Research and academic studies

Many of the factors identified in submissions to the inquiry as contributing to marriage and relationship breakdown have also been recognised in research studies and academic writings. The following section draws upon this work.

Cultural values

In 1988, the then Director of the Australian Institute for Family Studies, Dr Don Edgar, identified several major factors shaping what he described as the 'new marriage':⁵⁷

First is the certainty of contraception, the careful planning of births and the changing place of children in the marriage;
Second is the new preparation pathway to marriage via multiple relationships, prolonged autonomy as an individual earner, de facto living and the resultant confusion about intimacy and commitment;
Third is the growing realisation on the part of women that they cannot and ought not rely upon or be dependants of men. Thus we see improved education, retention of women's career and labour force participation, with consequent changes in the way marriage and family life function;
Fourth is the legal framework progressively enacting equal opportunity, human rights, joint responsibility for men and women fulfilling the obligations of marriage and parenthood. It is a de facto 'backward' redefinition of marriage, starting from the end point of divorce, and from combined changes in family law and social security provisions.

In both submissions to this inquiry and in academic and other writings, a series of cultural changes effecting marriage have been noted.

56 Attorney-General's Department, *Submissions*, p. S954.

58 D Edgar (1988) 'The new marriage: Changing rules for changing times' *Threshold* 22: 9.

Individualism

A culture of rights, combined with increasing materialism, has dominated western thought since the end of World War II. Rights became the dominant language of western culture. This culture was reflected in subsequent changes to our laws. Hence the restrictions on divorce were eased, the right to financial assistance from the State for sole parents enhanced, and the taxation system in many nations gradually skewed against married couples with children.⁵⁸ Writing in the American context, the social researcher Daniel Yankelovich observes:

The quest for greater individual choice clashed directly with the obligations and social norms that held families and communities together in earlier years. People came to feel that questions of how to live and with whom to live were a matter of individual choice not to be governed by restrictive norms. As a nation, we came to experience the bonds to marriage, family, children, job, community, and country as constraints that were no longer necessary. Commitments were loosened.⁵⁹

Hugh McKay has traced similar trends in Australia. In his recent book *Generations: Baby boomers their parents & their children*, he refers to ‘the emerging boomer philosophy of “Look after Number One” and “Do your own thing” ’ which ‘appeared to offer a conceptual or even intellectual framework for an ethical system devoid of the notion of restraint, or the practice of self-denial.’⁶⁰ McKay reflects on the impact of this culture on relationships: ‘Though it was not always recognised as an antisocial movement which carried the potential to destroy relationships, it often turned out in practice to feed self-centeredness and to enshrine the idea that personal growth was the way to nirvana (where “personal growth” often meant not much more than “feeling good”)’. A strong sense of individuality is also a feature of the generation born in the 1970s, according to McKay.⁶¹

A culture of divorce?

Dr Edgar has written that in the past two decades marriage has been redefined backwards by reference to divorce. Other commentators have reached similar conclusions. The leading academics and social scientists who comprise the Council on Families in America referred to the divorce revolution in their report *Marriage in America*, by which they meant ‘the steady displacement of a marriage culture by a

58 A Tapper (1990) *The Family in the Welfare State* Sydney: Allen & Unwin; A Carlson (1988) *The Family Wage* Rockford: The Rockford Institute.

59 D Yankelovich (1994) ‘How changes in the economy are reshaping American values’ in HJ Aaron, TE Mann & T Taylor (eds) *Values and Public Policy* Washington DC: The Brookings Institution.

61 H McKay (1997) *Generations–Baby boomers, their parents & their children* Sydney: McMillan 118–119.

61 *ibid.* 136.

culture of divorce and unwed parenthood.⁶² There is some evidence to suggest that no-fault divorce legislation has contributed 'directly to more divorce and sooner divorces than would have happened otherwise.'⁶³ Most discussion about family relations in Australia has related to the *Family Law Act 1975*, the Commonwealth legislation regulating divorce in the nation. Numerous inquiries have been held into aspects of the Family Law Act. This is the first parliamentary inquiry into aspects of marriage.

Marital instability

Professor Norval Glenn, former editor of *Demography* and a leading sociologist, has suggested that the increasing rates of separation and divorce possibly compound marital instability:

There are strong theoretical reasons for thinking that a decline in the ideal of marital permanence will tend to make marriages less satisfactory, not just less stable. For instance, the person who enters marriage with the notion that he or she may remain in it only for a few years will not be inclined to fully commit or make the kinds of investments that would be lost if the marriage should end. And if a person constantly compares the existing marriage with real or imagined alternatives to it, the existing marriage will inevitably compare unfavourably in some respects. People are hardly aware of needs that are currently being well served, but they tend to be keenly aware of the needs that are not being satisfied. And since attention tends to centre on needs that are not being especially well met in one's marriage (and there are always some), the grass will always tend to look greener on the other side of the marital fence. Therefore, merely contemplating alternatives to one's marriage may engender marital discontent.

Furthermore, persons who still strongly adhere to the ideal of marital permanence may be afraid to commit strongly to their marriages if they perceive a general weakening of the ideal.⁶⁴

Research by Glenn and others has indicated a tendency of many couples to hold back on marital commitments because of the perceived probability of marital disintegration in our society. A second, equally strong tendency, found among couples with stable and long-lasting relationships, is to state that the daily stresses

62 Council on Families in America (1995) *Marriage in America* New York: Council on Families in America 3.

63 JL Rogers, PA Nakonezny & RD Shull (1997) 'The effect of no-fault divorce legislation on divorce: A response to a reconsideration' *Journal of Marriage and the Family* 59: 1026–1030.

64 N Glenn (1990) 'The social and cultural meaning of contemporary marriage' in BJ Christensen (ed) *The retreat from marriage* Lanham: University Press of America 50.

and strains of marriage would probably have led to divorce had the ideal of marital permanence not been such an important part of their relationship.

Recent studies have suggested a decline in marital happiness. In a 1991 study, Professor Glenn reported on a study of data gathered over a 15 year period from 1973 to 1977 in the US.⁶⁵ The evidence 'consistently indicates that the probability of attaining marital success, in a first marriage or at all, has declined in recent years.'⁶⁶

The findings ran counter to the expected outcome. As Stacy Rogers and Paul Amato comment in a more recent study:

This is the opposite of what one would expect if the rise in divorce were due only to the increased ending of unhappy marriages. If divorce removes poor marriages from the pool of married couples, then remaining marriages should be happier now, on average, than in the past.⁶⁷

After discussing possible reasons, including increased expectations of marriage, and the impact of workforce participation, Glenn concluded:

I suspect, however, that underlying any decline in the probability of marital success is a more fundamental change, namely, a decline in the ideal of marital permanence and, perhaps more importantly, in the expectation that marriages will last until one of the spouses dies.⁶⁸

A subsequent study by Rogers and Amato compared groups in 1980 and 1992 that were identical in terms of age and at similar stages of their marriages. They found that members of the younger cohort report less marital interaction, more marital conflict, and more problems in their marriages.⁶⁹

Improvements in education and increases in age at marriage in the younger cohort partially offset the rise in marital problems. The researchers found that marital quality is related to four factors: family economic resource; work/family conflict; gender role attitudes; and premarital cohabitation.

Despite the fall in marital quality, Rogers and Amato found that commitment to the idea of life-long marriage appears to be stronger in the younger cohort:

Such a pattern suggests that young married people may be committed to salvaging marriage, and that reports of increased marital tensions and

65 ND Glenn (1991) 'The recent trend in marital success in the United States' *Journal of Marriage and the Family* 53: 261-270.

66 *ibid.* 268.

67 SJ Rogers & PR Amato (1997) *Social Forces* 75: 1089-1100.

68 Glenn *supra* 268.

69 Rogers and Amato *supra* 1098.

difficulties reflect not the struggles of an outdated social institution, but the inherent difficulties in adapting marriage to a rapidly changing social climate.⁷⁰

Avoidance of 'marriage'

Part of the cultural change has been a reluctance to use the word 'marriage' in discussions about relationships and in policy formation. A number of reasons for the avoidance of the 'M' word were advanced by the Family Impact Seminar (FIS) in preparing a 'Future of Marriage' project:

- The 'M' word brings with it many different kinds of baggage. For feminists, it appears as a smokescreen for re-instituting patriarchy. For single people, gays and lesbians, it raises concerns about discrimination. For conservatives, it can stir up fears of legitimisation of same-sex marriage. For many front line social workers and low-income advocates, it evokes images of domestic violence and abuse.
- Promoting marriage is believed to stigmatise and blame single parents, many of whom are doing a good job under very difficult circumstances.
- The idea of government intruding into marriage makes some people very uncomfortable. For the religious, marriage is a matter between individuals, their god, and faith-based organisations. For the secular, marriage represents a private contract between individuals which they can enter or leave as they please, with minimal interference.
- Many consider marriage a natural, voluntary relationship based on the ideal of romantic love. Love is the cement that binds the couple together and is either present or it isn't. The notion that programs and policies might have anything to do with improving the quality of a couple's relationship or their decision to divorce is viewed with scepticism.
- Many demographers and sociologists have argued that attempts to strengthen marriage are futile since these trends are a result of overwhelming social and world-wide forces that are irreversible. They point out that nothing is permanent any more. Jobs, houses, careers, lifestyles, community residence and education all change constantly throughout our lives. Thus changing partners through 'serial' marriages and creating 'alternative' family forms may be appropriate norms for the future.
- Finally, marriage, divorce and out-of-wedlock childbearing are very personal and often very painful subjects. The overwhelming majority of people have had some direct experience with divorce, either in their own families or in those of their friends. Many have had some acquaintance with unwed pregnancy and/or out-of-wedlock childbearing. Although the stigma attached to these events has lessened, the experience typically remains fraught with pain, disappointment, guilt and feelings of failure.⁷¹

70 *ibid.* 1099.

71 Family Impact Seminar (1997) 'Reasons for avoiding the 'M' word' *Threshold* 57: 8.

‘Such fears and sensitivities, however real, must not be permitted to stifle debate on a topic of such importance to the vast majority of people and that has such widespread ramifications for society’ concluded the FIS Board.

Changes in gender roles and the workforce

One of the most profound changes affecting families has been in the relationship between families and work over the past three decades. These changes reflect the participation of women in the paid workforce and the changing face of work, as well as new understandings of gender roles.

The proportion of married women in the paid workforce has increased throughout the industrialised world. In Australia, for example, it jumped from 29 per cent in 1966 to 53 per cent this decade. Just under half of mothers with children aged four years or under are in the paid labour force. In the UK only 57 per cent of employed people are in traditional employment working full-time for an employer. Twenty-five per cent work part-time, 13 per cent are self-employed, and five per cent are contract and casual workers. Sixty per cent of couples with children have both partners in the workforce. In the US, labour force participation by married women with children under six years of age increased from 18.6 per cent in 1960 to 59.6 per cent in 1993.⁷²

The entry of women into the workforce is facilitated by demographic factors, urbanisation, labour-saving domestic appliances, the availability of suitable employment, particularly part-time jobs, education and economic incentives such as higher wages and favourable taxation for two-income couples, the availability of childcare, and a change in attitudes making it acceptable for women to work outside the home.

The long term determinants of female labour supply tend to explain why it was possible for women to enter the workforce this century in increasingly large numbers. Short term determinants explain why women availed themselves of the opportunities provided to work. These include economic pressures to work due to falls in real wages for middle and lower income workers, the loss of employment at middle level for adult males due to economic recession and industrial restructuring, new standards of conspicuous consumption, and increasing costs of housing. The decision by women to enter the labour market is more sensitive to economic incentives than the decision taken by men.

Not only has the participation rate of women in the workforce grown while that of men has declined relatively, the areas of work in which women have been employed

72 US Bureau of Statistics (1994) *Statistical Abstract of the United States*.

are in the fields upon which modern economies are increasingly reliant.⁷³ While much still needs to be done to ensure equal opportunities for women in the workplace and to provide the flexibility required by women to pursue careers to the same level as men, there is a growing body of blue collar workers for whom employment is becoming increasingly uncertain.

These changes have also created new tensions for family life and marriages. Many women have to work the double shift, juggling their paid work with family duties.⁷⁴ For an increasing number of families, there is no choice about one parent staying at home. Many women enter the paid workforce for career reasons. But Australian social researcher Jeannie Strachan has identified three other groups of working mothers: Firstly, 'I was once a full-time mother,' usually over 40, who had been home most of the school years and has gone back into the workforce 'for financial reasons to provide the family with extras, but not for the family's survival.' Secondly, 'the home at 4.00 p.m. workers'. The third group Strachan called 'the victim workers – the women who, for whatever reason, have no choice as to whether to work or not, and yet have pre-school age children.'⁷⁵

These categories are not mutually exclusive. Women who have turned to outside work through financial necessity often also value the sense of identity and purpose and the break from unpaid work it brings. Paid work outside the home became the symbol for women of changing cultural attitudes. But part of the price is tiredness, concern about insufficient time for children, and anger that men have not recognised or appreciated the costs involved. The consequence is a new tension between the essential family tasks of loving and working.

These changes are placing new pressures on marriage and family life. They have an impact on young couples contemplating marriage and family life. Speaking in 1995 about the findings of much focus group research, Jeanne Starchan commented:

Young couples today are the first generation since the war to face the reality that they often can't obtain, even with two full-time workers in the house, what their own parents saw as fair and reasonable reward for their hard work.⁷⁶

A second consequence is the possible devaluing of marital relationships in favour of relationships in the workplace. Writing in *The Time Bind*, Arlie Russell Hochschild, concluded that 'work has become a form of "home" and home has become

73 'Tomorrow's second sex' *The Economist* 28 September 1996: 23–24.

74 See AR Hochschild (1989) *The Second Shift* New York: Viking.

75 J Strachan (1992) 'Women and changing attitudes' National Women's Convention Sydney.

76 J Strachan (1995) 'What young couples want in the nineties' *Threshold* 49: 13–15.

“work”.⁷⁷ Professor Hochschild studied the lives of workers in the modern corporation. She reported:

The worlds of home and work have not begun to blur, as conventional wisdom goes, but to reverse places. We are used to thinking that home is where most people feel the most appreciated, the most truly ‘themselves’, the most secure, the most relaxed. We are used to thinking that work is where most people feel like ‘just a number’ or a ‘cog in a machine.’ It is where they have to be ‘on’, have to ‘act’, where they are least secure and most harried.

But new management techniques so pervasive in corporate life have helped transform the workplace into a more appreciative, personal, social sort of world. Meanwhile, at home the divorce rate has risen and emotional demands have become more baffling and complex. In addition to teething, tantrums and the normal developments of growing children, the needs of elderly parents are creating more tasks for the modern family – as are the blending, unblending and reblending of new stepparents, stepchildren, exes and former in-laws.

These changes flow through to support for relationships. As Professor Hochschild observes:

The modern corporation also tries to take in the role of a helpful relative with regard to employee problems at work and at home. The education and training division offers employees free courses (on company time) in ‘Dealing with anger’, ‘How to give and accept criticism’ and ‘How to cope with difficult people’.

At home of course, people seldom receive anything like this much help on issues basic to family life. There, no course are being offered on ‘Dealing with your child’s disappointment in you; or ‘How to treat your spouse like an internal customer’.

Australian Professor Denis Ladbrook has reflected on a similar development:

Given the importance to human well-being of both occupations and relationships, it is somewhat incongruous that entry to them is treated so differently by our society. Much preparation and all sorts of protective regulations set parameters on who can do what, in the public domain of occupations, but little preparation and few safeguards are put in place for the private domain of personal and family relationships.⁷⁸

77 AR Hochschild (1997) *The Time Bind: When work becomes home and home becomes work* New York: Metropolitan Books. See also, *New York Times Magazine* 20 April 1997; and *Threshold* (1998) ‘Resource Notes’ 85.

78 D Ladbrook (1991) ‘Building our relationship assets’ *Threshold* 46: 6.

Gender relations

One view of marriage was posited by the sociologist Jessie Bernard in her 1972 book *The Future of Marriage*. Bernard argued that the modern marriage is best understood, not in the conventional sense as a union between man and woman, but as separate and unequal 'his' and 'hers' marriages, which confer health on men and the opposite on women:

We do not clip wings or bind feet but we do make girls sick. For to be happy in a relationship which imposes so many impediments upon her, as traditional marriage does, a woman must be slightly ill mentally.⁷⁹

Bernard proposed a new order consisting of a range of options about relationships and founded on two bases: The contemporary feminist critique of marriage;⁸⁰ and an optimism that human beings can accept any kind of relationship if they are properly socialised into it.⁸¹ Bernard asserted:

There is no Ideal Marriage fixed in the nature of things, that we will one day discover. . . . Every age has to find its own. . . . any form of marriage is transitional between an old one and a new one.⁸²

The role of women and the notion of transition remain strong in the critiques of marriage and family.⁸³ As James Wilson has written, 'to defend the two parent family is to defend, the critics worry, an institution in which the woman is subordinated to her husband, confined to domestic chores with no opportunity to pursue a career, and taught to indoctrinate her children with a belief in the rightness of the arrangement.'⁸⁴ However, to identify the advantages to children of being raised in two-parent families is not to defend oppression.

In her recent survey of health data, the Australian researcher, Dr Moira Eastman, who gave evidence to the Committee, rejected Bernard's thesis:

Despite Bernard's claims, research in a number of countries finds that being married is correlated with markedly better mental and physical health and

79 J Bernard (1972) *The Future of Marriage* New York: World Publishing 51.

80 *ibid.* 294.

81 *ibid.* 272–273.

82 *ibid.* 288.

83 B Daefoe Whitehead (1992) *The Experts' Story of Marriage* New York: Council on Families.

84 JQ Wilson (1993) 'The Family Values Debate' *Commentary* April: 24–25.

higher levels of happiness than being never married, separated or divorced and that this is true for both men *and* women.⁸⁵ [original emphasis]

While the welcome changes in gender relations of the past two decades have enabled women more equality, especially in the ability to pursue paid work and other interests other significant changes of the past few decades have had an impact on families and children. Writing in her book *It Takes a Village*, Hilary Clifton observes: 'The instability of American households poses great risks to the healthy development of children. . . . More than anyone else, children bear the brunt of such massive social transitions.'⁸⁶The Australian commentator Michael Duffy notes: 'It is possible that children have been the great losers of social changes of the past 30 years, as women were oppressed by patriarchal society, children are oppressed by the new order.'⁸⁷

Marriage in transition

Another notion prevalent in some discussions about family and marriage is one of transition. As the National Commission on America's Urban Families wrote:

This opinion is rooted in, and illustrated by, a number of claims that are familiar to many who follow or participate in our public debate on these issues. For example, the family is not getting weaker, it's just 'changing' to something more diverse, and perhaps to something better; we must never fall victim to nostalgia about the good old days of stronger families because family problems always have existed and family change always has been occurring. The real problem facing the society, they say, is not weak families but the forces outside the family that have failed to adjust to the changing realities of contemporary family life. The challenge, they claim, is not to strengthen families; the challenge is merely to adapt the larger society.⁸⁸

Similar sentiments have been voiced in this nation.⁸⁹ But, as the Commission concluded, they miss or evade the main point: 'the dimensions and social consequences of the family trend of our time simply are too damaging, obvious, and alarming to be explained away as harmless transition or wished away by warning against nostalgia.'

85 M Eastman (1996) 'Myths of Marriage and Family' in D Popenoe, JB Elshtain and D Blankenhorn (eds) *Promises to Keep* Lanham MD: Rowman & Littlefield.

86 HR Clinton (1996) *It Takes a Village* New York: Simon & Schuster 39.

87 Michael Duffy (1995) 'Is childcare bad for kids?' *The Independent Monthly* October: 36-42.

88 National Commission on America's Urban Families (1993) *Families First* Washington DC 31.

89 See for example, Anthony Elliott (1998) *Families evolve from the ashes* Sunday Age 15 March.

This is not to deny the trends outlined earlier in this report. The Committee is of the opinion, however, that the passive acceptance of all change involving families is an overly sanguine response to factors that expose many men, women and children to serious emotional trauma, and the nation to an enormous cost. Programs of prevention and education are a necessary response to this change.

The value of marriage and family

A happy marriage and family life remain the aspiration of many Australians. Each year, tens of thousands marry with this aspiration in mind. Even where a marriage has ended in separation and divorce, many re-enter relationships and marriage in the hope that it will work a second or subsequent time.

Simply defined, marriage is a relationship within which a community socially approves and encourages sexual intercourse and the birth of children.⁹⁰ The demographer, Kingsley Davis, writes:

The genius of [marriage] is that, through it, the society normally holds the biological parents responsible for each other and for their offspring. By identifying children with their parents, and by penalising people who do not have stable relationships, the social system powerfully motivates individuals to settle into a sexual union and take care of ensuing offspring.⁹¹

In western societies, marriage has evolved as a complex institution, containing at least five dimensions: natural, religious, economic, social and legal.⁹²

Although the pathways into marriage have changed substantially in recent decades, more people remain unmarried, divorce has increased markedly, and attitudes to other forms of relationship liberalised, a committed marriage remains important for many people. For example, the Australian Family Values Survey(1995), and the earlier National Social Science Surveys(1989–90 & 1993), found:

- 61 per cent of people thought that husband and wife should do most things as a couple;
- 80 per cent of people agreed that ones really important relationships are in the home;
- 78 per cent agreed that marriage is for life;
- 87 per cent disapprove of marrying thinking that divorce is an option if it does not work out; and
- 70 per cent thought it is too easy to get a divorce.⁹³

90 Council on Families in America (1995) *Marriage in America* New York: Council on Families 10.

91 K Davis (1985) 'The meaning and significance of marriage in contemporary society' in K Davis (ed) *Contemporary Marriage* New York: Russell Sage Foundation 7–8.

92 Council on Families supra 10.

93 D de Vaus (1997) 'Family values in the nineties' *Family Matters* 48: 4–10.

The surveys also revealed that:

- only 19 per cent of people thought a couple should stay together for the children;
- 53 per cent said it was not acceptable to have children without being married; and
- 32 per cent disapproved of a man and a woman living together without planning marriage.⁹⁴

According to AIFS researcher, David de Vaus, 'the majority of people in the three surveys . . . held many traditional family values.'⁹⁵

Asked about what is important for a successful marriage, the respondents answered as follows.⁹⁶

Aspects of marriage	Mean score on a scale of 0-10
Faithfulness	9.6
Good communication	9.5
Mutual respect	9.5
Understanding and tolerance	9.1
Happy sexual relationship	8.4
Sharing household chores	7.6
Interests in common	7.2
Adequate income	7.1
Independence	6.6
Having children	6.0
Putting partner's wishes first	5.8
Similar social backgrounds	5.5
Shared religious beliefs	4.6
Agreement on politics	2.7

The emphasis on faithfulness and commitment was also reflected in the attitudes of couples participating in the national survey of pre-marriage education in Australia. 'The predominant paradigm is very clearly one of relationship caring and sharing' reported the researchers about the participants' attitudes to marriage.

Couples continually used such concepts as growing together, love, trust, caring, understanding, togetherness, supporting each other, friendship, intimacy, affection and living for each other. Very few responses explicitly referred to the economic, political or sexual dimensions of marriage. Noticeably lacking in frequency were words like stability, security, sex, power, responsibility, roles, protection and money. Running through the hundreds of responses are five very common though not discrete themes centred on

94 id.

95 id.

96 D de Vaus and I Wolcott (eds) (1997) *Australian Family Profiles* Melbourne: Australian Institute of Family Studies 16.

commitment, companionship in sharing life together, family/ children, love between best friends and union under God.⁹⁷

Determinants of marital instability

In a recent survey of the determinants of marital instability, AIFS researcher, Helen Glezer, found that the premarital experiences contributing most to the risk of marital breakdown are:

- having an ex-nuptial child;
- pre-marital cohabitation; and
- leaving home at an early age.⁹⁸

According to Glezer:

Characteristics of those who experienced marital breakdown compared with those who have not, indicate that like those who have cohabited, they tend to have less traditional family values, are more egalitarian about sex roles, value children less and are more individualistic in their family orientation than those who remain married.

. . . family background factors such as growing up in a non religious family, being unhappy at home, leaving home at an early age and coming from a context of non traditional family values are associated with both cohabiting prior to marriage and marital dissolution.

A series of studies have identified other demographic and social characteristics that have been shown to contribute to marital instability. These include:

- exposure to divorce as a child;⁹⁹
- having pre-marital sex;¹⁰⁰and
- marrying as a teenager.¹⁰¹

97 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia 84.

98 H Glezer (1994) 'Family backgrounds and marital breakdown' *Threshold* 43: 16-19.

99 E Masur (1993) 'Developmental differences in children's understanding of marriage, divorce and remarriage' *Journal of Applied Developmental Psychology* 14: 191-212; P Amato (1988) 'Parental divorce and attitudes toward marriage and family life' *Journal of Marriage and the Family* 50: 453-461; P Amato (1997) 'Explaining the intergenerational transmission of divorce' *Threshold* 54: 15-27; and DB Larson et al (1996) *The Costly Consequences of Divorce* Rockville MD: National Institute for Healthcare Research and the studies cited therein.

100 DB Larson (1996) *supra* and the studies cited therein.

101 TC Martin & LL Bumpass (1989) 'Recent trends in marital disruption' *Demography* 26: 37-51; AJ Norton & PC Glick (1979) 'Marital instability in America: Past, present and future' in G Levinger & OC Moles (eds) *Divorce and Separation: Context, Causes, and Consequences* New York: Basic Books; and SL Nock (1987) *The Sociology of the Family* Englewood Cliffs NJ: Prentice Hall.

These factors are significant in light of the trends about marriage and family formation outlined above in Chapter 2. The trends reveal a number of factors that have been linked to marital instability, notably:

- a marked increase in ex-nuptial births;
- a decline in teenage marriage, including pregnant teenage brides; and
- the increase in pre-marital cohabitation.

Given the trends outlined above in this report about the prevalence of cohabitation as a pathway to marriage, the following case study reviews the research on the issue and examines the implications for marriage and relationship education programs.

A case study: Cohabitation

There has been a substantial increase in the number of couples living together, both before and as a substitute for marriage in recent decades. A 1994 study by the Australian Bureau of Statistics indicated that some nine per cent of all couples were living in a de facto relationship, an increase from the six per cent found in the 1986 Census.

Types of cohabitation

The reasons that couples choose to live together can vary greatly. Macklin has identified at least five different patterns:

- a temporary, casual convenience with minimum emotional or physical involvement and limited commitment. The motivation may be more economic or protective than romantic.
- an extension of an affectionate, steady relationship, which generally includes being sexually intimate. It is likely to continue as long as the couple enjoy being together.
- a trial marriage for couples who are contemplating making their relationship permanent and want to test it out. In this sense, living together becomes part of courtship.
- a temporary alternative to marriage for people who determined to marry. They simply live together until it is professionally or economically feasible to marry.
- a permanent or semipermanent alternative to marriage. For some people, such as elderly persons, living together permanently is determined by economic factors. For others, this decision may include negative views on the institution of marriage or the desire to keep love alive by avoiding the security of marriage.¹⁰²

While it is true that there has been an increase in the number of couples in the last category, studies increasingly indicate that cohabitation is a pathway to marriage, either with the same partner or another. A 1993 survey by the Australian Bureau of Statistics found that almost 60 per cent of couples enter a de facto relationship before marriage, up from 15 per cent of married couples surveyed in 1975.¹⁰³

102 ED Macklin 1983 'Nonmarital Heterosexual Cohabitation: An Overview' in *Contemporary Families and Alternative Lifestyles* ED Macklin and RH Rubin (eds) Beverley Hills, California: Sage Publications cited in H Anderson & R Cotton Fite 1993 *Becoming Married* Louisville Kentucky: John Knox Westminster Press. See also, Sotirios Sarantakos *Living Together in Australia* Melbourne: Longman Cheshire 1984.

103 R Hawes & J Cribb 'Two-parent families rule the roost' *The Australian* 24 November 1993.

Similar developments have occurred elsewhere. In the United States, for example, the proportion of couples living together before marriage increased from 11 per cent in the years 1965–74 to 44 per cent in 1980–84 and has continued to increase since.¹⁰⁴

In reviewing the findings of his ten year longitudinal survey of cohabitants, Professor Sotirios Sarantakos from Charles Sturt University, found that the vast majority of cohabitants marry, either their partner or another person.¹⁰⁵ Sarantakos discovered:

The vast majority of the cohabitants abandon cohabitation with its liberal ideology and join matrimony, with the same or another partner. Even those who do stay for some time in cohabitation (i) for not practise fully the liberalistic ideology of cohabitation (for example with regard to freedom, stability, commitment, responsibility, security, and so on); and (ii) establish a relationship that is in structural and organisation terms not different from marriage. In most cases cohabitation is, by no means an alternative to marriage, but rather a normative step leading to marriage. Consciously or unconsciously many cohabitants . . . by joining cohabitation, seem to reject the wedding, rather than marriage.¹⁰⁶

Sarantakos has concluded that cohabitation is an extremely unstable system: 'This study leaves no doubt about the fact that life is easier in marriage, and that de facto unions are more likely to encounter problems than marriages are' he wrote in his seminal work *Living Together in Australia*.¹⁰⁷

It would appear that many couples commence cohabiting after knowing each other for only a short period of time. According to the *Australian Family Formation Study* (1991) a fifth of those in existing de facto relationships had been involved in their relationship three months or less before moving in together; a further quarter had known each other four to six months; and an additional seven per cent had known each other for more than two years before they started living together. The same study found that 25 per cent of relationships lasted 12 months, around half ended after two years, and three-quarters ended by four years.¹⁰⁸ Reflecting on the evidence of relationship instability, Sarantakos recently commented:

104 LL Bumpass 1994 'The Declining Significance of Marriage: Changing Family Life in the United States' Working Paper No 66 *A National Survey of Families and Households* Centre for Demography and Ecology: University of Wisconsin.

105 S Sarantakos (1991) 'Cohabitation Revisited: Paths of Change Along Cohabiting and Non-cohabiting Couples' *Australian Journal of Marriages & Family* 12: 3 144–155.

106 S Sarantakos (1991) 'Unmarried Cohabitation: Perceptions of a Lifestyle' *Australian Social Work* 44: 4 23–32.

107 S Sarantakos (1984) *Living Together in Australia* Melbourne: Longman Cheshire 142.

108 H Glezer (1991) 'Cohabitation' *Family Matters* 30: 24–27.

More recent findings, for instance, relating to the effectiveness of cohabitation as a dyadic relationship and as a socialising agency show clearly that this lifestyle cannot be compared to marriage. Particularly with regard to its role as a child-rearing agency, cohabitation demonstrates serious shortcomings which deserve further consideration.¹⁰⁹

Public opinion

There is a widespread belief that cohabitation before marriage is to the advantage of the couple concerned. About half the respondents to the 1988–89 *National Social Science Survey* reported that they would recommend that couples live together and then marry.¹¹⁰ In a 1995 survey for *A Current Affair*, 55 per cent of respondents said that ‘trial’ marriage was an appropriate preparation for a life-long relationship.¹¹¹ Only 18 per cent of respondents to the 1991 *Australian Family Formation Study*¹¹² and 32 per cent of respondents to the 1995 *Australian Family Values survey*¹¹³ disagreed with the statement ‘It is alright for a couple to live together without planning to marry.’

These views reflect some of the expert opinion of the past two decades. Montgomery, for example, stated in 1973 that ‘Couples who live together during courtship will probably make fewer mistakes in selecting marriage partners. Their marriage, in all probability, will be more reasoned and there will be fewer illusions about the person with whom marriage is to take place.’¹¹⁴

More recent social science research points to connections between cohabitation and marital breakdown.

Cohabitation and marital permanence

The Australian Institute of Family Studies *Family Formation Project* found that after five years of marriage, 13 per cent of those who had cohabited would divorce, compared to six per cent of those who had not cohabited. Ten years later, the

109 S Sarantakos (1996) ‘The virtues of liberation: A sequel to Kevin Andrews’ *Threshold* 53: 9–11.

110 M Evans (1991) ‘Alternative to Marriage’ *National Social Survey Report* Vol. 2 No. 5 7–8.

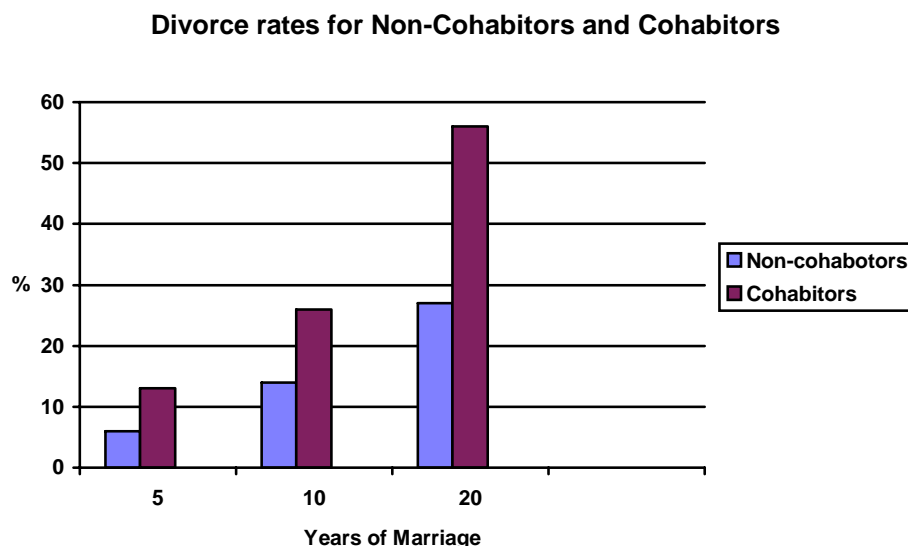
111 AGB McNair Anderson survey ‘Love, Sex and Marriage in Australia’ *A Current Affair* Sydney: Channel 9 13 February 1995.

112 H Glezer (1991) ‘Cohabitation’ *Family Matters* 30: 24–27.

113 D de Vaus (1997) ‘Family values in the nineties’ *Family Matters* 48: 4–10.

114 JP Montgomery ‘Towards an understanding of cohabitation’ quoted in C Danziger 1978 *Unmarried Heterosexual Cohabitation* San Francisco: RE. See also, J Trost 1975 ‘Married and unmarried cohabitation: The case of Sweden, with some comparisons’ *Journal of Marriage and the Family* 37: 677–682.

proportions were 26 per cent for those who had cohabited and 14 per cent for those who had not. After 20 years: 56 per cent compared to 27 per cent.¹¹⁵



Source: AIFS *Family Formation Study* 1991.

These findings have been supported by research elsewhere. In a recent national study of 8,177 ever-married men and women, sociologists David Hall and John Zhao found that ‘premarital cohabiters in Canada have over twice the risk of divorce in any year of marriage when compared to noncohabiters.’¹¹⁶ A UK Government survey reached similar conclusions. According to research by the UK Office of Population Censuses and Surveys, couples marrying in 1970–74 were 30 per cent more likely to have divorced after five years’ marriage if they had cohabited, those marrying in 1975–79 were 40 per cent more likely, and those marrying in 1980–84 were 50 per cent more likely. Allowing for cohabiters’ extra years of living together, they are still 20 per cent more likely to be divorced after 15 years of marriage.¹¹⁷

US researchers Larry Bumpass and James Sweet have concluded from their survey of the US data that ‘marriages that are preceded by living together have 50 per cent

115 A Crawford ‘Living together: a key to unhappy marriage’ *The Sunday Age* Melbourne: 21 June 1992 reporting the Family Formation Survey.

116 DR Hall and J Zhao (1995) ‘Cohabitation and Divorce in Canada’ *Journal of Marriage and the Family* 57: 421–427.

117 J Hadkey (1992) ‘Pre-Marital Cohabitation and the Probability of Subsequent Divorce, Office of Population Censuses and Surveys’ *Population Trends* 68 Summer.

higher disruption rates than marriages without premarital cohabitation.¹¹⁸ A series of other studies have found a link between cohabitation and marital dissolution.¹¹⁹

In Sweden, it has been found that cohabiters have a higher risk of divorce even if the period of marriage is counted from the beginning of cohabitation.¹²⁰ In their 1990 US study, Teachman and Polonko found that couples who cohabited prior to marriage had a greater chance of marital dissolution. But they also found that for those couples who had only cohabited with their future spouse, the odds of dissolution were no greater than for non-cohabiters.¹²¹

A subsequent study by DeMaris and Rao found that cohabiting prior to marriage, regardless of the nature of that cohabitation, is associated with an enhanced risk of later marital disruption.

It appears that this association is beginning to take on the status of an empirical generalisation. Contrary to the expectations of many couples who envision that prior cohabitation is a hedge against marital 'failure', those who live together before marrying stand a higher chance of ending their marriage. It only remains to detail the mechanism which makes this association possible.¹²²

Professionals have pondered the reasons for the greater chance of marital dissolution amongst couples who cohabited prior to marriage. Kerry James, a Sydney marriage counsellor, has noted that 'people who do decide not to get married and live together may be unsure of their commitment in the first place, and then they may decide to get married. The lack of certainty about the commitment continues and that's why marriages break down.'¹²³

118 L Bumpass and J Sweet (1994) *National Survey of Families and Households* University of Wisconsin.

119 TR Balakrishnan, KV Rao, E Lapierre-Adamcyk & KJ Krotki (1987) 'A hazard model analysis of the covariates of marital dissolution in Canada' *Demography* 24: 395-406; NG Bennett, AK Blanc & DE Bloom 'Commitment and the modern union: Assessing the link between premarital cohabitation and subsequent marital stability' *American Sociological Review* 53: 127-138; and A Booth & D Johnson (1988) 'Premarital cohabitation and marital success' *Journal of Family Issues* 9: 255-272. See also, S Browder 'Living Together: Is it a good idea?' *Cleo* July 1989, 78-83 which summarises some of the research findings about cohabitation.

120 NG Bennett, AK Blane & DE Bloom (1988) 'Commitment and the modern union: Assessing the link between premarital cohabitation and subsequent marital stability' *American Sociological Review* 53: 127-138.

121 JD Teachman & KA Polonko (1990) 'Cohabitation and Marital Stability in the United States' *Social Forces* 69: 20; 7-220.

122 A DeMaris & KV Rao (1992) 'Premarital Cohabitation and Subsequent Marital Stability in the United States: A Reassessment' *Journal of Marriage and the Family* 54: 178-190.

123 K James *The Midday Show* Sydney: Channel 9 14 June 1994.

Helen Glezer, a senior research fellow at the Australian Institute of Family Studies, has observed that ‘men are more likely than women to believe cohabiting allows them to keep their independence. They perceive it as having economic advantages. It is seen as involving less commitment than marriage and men are more likely to view cohabiting as trial marriage. This suggests that women will be either more romantic or emotionally dependent in de facto relationships than men.’¹²⁴

Rev Jim Pilmer, former Director of Anglican Marriage Education and Counselling Services, Melbourne, has said that:

It’s amazing how many people can hide their real identity until they’re married. People living together slide into relationships fairly easily without evaluating whether they are right for each other. I don’t think most couples realise have bonded they’ll be living together. Unfortunately many couples get married to make poor relationships work, thinking that when they marry everything will be right – it isn’t, it gets worse.¹²⁵

Other research also indicates that background factors involving a distrust of commitment are relevant in marital breakdown.¹²⁶

Cohabitation and marital happiness

Studies have also found that couples who cohabit prior to marriage to be significantly lower on measures of marital quality.¹²⁷ DeMaris and Leslie hypothesised that cohabiters would score higher on communication and couple adjustment in their study. However, they found a negative relationship between cohabitation and satisfaction:

... compared with noncohabiters, cohabiters scored significantly lower in both perceived quality of marital communication and marital satisfaction. These differences were significant for wives in the area of communication and for both spouses in the area of marital satisfaction. Part of this effect is accounted for by differences between cohabiters and noncohabiters on sex-role traditionalism, church attendance, and other sociocultural variables. However, even after controlling for such differences, having cohabited is

124 H Glezer (1991) ‘Cohabitation’ *Family Matters* 30: 24–27.

125 Quoted in A Crawford *supra*.

126 H Glezer (1994) ‘Family backgrounds and marital breakdown’ *Threshold* 43: 16–19.

127 A Booth & D Johnson (1988) ‘Premarital cohabitation and marital success’ *Journal of Family Issues* 9: 255–272; A DeMaris & GR Leslie (1984) ‘Cohabitation with the Future Spouse: Its influence upon Marital Satisfaction and Communication’ *Journal of Marriage and the Family* 46: 77–84; and REL Watson (1983) ‘Premarital cohabitation vs. traditional courtship’ *Family Relations* 32: 139–147. See also, P Yelsma (1986) ‘Marriage vs Cohabitation: Couples’ Communication Practices and Satisfaction’ *Journal of Communication* Autumn 94–107.

associated with slightly lower marital satisfaction for both husbands and wives, although for husbands the effect is not quite significant. the effect persists even after considering the greater amount of time in which cohabiters have been intimately involved and controlling for differences between cohabiters and noncohabiters on commitment to marital permanence.

DeMaris and Leslie concluded:

Rather than acting as a filter that effectively screens out the less-compatible couples, cohabitation appears to select couples from the outset who are somewhat less likely to report high satisfaction once they are married. This may be due to the fact that these individuals expect more out of marriage from the beginning. Alternatively, these may be individuals who adapt less readily to the role expectations of conventional marriage than do more traditional respondents.

Watson and DeMeo concluded their study saying:

The results of this research cast doubts upon the high hopes which have been held for premarital cohabitation as a means of ensuring the compatibility of prospective spouses, of testing their relationship and, as individuals, of building the interpersonal skills important to successful marriage.

It has also been found that the rate of violence is appreciably higher for cohabiting couples who have lived together for one to ten years than for married couples.¹²⁸

Cohabitation and children

Where couples who cohabit have children, research indicates that the children perform at lower levels than children of married couples. In his recent commentary Professor Sarantakos summarised the findings in four areas:¹²⁹

1. *Scholastic achievement*: In all measures related to aptitude in language, mathematics, sport, attitudes to school and learning, parent-school relationships, support with homework, sociability, household tasks and educational aspirations of the parents, children of cohabiting couples performed less well than children of married couples. Overall, in the majority of cases, children of married couples do significantly better at school and in the community than children of cohabiting couples.¹³⁰
2. *Achievement*: There are significantly more children of married couples than of cohabiting couples reporting to have achieved an educational status that is as

128 K Yllo & MA Straus (1981) 'Interpersonal Violence Among Married and Cohabiting Couples' *Family Relations* 30: 339-347.

129 S Sarantakos (1996) 'The virtues of liberation' *Threshold* 53: 9-11.

130 S Sarantakos (1996) 'Children in three contexts' *Children Australia* 21(3) 23-31.

high or even higher than the expected level. There are also significantly more children of cohabiting couples than of married couples who report to have been less successful in the area of employment or who have been unemployed or could only obtain part-time employment.

3. *Drug use*: Children of cohabiting couples appear in larger proportions than children of married couples among those who (a) are smoking or have been smoking; (b) have been smoking earlier in life; (c) have been drinking in larger proportions; (d) had begun drinking earlier in life; and (e) are using or have used illicit drugs.¹³¹

4 *Crime and delinquency*: There are significantly more children of cohabiting couples than children of married couples who commit criminal offences, or who commit two or more offences. The findings on delinquency follow the trend identified in the context of drug use.¹³²

Conclusion

Recent research supports earlier studies. In a recent article in the *Journal of Marriage and the Family*, Brown and Booth show that marriages preceded by cohabitation show 'lower levels of marital interaction, higher levels of disagreement and instability . . . lower levels of commitment to marriage' and higher levels of divorce than marriages without previous cohabitation experience.¹³³ Similarly Nock and others have noted that in many instances, cohabitation is not a relationship with a future, but one that lasts for a period of time and then ends, either through marriage or dissolution; and that cohabitation and marriage differ not only in quantity but also in quality.¹³⁴

Sarantakos has concluded that:

- Premarital cohabitation does not improve the choice of marital partners; does not offer an enriched courtship where partners get to know each other and gain experience with matters related to marriage; and does not offer an opportunity to test the compatibility of the partners; if cohabiting partners had a chance to live their life over again, almost one-half would not have chosen the same partner; and
- There are more couples with than without premarital cohabitation experience demonstrating a low marital satisfaction and low marital happiness, lack of freedom, interpersonal dependence, domestic violence, marital conflicts and instability.¹³⁵

131 S Sarantakos (forthcoming) 'Children of cohabiting couples'.

132 S Sarantakos (1997) 'Cohabitation, marriage & delinquency: The significance of family environment' *Australian and New Zealand Journal of Criminology* 30(2): 187–199.

133 SL Brown & A Booth (1996) 'Cohabitation versus marriage: A comparison of relationship quality' *Journal of Marriage and the Family* 58(3): 668–678.

134 SL Nock (1995) 'A comparison of marriages and cohabiting relationships' *Journal of Family Issues* 16: 53–76.

135 S Sarantakos (1994) 'Trial cohabitation on trial' *Australian Social Work* 47(3): 13–25.

Professor Sarantakos posits four reasons why cohabitation is inferior to marriage as a dyadic relationship and as a socialising relationship:¹³⁶ First, cohabitation often attracts people with little if any resources, skills and attributes required for a successful relationship.¹³⁷ Secondly, in cohabitation, mate selection is geared towards finding a 'partner' or a 'friend' rather than a 'spouse'. Consequently, screening mechanisms employed by people looking for a suitable partner are less vigorous in cohabitation than in marriage, and therefore cannot guarantee compatibility, commitment and stability of the relationship. Thirdly, cohabiters are by definition less committed to stable and enduring relationships, and especially to marriage; many also entertain non-traditional beliefs regarding marriage;¹³⁸ and fourthly, cohabitation experiences expose couples to liberal attitudes and environments, to modernism and tolerance to alternative beliefs and practices. Drugs, drinking, sexual freedom and social deviance are often tolerated more in a cohabitation environment than a marriage environment.

Consequences for marriage education

These findings have consequences for couples entering into cohabitation and for marriage educators. As Sarantakos concludes:

Australians need to know more about the advantages and limitations of the alternative lifestyle so commonly used in our community. They need to learn what makes a relationship strong, happy and lasting, and what to expect from the unit they establish. They need to know more about marriage; and they need to know more about cohabitation. For this reason, the role of marriage education and of pre-marital counselling is most significant and the need for constant support in this area is beyond contention.¹³⁹

These issues are being addressed by marriage educators. In a series of recent articles and workshops at conferences, marriage educators have been exploring an appropriate response to the findings of the social science research.¹⁴⁰ In his book *Marriage and the Family*, PREPARE author Dr David Olson, outlines a checklist that can be used with cohabiting couples.¹⁴¹ Through this questionnaire, Olson poses

136 S Sarantakos (1996) 'The virtues of liberation' *Threshold* 53: 9–11.

137 A Booth & DR Johnson (1988) 'Premarital cohabitation and marital success' *Journal of Family Issues* 9: 255–272.

138 WG Axinn & A Thornton (1992) 'The relationship between cohabitation and divorce: Selectivity or casual influence?' *Demography* 29: 357–374.

139 S Sarantakos (1996) 'The virtues of liberation' *Threshold* 53: 9–11.

140 For example, C Wallis (1998) 'The challenge of cohabitation' *Threshold* 58: 6–7; and T Kerin (1998) 'Commitment: Marriage versus cohabitation' *Threshold* 53: 8–9.

141 D Olson (1994) *Marriage and the Family: Diversity and strengths* Mayfield: CA. The checklist is reprinted in 'Is cohabitation the right choice for you?' *Threshold* 49: 24.

issues for cohabiting couples to address when considering their relationship and marriage. A special section of the FOCCUS pre-marital inventory for cohabiting couples has been prepared by the authors and is in use in Australia.¹⁴²

The trends in relation to cohabitation and the research findings also suggest other fields of useful study. For example: Are couples who cohabit more prone to marital dissatisfaction and breakdown? or, is marital dissatisfaction a function of cohabitation?

Determinants of marital stability

The various factors implicated in marital instability and marital dissolution provide the background to understanding the issue. They point to heightened risks for some couples. But they do not explain why particular couples succeed in their marriages, and others fail. While more research is required, the studies undertaken to date identify a series of factors that have a positive influence on the success or otherwise of marriage. These factors include:

- effective communication and conflict resolution;
- realistic expectations of marriage;
- equitable division of labor within families;
- fertility within marriage;
- length of marital duration; and
- religious commitment.

Effective communication

‘A lasting marriage results from a couple’s ability to resolve the conflicts that are inevitable in any relationships’ writes Dr John Gottman, Professor of Psychology at the University of Washington, and one of the leading researchers into marital function.¹⁴³ In his Seattle laboratory, Gottman’s team conducts something akin to an X-ray or a catscan of living relationships. The teams have compared, microsecond by microsecond, how couples talk to one another. They have examined their facial expressions, monitored how they fidget, and how they gesture. Even breathing patterns and heart rates of couples have been followed as they converse in the laboratory.¹⁴⁴

Contrary to popular belief, successful marriage seems to depend less on how compatible couples are, but how well they communicate about issues in their lives.

142 ‘New cohabitation section of FOCCUS available soon’ (1996) *Threshold* 52: 4.

143 J Gottman (1997) *Why marriages succeed or fail* London: Bloomsbury 28.

144 KJ Walters (1998) ‘Does active listening prevent marital distress?’ *Threshold* 58: 10–12.

¹⁴⁵ Research indicates that nearly all divorcing people trace their problems to ineffective communication.¹⁴⁶ Gottman has found that there are three different styles of problem solving into which healthy marriages tend to settle:

In a validating marriage couples compromise often and calmly work out their problems to mutual satisfaction as they arise. In a conflict-avoiding marriage couples agree to disagree, rarely confronting their differences head-on. And finally, in a volatile marriage conflicts erupt often, resulting in passionate disputes.¹⁴⁷

Gottman says that previously, many psychologists considered conflict-avoiding and volatile marriages to be pathological: 'But our current research suggests that all three styles are equally stable and bode equally well for the marriage's future.'¹⁴⁸

The crucial determinant, according to Gottman, is the balance between positive and negative interactions in a relationship: whether the good moments of mutual pleasure, passion, humour, support, kindness, and generosity outweigh the bad moments of complaint, criticism, anger, disgust, contempt, defensiveness and coldness. According to Gottman's research, healthy marriages have a ratio of positive moments to negative moments of 5:1. Good moments can be simple: a hug, a smile, and a walk in the park.

Conversely, certain negative behaviours damage a relationship, says Gottman. He describes these behaviours as 'The Four Horsemen of the Apocalypse'. In order of least to most dangerous, these disastrous ways of interacting are criticism, contempt, defensiveness, and stonewalling. 'What makes the four horsemen so deadly to a marriage is not so much their unpleasantness but the intensive way they interfere with a couple's communication' says Gottman. 'They create a continuing cycle of discord and negativity that's hard to break through if you don't understand what is happening.'¹⁴⁹ Gottman has researched not only the causes of marital discord. He has also been vitally interested in strategies to invigorate marriages.¹⁵⁰ Increasingly, researchers and marriage educators point to effective communication patterns as a key determinant in marital success.¹⁵¹

145 HJ Markman et al (1988) *Journal of Consulting and Clinical Psychology* 56(2): 117-127.

146 GC Kitson & M Sussman (1982) 'Marital complaints, demographic characteristics, and symptoms of mental distress in divorce' *Journal of Marriage and the Family* 44: 87-101.

147 J Gottman supra 28.

148 KJ Walters supra 10.

149 KJ Walters supra 10.

150 J Gottman (1998) 'Predicting marital happiness and stability from newlywed interactions' *Journal of Marriage and the Family* 60: 5-22.

151 See for example, H Hendrix (1988) *Getting the love you want* Melbourne: Schwartz & Wilkinson; D Tannen (1990) *You just don't understand* Sydney: Random House; D Jansen & M Newman (1989) *Really Relating* Sydney: Random House; D & V Mace (1977) *How to have a happy marriage* Nashville: Abington Press; SM Campbell (1980) *The couple's journey* San Luis Obispo CA: Impact; and J Gray (1989) *Men are from Mars, Women are from Venus* New York: Harper Collins.

Realistic expectations of marriage

An Australian study by AIFS researcher Ilene Wolcott identified realistic expectations and congruent marital expectations as an important factor in determining the future of a marriage.¹⁵² Many of the divorcees in the study had unrealistic expectations of their marriage, hoping for example, that it would solve loneliness or psychological problems. Only a third of her sample had discussed their expectations of marriage and each other prior to the wedding.

Equally, there is evidence that marriage succeed where couples approach their relationship as something requiring continuing work and commitment. Judith Wallerstein, author of the groundbreaking study of the effect of divorce on children *Second Chances*, says in her latest book, *The Good Marriage*:

As I compared the happily married couples with the thousands of divorcing couples I have seen in the past twenty-five years, it was clear that these man and women had early on created a firm basis for their relationship and had continued to build it together. Many of the couples that divorced failed to lay such a foundation and did not understand the need to reinforce it over the years. Many marriages broke because the structure was too weak to hold in the face of life's vicissitudes. The happy couples regarded their marriages as a work in progress that need continued attention lest it fall into disrepair. Even in retirement they did not take each other for granted. Far too many divorcing couples fail to understand that a marriage does not just spring into being after the ceremony. Neither the legal nor the religious ceremony makes the marriage. *People do, throughout their lives.*¹⁵³

Over the past decade, marriage educators have almost universally included segments on expectations of marriage in their programs.¹⁵⁴ More recently, Dr Scott Stanley from the University of Denver, and co-author of the PREP pre-marital marriage education program, indicated that new research increasingly points to old values. 'As you watch what marital researchers are now gravitating toward, you could say they are "rediscovering" the stuff that's been close to the hearts of couples all along: commitment, forgiveness, acceptance, friendship and the like. It's not that any of these things are very new. But the field is increasingly turning the lens on these issues. As researchers continue to do this, we'll keep finding that matters like

152 I Wolcott (1984) *From courtship to divorce: Unrealised or unrealistic expectations* Australian Family Research Conference.

153 J Wallerstein and S Blakeslee (1995) *The Good Marriage* Boston: Houghton Mifflin.

154 M Andrews (1994) 'A national strategy to enhance marriage and family' *Threshold* 44: 14-20. This was also reflected in the survey of programs undertaken by the Committee.

basic respect, trust, commitment have been there all along – providing great fuel of great marriages.’¹⁵⁵

The division of labor

In *The Second Shift*, Arlie Russell Hochschild reported that the happiest marriages are those in which husbands share the work at home, believe in doing so, and value doing so.¹⁵⁶ Professor Hochschild also noted that among working couples, the inability to share the household work frequently leads to marital conflict. These observations are supported by other studies.¹⁵⁷

A 1983 study by Huber and Spritze of 1,360 husbands and wives found that for each daily household task that the husband performs at least half of the time, the wife is about three per cent less likely to have thoughts of divorce.¹⁵⁸ More recent research has found that ‘a wife’s happiness to be affected indirectly by the division of household labour through the degree to which she perceives her husband as providing her with emotional and instrumental support.’¹⁵⁹ For wives with more egalitarian beliefs about marital roles and those employed full-time in the labour force, a more equal division of household work was associated with greater feelings of support from husbands. Greater feelings of support were, in turn, associated with the wives assigning a higher ‘quality’ to their marriage and expressing a ‘more positive’ assessment of their own well-being.

While some researchers conclude that ‘it does appear that the more equitable sharing of household labour and childrearing duties increases marital satisfaction, at least in the short term’.¹⁶⁰ Booth and Amato caution that there is as yet no strong evidence that it enhances marital stability.¹⁶¹

Childbearing within marriage

The birth of a child often adds additional strains to the marital bond. In recent years, a considerable body of research has been amassing about the impact on the marital

155 KJ Walters supra 12.

156 AR Hochschild (1989) *The Second Shift* New York: Viking.

157 GC Kitson & M Sussman (1982) ‘Marital complaints, demographic characteristics, and symptoms of mental distress in divorce’ *Journal of Marriage and the Family* 44: 87–101.

158 J Huber & G Spritze (1983) *Sex stratification: Children, housework, and jobs* New York: Academic Press.

159 DL Pina & VL Bengston (1993) ‘The division of household labor and wives’ happiness: Ideology, employment, and perceptions of support’ *Journal of Marriage and the Family* 55: 901–912.

160 DB Larson, JP Swyers & SS Larson (1996) *The Costly Consequences of Divorce: Assessing the clinical, economic and public health impact of marital disruption in the United States* Rockville MD: National Institute for Healthcare Research 240.

161 A Booth and PR Amato (1994) ‘Parental gender role and nontraditionalism and offspring outcomes’ *Journal of Marriage and the Family* 56: 865–876.

relationship of the transition to parenthood.¹⁶² A series of studies have shown that the transition to parenthood can involve decreased marital satisfaction and/or increased marital conflict,¹⁶³ a shift to a traditional division of labour,¹⁶⁴ insufficient roles models, especially for fathers,¹⁶⁵ and increased paternal participation in family life, especially in more recent times.¹⁶⁶

Despite increased paternal participation in family life following the birth of the first child, Carolyn and Philip Copwan reported from their ten year study of parents, *When Partners Become Parents*, that there remain a number of obstacles to involving fathers in parenting young children.¹⁶⁷ These include: It is hard to shake the idea that childrearing is women's work; men clearly expect their wives to be competent with babies right from the start; the 'marital dance' tends to discourage men's active involvement in childcare; the more men attempt to take an active role in the care of their children, the more mixed or negative feedback they report from their own parents; and the economics of the workplace and the lack of quality care encourages fathers to work and mothers to stay home while the children are young.¹⁶⁸

The Cowans identified several areas of conflict. First, both husbands and wives report a negative change in their sexual relationship after having a baby: 'The frequency of lovemaking declines for almost all couples in the early months of parenthood.'¹⁶⁹ Secondly, 'from the reports of men and women in both one-job and two-job families the division of the workload in the family wins, hands down, as the issue most likely to cause conflict in the first two years of family making'.¹⁷⁰ Thirdly, 'balancing family and work life after the baby comes is one of the major tasks that couples face when they come up for air and turn their attention to the outside world. A second task to be accomplished, whether or not women return to their jobs, is finding acceptable, affordable care givers when neither parent is available to look after the child.'¹⁷¹

162 The following discussion draws upon the work of E Bader and M MacMillan (1994) *Fathers – Partners in Parenting* Toronto: New York Inter-Agency and Community Council 522.

163 K Entwistle & L Doering (1981) *The first birth: A family turning point* Baltimore: Johns Hopkins University Press; and J Belsky & J Kelly (1994) *The transition to parenthood: How a first child changes a marriage* New York: Delacorte Press.

164 R LaRossa & M LaRossa (1981) *Transition to parenthood: How infants change families* Beverly Hills CA: Sage; and RB Stewart (1990) *The Second Child: Family transitions and adjustment* Beverly Hills CA: Sage.

165 id.

166 K Kreppner, L Paulsen & Y Shuetze (1982) 'Infant and family development: From triads to tetrads' *Human Development* 25: 373–391; and RB Stewart supra.

167 CP Cowan & PA Cowan (1992) *When Partners Become Parents* New York: Basic Books.

168 Cowan & Cowan supra 103–104.

169 ibid. 106.

170 ibid. 108.

171 ibid. 115.

These areas of conflict were further explored by Belsky and Kelly in *The Transition to Parenthood*.¹⁷² New parents disagree about many things, but when they fight, they usually fight over one of five things: division of labour, money, their relationship (feelings of neglect on the part of the father), career and work, and social life (are we getting enough): 'These five issues are so big, important, and all-pervasive, they might be said to constitute the raw material of marital change during the transition.'¹⁷³

These studies point to other conclusions. The role of fathers has changed over time, and they also need skills and social support for their new roles.¹⁷⁴ In Toronto, for example, marriage educators have been developing programs which include not only pre and post-marriage segments, but also segments around the time of the birth of the first child.¹⁷⁵

While the research outlined above suggest that the birth of a child adds strains to a marriage, other studies have found that childlessness rather than childbearing in marriage is associated with higher divorce rates.¹⁷⁶ Several recent studies have concluded that having a first child significantly reduces the probability of divorce in the year following the birth.¹⁷⁷ Waite and her colleagues examined national longitudinal data to determine the effects of first births on the short-term stability of marriages. The researchers found that parents of both sexes had much lower than expected marital disruption rates throughout the three-year period of the study: virtually none of the fathers and only 1–2 per cent of the mothers were divorced or separated at the time of the birth of their first child. After the birth, the proportion of both mothers and fathers who divorced did increase, but the increases were gradual, suggesting that the birth of a child did not suddenly precipitate a divorce for most of those who did divorce. The divorce rates two years post birth were much lower for those in the study than the generally expected rate. Waite and her colleagues concluded that 'these results provide compelling evidence that children increase marital stability.' The birth of a child following remarriage also tends to lower marital disruption rates.¹⁷⁸

172 J Belsky & J Kelly (1994) *The transition to parenthood: How a first child changes a marriage* New York: Delacorte Press.

173 *ibid.* 32.

174 Bader and MacMillan *supra* 13–18.

175 Margaret Andrews (1996) 'Developing a natural strategy of marriage and family education' in B Muehlenberg et al (eds) *The family there is no other way* Melbourne: APA

176 L White, A Booth & J Edwards (1986) 'Children and marital happiness: Why the negative relationship?' *Journal of Family Issues* 7: 131–148; and H Wineberg (1988) 'Duration between marriage and first child and marital stability' *Social Biology* 35: 91–102.

177 LJ Waite, GW Haggstrom & DE Kanouse (1985) 'The consequences of parenthood for the marital stability of young adults' *American Sociological Review* 50: 850–857; and L White & A Booth (1985) 'The transition to parenthood and marital quality' *Journal of Family Issues* 6: 435–449.

178 H Wineberg (1992) 'Childbearing and dissolution of the second marriage' *Journal of Marriage and the Family* 56: 80–88.

According to Larson and colleagues:

one of the most interesting and disturbing findings to come out of research on this topic is the discovery by Morgan, Lye and Condran¹⁷⁹ that parents of sons are less likely to divorce than parents of daughters. The authors of this study attribute this finding to the father's greater involvement with sons than with daughters, a supposition that is supported by evidence¹⁸⁰ showing that greater father involvement in child care reduces the likelihood of divorce.¹⁸¹

Religious commitment

One of the findings of the Australian Family Formation Study was that growing up in a home where parents were religious lessened the risk of marital instability.¹⁸² As Australian Institute of Family Studies researcher, Helen Glezer, indicated, this finding replicated other overseas findings about the factors related to marital stability and instability.¹⁸³

Recent research suggests that 'even simple measures of religious practices, such as the frequency of attendance at religious services, appear to be inversely related to the risk of divorce and separation.'¹⁸⁴ An analysis of the US National Survey of Family Growth found that 17 per cent of couples attending church once a year or less will separate or divorce after five years, compared to seven per cent of those who attend church monthly or more often.¹⁸⁵ The study found that after 10 years, 32 per cent of non-churchgoers were no longer married, compared to 10 per cent of those attending monthly. After 15 years, the divorce and separation rate was 37 per cent for non-churchgoers, compared to 14 per cent for regular attendees. Another US study found that among white men, marital dissolution is three times greater for those who never attend church than for those who attend at least two or three times a month.¹⁸⁶

179 SP Morgan, D Lye & G Condran (1988) 'Sons, daughters and the risk of marital disruption' *American Journal of Sociology* 94: 110-129.

180 K Secombe & G Lee (1987) 'Female status, wives' autonomy, and divorce: A cross-cultural study' *Family Perspectives* 20: 241-249.

181 Larson, Swyer & Larson supra 243.

182 H Glezer (1994) 'Family backgrounds and marital breakdown' *Threshold* 43: 16-19.

183 id.

184 DB Larson, JP Swyers & SS Larson supra 244.

185 J McCarthy (1979) 'Religious commitment, affiliation, and marriage dissolution' in R Wuthnow (ed) *The religious dimension: New directions in quantitative research* 179-197.

186 ND Glenn & M Supancic (1984) 'The social and demographic correlates of divorce and separation in the United States: an update and reconsideration' *Journal of Marriage and the Family* 46: 563-576.

While divorce rates in the US differ among adherents to various religious groups, for example Protestants and Catholics have higher divorce rates than Jews,¹⁸⁷ and inter-religious marriages are more likely to divorce than marriages between spouses from the same religious background,¹⁸⁸ religious commitment appears from the research to have a greater effect on marital stability than religious affiliation.¹⁸⁹

Jernigan and Nock found in their national sample of individuals that attend church weekly, regardless of denomination, are 36 per cent less likely to divorce than those who never attend. They suggest this is because those who actively participate in their church have a wide network of friends and associates to turn to in times of distress. At the same time, they are held accountable by their fellow churchgoers, from who they receive regular support and encouragement in maintaining a stable marriage.¹⁹⁰

There is also evidence that most religiously committed people have strong sentiments against divorce.¹⁹¹ A recent study in the Detroit area found that low levels of religious values and participation are related to high rates of cohabitation and low rates of marriage.¹⁹² The study also found that while increased religious commitment decreases cohabitation and increases marital stability, cohabitation was found to reduce religious commitment. Young adults with higher levels of religious commitment, who were less likely to cohabit, were greatly influenced by their parent's religious commitment, thus indicating an intergenerational effect.

Dr Alan Craddock has demonstrated in his research that although there are some differences between Australia and the United States, religious views are important indicators of marital satisfaction in many couple relationships.¹⁹³

Length of marital duration

It is a statistical fact that the longer couples remain married to each other, the less the risk of marital separation. In Australia, half of all separations occur within the first

187 id.

188 SL Nock (1987) *The sociology of the family* Englewood Cliffs NJ: Prentice Hall.

189 J Jernigan & S Nock (1984) 'Religiosity and family stability: Do families that pray together stay together?' cited in DB Larson et al supra 246.

190 id.

191 DB Larson (1985) 'Religious involvement: Its association with marital status, marital well-being, and morality' in G Rekers (ed) *Family building: Six qualities of a strong family* Ventura CA: Regal Books 121-147.

192 A Thirnton, WG Axxin & DH Hill (1992) 'Religiosity, cohabitation and marriage' *American Journal of Sociology* 98: 628-651.

193 A Craddock (1996) 'Identifying and working with different types of premarital couples' *Threshold* 51: 20-25.

eight years of the wedding, and 75 per cent within 15 years of the wedding. This does not mean that couples who have been married longer face no risk of marital separation and divorce, just that the risk for them, as a cohort of the married population, is less.

A number of studies of couples who have been married for lengthy periods suggest key elements of friendship, commitment, consensus and humour in these relationships.¹⁹⁴ Sporakowski and Axelson's analysis of 16 studies of enduring marriages concluded that common characteristics were: enjoyment, fulfilment, endurance, tolerance and perseverance.¹⁹⁵ Another study found that a number of factors not identified in younger couples, were common to longer relationships, including health, sexual relationships, financial management and well-being and personality issues.¹⁹⁶ A more recent study of couples who had been married for more than 30 years reported intimacy, commitment, communication, congruence and religious orientation as common factors.¹⁹⁷ The researchers found that the couples 'described ways in which closeness to their spouse permeated the relationship, encompassing emotional, physical, and spiritual aspects of their relationship. This closeness involved shared interests, activities, thoughts, feelings, values, joys, and pains.'

The couples interviewed typically began their marriage with an expectation that the marriage would endure and a view of marriage as a permanent relationship which is not abandoned just because difficulties emerge. Many participants in the study referred to stressful periods in their marriage as 'opportunities for growth.' Many said that were determined 'to get over the rough spots.' For them, divorce was not an option. Positive communication skills involving sharing of thoughts and feelings, discussing problems together and listening to the other person's point of view with respect were often mentioned. There was also a high degree of congruence in their perceptions of the strengths of their relationship. According to the researchers, shared religious faith was also a prominent feature for many couples in the study.¹⁹⁸

CONCLUSION TO PART ONE

194 JC Laurer and RH Lauer (1986) *Till death us do part: A study and guide to long-term marriage* New York: Harington Park.

195 M Sporakowski and L Axelson (1984) 'Long-term marriages: A critical review' *Lifestyles: A Journal of Changing Patterns* 7: 76-93.

196 RF Mackinnon, CE Mackinnon & ML Franken (1984) 'Family strengths in long-term marriages' *Lifestyles: A Journal of Changing Patterns* 7: 115-126.

197 LC Robinson and PW Blanton (1993) 'Marital strengths in enduring marriages' *Family Relations* 42: 38-45.

198 See also D Curran (1983) *Traits of a healthy family* New York: Ballantine Books; and M Eastman (1991) *The magical power of family* Melbourne: Collins Dove.

The trends outlined above in Chapter 2 indicate a movement away from marriage in Australia. Conversely, the social science research reviewed in Chapter 3 points to the value of marriage for the health and well-being of both adults and children, and the problematic nature of separation and divorce. In Chapter 4, the research also points to the factors which determine marital stability and instability. It reinforces the value of preventive programs of marriage and relationship education.

Chapter 5

The Role of the Commonwealth Government

When the Commonwealth of Australia was established in 1901, the new national Parliament was given powers to make laws with respect to marriage, divorce and matrimonial causes.¹ However, it was not until 1959 that the Commonwealth Parliament passed the first national divorce law and 1961 that a national Marriage Act was introduced.² In addition to regulating the circumstances of marriage, the Parliament provided for the funding of marriage counselling and education programs in the 1961 legislation as a response to the development of marriage guidance agencies. Australia's divorce rate was at a post-war low of just 2.8 per thousand married women, having fallen from 5 divorces per thousand married women in 1950.

In 1975, the Australian Parliament, by a narrow majority, passed unilateral, no fault divorce legislation to replace the Matrimonial Causes Act. The new *Family Law Act 1975* sought to establish a law based upon two pillars: the support for marriage and family; and the right of a party to leave a marriage upon its irretrievable breakdown, the latter being evidenced by 12 months separation of the parties. Support for marriage was provided in a number of ways. First, the Family Law Act specifically provided that, in making any adjudication, the court must have regard to 'the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life; and the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children.'³

Secondly, the Family Law Act provided that the court should have regard to 'the means available for assisting parties to marriage to consider reconciliation or the improvement of their relationship to each other and to the children of the marriage.'⁴

Thirdly, the Family Law Act provided for the funding of organisations and agencies providing marriage education through what has become known as the Family Services Program. Fourthly, the Family Law Act provided for the establishment of the Australian Institute of Family Studies as an institution devoted to research about families.

1 *Australian Constitution*, s 51(xxi) and (xxii).

2 *Matrimonial Causes Act 1959*; and *Marriage Act 1961* respectively.

3 *Family Law Act 1975*, s 43(a) and (b).

4 *Family Law Act 1975*, s 43(d).

Two decades after the introduction of the Family Law Act, the second pillar, the right of a person to unilaterally end a marriage, remains the operational basis of the legislation. Speaking in 1991, the Chief Justice of the Family Court conceded the failure of the supportive provision:

Originally it was thought that the Court would play a role in the promotion of reconciliation, but the experience of the past 15 years has been that by the time that a couple approaches the Court, there is little room for reconciliation, and such reconciliations that do occur are of uncertain and doubtful duration.⁵

Funding of the marriage education program remained meagre throughout the 1970s and 1980s. In 1989–90, the Commonwealth government provided just \$248,000 to 24 agencies throughout the nation. The funds were doubled to over \$500,000 by 1991–92, but the Chief Justice of the Family Court could still observe:

The federal Government currently spends \$509,000 on marriage education. I have seen a bill of costs for \$500,000 in one family law case.⁶

Substantial increases in funding have occurred in recent years, due to a number of factors. First, valuable work was undertaken by the then two national bodies for marriage education, the Catholic Society for Marriage Education (CSME) and the Australian Association for Marriage Education (AAME) during the period 1987–94. Although CSME had been founded in 1973 and AAME in 1979, their principal activity was an annual workshop for marriage educators until the mid 1980s. The two national executives began meeting together in 1988, leading to the appointment of a national trainer in 1989; the inauguration of an annual national conference in 1989; the establishment of a marriage education research project at the University of South Australia in 1991, which resulted in the studies *Love, Sex and Waterskiing* (1992) and *Pathways to Marriage* (1994); the appointment of an Executive Officer in 1992; the printing of promotional brochures and the production of a pilot media campaign ‘How long before your marriage breaks down?’ in 1993; and the continuing upgrade and expansion of *Threshold* as a national magazine for all marriage educators. CSME also introduced the FOCCUS pre-marriage inventory nationally in 1990. Much of this activity was undertaken with the financial assistance of the federal government, and the then Minister for Justice, Senator Michael Tate, who supported the developments. Much of the credit for the developments rests with the executives of the two national bodies, which were able to put aside differences to work co-operatively for the advancement of the field, especially through their direct approach to the Minister.

Other developments contributed to the increased funding of marriage education. The Joint Select Committee on Certain Aspects of the Operation and Interpretation of

5 ‘Family Court Chief Calls for More Marriage Education’ (1991) *Threshold* 34: 6.

6 ‘Marriage education funding’ (1991) *Threshold* 24 : 3.

the Family Law Act recommended that the Commonwealth Government substantially increase funding for community education in relation to the rights and responsibilities of marriage and parenthood; effective parenting; communication and dispute resolution skills; and anger management – all components of marriage education.⁷ That committee was:

... strongly of the view that there is a compelling cost benefit argument in favour of more funding for preventative education, which might help reduce the number of marriages which reach the stage of breakdown. Successive governments have given this field far too low a priority for funding, and the Committee believes that immediate action should be taken to rectify this situation.

The then Labor Government increased funding in its 1995 *Justice Statement*. Secondly, the federal coalition parties promised a doubling of the funding in their 1996 election platform. This promise was delivered in the 1996 budget by the new Government.

Family Relationships Services Program

The Australian Government has supported marriage and family life through its Family Relationships Services Program for the past four decades.⁸ This program is only one aspect of national family policy which extends to family taxation initiatives, childcare, a national health scheme and other measures. The program began with grants to organisations offering marriage counselling services in the 1960s and has been extended since to marriage education, parent-adolescent mediation services, family (divorce) mediation, and family skills (parenting) programs. The primary purpose of the program is to promote and maintain quality family relationships.⁹ Grants are provided by the Attorney-General's Department pursuant to provisions in the Marriage Act and the Family Law Act and other administrative arrangements. These programs illustrate the development of a partnership between government and community in the support of marriage and the provision of relationship advice and skills to families.

A partnership with the community

A partnership between the national government and the community, utilising the institutions of civil society, forms the basis of the development of the Family Services Program in Australia. This partnership has its origins in the support of marriage

7 Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act (1992) (Canberra, AGPS): para 4.97

8 Formerly the Family Services Program.

9 ARTD Management & Research Consultants(1996) *Evaluation of the Marriage and Relationship Counselling Sub-Program* Canberra: Attorney-General's Department iv.

counselling in the UK in the immediate post-war period. A UK Home Office Committee concluded in 1948 that the work of marriage guidance:

. . . is better left as far as possible to the initiative of voluntary organisations and which cannot like other forms of social work be undertaken – at any rate at the present time and without further knowledge and experience – by official bodies.¹⁰

The approach of supporting community agencies providing family services was adopted in Australia. Since 1960, the Australian Government has provided grants to both secular and church-based marriage and family organisations.¹¹ There are currently some 60 agencies in receipt of government grants, and possibly that many again offering similar services.

From the outset, Australian governments encouraged voluntary and independent agencies. The then Attorney-General, Hon Garfield Barwick, told Parliament in 1959 that:

I do not hold the view that this work can be done satisfactorily by people who make it no more than a means of livelihood. The work will best be done by those who, as well as being trained, have a sense of vocation and who, to a large extent, volunteer their good offices in this very skilful and sympathetic task.¹²

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

10 *Departmental Committee on Grants for the Development of Marriage Guidance (Haris Committee) Report* (1948) Cmnd 7566 London: HMSO.

11 See *Matrimonial Causes Act 1959; Family Law Act 1975*, ss 4(1) and 12.

12 *ibid.*

The following table indicates Commonwealth funding for the major sub-programs of the Family Relationships Services Program (formerly the Family Services Program) for 1996-97.

Service	Funding \$	No of organisations	Clients (estimated)
Family & Relationship Counselling	15,187,524	41	91,302
Marriage & Relationship Counselling	2,693,120	46	29,477(a)
Family & Child Mediation	5,080,404	17	4,564
Family Skills Training	2,003,254	21	10,602
Adolescent Mediation & Family Therapy	1,942,254	12	3,631(b) 5,118(c)
Contact Services	1,111,158	10	859(d)

Source: Legal Aid and Family Services 1998

Notes: (a) The figure underestimates the total number of persons participating in marriage and relationship education in Australia. See chapter 6; (b) Young person clients; (c) Adult clients; (d) New child clients.

Family services programs

The programs can be divided into three categories:

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

In the following section, the development of the programs is summarised in more detail before the preventive services are addressed in more detail.

Preventive programs

Education for marriage

During the 1950s, Christian churches in Australia conducted Pre-Cana conferences for engaged couples. These programs tended to be of one day's duration at which a Priest or Minister, and married couples spoke to the engaged. Recognition of the need for marriage preparation and the provision of it had been pioneered largely by the churches. In 1920, for example, the Lambeth Conference of Bishops of the Anglican Communion recommended that the clergy should regard it as part of their pastoral responsibility, and by 1969 the practice became a canonical duty.

The importance of adjusting to differences and understanding family backgrounds was recognised when the Australian Parliament first enacted legislation for matrimonial causes in 1959.¹³ In his Second Reading Speech on the Matrimonial Causes Bill, the Attorney-General, Hon Garfield Barwick said:

I am conscious that in the early days of married life, particularly amongst younger people, the two personalities which had theretofore no need to consider anyone's interest or comfort but their own, must make many adjustments in accommodation each to the other in married life.¹⁴

Provision was made in the Marriage Act for grants to marriage counselling agencies for the purposes of conducting programs of marriage preparation.¹⁵

Although most agencies commenced programs with volunteer staff, a number of factors have resulted in a more commercial approach in the past decade: the growing user pays policies of governments; the increasing emphasis on training standards accreditation and peer review, the academic study of counselling and education; and the recognition that justice demands adequate recompense for work. Most agencies now charge fees to their clients and counsellors and, to a lesser extent, educators, are paid. However, most work part-time and sessional hours.¹⁶ There are some 100 agencies throughout the nation providing marriage education, of which 40 are in receipt of grants from the Australian government. In 1994–95, 28,173 people, three-quarters of whom were couples, attended over 17,000 sessions conducted by marriage education agencies.

A 1991 evaluation of the program by researchers at the University of South Australia surveyed 1,698 people attending marriage preparation programs throughout Australia. The study revealed that five per cent of the couples either postponed or cancelled their wedding as a result of attending a program. Ninety-one per cent of couples reported that after attending a program they would seek professional help if problems arose in their marriage and 83 per cent of the participants reported learning new skills.¹⁷ Comments from participants who called off the wedding make instructive reading:

I feel it exposed weaknesses in our relationship. After the program we reviewed the questions and answers and still could not resolve many, many issues.

13 Although in 1901 the federal Constitution provided that the national parliament could enact legislation pertaining to divorce and matrimonial causes, it did not do so until 1959.

14 *Hansard*, House of Representatives 14 May 1959 2225.

15 *Marriage Act 1961*.

16 I Wolcott and H Glezer (1989) *Marriage Counselling in Australia* Melbourne: Australian Institute of Family Studies 21–22.

17 R Harris, M Simons, P Willis and A Barrie (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia.

We were made aware that we didn't know each other as well as we thought. [We] discussed issues previously overlooked. Discovered differences we couldn't resolve and which probably would have become major points of conflict in our marriage. I believe now we hadn't thought enough about marriage and everything involved. We would not have lasted. We are very grateful for this program.¹⁸

The five per cent cancellation or postponement rate is a conservative measure, as it was based on a reduced number of follow-up surveys. Three further factors are also relevant. First, the engagement is an event of significant cultural and social importance in Australia. It usually involves the public announcement of the event, often in a newspaper; a party; and the giving of gifts to the couple. As such, it signifies an important commitment. Secondly, the majority of couples live together prior to marriage. According to the Australian Bureau of Statistics, some 57 per cent of couples cohabit before marriage. Thirdly, most couples who attend marriage preparation programs, do so after their engagement. These factors present new challenges to marriage educators.

The 1994 study *Pathways to Marriage*, which sought the views of 1127 individuals married in 1993 and 547 marriage celebrants found that the great majority of respondents who had participated in programs considered, from their vantage point of several months of marriage experience, that the program they attended had been 'useful' or 'very useful'.¹⁹ The subsequent study also revealed that the attitude of the marriage celebrant was the most important factor in couple participation in a pre-wedding program. While religious celebrants saw encouraging attendance at a program part of their role, civil celebrants did not. Almost half of the couples who attended programs reported that their priest or minister encouraged participation. But not one respondent indicated that a program had been suggested by a civil celebrant.²⁰ Although 73 per cent of respondents had known of the existence of pre-marriage education programs prior to their wedding, only one in five attended. The six most stated reasons for not attending a program were:

- I didn't think we needed to go to a course about marriage;
- I believe it is best for us as a couple to sort out our problems;
- My partner and I had lived together before we got married;
- We did not have any problems with our relationship;
- I'm not interested in attending programs; and
- I did not want to discuss personal issues with others.

These responses reflected a number of powerful myths about marriage and relationships:

- that they are private and natural;

18 *ibid.* 117.

19 M Simons et al. (1994) *Pathways to Marriage* Adelaide: University of South Australia.

20 'Celebrants key to marriage education' (1994) *Threshold* 45: 3.

- that cohabitation is the same as marriage; and
- that marriage education is the same as marriage counselling.

Two further examinations of the marriage education program are taking place currently. First, the Attorney-General's Department has sponsored an evaluation of the program with a view to identifying levels of awareness of the services, attitudes towards the services and barriers to access.²¹ Secondly, the House of Representatives Committee on Legal and Constitutional Affairs is conducting this inquiry.

Family Skills (Parenting) Education

In response to a perceived community need to provide parent education directed at disadvantaged parents, the Commonwealth Government funded the Family Skills Training Program in 1991.²² The program was partially in response to the report of the National Committee on Violence.²³

Announcing the project, the then Minister for Justice, Senator Hon Michael Tate, said:

Family skills training will be a process which aims to provide disadvantaged families with an alternative model of parenting and family functioning; something with which to compare their own experience. . . . It will complement existing marriage education, marriage counselling, family mediation and adolescent mediation services and enhance access and equity of service delivery to disadvantaged families. . . . the pilot program will be based on a model of adult education . . . It will however, add a new factor in that parents participating in these groups will be built into a series of ongoing community self-support groups. These groups will provide a network of contacts for the parents who attend them, and provide ongoing support for the participants enabling them to recall the group leaders to conduct follow-up groups if, and when, they are required.²⁴

In 1994–95, the funded agencies provided over 4,000 sessions of these parenting programs in disadvantaged neighbourhoods.

A series of other reports had supported the advantages of positive parenting.²⁵ However, the provision of family skills and parenting programs varies markedly from state to state. As a national review noted:

21 Office of Legal Aid and Family Services (1996) *Terms of reference for a research project on marriage and relationship education* Canberra: Attorney-General's Department.

22 I Wolcott (1992) 'Family Skills Training Program' *Family Matters* 31: 30.

23 National Committee on Violence (1990) *Violence: Directions for Australia* Canberra: Australian Institute of Criminology.

24 'Family Skills Program' (1990) *Threshold* 30: 3.

25 (1991) *Effective Parenting: A Review of Parent Education in Western Australia* Perth: WA Office of the Family; Parliament of the Commonwealth of Australia, Senate Standing Committee on

With the exception of Victoria and Western Australia, there has been no significant attempt by State authorities to ascertain the level of availability of parent education in those States, nor does there appear to be any significant interest in parenting education as a whole.²⁶

Programs consisted of a combination of volunteer networks and some education and community service programs. The two most well-known programs provided through networks are STEP (Systematic Training for Effective Parenting) and PET (Parent Effectiveness Training), both of which are US in origin and promoted by the Australian Council for Educational Research. These programs are conducted in most States. It is not clear how many parents use the programs, but usage does not appear to be widespread.

A Western Australian review of parenting programs noted:

Although there has been no widespread evaluation in Australia which has demonstrated the effectiveness of parent education in reducing social problems, there is a growing body of research evidence . . . which demonstrates the utility of various parent education programs. A significant number of professionals working in the field believe that training can improve parenting practices, which in turn impact on better outcomes for the child's emotional, social, cognitive and physical development.²⁷

That committee concluded:

In the final analysis, the Committee recognises that all parents can benefit from parent education and that a diversity of services are needed to cater for a range of parent needs. However, for these services to be effective they need to be widely promoted as vital to the health and well-being of the community. As long as the 'parenting is instinctive' myth prevails, education will be perceived by many as unnecessary. Individuals are unlikely to avail themselves of services they do not see as relevant. They may be motivated to seek help in a crisis, but for many this type of crisis intervention does little towards preventing their problems. Ongoing parent education through the life-span needs to be generally promoted and accepted as valuable to the well-being of parents, the children they are raising and to society in general. Positive, effective parenting needs to be widely acknowledged and promoted as being of value to society, not devalued as it tends to be at present.²⁸

Social Welfare (1985) *Children in Institutional and Other Forms of Care* Canberra: AGPS; and Royal Commission on Social Policy (1988) Wellington: New Zealand.

26 P Bretherton (1991) *A Report into Parenting Education in Australia* Canberra: Attorney-General's Department.

27 *Effective Parenting* supra 3–4.

28 *ibid.*

An evaluation of the Commonwealth Family Skills Program found:

- The program was providing a service to disadvantaged families. Almost all clients were low income families, about half were single parents and a small proportion were from non-English speaking backgrounds, had Aboriginal or Torres Strait Islander or disabled children.
- The majority of clients were women.
- The program produced substantial improvement on all the measured factors associated with poor parenting and family functioning, and child abuse.
- However, the program was only 'scratching the surface' of the population it could help.²⁹

Western Australian Child Health Survey

The Western Australian Child Health Survey, a large scale epidemiological survey of a statewide representative sample of children and adolescents, showed that disruptive behaviour disorders are common:

- 18 per cent of WA children between the ages of 4 and 16 years have clinically significant behavioural or emotional problems as defined by parent and teacher ratings on the Achenbach Child Behaviour Checklist;
- 10.1 per cent of 4–11 year olds show problems of delinquency (that is, behaviours involving major transgressions of rules and norms set by parents and communities);
- 3.1 per cent of 4-11 year olds had significant aggressive behaviour (as evident by bullying, teasing, threatening, fighting, arguing and temper tantrums); and
- Only a small proportion (less than 2 per cent) of children with parent and teacher defined mental health problems had received assistance from a specialised mental health professional or service.³⁰

The research found particular risks of mental health problems: Coercive (3.3 times the risk), detached (2.2) or inconsistent (2.2) discipline; step/blended (2.4) and single parent (2.5) families; and high levels of marital discord (1.7).³¹

As a consequence of this research, the WA Child Health Institute and the Health Department of Western Australia have developed a Positive Parenting Program.³² which targets parents of preschool children aged 3–4 years recruited from areas of high socioeconomic disadvantage in Perth.

Good Beginnings Parenting Project

29 (1992) *Family Skills Training Evaluation Report* Canberra: Attorney-General's Department.

30 SR Zubrick et al (1995) *Western Australian Child Health Survey: Developing Health and Well-being in the Nineties* Perth: Australian Bureau of Statistics and the Institute for Child Health Research.

31 Professor Stephen Zubrick, *Transcript*, p.705-707 .

32 Ms Anwen Williams et al., *Transcript*, p. .713-717

This year, the Federal Department of Family Services approved a development grant to the National Association for the Prevention of Child Abuse and Neglect (NAPCAN) and the Lions Club of Greater Sydney to establish a *Good Beginnings* volunteer home visiting service to enhance parenting skills for families with new babies. The aim of the project is 'to implement and test a number of family-centred programs which will promote confidence and self-esteem and strengthen parent's belief in their own parenting skills, which in turn strengthen families and neighbourhoods and maximise the health and development of all children.'³³

Programs supporting marriage where problems have arisen

Marriage counselling

In the 1940s and 50s, marriage guidance agencies, modelled on the pattern developing in the UK, were established in Australia.³⁴ The Marriage Guidance Council had been established in the UK in 1937, the Catholic Marriage Advisory Council in 1946, and the Family Discussion Bureau in 1948.³⁵

The work of marriage guidance (as it was then known) had been scrutinised in the UK at the end of the Second World War by a committee established to examine 'whether any (and if so, what) machinery should be made available for the purpose of attempting a reconciliation between the parties, either before or after proceedings had been commenced.'³⁶ In its Final Report, the Denning Committee stated:

We have throughout our inquiry had in mind the principle that the marriage tie is of the highest importance in the interests of society. The unity of the family is so important that, when parties are estranged, reconciliation should be attempted in every case where there is a prospect of success.

That committee recommended that it should 'be recognised as a function of the States to give every encouragement and, where appropriate, financial assistance to marriage guidance as a form of Social Service.'

According to guidelines issued by the Australian Attorney-General's Department, marriage counselling is 'a process where a neutral third party, focussing on the emotional dynamics of relationships and the stability of marriage within a family

33 National Association for the Prevention of Child Abuse and Neglect *National Good Beginnings Parenting Project* 1997.

34 J Crawley (1986) 'The Attorney-General's Stable Door: Marriage Counselling Services in Australia' cited in K Andrews (1993) *The Provision of Family Services* Canberra: Liberal and National Parties.

35 Working Party on Marriage Guidance (1979) *Marriage Matters* London: HMSO 3.

36 Committee on Procedure in Matrimonial Causes (Denning Committee) (1947) *Final Report* Cmnd 7024 London: HMSO.

unit, assists parties to deal with the stresses they encounter as they move into, live within, or move out of that family unit.'³⁷

In 1994–95, 698 counsellors in 41 approved agencies provided over 210,000 hours of marriage counselling to 85,000 clients in Australia. To place this in context, the Australian population is 19 million people. There were 110,718 marriages and 48,256 divorces in 1994.³⁸

A further development occurred when the Australian Parliament enacted unilateral, no-fault divorce law in 1975. The legislation included provisions which sought to encourage couples to achieve reconciliation. Section 14(5) of the *Family Law Act 1975* provides:

Where a court having jurisdiction under this Act is of the opinion that counselling may assist the parties to a marriage to improve their relationship to each other and to any child of the marriage, it may advise the parties to attend upon a marriage counsellor or an approved marriage counselling organisation and, if it thinks it desirable to do so, adjourn any proceedings before it to enable the attendance.

The Act originally required counselling to be undertaken by a couple married for less than two years prior to a divorce hearing.³⁹ The Act also provided that counselling and welfare staff be appointed to the Family Court to assist reconciliation and, if unsuccessful, to assist parties to conciliate agreement on property, custody and access issues.⁴⁰ In practice, Family Court counselling is largely directed to conciliation of the divorce process.

One researcher concluded that 'in general, Family Court counselling services appear now to specialise in short-term counselling to resolve disputes over custody access issues resulting from marriage breakdown.'⁴¹ As a consequence, two distinct types of counselling is now provided in Australia: First, reconciliation or marriage counselling provided by secular and church agencies; and, secondly, conciliation or divorce counselling provided by the Family Court. The Australian government currently grants some \$15 million to 41 agencies providing marriage counselling. A 1993 census of marriage counselling organisations funded by the national government showed:

- more women than men used counselling (55 per cent of all clients);

37 D Fox (1988) 'Guidelines for organisations seeking approval' Canberra: Attorney-General's Department.

38 Family Court of Australia *Annual Report 1994–95* Sydney: Family Court of Australia 71–72.

39 *Family Law Act 1975* s 14 (6) which was subsequently replaced by s 44 (1B) in 1983.

40 Section 37(8).

41 I Wolcott (1984) *Marriage Counselling Services: Priorities and Policy* Melbourne: Australian Institute of Family Studies 29.

- most clients were aged between 25–44 years (70 per cent);
- most clients were living with a partner on either a married (per cent) or a de facto (per cent) basis;
- most clients had dependent children (62 per cent); and
- the primary language spoken at home is English (with only 2.4 per cent non-English speaking).⁴²

The most common goals were to remain together or to improve the relationship (47 per cent); while 18 per cent approached the services to decide about separation or divorce; 11 per cent to cope with separation or divorce; and 7 per cent to get back together.

Two evaluations of marriage counselling services have been undertaken in recent years. First, the Australian Institute of Family Studies surveyed 1,300 clients who attended an approved agency in 1987. In particular, the survey found:

- In results of counselling, of those who were in an intact relationship, 81 per cent of women and 78 per cent of men remained together. Of those who were initially separated a higher proportion of women (30 per cent) than men (11 per cent) had reconciled. One quarter of women and 30 per cent of men stated that they were more optimistic about their relationship continuing since counselling. Where separation did occur, in over half the cases it was women who initiated the action.
- Satisfaction was significantly related to the final status of the relationship, particularly for men. Approximately 50 per cent of the men and women who were together in the relationship were satisfied with the results of the counselling. Women who were in a separated situation were more likely to be satisfied with the counselling outcome (60 per cent) compared with separated men (41 per cent). A more recent study for the Family Court of Australia revealed that 10 years after divorce 46 per cent of men still felt angry towards their ex-wife, the same percentage as a decade before; 63 per cent reported still feeling as though they had been dumped, only a 2 per cent drop from a decade before; and 35 per cent reported feeling that they would never get over the divorce, compared to 39 per cent ten years before.⁴³
- In improvement in problem area, personal life and quality of relationship, over three-quarters of women and 83 per cent of men in intact relationships thought the problems they came to counselling about had changed for the better. Less than half of the women and 37 per cent of the men who were separated felt this way.
- The helpfulness and benefits of counselling most frequently mentioned were acquiring skills in communication and handling conflicts, gaining insight into

42 Attorney-General's Department (1993) *1993 Marriage Counselling Census* Canberra: Office of Legal Aid and Family Services.

43 P Jordan (1996) *The effects of marital separation on men – 10 years on* Sydney: Family Court of Australia Research Report No. 14.

oneself, one's partner and the dynamics of the relationship, and, for women, obtaining emotional support.⁴⁴

A subsequent evaluation of the program for the Attorney-General's Department examined the cost and effectiveness of services according to financial and client service measures. Significantly, the evaluation found that only an estimated 34 per cent of the potential need for marriage counselling was met through the program.⁴⁵ The extent to which other need was being met by unfunded agencies and individual counsellors was unable to be determined. Some sense of the need is indicated by 3-4 week waiting periods for many agencies.

A new program focussing on men and relationships was established in 1998.⁴⁶

Parent-Adolescent mediation

In response to the 1989 national report on youth homelessness, *Our Homeless Children*, the Federal Government funded eleven organisations to conduct Adolescent Mediation and Family Therapy services aimed at 'the resolution of conflicts between young people and their parents or caregivers to prevent young people from leaving home before they have developed the skills and gained the financial and emotional independence to do so.'⁴⁷ The report on Youth Homelessness had found a strong link between youth homelessness and family conflicts and breakdown of marriage.⁴⁸ The report concluded that 'there is a clear need of preventive services to be provided to families as part of an effective strategy to attack youth homelessness.'

In an overview of parent-adolescent mediation in Australia, Australian Institute of Family Studies researcher, Ilene Wolcott, observed:

Parent-adolescent mediation programs parallel that of couple mediation in process and principle. . . . the majority of services adhere to a philosophy based on principles of voluntary participation, neutrality, confidentiality and empowerment. The key element is empowerment – providing family members with skills to gain control over, and responsibility for, decision making in their lives. Conflicts, fears and needs are identified. The focus is on future actions and opportunities, not past behaviours and blames. A range of

44 I Wolcott and H Glezer (1989) *Marriage Counselling in Australia – An Evaluation* Melbourne: Australian Institute of Family Studies.

45 ARTD Management & Research Consultants (1996) *Evaluation of the Marriage and Relationship Counselling Sub-Program* Canberra: Attorney-General's Department.

46 See Chapter 8 below.

47 Attorney-General's Department (1989) *Guidelines for organisations seeking funding of Youth Homelessness Services* Canberra.

48 Human Rights and Equal Opportunity Commission (1989) *Our Homeless Children* Canberra: AGPS paras 8.16–8.23.

options are explored and workable agreements reached that hopefully emphasise co-operation and compromise.⁴⁹

The preventive nature of the programs is notable. Thus Wolcott writes of one Tasmanian program:

The purpose of *Hassles* is to 'prevent the disintegration of families and family relationships through unresolved conflict, with resultant youth homelessness, and to equip family members with conflict resolution skills whereby they are empowered both individually and in their joint decision-making.' Emphasis is on providing a safe and neutral place for parties to come together to sort out the issues that divide them.⁵⁰

In this context, parent-adolescent mediation may combine elements of negotiation, therapy, counselling and education. While the outcome of the process may be that a young person still leaves home, the program can be more akin to the development of family skills than the resolution of conflict surrounding marriage dissolution. Overseas evaluations of these type of programs have indicated their effectiveness.⁵¹

An evaluation by the Australian Institute of Family Studies in 1992 found that young people in the program were generally in the age 13–16 years, with two-thirds of them still living at home when they participated. Only a small proportion of the adolescents were chronic homeless youth, with most being at risk of leaving home due to family conflict. Counsellors estimated that there was a high to medium risk of homelessness in 70 per cent of the families, and nearly two-thirds of the families were rated as having complex problems. The most frequently mentioned presenting problem recorded by counsellors was discipline in the home, followed by arguments over daily routines such as chores, curfew, appearance, the young person's desire for independence and verbal and emotional abuse towards parents. The researchers noted that 'overall problems are considered to reflect tensions associated with the more fundamental issues of parental control and adolescent autonomy.'⁵²

In 1994–95, there were 12,292 interviews funded under the Program, of which 521 were face-to-face mediation interviews, 7,411 were face-to-face family therapy interviews, and 4,360 were telephone interviews.⁵³

49 I Wolcott (1990) 'Family Conflict: Mediating Differences and Disputes within Families' *Family Matters* 27: 31.

50 *ibid.* 32.

51 I Wolcott (1992) 'AIFS Evaluation of Parent-Adolescent Mediation and Family Therapy Programmes' *Family Matters* 31: 63.

52 I Wolcott and R Western (1992) *Evaluation of Parent-Adolescent Mediation and Family Therapy Program* Melbourne: Australian Institute of Family Studies.

53 Legal Aid and Family Services (1995) *Family Services Program, Statistical Summary, 1994-95* Canberra: Attorney-General's Department.

Programs aimed at harmonious separation

Family mediation

In 1983, Chief Justice Elizabeth Evatt of the Family Court wrote to the Commonwealth Attorney-General expressing a desire to establish community services which would minimise litigation in family law disputes and maximise the opportunities for conciliation and alternative dispute resolution. This desire partly originated from an acknowledgment of the success of Family Law Counselling in assisting couples resolve disputes and a recognition that frequently couples were already involved in sometimes costly and bitter litigation before they sought access to such services. A subsequent report by the Family Law Council suggested the establishment of a series of pilot community based Family Law Centres, which occurred in the following two years. The Family Court established its own mediation services in 1990.

Although some doubts have been expressed about the cost-effectiveness of mediation as a substitute for litigation,⁵⁴ it has continued to develop in Australia. Today, mediation is conducted by a range of organisations: Dispute Resolution Centres, Marriage Counselling organisations, Community Justice Centres, Conflict Resolution Services, Youth and Community agencies, and the Family Court. Funding is provided by Commonwealth and State Attorney-General's Departments, and State Departments of Community and Youth Services.

Evaluations of these programs in 1995 and 1996 found that 75–78 per cent of participants had reached agreements through the process. These results were maintained some 6–8 months after the mediation. Although changes to the agreements took place in about one-third of the cases, less than 10 per cent had been due to a formal breakdown of the agreement.⁵⁵

Changeover and Visiting Services

Funding for Changeover and Visiting Services was first made available in 1995–96. The purpose of these services is to assist children who could not otherwise have contact with their non-residential parent due to high levels of conflict or concerns about safety. The services give children the opportunity to spend time with their non-residential parent in a supervised environment, or be transferred from one parent to the other in a way that is safe for all involved. They aim to help people to reach the stage where they can independently manage their own changeover and visiting.⁵⁶

54 CJ Richardson (1988) 'Court-based divorce mediation in four Canadian cities: An overview of the research results' Ottawa: Department of Justice. See also, report of the UK Lord Chancellor on family mediation.

55 A Love, L Moloney & T Fisher (1995) *Federally Funded Family Mediation in Melbourne* Canberra: Attorney-General's Department x; and L Moloney, T Fisher, A Love & S Ferguson (1996) *Federally Funded Family Mediation in Sydney* Canberra: Attorney-General's Department 19–20.

56 Attorney-General's Department, *Submissions*, p. S946.

Two services are funded in New South Wales and Victoria, and one in each of the other States and Territories.⁵⁷ In the year 1996–1997 a total of 2,531 supervised visits were made through these funded services.⁵⁸

57 Family Relationships Services Program *1996-97 Statistical Summary*, p. 28.

58 *ibid.*

Chapter 6

Marriage and Relationship Education

The provision of marriage and relationship education

'Education about family and marriages is not new' writes marriage educator, Margaret Andrews:

It occurs in all families and all marriages beginning with the childhood experiences of family life which provide a model for future attitudes and behaviour. We also learn from other sources – friends, school and the media – so that by the time we begin to contemplate a family of our own, we already have formed ideas and developed behaviour patterns that will significantly affect our future relationships. These attitudes and behaviour patterns are further effected by relationships formed during adolescence and the young adult years and by the experiences in the workplace.¹

This aspect of marriage education is important. It points to the fact that the relationships formed between parents and children have an intergenerational effect. Indeed, some educators have posited the theory that one's choice of marriage partner reflects an unconscious attempt to recreate the relationship with parents.²

As subsequent discussion reveals, understanding family backgrounds is a central component of pre-marriage education programs. The manner in which attitudes and behaviours are influenced by our families of origin reflects the reality that programs of education, if they are to be useful and effective, must be cognisant of the informal family education that all people experience.

The expression 'marriage education' has been given a more specific meaning in the context of programs to strengthen marriage and family life. As noted above in Chapter 5, marriage education programs originated in the 1950s, particularly in the Christian Churches.

'The multiple threads of redefined concepts of marriage, a modified culture, and new developments in psychology came together in the early 1960s to create the Marriage Enrichment Movement' writes Dr Bernard Guerney from the National Institute of Relationship Enhancement.³ In a brief history of marriage education, Guerney traces the development of the field in a number of places, including the beginnings of the

1 M Andrews (1994) 'Taking Family Seriously: A national strategy to enhance marriage and family' *Threshold* 44: 14-20.

2 See for example, H Hendrix (1988) *Getting the Love you Want* New York: Simon & Schuster.

3 B Guerney (1997) 'Marriage Education: Past, Present and Future' paper to Family Impact Seminar Washington DC: June.

Marriage Encounter Movement in Spain 1962, and the formation Marriage Enrichment by David and Vera Mace in Pennsylvania the same year. Similar developments occurred in Australia. Particularly in the 1950s and 1960s, the Catholic and other churches conducted Pre-Cana conferences for the engaged.⁴ A more formal structure developed with the formation of the Catholic Society for Marriage Education in 1973 and the Australian Association for Marriage Education in 1979. The latter body became the Marriage Educators Association of Australia in 1995. Albeit, initially very small, the Commonwealth Government supported these initiatives through grants to organisations providing marriage education.

The basis of marriage education

The development of marriage education in Australia has involved a convergence of educational, psychological and behavioural ideas over the past few decades. These ideas include emerging concepts of adult education, the notion that relationship skills can be learnt, an understanding of some of the processes occurring in relationships, and the theory that life involves a number of stages or transitions that people go through. Further, the programs have been informed by changes in cultural and legal aspects of marriage and family relationships. These developments and understandings are outlined in more detail in the following section.

Concepts of adult education

Four concepts have been recognised in the emerging field of adult education over recent decades: the concept of lifelong education; the increased recognition that most learning is self-directed; the emphasis on recurrent education; and the idea of community education.⁵ In a presentation to the National Marriage Education Conference, Jane Sampson related these ideas to the field. According to her, the relevant adult learning principles are:

- Adults can and do learn throughout their lifetime;
- Adults bring to learning perception, self-perception, self-esteem and confidence. These need to be valued and built upon;
- Past experience of learners is a useful resource (although it can also interfere with learning); and
- Learning needs to be relevant – related to the learner's present problems, needs, and experiences.⁶

4 M Andrews *supra*.

5 G Selman (1978) 'Emerging Education Concepts: A Canadian Viewpoint' *National College Educational Review*: 32.

6 J Sampson (1988) 'Adult education principles as applied to adult education' paper to the National Marriage Education Conference Sydney.

The developing field of adult education is reflected in changes to marriage education over the past five decades. Beginning in the 1940s programs organised by organisations such as the Young Christian Workers involved a didactic approach to the subject. Upwards of 50–60 couples would attend these Pre-Cana conferences which, according to Burnard, promoted Christian values as a solution to the increasing incidence of marital breakdown.⁷ In one program presented in the late 1950s, lectures were given in the following subjects: Christian marriage in a pagan world; masculine and feminine psychology; courtship and engagement; the marriage ceremony; parenthood; Christ, the king of the home; discussion on homemaking; masculine and feminine physiology; and the morals of marriage. Lectures were given by a panel of speakers, including married couples, clergy, bankers and doctors. For some lectures, men and women were divided into separate groups.⁸

While it is difficult to precisely identify the timing, a clear change in educational style had emerged by the mid-1970s. Hence the description of a course conducted by the Marriage Guidance Council of South Australia in 1971: 'The emphasis is on group work . . . the groups may meet for instruction but separate off into couples or just individuals to carry out a task. There is a little information giving in order to satisfy anticipated needs, but no real lecturing at any stage.'⁹ In their national survey of marriage education in Australia in 1992, Harris et al, while cautioning about drawing too rigidly the demarcation between programs utilising experiential learning models and those drawn from pre-established packages, nonetheless indicate that adult education principles have been incorporated largely into most marriage education programs.¹⁰

Work by Dr Moira Eastman in the field of family education (including marriage education) has identified a number of approaches to learning that are likely to be more successful. These include:

- conjoint approaches (where two or more members of a family take part in a learning situation) as opposed to purely individual approaches;
- dynamic and process learning approaches, where family members are involved in direct interchanges with others;
- carefully structured approaches, which are grounded in theory, and have specific content and processes (rather than unstructured programs consisting of talks or free flowing discussions);
- the opportunity for members to gather information on how they currently related and how they are currently perceived;

7 D Burnard (1978) 'Introduction' in R T Fitzgerald (ed) *Education for marriage: some perspectives* papers presented to the National Conference for Pre-marital Education, ANU, Canberra. Melbourne: The Marriage Education Institute.

8 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia, 11.

9 Ibid. 13.

10 Ibid. 54–55.

- the opportunity to learn new behaviour and have time to try it out, practice it, and observe the effects of it; and
- active game-like processes.¹¹

Eastman identified the need to match programs to the needs and styles of individual families and the importance of screening for this purpose. In their 1992 Australian study of pre-marriage education, Harris et al found that both participating couples and marriage educators placed considerable emphasis on the use of adult education principles.¹²

These understandings are reflected in the development of marriage education programs: the former didactic approaches have been replaced by programs based around adult education principles; and a range of programs that reflect different emphases on individual couple work, group processes, and the use of inventories have been initiated. These developments are reflected in the details of the various programs outlined in the Committee's survey of marriage and relationship education providers.

Psychological and behavioural theories

Different theories of psychological and behavioural study have been employed in the development of marriage education programs. In an early work on marriage enrichment in the US in 1983, Diana Garland identified the major approaches supporting the post-wedding programs as General systems theory; client-centred theory; behavioural theory; and marriage enrichment in the Church.¹³

According to Garland, *General systems theory* 'has become the dominant theoretical framework in the treatment of marital and family relationships and thus the basis for the development of a variety of marriage enrichment programs'.¹⁴ General systems theory is concerned with the processes and structures of relationships rather than specific issues couples might want to address. Programs developed from this theory emphasise teaching skills that couples can use as tools to develop awareness of their interactional patterns and to modify those patterns with changes in one another and their environment. These skills may include self-awareness, communication and other awareness, negotiation, and problem solving.

The *client centred therapy* developed by Carl Rogers¹⁵ has been the basis for another major group on marriage enrichment programs. Rogers central hypothesis is that 'the

11 M Eastman (1984) 'Education for family life: What kind of knowledge do families need?' paper to Australian Family Research Conference.

12 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia 53.

13 D Garland (1983) *Working with Couples for Marriage Enrichment* San Francisco: Jossey-Bass.

14 *ibid.* 17-18.

15 C Rogers (1961) *On Becoming a Person* Boston: Houghton Mifflin.

growthful potential of any individual will tend to be released in a relationship in which the helping person is experiencing and communicating realness, caring, and a deeply sensitive nonjudgmental understanding.¹⁶ This approach also involves skills development, particularly in being able to communicate to a partner with acceptance and understanding, to recognise feelings and motivations, and being able to express them clearly.

Behavioural therapy is based on theory derived from experimental research and is designed to discover basic principles of learning. It has resulted in such concepts as positive and negative reinforcement, conditioning and shaping.¹⁷ Although Garland reports that it has been applied less often than the other theories to educational programs or nonclinical couples, it too places emphasis on communication and negotiation skills.

The fourth category identified by Garland in her US study of marriage enrichment, *Marriage enrichment in the church*, 'is based on the belief that persons who have learned to satisfy their basic needs should continue to grow by developing their creativity and their unused potentials'.¹⁸ Marriage Encounter is identified by the author as the most prominent of the programs within this category.

Considerable care needs to be taken in applying these categories to marriage education in Australia. First, Garland's study was of post-wedding marriage enrichment programs, rather than the pre-wedding programs which are in the overwhelming majority here. Secondly, as Garland concedes, marriage educators have combined different theoretical models when designing programs. Thirdly, the reference to marriage education in the church is likely to mislead. Only a relatively small minority of Australian programs are of the type described by Garland as 'church-based', and then largely in the post-wedding enrichment field. Indeed most programs offered by marriage and family agencies in Australia, whether religious or secular in affiliation, tend to have been developed using a combination of general systems, client-centred and behavioural theories. In a recent review of the literature, Simons concluded that 'programs based on general systems theories or behavioural theories hold the greatest promise of consistently positive outcomes'.¹⁹

The life cycle

Marriage education has been informed by new understandings of the transitions that couples experience in their lives. Professor Edward Bader, a Canadian marriage

16 BD Meandor and CR Rogers (1973) 'Client-Centred Therapy' in R Corsini (ed) *Current Psychotherapies* Itasca Ill: Peacock.

17 Garland supra 29.

18 Garland supra 35.

19 M Simons (1995) paper to NSW/ACT Marriage Education Conference Sydney.

educator, identifies eight stages in the life cycle: leaving home; getting married; learning to live together; parenting the first child; living with the adolescent; launching children; retirement; and old age.²⁰ The fact that most marriage education in Australia involves couples in the pre-marriage stage is partially a reflection of this transition.

Halford et al note that:

Couples typically progress through a series of normative transitions, such as moving in and living together, getting married, having children, children entering school, the departure of children from the family home, and retirement from paid employment. Most couples also experience other less predictable changes, such as a major illness or injury, death of a close family member, unemployment, re-entry to the workforce after a break away, and changes in the place of residence. All these transitions represent periods of change characterised by specific tasks and challenges, and research demonstrates that couples experience more difficulties and are more vulnerable to the development of distress during these critical periods. However these transitional periods also represent an opportunity for positive change when the developing relationship system is adapting to transitions.²¹

These transitions inform marriage education practice. As Willis notes:

Pre-marriage education by definition takes place at a major crossroad in the learners' lives. The learning which people undergo to understand and manage major changes in their lives has been called transition learning and a whole raft of loosely sequenced processes have been identified as taking place during this form of learning – introspection, forecasting and interpreting, skilling, making choices, letting go the past, healing and re-building and finally grounding the decision in action. Many pre-marriage education programs will be dealing with learners engaged in one or other of these processes.²²

Marriage educators have emphasised the importance of understanding family backgrounds:

Increasingly it is recognised that when we marry, we bring to the relationship different attitudes, ideas and behaviour patterns that were developed in our respective families. A simple illustration emphasises the importance of recognising the impact of family backgrounds:

20 E Bader (1989) 'A visitor's Report: Working with Families' *Threshold* 25: 9–10. See also, WK Halford and BC Behrens (1996) 'Prevention of marital difficulties' in P Cotton & HJ Jackson (eds) *Early Intervention and Preventative Interventions in Mental Health Applications of Clinical Psychology* Melbourne: Australian Psychological Society.

21 Halford (1996) *supra* 22.

22 P Willis (1994) 'Identifying forces shaping adult education: Lessons from pre-marriage education' *Australian Journal of Adult and Community Education* 34(3): 185–194.

Jack and Jill have known each other for some time and plan to marry. Jack was raised in a family where money was regarded as something to use, not to save. If you cared for someone, you would buy them an expensive gift as a real sign of your friendship, appreciation or love. In Jill's family, money was saved. Thrift was encouraged. Expensive gifts were a sign of frivolity rather than love.

During their courtship and engagement, Jack takes Jill to restaurants, buys her flowers and gifts for her birthday and other special occasions. Jill is attracted to Jack's differences. She sometimes worries about the amount of money he spends, but also likes the attention he pays her. However they both have jobs and finance is not a concern for them.

After the wedding, Jack and Jill purchase a home. Later they have a child, Jill stops working and they are living on one income. Something else happens to. Now they seem to fight about the use of their money. Jill no longer finds the same attraction in Jack's liking for restaurants and expensive gifts. Jack resents having to save more and more money for increasing mortgage repayments and other household items. He thinks that Jill has changed.

Had they been asked about money before their marriage, Jack and Jill probably would have replied that they had sufficient and it wasn't a problem for them. Marriage counsellors report that marital difficulties relating to money are seldom about the lack of it, but rather about its use. If Jack and Jill had been able to recognise learned family patterns of behaviour which influenced their attitudes to money before they married and had discussed them, they may have been more able to negotiate the conflicts and differences of opinion that later emerged.

This scenario can be repeated in many other areas of a relationship: How did my family members communicate with each other? How was conflict dealt with, and did this differ from the way it was dealt with by my partner's family? Thus an increasing emphasis in marriage education is recognising and understanding the influence of family backgrounds upon relationships.'²³

In *Becoming Married*, Anderson and Fite identify a series of family tasks associated with transitions in the life cycle:²⁴

23 Marriage Education Programme, *Submissions*, p. S284

24 H Anderson and RC Fite (1993) *Becoming Married* Louisville: Westminster/John Knox Press 7.

Transitions in the Family Life Cycle

Transitional Event	Leaving home events	Wedding	Birth of first child	Last child leaves	Death of a spouse
Family Tasks	Leaving home Identity formation	Becoming married Leaving home Identity formation	Raising children Becoming married Leaving home Identity formation	Promising again Raising children Leaving home	Living alone Identity reformation

Source: H Anderson and R Cotton Fite (1993) *Becoming Married* Louisville: Westminster/John Knox Press

Anderson and Fite assert that recognition of these life cycle transitions is significant:

Leaving home is a necessary precondition for the process of becoming married. Like leaving home, the process of becoming married takes time. It begins before the wedding but is not likely to be completed until much later, when both partners in a marriage discover that the emotional bond between them is deep and sure.²⁵

In this context, the wedding ceremony is the transitional event that publicly inaugurates a new family task of becoming married. But the physical leaving of home does not necessarily mean that emotional separation has occurred. This may partly explain the increasing social science evidence about cohabitation and marital satisfaction. For many couples there may have been a partial leaving and partial cleaving together:

Nonmarital living together shifts the meaning of the wedding . . . People after living together may overlook the work of adjusting to marital roles, which can only be done after the couple's private bond has been granted public status and they have become declared to be husband and wife . . . There is no guarantee that couples living together have indeed finished the leaving home agendas. Their experience of living together may have intentionally ignored the marital patterns of either family of origin because they were determined to do it differently from their parents. Moreover, while it is possible that cohabiting couples have developed some skills in relating, marriage generally is more demanding and entails more responsibility and more work than living together.²⁶

25 *ibid.* 15.

26 *ibid.* 107–108.

Hence the author of the PREPARE pre-marital inventory, Dr David Olson, outlines a checklist of issues that can be used for working with cohabiting couples²⁷ and the FOCCUS pre-marriage inventory has been redesigned to include a special section for cohabiting couples.

Recognition of the pressures and stresses of the period after the wedding has also attracted renewed attention from marriage educators:

The period from the honeymoon until after the birth of the first child involves major changes in a couple's relationship. It involves establishing an intimate relationship with each other, emotional separation from parents, adjusting to each other's family, negotiating domestic tasks, changing roles for the woman from that of the worker or career person to wife and mother, and usually adjusting to a single income (at least in the short term). This period calls for considerable skills in being able to effectively communicate with each other, resolve conflict, handle finances, define joint intimacy and sexuality, establish a family and set up a new home, often in an unfamiliar suburb away from family and friends.²⁸

It is notable that these early years of marriage coincide with a significant period of marital separation. According to the latest statistics, the approximately 50 per cent of those couples who separate do so within eight years of the wedding.²⁹ It follows that the early years of marriage involve important transitions.

Although our survey of marriage education indicates a considerably lower attendance at post-wedding marriage education or marriage enrichment programs than pre-marriage programs, attention to this phase has increased. Programs conducted in Toronto, Canada, by a coalition of providers including various churches and the Department of Family and Community Medicine at the University of Toronto have been developed to include both pre- and post-wedding components.³⁰ The Canadians report a high return rate to the post-wedding evenings conducted 9-12 months after the wedding. They describe the pre-wedding components as important because couples become aware of what can be learnt from marriage education, but the post-wedding components as crucial because they occur at a time when the couples are experiencing the day to day reality of marriage.

Drawing on this experience, the Marriage Education Programme Inc., Melbourne, with support from the Attorney-General's Department, has embarked on a pre- and

27 D Olson (1994) *Marriage and the Family: Diversity and Strengths* San Francisco: Mayfield.

28 Marriage Education Programme, *Submissions*, p. S1053.

29 Australian Bureau of Statistics, see Chapter 2.

30 E Bader (1989) 'A visitor's report: Working with families' *Threshold* 25: 8.

post-wedding programme which comprises two days for engaged couples prior to their wedding and a third day some 9–12 months after the event.³¹

The Triple P Positive Parenting Group Program, developed in Western Australia, is a further example of an initiative based on a life transition event.³² The project, which arose from the WA Child Health Survey, seeks to apply a behavioural family intervention to reduce the prevalence of conduct disorder. The target group for the project involved three and four year old children and their families:

The program's aim was to reduce and prevent disruptive behaviour disorders, which include conduct disorder, attention deficit hyperactivity disorder and oppositional defiant disorder. We are wanting to do this by reducing the use of aversive parenting behaviours, increasing the use of positive parenting behaviours, increasing parent self-efficacy in parenting, reducing parental depression, anxiety and stress, reducing the general level of marital problems, and consequently improving social competency and educational outcomes in the child.³³

In discussions with the Committee, Professor Zubrick indicated that it would be possible to design a preventive program that could be useful at an earlier stage of a marital relationship in order to address communication and other issues for couples.³⁴

Research about marital dysfunction and marital education

A growing body of research about the causes of marital dysfunction and the value of marriage education is becoming available. The research can be divided into a number of categories:

1. Basic research, of which there are two kinds: explanatory research and predictive research; and
2. Applied research, of which there are two kinds: controlled outcome studies (or efficacy studies) and uncontrolled outcome studies (or effectiveness studies).³⁵

Basic research: prediction studies

31 Marriage Education Programme, *Submissions*, p. S1055.

32 Ms Anwen Williams, *Transcript*, pp. 713–727. See also, A Williams, S Zubrick, S Silburn & M Sanders (1997) *A population based intervention to prevent childhood disruptive behaviour disorders: The Perth Positive Parenting Program Project*.

33 *ibid.* 715.

34 Professor Stephen Zubrick, *Transcript*, p. 721.

35 These categories and the subsequent discussion draws on the work of Professor Thomas Bradbury. See, T Bradbury (1997) 'Understanding and Altering the Longitudinal Cause of Marriage: A Review of the Research' paper to the Strategies to Strengthen Marriage Roundtable Washington DC: Family Impact Seminar.

Prediction studies provide clues to the causes of marital distress. They seek to answer questions such as 'Which marriages are likely to fail?' and 'What factors can help predict the outcome of marriages in the future?'

According to Professor Bradbury 'these studies provide clues about what might cause marital distress. They are also important because they can suggest what should be changed to make marriages more durable and satisfying, and because they can suggest which couples might be targeted for prevention programs.'

Basic research: explanation studies

Explanation studies are longitudinal studies that answer questions such as 'How do marriages change? How do marriages succeed and fail? How is it that happy newlywed couples change so often to become unhappy couples later in marriage?'

'These studies are important because they can identify the causal pathways by which different marriages achieve different outcomes' notes Professor Bradbury. 'They can help explain how variables assessed early in marriage exert their influence over time to produce dissolved versus intact marriages and marriages with varying degrees of satisfaction.'

There are more than 100 published studies examining the longitudinal course of couple relationship satisfaction and stability.³⁶

The studies indicate that a range of factors are associated with poorer marital outcomes, including: neurotic personality, poor communication, stressful events, childhood adversity, premarital cohabitation, and higher age at marriage. In summary three broad classes of variables have an impact on relationship problems: adaptive processes within the couple relationship, stressful events impinging upon the couple, and enduring individual vulnerabilities of the partners.

Although they do not necessarily relate to reported relationship satisfaction at the time³⁷ communication difficulties and deficits in conflict management behaviours observed in engaged couples can prospectively predict divorce and relationship dissatisfaction over the first decade of marriage;³⁸ and predict the development of verbal and physical aggression in the first few years of marriage.³⁹ Although many

36 BR Karney & TN Bradbury (1995) 'The longitudinal course of marital quality and stability: A review of theory, method and research' *Psychological Bulletin* 118: 3–34.

37 HJ Markman & K Hahlweg (1993) 'The prediction and prevention of marital distress: An international perspective' *Clinical Psychology Review* 13: 29–43.

38 *ibid.*

39 CM Murphy & KO O'Leary (1989) 'Psychological aggression predicts physical aggression in early marriage' *Journal of Consulting and Clinical Psychology* 57: 579–582.

couples form relationships, the observed difficulties predispose couples to develop later problems and predict deterioration in relationship satisfaction and stability.⁴⁰ A second range of adaptive processes involve the beliefs and expectations with which individuals enter relationships.⁴¹ Unrealistic expectations about communication, conflict resolution, the importance of family and friends, and gender roles, are linked to higher rates of erosion of relationship satisfaction.⁴²

Secondly, relationship problems are more likely to develop during periods of high rates of change and stressful events.⁴³ Events in the life cycle such as parenthood⁴⁴ changing employment, and retirement can be times of stress. Another stressful transition is entering a second or subsequent marriage, especially where there are dependent children of previous relationships.⁴⁵ Similarly, a partner developing health problems can cause marital distress.⁴⁶

Thirdly, familial history, and personal backgrounds that partners bring to a relationship involve enduring vulnerabilities.⁴⁷ Hence particular events in an individual's family history such as the divorce of parents⁴⁸ and aggression between parents⁴⁹ are associated with increased divorce and aggression respectively in

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- 40 JM Gottman (1993) 'The role of conflict engagement, escalation, and avoidance in marital interaction: A longitudinal view of five types of couples' *Journal of Consulting and Clinical Psychology* 61: 6–15; and JM Gottman (1994) 'What predicts divorce? The relationship between marital processes and marital outcomes' Hillsdale NJ: Lawrence Erlbaum.
- 41 WK Halford et al 'Distance Delivery of Relationship Education,' unpublished paper: Appendix 1 research on the nature of marriage and relationships, and the potential role of relationship education.
- 42 DH Olson & BJ Fowers (1986) 'Predicting marital success with PREPARE: A predictive validity study' *Journal of Marital and Family Therapy* 12: 403–413; DH Olson & AS Larsen (1989) 'Predicting marital satisfaction using PREPARE: A replication study' *Journal of Marital and Family Therapy* 15: 311–322; BJ Fowers et al (1995) 'An examination of the predictive validity of an empirically based typology of engaged couples' *Threshold* 48: 8–13 ;A Craddock (1996) 'A typology of engaged couples: Identifying and working with different types of premarital couples' *Threshold* 51: 20-25; L Williams, J Jurich & W Denton, FD Fincham & TD Bradbury (1990) *The psychology of marriage* New York: Guilford.
- 43 'The longitudinal course of marital quality and stability: A review of theory, method and research' *Psychological Bulletin* 118: 3–34.
- 44 CP Cowen & PA Cowen (1992) *When Partners become Parents* New York: Basic Books Bader.
- 45 A Booth & JN Edwards (1992) 'Starting over: why remarriages are more unstable' *Journal of Family Issues* 13: 179–194; TC Martin & LL Bumpass *Demography* 26: 37–51; and JM Lawton & MR Sanders (1994) 'Designing effective behavioral family interventions for stepfamilies' *Clinical Psychology Review* 14: 463–496.
- 46 WK Halford et al (1997) *supra*.
- 47 Karney & Bradbury (1995) *supra*.
- 48 ND Glenn & KB Kramer (1987) 'The marriages and divorces of the children of divorce' *Journal of Marriage and the Family* 49: 811–825; and P Amato. *Threshold* 54: 15–27.
- 49 CS Widom (1989) 'Does violence beget violence? A critical examination of the literature' *Psychological Bulletin* 106: 3–28.

relationships formed by offspring. According to some recent studies, exposure to negative expectations of marriage⁵⁰ and deficit in communication patterns between parents⁵¹ involve mechanisms that are replicated by the children when forming their own relationships, that is, that communication difficulties may be acquired through observation and interaction with parents. Other factors include a history of psychological disorders.⁵²

Applied research: intervention studies

Intervention studies are experiments that answer questions such as ‘Do couples participating in a specified premarital intervention have better marriages several years later than couples who do not participate in such an intervention? Do couples participating in program X have better marriages than couples participating in program Y?’

‘Studies of this sort are important because they provide information about what specific strategies can and cannot be expected to prevent marital distress and divorce, at least under controlled conditions’ writes Professor Bradbury. ‘Moreover, without research of this sort, we will have no rationale for selecting or recommending particular programs; even the most poorly conceived programs could be viewed as plausible and legitimate in the absence of sound intervention studies.’

The major intervention study undertaken has reviewed Prevention and Relationship Enhancement Program (PREP) – a 15 hour intervention designed by Howard Markman, Scott Stanley and colleagues at the University of Denver. It is designed to teach couples those skills that have been linked to successful marital functioning. Assessments taken at 1.5 and 3 years following participation in the program indicated that PREP couples are more satisfied than untreated couples. The evaluation found that:

- at 1.5 and 3 year follow-ups, intervention couples were found to show less decline in relationship satisfaction compared to the control groups;
- at 3 year follow-up, other measures of relationship quality reflected that intervention couples were doing better than controls (although by the four and five year follow-ups no further significant differences were reported on self report measures); and
- up to the 4 year follow-up, intervention couples were also reported to have more positive and less negative communication than couples in the control group on

50 LE Black & DH Sprenkle (1991) ‘Gender differences in college students’ attitudes towards divorce and their willingness to marry’ *Journal of Divorce and Remarriage* 15: 47–60.

51 WK Halford, MR Sanders & BC Behrens (1994) ‘The prevention of marital distress: The Aussie PREP project’ paper to Association for the Advancement of Behaviour Therapy San Diego CA: November.

52 WK Halford et al (1997) *supra*.

observable measures; and at the 1.5 and 3 year follow-ups, control groups reported significantly greater rates of divorce and break-up prior to marriage than the intervention groups (although by the 4 and 5 year follow-ups, the difference between the two groups was not significant).⁵³

A subsequent study, by Hahlweg and colleagues, of approximately 100 couples using EPL, the German version of PREP, found that although five years following the intervention the groups did not differ in marital satisfaction they did differ dramatically in the quality of the behaviours they exchanged; couples receiving the intervention were more positive and less negative on a range of behavioural indices.

Three years following participation in the program, participating couples were less likely to dissolve their relationships than all control couples. The participating couples were also more satisfied with their marriages than were control couples after 3 years.

‘One of the advantages of intervention studies is that they tell us about what can be accomplished with particular programs, but they often fail to tell us about the pre-marital interventions that couples typically receive in the community’ writes Professor Bradbury⁵⁴ For this purpose, use is made of application studies.

Applied research: application studies

Application studies are non-experimental studies in which the investigator usually does not have control over the programs administered. ‘These studies answer questions such as ‘Are couples who participate in premarital programs at greater risk for later marital problems, compared to couples who do not participate in these programs? Are couples happy with the interventions they have received? Are couples who participated in premarital programs more maritally satisfied than couples who did not participate in these programs?’ notes Professor Bradbury.

A series of studies indicate that most couples report high satisfaction with their experience of preventive premarital programs:

- a nationwide US random telephone survey – 75 per cent of the couples who had had premarital education in a religious context reported that the preparation had been helpful to them;
- Sullivan and Bradbury found that approximately 90 per cent of couples who had taken premarital education would choose to do so again – though the study reported no differences on marital outcomes between those who did and those who did not have some premarital education; and

53 HJ Markman et al (1993) ‘Preventing marital distress through communication and conflict management training: A 4 and 5 year follow-up’ *Journal of Consulting and Clinical Psychology* 61: 70–77.

54 T Bradbury (1997) paper to Family Impact Seminar supra.

- The Creighton University Report on premarriage education in the Catholic Church found that, within the first four years of marriage, 80 per cent of the individuals surveyed reported the training as valuable.

Australian study

A 1991 evaluation of pre-marriage education by researchers at the University of South Australia surveyed 1,698 people attending marriage preparation programs throughout Australia. The study which surveyed couples at the conclusion of their participation in a premarriage program and again three months later found:

- 80 per cent of couples rated their program as good or excellent;
- 90 per cent of couples reported that after attending a pre-marriage program they would seek professional help if problems arose in their marriage;
- 42 per cent of couples reported that their ideas about marriage had changed as a result of attending a program; and (significantly); and
- 5 per cent of couples reported that they had either postponed or cancelled their wedding after attending a program.⁵⁵

After reviewing the various studies, Dr Scott Stanley notes:

Couple satisfaction with preventative interventions is an important measure of outcome. While the studies on program effectiveness are complicated and open to various interpretations, there can be no doubt that couples who take part in preventive experiences come away valuing those experiences.⁵⁶

Limitations of studies

The leading researchers into the effectiveness of pre-marriage education have identified limitations of the various studies. The prediction studies are relatively small and appear to involve well-functioning couples; most of the explanation studies examine 100 or fewer couples, using written questionnaires with significant non-completion rate and show weak effects; selection effects may be operating with the intervention studies and the participating couples may be low risk; and research is needed with application studies to determine how to increase participation rates of couples at risk for later marital difficulties.⁵⁷

In a recent contribution to the literature, Halford and Behrens note two problems with research in this field. The first is the ongoing difficulty of 'devising appropriate comparison conditions for a controlled trial' and the second is the need for adequate long-term follow up beyond a short time period of a few weeks or months.

55 R Harris, M Simons, P Willis & A Barrie (1992) *Love, sex & Waterskiing* Adelaide: University of South Australia.

56 SM Stanley (1997) 'Acting on what we know: The hope of prevention' *Threshold* 56: 6–13.

57 T Bradbury (1997) paper to Family Impact Seminar supra.

Nonetheless, the authors are optimistic about the programs: 'Despite the limitations of the existing research, it is clear that skills-based interventions do modify aspects of marital interactions identified as risk factors for marital distress.'⁵⁸

In the first meta-analysis of premarital, marital and family intervention programs, in 1985, Giblin and colleagues identified a possible approach for future research, namely, in examining the effectiveness of programs 'it may be more important to know how investigators have chosen to measure enrichment than to know the facts related to the programs themselves.' While this pointer to future study is of continuing interest to researchers, it doesn't diminish their primary conclusion: 'The current study is the most comprehensive, integrative summary of the enrichment literature to date. It should lay to rest the charge that "enrichment is ineffective".'⁵⁹

The Expansion of Programs

In 1976, the then Commonwealth Attorney-General, Hon RJ Ellicott, provided funding for marriage education programs pursuant to provisions in the *Family Law Act 1975*. This funding coincided with considerable development of the programs during the 1970s and 80s. Part of the change was away from didactic presentations to courses involving the emerging notions of adult education. As a course conducted by the Marriage Guidance Council of South Australia in 1971 stated: 'The emphasis is on group work . . . the groups may meet for instruction but separate off into couples or just individuals to carry out a task. There is little information giving in order to satisfy anticipated needs, but no real lecturing at any stage.'⁶⁰

Bernard Guerney has traced the developments that occurred in the United States which have parallels in Australia, in particular the distinction between a therapeutic and educational model of prevention:

Marital and family therapy is distinguished from enrichment/problem prevention because its utility is restricted to those couples in the third category, ie., to families already experiencing great distress and, usually, crisis. Except for the therapies that have adapted an Educational Model of therapy, therapy generally fails to even address the issue of building a behavioral repertoire that can prevent future problems. The orientation of therapists that are not using a therapy based on an Educational Model is to determine what the problem is and to eliminate it, assuming that when that is done, whatever is necessary for the family to achieve individual and relationship goals already is inherently

58 WK Halford & BC Behrens (1996) 'Prevention of Marital Difficulties' in P Cotton & HJ Jackson (eds) *Early Intervention and Preventative Interventions in Mental Health Applications of Clinical Psychology* Melbourne: Australian Psychological Society.

59 P Giblin, DH Sprenkle & R Sheehan (1985) 'Enrichment Outcome Research: A Meta-Analysis of Premarital, Marital and Family Interventions' *Journal of Marital and Family Therapy* 11(3): 257-271.

60 Cited in R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia.

available and will be free to emerge. They are typically not oriented towards teaching clients specific new behavioral skills that not only allow the clients to themselves resolve current problems, but that also empower them to eliminate future problems. Rather, marital therapists following the medical model would see it as the *therapist's* responsibility to develop a strategy for solution because of the conviction that only the therapist is trained in the necessary skills. If new problems should develop, clients are expected to return to the therapist to get help in resolving them. Couples are no more expected to prevent or resolve family problems themselves than a physician would expect a patient to prevent an attack of appendicitis, or to remove the appendix if that is the organ that next happened to get infected. In contrast, many of the enrichment programs were viewed by their creators as serving the purposes both of enrichment and of problem-solving. And all of the skill-based programs have been seen as serving both of these goals.⁶¹

It is notable that the successful Australian programs have also followed an educational model.

Enrichment programs have been classified in the past into three categories: (1) structured enrichment in which a leader systematically reviews issues with couples with little interaction; (2) semi-structured discussion groups, begun by the Association for Couples for Marriage Enrichment (known as the Couples for Marriage Enrichment Australia – CMEA – in this country) and (3) insight and skill focussed programs such as Couple Communication, Marriage Encounter, Relationship Enhancement and PREP (the Prevention and Relationship Enhancement Program).⁶² Subsequent developments reflect three major emphases:

- assessment, including structured enrichment;
- information and awareness; and
- skill-training models.⁶³

This three-fold approach not only reflects developments in Australian marriage education, as the subsequent discussion reveals, it provides a comprehensive, research founded basis upon which to assess the provision of marriage education in the nation currently, and a categorisation for future support.

1. Assessment approaches

61 B Guerney Jr (1997) *Marriage Education: Past, Present and Future* Washington DC: Family Impact Seminar.

62 EL Worthington, BG Buston & TM Hammonds (1989) 'A component analysis of marriage enrichment: Information and treatment modality' *Journal of Counselling and Development* 67: 555–560.

63 These approaches should not be confused with intervention strategies, such as primary, secondary and tertiary target groups: see WK Halford & BC Behrens 'Prevention of marital difficulties' *supra*.

Assessment approaches seek to gather data on partner attitudes and behaviours which can be used to set growth goals and attitude or behaviour change. The underlying belief is that insights about one's attitudes, behaviours, and expectations can lead to changes in thinking or behaving that give marriages a better chance.

As the Committee's survey of marriage education in Australia indicates, assessment approaches have been increasingly utilised in the past decade, beginning with the introduction of PREPARE⁶⁴ to Australia in the 1980s, and FOCCUS⁶⁵ in 1991.

PREPARE – an abbreviation of PREmarital Personal And Relationship Evaluation – is complemented by: PREPARE MC (Marriage and Children) for couples planning marriage where one or both partners have children; ENRICH (Evaluation and Nurturing Relationship Issues, Communication and Happiness), completed in 1981 and designed to assist married couples in enhancing their marital relationship; and MATE (Mature Age Transition Evaluation) designed for older couples to help them become more aware of those life changes or transition issues which could include marriage, relocation, employment change, health issues and/or retirement.

FOCCUS – an abbreviation of Facilitating Open Couple Communication, Understanding and Study – is complemented by: REFOCCUS (Relationships Enrichment Facilitating Open Couple Communication, Understanding and Study) developed in the late 1980s as a marriage enrichment instrument which a married couple can administer by themselves or use in a group setting.

PREPARE is the most extensively researched assessment program currently available. Premarital scores have predicted divorce and marital dissatisfaction with 80 – 85 per cent accuracy in two, three-year longitudinal studies of engaged couples.⁶⁶ Subsequent validation studies of the FOCCUS inventory produced similar results.⁶⁷

The inventories consist of a questionnaire to be completed by each person, the answers to which are then correlated and categorised. The PREPARE inventory involves a comprehensive assessment of a number of areas such as communication,

64 DH Olson, DG Fournier & JM Druckman (1989) *PREPARE, PREPARE MC, ENRICH inventories* Third edition Minneapolis MN: PREPARE/ENRICH Inc.

65 B Markey, M Micheletto & A Becker (1985) *Facilitating Open Couple Communication, Understanding and Study (FOCCUS)* Omaha: Archdiocese of Omaha.

66 AS Larson & DH Olson (1989) 'Predicting marital satisfaction using PREPARE: A replication study' *Journal of Marital and Family Therapy* 15(3): 311–322; and BJ Fowers & DH Olson (1986) 'Predicting marital success with PREPARE: A predictive validity study' *Journal of Marital and Family Therapy* 12(4): 403–413. See also, BJ Fowers, KH Montel and DH Olson (1995) 'An examination of the predictive validity of an empirically based typology of engaged couples' *Threshold* 48: 8–13.

67 See 'The predictive validity of FOCCUS: A new five year study' (1994) *Threshold* 43: 9 for a summary of the study. See also, Centre for Marriage and Family (1995) *Marriage Preparation in the Catholic Church: Getting it right* Omaha: Creighton University.

conflict resolution, parenting, religion, closeness, flexibility, self-confidence and assertiveness. In a similar manner, FOCCUS assesses the couple in categories including communication, conflict resolution, friends and interests, personality match and problem solving.

The following sample questions from the FOCCUS inventory asks each partner whether they agree, disagree or are unsure about these statements:

- My future spouse is a good listener
- We are in agreement about how we will combine both careers and child rearing
- My future spouse sometimes puts me down
- My future spouse and I are open to having children.

By completing the inventory and participating in a series of follow-up sessions with a trained facilitator, the couple is able to identify strengths in their relationship and to address matters which they either are concerned about or haven't discussed. The role of the educator is to facilitate discussion between the couple.

The inventory is a useful pre-marriage education tool for any couple because it gives an individual relationship profile, which the couple can then utilise as background knowledge when attending a subsequent group program: 'They already have an understanding of their strengths and the areas to which they need to pay added attention. This gives the couple clearer objectives when attending a group program.'⁶⁸ As couples are encouraged to discuss their responses to questions as soon as they have completed their individual questionnaires, FOCCUS author Dr Barbara Markey claims that 60 per cent of the value of the inventory lies in the couple simply completing it.⁶⁹

Particular couples may be more suited to an inventory style of pre-marriage education: 'A comprehensive marriage preparation service will offer a range of opportunities to couples, so that they may choose the opportunity(ies) best suited to their needs,' writes marriage educator Margaret Andrews:

As a guideline, the following couples may especially find the inventory more suitable: older couples; couples where one or both are entering a second marriage; couples where a child or children exist or the woman is pregnant; couples who express special concerns about the relationship; couples where one or both have a disability, for example a hearing impairment; couples where a language barrier exists; extenuating circumstances, for example living in different states or countries, or where work commitments preclude attendance at a group programme; and couples who, having completed a group programme, have issues they wish to explore further.⁷⁰

68 M Andrews (1996) *Marriage Education Training Programme: Inventory Overview* Melbourne: Threshold Publishing.

69 *ibid.*

70 *ibid.*

More recently the authors of the inventories have been developing skills training segments to accompany these assessment programs, so as to provide assistance to couples using the instruments.⁷¹ Some Australian agencies have also developed programs linking the facilitation of an inventory to a group information/skills program.⁷²

2. Information-awareness approaches

Many Australian marriage education programs grew out of an information-awareness model. Although the former didactic approach has been replaced by programs based on adult education models with a focus on experiential learning, the goal of couple self-awareness remains an important objective. Many programs today involve both information sharing, especially about topics such as financial issues, and awareness raising, particularly about expectations and attitudes, communication and conflict patterns, and understandings of each partner's family background and influences. Some programs combine these approaches with some skills training, although many only demonstrate skills rather than teach them.

As couples have been shown to relate better when they have more realistic expectations and beliefs,⁷³ the facilitation of programs in which couples examine the factors influencing their expectations and beliefs can be useful. The evaluation of informational classes at college level has shown changes evident in knowledge, mate selection, sexuality and conflict resolution attitudes, and communication and conflict resolution skills.⁷⁴

Australian pre-marriage programs typically involve couples in an exploration of their awareness of factors such as expectations of marriage, family of origin differences, communication patterns, conflict resolution approaches, and the changing patterns of the life cycle. Programs often include information sessions about financial issues and home buying, sexuality and family planning.

The internal evaluation of the program for the Attorney-General's Department concluded: 'It became evident that . . . in reality, current providers offered a very wide range of education-type activities which relate directly or indirectly to marriage and relationship education.'⁷⁵

71 PREPARE/ENRICH (1997) *PREPARE/ENRICH Newsletter* Minneapolis MN.

72 Ms Michele Simons, *Transcript*, p. 515.

73 RJ Eidelson & N Epstein (1981) 'Unrealistic belief of clinical couples: Their relationship to expectations, goals and satisfaction' *American Journal of Family Therapy* 9(4): 13-22.

74 SM Stanley et al (1997) 'Preventive Intervention for Couples' paper Denver: University of Denver.

75 Keys Young (1997) *Evaluation of Marriage and Relationship Education Sub-Program: Final Report* Sydney.

In a recent article, Rev Tony Kerin, president of CSME suggested that ‘empowerment’ of couples is a primary objective of marriage education and enrichment:

The more I deal with other programs, analyse their content and compare them with what I do with FOCCUS and Engaged Encounter, the more I am tending to believe that the most substantial benefit common to any and all of these worthwhile courses is the way in which they instil an ‘ownership’, responsibility and empowerment concept where the participant couples gain control of their relationship and take personal charge of how it develops, how it is lived etc. This outcome is usually achieved by imparting not just skills, but confidence and assurance that comes from understanding the dynamics of their relationship, for example, how their family-of-origin affects their self image and relating capacity, conflict negotiation skills etc.⁷⁶

3. Skills training approaches

Skill training approaches focus on teaching couples to manage their lives better by actively teaching specific strategies for improved relationship functioning. A number of Australian programs incorporate aspects of skills training, especially around communication and conflict resolution issues. A number of skills training programs have been developed in the US, of which Relationships Enhancement, Couple Communication, and Prevention and Relationship Enhancement Program are the best known.⁷⁷

Relationship Enhancement (RE), an empathy-building social learning program for 16–24 hours, is one of the most extensively tested skills building programs in existence. The program based on a Rogerian communication model shows impressive results for a wide variety of types of couples. While the program has been used for treating a wide array of problems, its use with premarital and marital couples that is in focus here. Related to this use, several treatment groups of college-age, dating couples gained significantly in empathy skills and problem solving skills from pre to post-test and relative to control groups.⁷⁸

One six-month follow-up found disclosure and empathy gains for RE participants relative to a lecture-discussion control group, while another found communication, but not problem-solving skills retention for experimental versus discussion group couples. Sustained gains in self-disclosure were not evident at follow-up in comparisons of participants and non-participants in another study. Heitland observed

76 T Kerin (1998) ‘What do you think you are doing in marriage education’ *Threshold* 58: 13.

77 The following description of the programs is taken from SM Stanley (1997) ‘Acting on what we know: The hope of prevention’ *Threshold* 56: 6–13.

78 B G Guerney (1977) *Relationship Enhancement* San Francisco: Jossey-Bass. See also <www.nire.org>

significant pre to post-test differences on listening, expression and problem-solving for college and high school participants in an eight hour RE workshop, relative to control group couples.⁷⁹ Meta-analytic research on many major marital programs found RE to have the strongest effect of those tested.

Like RE, *Couple Communication* (CC) is one of the older and best researched skills-based programs for couples.⁸⁰ While the program can be used in a variety of formats and settings, most of the outcome research on CC has studied the effects of the 12 hour, structured skills training program, with most samples being married couples from middle-class backgrounds. There is evidence suggesting the relevance of the material for couples at various stages and with various backgrounds originally developed CC to improve communication quality for couples. It is reported that small group participants valued self and other-awareness exercises and the climate of support emerging from the exercises. Studies also show clear gains in communication behaviour post training.

Reviewed studies of CC noted strong gains in communication quality following training, but also noted that these effects diminish over time. Gains in individual functioning and relationship quality are more durable, although the longest-term follow-up assessments are well less than a year in duration. CC is used by clergy, lay leaders, therapists, business personnel and chaplains in all branches of the US armed forces. Presenters of CC can use the approach individually with couples or in group settings.

Prevention and Relationship Enhancement Program (PREP) targets changes in attitudes and behaviour that are specifically related to risk and protective factors in a wide array of marital research. The rationale for PREP (and programs like it) are specifically supported by studies that predict marital success and failure; outcome research on program effects; and survey research on what couples say are the most relevant topics of prevention. With regard risks, PREP primarily targets those dimensions that are both highly predictive of marital success or failure and that are amenable to change (dynamic versus static factors).⁸¹

PREP offers a 12-hour sequence of mini-lectures, discussion and interpersonal skill practice in week-night, weekend or one-day formats. Topics of focus include communication, conflict management, forgiveness, religious beliefs and practices, expectations, fun and friendship. Also, strategies for enhancing and maintaining commitment have come to play an increasing larger role in the kinds of cognitive changes attempted in PREP. Both secular (or non sectarian) and Christian versions of

79 W Heitland (1986) 'An experimental communication program for premarital dating couples' *The School Counsellor*: 57-61.

80 S Miller et al (1991) 'Couple communication I' *Talking and Listening Together* Littleton Co: Interpersonal Communication Program Interpersonal Communication.

81 H Markman, S Stanley & SL Blumberg (1994) *Fighting for your marriage* San Francisco: Jossey-Bass; and C Notarius & H Markman (1993) *We can work it out* New York: Perigee. See also <www.members.aol.com/prepinc/>

PREP are available. As is true of other programs, PREP is not exclusively focussed on skills-training. PREP also includes an extensive assessment focus in the form of in-depth exercises about expectations and beliefs that will affect marriages.

PREP has been more extensively researched regarding long-term effects than other programs – with most of the research using pre-marital couples. In a long-term study in Denver, program effects have been tracked using both self-report and observational coding of couple interaction. The following is a sampling of findings from this research project. Three years following intervention, the PREP couples maintained higher levels of relationship satisfaction, sexual satisfaction and lower problem intensity than matched control couples. PREP participants demonstrated significantly more positive interaction up to four years post-intervention, including greater communication skill, support/validation, positive affect, positive escalation and overall positive communication relative to the control group. PREP couples also showed greater communication skill, positive affect and overall positive communication than couples who had declined the intervention years earlier. More significantly, clear group differences were obtained up to four years following intervention on negative communication patterns (eg withdrawal, denial, dominance, negative affects etc.), with PREP couples communicating less negatively than both matched control couples and decliner couples. These kinds of differences are very important, reports Professor Stanley, because such patterns are strongly correlated with marital distress, violence and break-up. The follow-ups with the Denver sample also revealed a statistically greater chance of pre-marital break-up among control group and decliner couples than PREP couples with similar, though non-statistically significant, trends for divorce and separation four to five years after training.

In a pre-post design using random assignment, Blumberg found PREP more effective than Engaged Encounter in building positive communication, problem-solving and support/validation behaviours at post-intervention. Similar research programs in Germany and Australia have demonstrated significant gains in communication, conflict management and satisfaction at post-test, with the former sample showing a maintenance of communication and satisfaction gains at one and three year follow-ups. Furthermore, the most recent data from the Germany project show that, at the five year follow-up, PREP couples have a divorce rate of 4 per cent versus 24 per cent for the control couples. However, interpretations of these results are problematic because PREP couples had been together significantly longer than controls, the PREP couples had been together an average of nine years before intervention (making generalisations to prevention difficult), and a differential drop-out rate led to the control couples being increasingly select for couples doing well over time.

A large scale National Institute of Mental Health supported research program is underway in Denver. It is designed to test the effectiveness of PREP as compared with other prevention programs, including conditions for testing PREP when given by clergy or lay leaders of religious organisations compared to university staff compared with naturally occurring interventions in religious organisations. The new research utilises a large sample, random assignment and plans long-term follow-up.

While the PREP program is used only by few couples in Australia,⁸² elements of the skills training approach are featured in many programs. This is also an area in which the field continues to develop. For example, PREP author, Dr Howard Markman, and Professor Halford, are key-note speakers for the 1998 national marriage education conference.⁸³

Conclusion

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

Recommendation 1

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

National survey of service providers

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

The results of the national survey are set out in Appendices D to N to this report. The following section is a summary of the analysis of the survey.

Overview and explanation of the survey

The survey was posted to all agencies funded by the Commonwealth Government, together with agencies affiliated with the Catholic Society for Marriage Education, the Marriage Educator's Association of Australia (formerly the Australian Association of Marriage Education) or agencies known to be offering marriage education programs. As such, the survey represents an underestimation of the amount of marriage education offered in Australia. For example, it is known that parishes and individual congregations within a number of Christian denominations offer local marriage

82 Professor Kim Halford, personal communication with the Chairman, 1998.

83 National Marriage Education Conference Committee, personal communication with the Chairman, May 1998.

education programs, which are not counted in this survey. It is also known that a few private providers offer marriage education.⁸⁴

The provision of marriage and relationship education is divided into a number of sections: pre-marriage education programs; inventories; post-wedding or enrichment programs; remarriage programs; stepfamily programs; separation programs; miscellaneous relationship education programs; and other programs. This categorisation was provided by individuals and agencies in the field, and represents the divisions commonly recognised. Hence pre-marriage programs typically involve one-two days or a series of evenings for engaged couples in which the usual topics include family backgrounds (called family-of-origin in the field); expectations of marriage; communication skills; and conflict resolution strategies.

Overall results

Participation by program type

	Number of participants	% of total
Pre-marriage education course	15,798	31.4
Pre-marriage inventory	24,154	46.9
Post wedding course	2,358	4.6
Post wedding inventory	2,414	4.9
Re-marriage course	252	0.5
Stepfamily course	187	0.4
Separation course	1,075	2.1
Misc. relationship education	3,374	6.6
Other relationship course	1,497	2.9
Total	51,486	100

Summary

- Some 40,000 individuals participated in either a pre-marriage education group program or a pre-marriage inventory (such as FOCCUS or PREPARE) in 1996–97.
- This represented 78 per cent of participants in surveyed programs.
- This is the equivalent of 20 per cent of all couples marrying in Australia.
- And 30 per cent of all couples marrying for the first time.
- This figure underestimates the total pre-wedding participation in marriage education, as some couples participated in general relationships education programs and some others attended programs not included in the survey, such as programs conducted by individual celebrants.
- Some 5,000 individuals participated in a post-wedding marriage enrichment program or undertook a post-wedding inventory (such as REFOCCUS or ENRICH).

84 For example, the Newman Jansen Institute in Sydney conducts a School of Marriage attended by a few hundred participants each year: *Transcript*, p. 963.

- This figure underestimates the total post-wedding education in Australia as the data from some organisations such as Marriage Encounter and Couples for Marriage Enrichment is incomplete.
- Nonetheless, it is estimated that for every ten couples who participate in pre-marriage education, only one participates in a post-wedding marriage enrichment program.

Pre-marriage group education

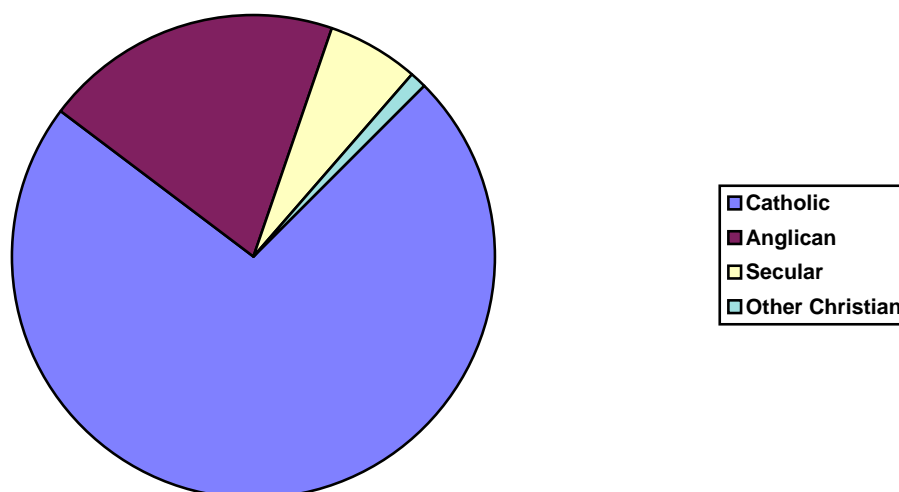
1. Pre-marriage education group programs

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	3,180	1,770	982,560
New South Wales	6,240	2,620.5	3,129,790
Queensland	2,432	1,404	986,630
South Australia	780	567	157,426
Western Australia	1,828	571.5	292,553
Tasmania	312	240	17,616
ACT	988	104	102,752
NT	38	24	480
Total	15,798	7,264.5	5,669,806

Participation by provider type

Participation by provider affiliation



Summary

- Some 8,000 couples (16,000 participants) attended a pre-marriage education group program covered by the survey in 1996–97.

- This figure slightly underestimates the total participation on pre-marriage programs, as the survey was not able to measure the numbers of people participating in local parish-based programs. Anecdotal evidence suggests that when these participants and those attending the few private providers are added to the numbers, approximately 18,000 people participated in group programs.
- This represented about 8.5 per cent of couples marrying in Australia.
- And about 13 per cent of couples marrying for the first time.
- Of the participants covered by the survey, 73 per cent attended programs conducted by agencies affiliated or associated with the Catholic Church.
- 21 per cent attended programs affiliated or associated with other Christian Churches (of which 20 per cent attended Anglican agency programs).
- Only 6.2 per cent attended group programs conducted by non-church secular agencies (many of this number attended programs conducted by one agency).
- Of people marrying in the Catholic church, approximately 35 per cent participated in a group program.
- Of people marrying in the Anglican church, approximately 15 per cent participated in a group program.
- Of people whose wedding was celebrated by other Christian ministers and non-Christian religious ministers, approximately 1 per cent participated in a group program.
- Of people being married by a civil celebrant or in a Registry, approximately 1 per cent participated in a group program.

The statistics are approximate because there is some circumstances when couples attend a program conducted by an agency other than that associated with the church in which the couple intend to marry. As this is not a frequent occurrence, the overall proportions of service delivery are generally accurate.

2. Pre-marriage inventories

Use of couple inventories

	FOCCUS	PREPARE	PREPARE MC
Couples	4,500	6,513	1,064

Summary

- Some 12,077 couples (24,154 people) undertook a pre-marriage inventory in the period 1996–97 covered by the survey.
- This represented about 11 per cent of couples marrying in Australia.
- And about 17 per cent of couples marrying for the first time.
- Of the participants covered by the survey, almost all attended a facilitator working for or associated with a church-affiliated marriage education agency.
- Of people marrying in the Catholic church, approximately 23 per cent undertook a pre-marriage inventory.

- Of people marrying in other Christian churches, 26 per cent undertook a pre-marriage inventory. (Although precise data is not available, it is believed that most of these were marrying in the Anglican church).
- Of couples being married by a civil celebrant or in a Registry Office, very few undertook a pre-marriage inventory.

3. *Other relationship courses*

See miscellaneous relationship courses and other courses, below.

Post wedding marriage enrichment

1. *Post wedding marriage enrichment courses*

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria*	780	339	209,203
New South Wales	562	392.5	24,302
Queensland	96	24	35,716
South Australia	376	287.5	13,440
Western Australia	112	-	-
Tasmania	-	-	-
ACT	-	-	-
NT	-	-	-
National program#	432	337.5	91,575
Total	2,358	2,506	373,674

Notes

* The data for Victoria includes 652 participants attending courses conducted by one agency.

Retrouvaille, and Uniting Church of Australia

Summary

- Some 1,179 couples (2,358 participants) attended post-wedding marriage enrichment programs covered by the survey in 1996–97.
- This figure underestimates the total attendance at post-wedding marriage enrichment programs, as programs conducted by the national group Couples for Marriage Enrichment Australia (CMEA) were not available.

2. *Post-wedding inventories*

	RE-FOCCUS	ENRICH
Couples	350 (approximate)	857

Summary

- Some 1,200 couples (2,400 participants) undertook a post-wedding marriage inventory in the survey period of 1996–97.

Re-marriage programs

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	12	22	122
New South Wales	175	287	15,956
Queensland	18	24	432
South Australia	38	37.5	1,425
Western Australia	-	-	-
Tasmania	9	6	108
ACT	-	-	-
NT	-	-	-
Total	252	376.5	18,043

Summary

- Some 252 participants attended re-marriage courses in the survey year.
- This represented just 0.36 per cent of marriages where one or both partners were marrying for a second or subsequent time.

Step-family courses

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	52	48	2,496
New South Wales	62	84	5,208
Queensland	18	12	216
South Australia	-	-	-
Western Australia	55	51	1,707
Tasmania	-	-	-
ACT	-	-	-
NT	-	-	-
Total	187	185	9,627

Summary

- Some 187 people attended step-family courses in the 1996–97 year.

Separation courses

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	44	66	946
New South Wales	420	122	17,471
Queensland	102	88	5,812
South Australia	157	315	26,300
Western Australia	133	170	7,700
Tasmania	204	74	3,028
ACT	15	3	45
NT	-	-	-
Total	1,075	838	61,302

Summary

- Some 1075 people participated in separation courses in the year 1996–97.
- Of these, 536 (or 50 per cent) attended courses conducted by secular agencies.
- And 539 (50 per cent) attended courses conducted by church agencies.

Relationship programs

1. Miscellaneous relationship programs

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	353	170.25	3,249
New South Wales	611	685.5	20,864
Queensland	474	70	4,452
South Australia	1,237	197.5	71,306
Western Australia	687	301.5	12,987.5
Tasmania	12	12	144
ACT	-	-	-
NT	-	-	-
Total	3,374	1,376.75	113,002.5

Summary

- Some 3,374 people attended a range of relationship programs in 1996-97.
- Of these, 2,773 people (82 per cent) attended courses conducted by secular agencies.
- And 601 people (18 per cent) attended courses conducted by church agencies.

2. Other courses

Participation by State and Territory

	Participants	Course hours	Participant hours
Victoria	98	137.5	10,541
New South Wales	650	318	12,188
Queensland	-	-	-
South Australia	632	281	10,809.5
Western Australia	77	12	924
Tasmania	-	-	-
ACT	40	20	340
NT	-	-	-
Total	1,497	769	34,802.5

Summary

- Some 1,497 people participated in other relationship courses in 1996–97 (See Appendix N).
- Of these, 777 people (51.9 per cent) attended courses conducted by secular agencies.
- And 720 (48.1 per cent) attended courses conducted by church agencies.

The role of prevention

The central purpose of the marriage and relationship education program is prevention. According to the guidelines issued by the Attorney-General's Department, the specific purpose is to:

... provide preventive programs which focus on providing information and skills to foster positive stable relationships. Trained educators provide guidance and support prior to and during marriage (and remarriage) with the aim of promoting healthy and stable relationships, thus reducing the possibility of breakdown and trauma associated with separation and divorce.⁸⁵

The program guidelines include both *de jure* and *de facto* marital relationships. In 1997, the name of the program was changed from 'marriage/relationship' education to 'marriage and relationship education' to reflect this fact.

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

The rationale for the program can be found in the *Marriage Act 1961*⁸⁶ and the *Family Law Act 1975*⁸⁷ and in the dual purposes of:

- Promoting the benefits that can accrue to adults and children (in terms of enhanced educational, mental and physical health outcomes) through promotion of and support for satisfying and stable marriage and family life; and
- Avoiding the distress caused by the breakdown of marital relationships.

It is notable that the emphasis is on prevention rather than therapy. Few, if any couples, enter marriage with the attitude that this is just a temporary arrangement. They aspire to a long, supportive life together. For the most part, they are caring, loving people with enormous goodwill towards each other. Their relationships are healthy and hopefilled. But, as the noted marital educator and author, Harville Hendrix, writes:

Marriage is not a static state between two unchanging people. Marriage is a psychological and spiritual journey that begins in the ecstasy of attraction,

85 Commonwealth of Australia, Attorney-General's Department, Canberra.

86 Section 9C.

87 Section 43 (a) and (b).

meanders through a rocky stretch of self-discovery, and culminates in the creation of an intimate, joyful, lifelong union. Whether or not you realise the full potential of this vision depends not on your ability to attract the perfect mate, but on your willingness to acquire knowledge about hidden parts of yourself.⁸⁸

Other marriage educators point to research that indicates that understanding different but normal family backgrounds,⁸⁹ clarifying expectations of the relationship, and developing good communication patterns⁹⁰ are important factors in marital satisfaction and survival. David and Vera Mace, pioneers of marriage education in both the US and Australia, suggested that there are three requirements for a successful marriage:

- A commitment to growth, sincerely entered into by husband and wife;
- An effective communication system, and the necessary skills to use it; and
- The ability to accept marital conflict positively, and resolve it creatively.⁹¹

While the approaches to strengthening marriage vary, there is a common factor: that awareness of backgrounds and differences, and good communication patterns can help almost all relationships. Very few marital relationships are so pathologically distressed from the outset that they are doomed to failure.

The primary objective of marriage and relationship education is support for functional, healthy relationships, all of which involve a journey of self and other discovery. Various educators have described the journey in different language. FOCCUS author, Dr Barbara Markey, writes of the three stages of infatuation, reality-testing and intimacy.⁹² Susan Campbell describes five stages of romance, power struggle, stability, commitment and co-creation.⁹³ Harville Hendrix speaks of romantic love, the power struggle and a conscious marriage.⁹⁴ The common thread in these and other works about marriage is the idea that couples invariably move from a state of romantic love to a struggle between them and, if successful to a state of intimacy. Common to the many programs of marriage education is the understanding that it is not compatible views which are ultimately important in determining marital stability, but the manner in which couples work out their differences.⁹⁵

88 Harville Hendrix (1988) *Getting the love you want* Melbourne: Schwartz & Wilkinson xiv.

89 H Anderson & R Cotton Fite (1993) *Becoming married* Louisville: Westminster/John Knox.

90 J Gottman (1994) *Why marriages succeed or fail* London: Bloomsbury.

91 D Mace & V Mace (1977) *How to have a happy marriage* Nashville TN: Abington.

92 B Markey (1989) 'Building eight marriages with the same spouse: Is it possible? Is it healthy?' in FN Meis (ed) *Life-long marriage: Is it possible?* Overland Park KS: M&M 14.

93 SM Campbell (1980) *The couple's journey* San Luis Obispo CA: Impact.

94 H Hendrix supra.

95 See for example, John Gottman supra.

Hence preventive marriage education involves the improvement of awareness, information and skills through the gaining of interpersonal competence and functioning as partners in an intimate relationship.⁹⁶

Two important consequences flow from this understanding. First, marriage and relationship education is not primarily therapeutic in orientation.⁹⁷ It is not counselling, but an educative process. As the Australian Association for Marriage Education and the Catholic Society for Marriage Education stated in 1993:

Marriage education is seen to be essentially different from marriage counselling in that it focuses on the development of the appropriate knowledge, skills and attitudes to build and maintain relationships, as opposed to counselling which has as its primary orientation the solution of specific emotional problems presented by the clients.⁹⁸

This distinction was reiterated in a number of submissions to the inquiry.⁹⁹ One family service agency reported that:

One of the major difficulties in the area of education is breaking down the perception that couples who are attending courses have problems with their relationships. There needs to be education so that people can understand the difference between relationship education and counselling. This is particularly relevant where the community is small and anonymity is non-existent and privacy difficult to maintain.¹⁰⁰

The 'confusion that exists between the concepts of counselling and education' was remarked upon in the recent research about community attitudes undertaken for the Attorney-General's Department. The report advised on the need to avoid the strengthening of people's beliefs that relationship education is only for couples who experience problems.¹⁰¹

Dr Roger Harris, co-author of the Australian marriage education studies, spoke of attitudinal barriers to marriage education:

In trying to explore those attitudinal barriers, we came across a lot of ways of expressing that, such as: 'We do not need it; we are okay. Is it really marriage

96 See, L L'Abate (1990) *Building family competence* Newbury Park CA: Sage 7.

97 B Guerney (1997) *Marriage education: Past, present and future* Washington DC: Family Impact Seminar.

98 'Definition of marriage education' (1993) *Threshold* 39: 4.

99 See for example, Kinway, *Submissions*, p. S704.

100 Lutheran Community Care, *Submissions*, p. S414.

101 Donovan Research *supra*.

counselling we are going to and not marriage education?’ – there is a good deal of confusion about that, because in the public mind it tends to be counselling.¹⁰² The distinction has also been recognised from a marriage counselling perspective. In their evaluation of the marriage counselling program, AIFS researchers Ilene Wolcott and Helen Glezer, cite Sprenkle (1980) as maintaining that ‘the unifying concept underlying the field of marital therapy is the “emphasis on treating problems within a relationship context”’.¹⁰³ They quote Mr Len Harvey, the Principal Psychologist with the Psychology and Counselling Section of the Attorney-General’s Department as summarising the parliament’s objectives with the Family Law Act ‘to encourage the development of marriage counselling organisations so that people with marital difficulties might have an alternative to divorce.’¹⁰⁴ Wolcott and Glezer conclude:

Marriage counselling as defined in the Family Law Act, by marriage theorists and in descriptions of agency aims and objectives, encompasses not just the common connotation of helping to prevent divorce through the enhancement of the marital relationship, but also the role of assisting couples to mitigate the consequences of divorce where divorce has been considered a necessary or inevitable decision.¹⁰⁵

They proceed to outline the various therapeutic approaches to counselling in the next section of the evaluation.¹⁰⁶

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

Recommendation 2

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

Secondly, marriage and relationship education is about couples. As the authors of the Australian study, *Love, Sex and Waterskiing* observed: ‘The emphasis in all definitions [of marriage education] on the use of the word “couple” is noteworthy, suggesting that marriage education has as its main focus couples rather than individual learners.’¹⁰⁷ This emphasis flows in part from the significance of marriage, and from

102 Dr Roger Harris, *Transcript*, p. 505.

103 I Wolcott & H Glezer (1989) *Marriage Counselling in Australia* Melbourne: Australian Institute of Family Studies 24.

104 *ibid.* 25.

105 *id.*

106 *ibid.* 26.

107 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia 8.

the fact that the marriage and relationship education program 'is administered in accordance with the Marriage Act 1961.'¹⁰⁸

The Committee notes that the description of the program is 'marriage and relationship education.' Different views have been expressed about the use of the word 'relationships' as distinct from marriage. Some seek more inclusive terminology. The Donovan team noted that 'the name "marriage and relationship education" was either rejected or received lukewarm reaction from most customers in the qualitative research.'¹⁰⁹ The preference was for 'lighter, more contemporary names, with suggestions such as "Life Skills", "Relating Better," "Living Together" and so forth.' The Committee notes that a number of agencies have changed their title and course names to reflect this notion.

On the other hand, the Jansen Newman Institute, probably the most successful private provider of marriage and relationship education in the nation, has returned to using the word 'marriage' rather than 'relationships.' Dr Jansen and Mrs Newman told the Committee that the 'use of the word "marriage" as opposed to "relationship" suggests to us the idea of permanence as opposed to the notion of relationship, which in our present day culture in Australia has strong connotations of transience.'¹¹⁰ They told the Committee that they had changed the name of their program from 'School of Marriage' to the 'Really Relating workshop' but it 'did not attract nearly the interest.'¹¹¹ As a consequence the Institute has reverted to the name 'School of Marriage' for its courses which attract both people intending to marry and those in de facto relationships.

While the Committee recognises that agencies will choose names that they consider best reflect their approach to programs, there is an issue involved which extends beyond semantics. As Michele Simons, co-author of the two Australian studies of marriage education, told the Committee:

Marriage education . . . has a strong preventative focus. That means that if it is being done well it is very much underpinned by an understanding of what are the factors that contributes to marital breakdown – not relationship breakdown but marital breakdown . . .

Relationship education may still carry that preventative focus but it is not targeted towards marriage. It may not be. It may be targeted more broadly to relationship skills which may be communication skills. Sometimes I have the impression that, with relationship and marriage education, the terms are used synonymously and that strong preventative focus has perhaps been lost in terms of preventing marital breakdown . . .

108 Attorney-General's Department, *Submissions*, p. S949.

109 Donovan Research *supra* 7.

110 Jansen Newman Institute, *Submissions*, p. S1289.

111 Ms Margaret Newman, *Transcript*, p. 966.

We need to be guarded about using the terms synonymously. We really need to go to very much the core of saying: what is the purpose of this program? Is it to prevent marital breakdown? Is it the focus of the participants' marriage in some shape or form, whether they are married or contemplating marriage or moving into marriage? Or is it just general relationship skills that they are seeking to enhance their quality of life? . . .

We need to be clear about what services are being provided and, as such, if we are on about promoting and enhancing the stability of marriage, that that is different from the general promotion of relationship skills within the population more broadly.¹¹²

The Committee notes that relationship skills are relevant in a variety of circumstances, for example, between co-workers or single people sharing accommodation. However, the Committee believes that the marriage and relationship education program should maintain its focus on marital relationships (whether *de jure* or *de facto*). For example, maintaining marital relationships as the primary focus of the educational process can assist a couple to discern whether it is appropriate to take the step they are considering. This acknowledges that some relationships are not satisfactory and it is preferable that breakdown occurs before, rather than after marriage and the birth of children.

Recommendation 3

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

The Committee believes that the objectives of all programs and courses conducted by agencies should be clearly indicated in the outline of the programs or courses.

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

Recommendation 4

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

112 Ms Michele Simons, *Transcript*, pp. 506–507.

Funding

The historical basis of funding

Section 9C(1) of the *Marriage Act 1961* provides that: ‘A voluntary organisation may apply to the Minister for approval under this Part as an organisation conducting programs of marriage education.’ A marriage is defined in section 43 of the Family Law Act as: ‘. . . union of a man and woman to the exclusion of all others voluntarily entered into for life’. This definition follows the common law definition of marriage as: ‘The voluntary union for life of one man with one woman to the exclusion of all others.’¹¹³

In guidelines issued by the Attorney-General’s Department in 1986 for voluntary organisations seeking approval as organisations conducting programs of marriage education, it was stated that:

. . . for the purposes of determining which programs will attract financial assistance, ‘marriage education’ will include educative programs directed primarily towards persons planning marriage, a de facto relationship or remarriage, thinking seriously about entering such a state, functioning effectively within it or choosing to leave it. Proposed programs aimed at persons leaving marriage will normally be expected to focus on future relationships.

Subsequent guidelines included the following definition: ‘Marriage Education is operationally defined as a process where a neutral third party, focussed on preventing family disharmony and enhancing family harmony, assists parties to develop skills to deal with the stresses they may encounter as they move into, live within or move out of the family unit.’

The primary focus of Commonwealth funding of marriage education on marriage not only derives from the *Marriage Act 1961* – ‘An Act relating to Marriage’ – but also from the Second Reading Speech of the then Attorney-General, Sir Garfield Barwick, when introducing the legislation which, in part, provided for the provision of funds for marriage education: ‘This bill . . . endeavours to ensure that our people – particularly our young people – enter into marriage, in the familiar and eloquent words, not lightly but advisedly.’¹¹⁴

In the debate on the related Matrimonial Causes Bill, the Attorney-General said: ‘One of the great foundations of our national life is the family, and in turn the family is founded on marriage. National interest is best served and family life is best nurtured when marriage is truly life-long.’¹¹⁵

113 See *Hyde v Hyde and Woodmansee* (1886) LR IP&D 130,133 per Lord Penzance.

114 *Hansard* 19 May 1960: 2007.

115 *Hansard* 14 May 1959: 2224.

This general theme is reflected in the sub-program guidelines. According to the guidelines, the specific purpose of the marriage and relationship education program is to:

provide preventive programs which focus on providing information and skills to foster positive stable relationships. Trained educators provide guidance and support prior to and during marriage (and remarriage) with the aim of promoting healthy and stable relationships, thus reducing the possibility of breakdown and trauma associated with separation and divorce.¹¹⁶

The objectives of the funding are clear: to educate people for harmonious, healthy and stable marital relationships.

Current funding

The Commonwealth Government has provided grants to approved organisations offering marriage education programs since 1976. By 1996–97, 46 programs were in receipt of grants from the Attorney-General's department. The value of the grants ranged from \$9,672 to \$178,876. The estimated grants for 1997–98 ranged from a low of \$10,160 to a high of \$209,496. The grants were made originally on a historical basis, that is, those agencies in receipt of marriage counselling funding were funded also to provide marriage education. Over the years, a number of other agencies were also funded. Since 1995, funding has been subject to a tender process, following the determination of areas in need of service by the Department.¹¹⁷

The Attorney-General's Department informed the Committee that since 1994 'very clear assessment criteria have been in place in relation to the selection of service delivery organisations for new funding' as recommended by the Industry Commission into community social welfare organisations.¹¹⁸

This merit based process for allocating funding has been well received by the peak bodies and organisations applying for funding and is acknowledged as a highly accountable and thorough process of assessment.¹¹⁹

The Committee's survey of the provision of services and analysis of the funding reveals a highly unsatisfactory funding scheme.

116 Attorney General's Department, Legal Aid and Family Services, Family Services Program Guidelines, Canberra.

117 Attorney-General's Department, *Submissions*, pp. S964–S967.

118 *ibid.* S964.

119 *ibid.* S965.

In the internal evaluation of the marriage and relationship education program, the consultants Keys Young noted that the costs per participant ranged from a low of \$9.57 to a high of \$1,016 in 1996. The evaluation stated: 'There is certainly some substantial variation in costs between organisations apparently delivering similar services, to a similar client group, in a similar service delivery environment.'¹²⁰ Elsewhere, the consultants noted cross-subsidisation of programs: '. . . it appears more typical for funds to be pooled and for organisations to reallocate resources according to their own priorities.'¹²¹ Other than suggesting a review of the funding processes, disappointingly the consultants offered no proposals as to how these discrepancies should be overcome.

Other submissions to the Committee noted the funding problems. In relation to funding for counselling services, the Sydney Anglican Counselling Centre stated:

In 1990, each agency was given a 20 per cent increase in their base grant. Those with the biggest grants received huge increases and were able to expand and develop in a significant way. Agencies, doing a similar amount of counselling but with a lower grant, were not able to expand and develop in the same way. The more an agency 'had' the more it received. This was not an equitable basis for funding . . .

In the present situation, one agency may be counselling 8,000 hours and receives a grant of \$340,000; another, counselling the same number of hours, receives \$765,000, while another agency, counselling 16,000 hours, receives several millions of dollars.¹²²

Fr Clem Kilby, Director of Centacare Family Services in Tasmania, informed the Committee that there was considerable inequity in funding of family relationship services in his State.¹²³

A marriage educator, Bruce Findlay, told the Committee: 'The present method of funding agencies needs to be more transparent, to convince practitioners that it is equitable, or at least effective.'¹²⁴

In discussions with the Committee, representatives of the Attorney-General's Department acknowledged the vast discrepancies in funding.¹²⁵

120 Keys Young (1997) *Evaluation of the Marriage and Relationship Education Sub-Program: Final Report* Sydney: 93.

121 *ibid.* 56.

122 Anglican Marriage Education and Counselling Services, *Submissions*, p. S124.

123 Fr Clem Kilby, *Transcript*, p. 88.

124 Mr Bruce Findlay, *Submissions*, p. S112.

125 Dr Margaret Browne, *Transcript*, p. 1007.

In order to test the provision of funds against services provided, the committee examined a number of criteria, including the number of participants in programs, the funds per participant, the funds per course hour, and the funds per participant hour. All measures revealed great discrepancies in funding that cannot be justified in the expenditure of public monies.

The results of this analysis are set out in appendices D, E and F to this report. The following examples reveal the discrepancies. In each case, the following commentary leaves aside the position of unfunded agencies.

Funding per participant

Commonwealth funding per participant ranged from a low of \$7.80 to a high of \$1,048.33. Leaving aside newly established services, for which fewer participants might be expected initially, the variation in funding, as revealed in Appendix F, is unacceptable.

Funding per course hour

When Commonwealth funding to agencies was measured per course hour, the range was from \$23.77 to \$3,292.00. Leaving this high figure aside, as it involved a newly established service in a regional city, the range still extended from \$23 to over \$900. The variation is likely to be greater if the provision of pre-marriage inventories is also counted in the calculations. The details for all agencies is set out in Appendix D.

Funding per participant hour

Commonwealth funding per participant hour was equally varied, ranging from just four cents to a high of \$205.75. Even leaving aside the highest figure, the range was from four cents per participant hour to over \$10 per participant hour for a number of agencies. The variation is likely to be greater if the provision of pre-marriage inventories is also included in the calculations. The details are set out in Appendix E.

These calculations are based on the figures for 1996–97. The Committee notes that funding for some agencies has been further increased for 1997–98.¹²⁶ Anecdotal evidence provided to the Committee suggests that there has not been a substantial change in the number of participants in 1997–98. The Committee believes that calculations based on 1997–98 data are unlikely to reveal any improvement in the situation and will possibly reveal even greater discrepancies.

126 Legal Aid and Family Services (1998) *1997–98 estimated total payments for FRSP organisations*.

The Committee has noted the development of the FAMQIS project, including references to funding contracts in the various reports. The Committee believes that while the development of FAMQIS provides a useful element of quality assurance, especially through the introduction of the FAMnet, it fails to establish a service-delivery based funding scheme that will deliver equity to the system. Indeed, the Committee believes the FAMQIS proposals in relation to funding arrangements will entrench inequities in the Family Relationships Services Program.

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

Recommendation 5

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

In the following section, the Committee examines various approaches to funding.

Approaches to promoting marriage and relationship education

1. Levels of intervention

One approach described in public health literature involves three broad prevention strategies of primary, secondary and tertiary intervention.¹²⁷ In their evaluation for the Attorney-General's Department, Keys Young described the content of these levels as: primary prevention (targeting all couples for intervention), secondary intervention (targeting couples at high risk of marital problems) and tertiary intervention (targeting couples with existing difficulties):

Depending upon the targets of the program, the type, timing, intensity and level of intervention will necessarily vary. Thus, for example, minimal levels of intervention (such as mass media education or self directed programs) may work at the primary level of intervention, but are unlikely to be effective at the tertiary level with couples who have pre-existing problems or difficulties. Similarly, extended sessions of education and/or skills training may be unnecessary and not cost effective at the primary level of intervention, but may be cost-efficient and effective for more 'distressed couples'. In other words, 'it's horses for courses': the level and intensity of intervention will vary according

127 WK Halford and BC Behrens (1996) 'Prevention of marital difficulties' in P Cotton and HJ Jackson (eds) *Early intervention and Preventative interventions in mental health applications of clinical psychology* Melbourne: Australian Psychological Society 35.

to the target group, and the stage in the relationship dynamics, in particular whether the couple is at risk of, or already experiencing, marital conflict.¹²⁸

The Committee notes that this approach has its origins in a clinical model of well-being. As Coie et al write:

The primary objective of prevention science is to trace the links between generic risk factors and specific clinical disorders and to moderate the pervasive effects of risk factors. If generic risks can be identified and altered in a population, this can have a positive influence on a range of mental health problems, as well as job productivity, and can reinforce the need for many health, social and correctional services.¹²⁹

This is to be contrasted with the educational approach outlined by Bernard Guerney¹³⁰ which has informed the development of marriage and relationship education in Australia.¹³¹ Halford and Behrens suggest that 'a combination of primary prevention using minimal intervention, and secondary prevention using brief skills-based interventions are most likely to be effective' although conceding that 'there is limited empirical evidence to guide our choice of optimal intervention strategies for the prevention of marital distress.'¹³² Cost is the central factor in Halford and Behrens approach:

Given the high prevalence of marital distress, it would seem that almost all couples could potentially benefit from marital distress prevention. However, the skills training approach we have been advocating currently involves four to six sessions with highly skilled trainers. Given limited resources, this approach to primary prevention may be too expensive.

This conclusion overlooks a number of important developments in marriage and relationship education in Australia. First, as the Committee's survey has found, a large proportion of couples marrying for the first time participate in marriage preparation programs. While one sector of the population, namely those marrying civilly have been neglected, the Australian experience indicates that universal marriage education is a realistic objective. Secondly, this target is achievable for a relatively low cost, especially when compared to the cost of marital breakdown. Thirdly, the Keys Young evaluation is notable for giving almost no attention to the considerable growth in inventory programs over the past decade. This is a major oversight. Fourthly, research increasingly indicates that all couples can benefit from education. As Professor Luciano L'Abate, whose work on prevention is well-known,

128 Keys Young (1997) *Evaluation of Marriage and Relationship Education Sub-Program: Final Report* Sydney: 34 and 146.

129 JD Coie et al (1993) 'The science of prevention' *American Psychologist* 48: 1013-1022.

130 B Guerney *supra*.

131 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia.

132 WK Halford & BC Behrens *supra* 38.

this role of primary prevention is central to marriage education: 'It is known that dysfunctional patterns are passed on from generation to generation through family lines. Primary prevention means breaking these patterns before they appear.'¹³³ Finally, the Committee is of the opinion that an educational approach is preferable and more in tune with Australian culture.¹³⁴ Australians do not generally use the expression 'mental health' in the same way that Americans do. Moreover, marriage education assumes a degree of normalcy in relationship function. Couples, for example, already possess certain communication skills that can be enhanced.

A number of family services agencies supported a universal approach to education. In its submission, Relationships Australia stated:

Relationship support services should not be limited to couples experiencing difficulties. All couples could benefit from services to support and enhance their relationship.¹³⁵

The Catholic Society for Marriage Education wrote:

No one has ever been harmed by participating in a marriage education program. All couples wishing to marry benefit from marriage preparation. . .¹³⁶

The Committee concludes that the description of three different levels of intervention does not provide an adequate basis for the funding of marriage education. Moreover, the Committee supports the aspiration for universal marriage and relationship education.

2. An integrated approach to family services

In its submission to the inquiry, the Attorney-General's Department informed the Committee that the Department was proposing a more flexible approach to the funding of service organisations. This approach would involve negotiations about the services to be delivered by the agency.¹³⁷

A similar suggestion was made by the major service providers in Victoria in hearings before the Committee:

133 T Snelgrove (1988) 'Prevention is a mission in search of a profession' *BC Council for the Family Newsletter* 6, reporting Professor L'Abate's presentation to the British Columbia Marriage Preparation Conference.

134 HN Higginbotham, SG West and DR Forsyth (1988) *Psychotherapy and behaviour change: Social, cultural and methodological perspectives* New York: Pergamon Press. The authors note that an effective approach in one culture might be less successful or rejected entirely in another.

135 Relationships Australia, *Submissions*, p. S1121.

136 Catholic Society for Marriage Education, *Submissions*, p. S935.

137 Helen Hambling, *Transcript*, p. 1010.

We also see community development and provision for both integration and flexibility across subprograms as vital for the delivery of relevant and effective services . . . We talked a lot about how unhelpful it is to have arbitrary divisions between the education and the counselling programs particularly. Increasingly, in our education work we are acknowledging that we probably will have about 20 per cent of the group actually needing some individual counselling as a result of the educative process¹³⁸

Relationships Australia recommended that ‘an integrated, client focussed approach to service provision and referral should be the focus of service delivery, not administrative structure.’¹³⁹

When questioned by the Committee, the Department insisted that although subprograms would not be treated as discretely as in the past, funds for each subprogram would still be identified. In evidence to the Committee about proposed new contractual arrangements with agencies, Ms Helen Hambling from the Family Services Program said:

. . . in the contract we will agree – the Commonwealth and the organisation – on the range of activities, the range of client benefits or the number of clients. There are a number of different bases on which we can agree, but it would be much clearer – the contract between the Commonwealth and the organisation on what our expectation is in terms of what they deliver.

If, for example, an agency were to say, ‘Look, it is all too hard to do that preventive stuff. We have got six to eight weeks waiting lists for counselling’ – and this is actually not that far from the truth – ‘it is hard to attract people into preventive programs. Really we just prefer to ditch all that and focus on this other.’ From our perspective, we would be saying, ‘I’m sorry, but the government needs a preventive focus in this area, so if you want to be funded through this program, this is the sort of arrangement that we need.’

That is not to say that we might not be able to look at some more specialisation within regions. I am hoping that through this new data system we will have a considerably clearer picture of what is being delivered where and we would be able to be more flexible. If an agency says, ‘Look, we are an agency that everybody associates with a crisis or with problems, and all the research is telling us that people do not like to go for a preventive service to somewhere that has a problem focus when down the road there is another service that is not in the problem field’, that is the sort of arrangement that we ought to be able to incorporate into the new process.¹⁴⁰

138 *Transcript*, pp. 194–195.

139 Relationships Australia, *Submissions*, p. S1122.

140 Ms Helen Hambling, *Transcript*, pp. 1010–1011.

This approach was identified in more detail in the FAMQIS project:

In some circumstances, a contract could 'tie down' a transaction in detail, and include specifications for resource usage and service type, as well as specification of client numbers or client benefits. In other circumstances, a contract could focus on clients and client benefits, and be silent as to expenditure categories or even service type.¹⁴¹

While the Committee notes the assurance that funding for education and counselling services would be separately identified, it remains concerned about the proposal. First, as Ms Hambling noted, there is pressure within agencies to fund crisis related therapy and counselling, especially with 6–8 week waiting periods.¹⁴² Upon questioning, the Victorian agencies conceded that they were free under current arrangements to refer participants in education programs for counselling if the need arose.¹⁴³ The Committee has already noted evidence that suggests cross-subsidisation and cost-shifting arrangements that current accounting procedures appear not to reveal. The Committee is concerned that the evidence from some service providers suggested that they should be able to provide counselling for example, with funds allocated for education.¹⁴⁴ The new FAMQIS system will not change this situation, as it merely provides a record of service delivery according to the parameters established by the Department. Indeed the Community Link Report, quoted above, envisages the pooling of funds. Secondly, some agencies have experienced difficulties in attracting participants to preventive education programs. The combination of these pressures is detrimental to maintaining and expanding preventive programs.

Thirdly, there is evidence that preventive programs suffer by association with therapy and counselling.¹⁴⁵ David Mace, a pioneer of marriage enrichment and education in the UK, US and Australia,¹⁴⁶ wrote about two powerful social taboos in the field of marriage: the notions that relationships are entirely private and natural. As marriage educator Margaret Andrews writes:

The notion that marriage is a private relationship and thereby not able to be spoken about publicly or openly, except in a very general sense, does not help couples to learn from and be supported by other couples. This phenomenon also leads couples experiencing difficulties in their relationships to delay seeking help.

141 Community Link Australia (1997) *Program Development Final Report* 68.

142 Centacare Australia and Australian Catholic Social Welfare Commission, *Submissions*, p. S847.

143 *Transcript*, p. 200.

144 *ibid.*

145 See the discussion about the role of prevention *supra*.

146 'David Mace' [obituary] (1991) *Threshold* 32: 9.

The second myth is the idea of naturism, that is, being married is a natural state, and therefore we know automatically and innately how to 'do it'. No education or enhancement is required if it comes naturally.¹⁴⁷

The recent research about community attitudes to marriage and relationship education noted 'the confusion that exists between the concepts of "counselling" and "education" (and the strong problem orientation of counselling)¹⁴⁸ and the care necessary not to 'inadvertently strengthen peoples' belief that relationship education is only for couples who currently experience problems.'¹⁴⁹

For these reasons, the distinction between education and counselling or therapy, noted earlier in the reference to the comments of Dr Bernard Guerney, is important, both in policy and practice. The Committee is of the opinion that a clear distinction between preventive educational programs, and therapeutic and counselling programs should be maintained in the provision of funding to agencies by the Commonwealth Government.

Recommendation 6

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

Strategies for increasing participation in marriage education

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

1. Mass paid advertising

The suggestion that marriage and relationship education would benefit from mass advertising was suggested in a number of submissions. For example, the Family Relationships Institute submitted that the Committee should recommend 'a publicity campaign to change community attitudes about marriage education.'¹⁵⁰

147 M Andrews (1996) 'Developing a national strategy of marriage and family education' in B Muehlenberg et al (eds) *The family: there is no other way* Melbourne: Australian Family Association 62-84.

148 Donovan Research supra 7.

149 *ibid.* 27.

150 Family Relationships Institute, *Submissions*, p. S154.

Family Services Australia submitted:

Promotion of the value of accessing relationship and family services early, the type of services that are available, and where they are located, should form the basis of a wide ranging community education campaign that is closely linked to community programs, education programs in secondary schools, health programs and relationship and pre-marriage education programs.¹⁵¹

There have been a number of recent educational campaigns about marriage and relationship education. In 1993, the Australian Association for Marriage Education (now the Marriage Educator's Association of Australia) with Commonwealth Government assistance, launched a pilot media campaign entitled *How long before your marriage breaks down?*¹⁵² The campaign featured television, radio and print media materials around a central theme of using pre-marriage education to prevent marriage breakdown. The pilot campaign involved both pre and post campaign surveys of knowledge about marriage preparation. The surveys indicated an increased awareness of pre-marriage education as a result of the short campaign. Despite promising results, the campaign was not extended beyond the pilot stage.

In 1994, the Attorney-General's Department produced a relationships kit entitled *Is love enough?*¹⁵³ The kit consisted of a 12 minute video and a package of brochures and materials detailing the availability and usefulness of the range of family service programs. In addition, the kit contains brochures about some family service providers in the Melbourne region, where the campaign was trialed. The pilot campaign followed the release of the study *Pathways to marriage* which found that not one couple surveyed had attended a marriage education program on the recommendation of a civil celebrant. Despite a positive evaluation of the pilot, it was not continued by the Attorney-General's Department.

In 1995, Relationships Australia (WA) initiated a *Build better relationships* project which included a media campaign, featuring billboards and radio and press advertisements.¹⁵⁴ Evaluation of the initial media campaign revealed that 90 per cent of respondents talk to their partner to sort out problems (up from 59 per cent); 35 per cent saw approaching a counsellor as an option (up from 18 per cent); and 37 per cent had seen or heard advertising about how to improve their relationships.¹⁵⁵ A final evaluation of the three-year project found that 'there was a significant increase in the number of respondents who would talk to their partner if they had problems in the future (up 25 per cent to 84 per cent). It also showed a significant increase in the

151 Family Services Australia, *Submissions*, p. S692.

152 'Media campaign launch in Bendigo' (1993) *Threshold* 41: 4-7.

153 'Is love enough?' (1994) *Threshold* 46: 3.

154 'Make love, not war' (1996) *Threshold* 50: 13.

155 *ibid.*

number of people who would consider seeing a counsellor if they had relationship problems (up 12 per cent to 40 per cent).¹⁵⁶

A number of submissions suggested that the success of media campaigns against smoking provided a model for campaigns to inform people about the benefits of marriage and relationship education. In a report to the Attorney-General's Department, Donovan Research, the agency involved in the WA *Build better relationships* project, recommended an intrusive television and radio paid advertising campaign, followed by print advertisements, to place marriage and relationship education on the social agenda.¹⁵⁷ Other means of disseminating information was suggested to support the campaign. The researchers considered the approach to require a long-term strategy.¹⁵⁸

Similar suggestions have been made by others. The report *Healthy families, healthy nation*, suggested 'a community education program to better inform the community about issues that affect the psychosocial well-being of the family.'¹⁵⁹

The Committee believes that these suggestions must be treated with caution. First, the commonly drawn analogy with anti-smoking campaigns is simplistic. In addition to media campaigns against smoking, other measures, including the restricting of tobacco advertising, the insistence of health warnings on cigarette packages, and the introduction of laws against selling tobacco products to minors were implemented. Despite these measures, smoking is widespread, and campaigns against a recognised health risk continue.

Similarly, media campaigns against dangerous driving have been accompanied by major legislative changes, including extensive testing of drivers and severe penalties for those driving under the influence of alcohol.

Secondly, the Committee notes that the surveys for agencies in Perth do not reflect a major increase in participation in marriage and relationship education courses during 1995–97, part of the period of the *Build better relationships* project.¹⁶⁰ According to the data supplied to the Committee by the Perth marriage and relationship agencies, the number of participants in 1996–97 was less than those attending comparable programs in 1995–96. While it is noted that the number of callers to Relationships Australia increased during the campaigns, the increase does not, in itself, necessarily justify a paid mass-media campaign, especially when such campaigns are very

156 'Building better relationships' (1998) *Threshold* 58: 4.

157 Donovan Research (1998) *Marriage and relationship education market research community awareness strategy* Canberra: Attorney-General's Department 13.

158 *ibid.* 12.

159 MR Sanders (1995) *Healthy families, healthy nation* Canberra: Australian Academic Press 5.

160 See Appendices D to N.

expensive. According to the Final Report of the project, the media budget was \$50,000 per year, and some \$317,000 was gained in unpaid media coverage.¹⁶¹

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

However the Committee does recognise the value of successful, targeted campaigns. For example, the Australian Association of Marriage Education (AAME) and the Catholic Society for Marriage Education (CSME), working cooperatively, produced a number of popular brochures including *Marriage education – All you need to know about it, even if you think you don't need to know about it at all*; and *Your wedding checklist*. The former brochure was subsequently used by marriage education agencies in Canada. A national marriage education week was used to raise awareness about marriage education, as did key-note speakers at national conferences. The Committee regrets that some of these activities were discontinued following the withdrawal of funding for AAME and CSME by the Attorney-General's Department.

Recommendation 7

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

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

2. Mandatory pre-marriage education

The suggestion has been made from time to time that participation in a marriage education program should be mandatory for all couples wishing to marry in Australia.

Mandatory pre-marriage education has been introduced in a number of places. The most widespread example is for couples wishing to marry in the Catholic Church in the US where marriage education has been mandatory within most dioceses since the early 1980s.¹⁶² Over 90 per cent of the US diocese have formal policies that set

161 L Henry and C Smith (1998) *Build Better Relationships, Final Report 1994-97* Perth: Relationships Australia (WA).

162 B Markey (1995) 'The experience of mandatory marriage preparation in the Catholic church' *Threshold* 46: 20–21.

standards for marriage education which include a mandatory minimum time of preparation, the average being six months.¹⁶³ According to Dr Barbara Markey, co-author of the FOCCUS pre-marriage inventory and the Director of Marriage Education in Omaha, Nebraska:

The transition from 'recommended' to 'mandatory', from 'a good idea' to 'that which is necessary' went far better when it was preceded by education for professionals involved (clergy, counsellors, parish staff) and the public at large. We needed to educate people both on the needs and challenges facing couples today and the responsibility that the Church has to prepare couples well for marriage. It was important that we surprise no one on the reasons for requiring marriage preparation or the fact that it would be happening.

Required marriage education is today a 'given' in the United States Catholic Church and it was accomplished over a several year span with little controversy or surprise. Many other denominations use the Catholic approach as a model.¹⁶⁴

In his widely read *Marriage Savers*, the syndicated columnist Michael McManus, a Protestant, suggests that Protestant churches should follow the lead of the catholic church by introducing a common marriage policy.¹⁶⁵ The core elements of the marriage policy common to most US dioceses are: a minimum preparation period, on average six months, and none fewer than four months; the use of a pre-marriage inventory such as FOCCUS or PREPARE; the use of trained lay couples; participation in a pre-marriage education course; and religious ceremonies for the betrothed.¹⁶⁶

McManus comments:

These diocese have what is often called a 'Common Marriage Policy.' In the past, couples knew who was the 'Marrying Sam' – the priest who had lax marriage standards. Now, no matter which local priest a couple approaches, these challenging demands will be made in common.¹⁶⁷

Similar policies exist in Catholic dioceses in other parts of the world.¹⁶⁸

163 *ibid.* See also, National Conference of Catholic Bishops (1988) *Faithful to each other forever* Washington DC: NCCB.

164 B Markey *supra* 20.

165 MJ McManus (1993) *Marriage savers* Grand Rapids MI: Zondervan 131. See also, DS Browning et al (1997) *From culture wars to common ground* St Louis KY: Westminster John Knox Press 309.

166 M McManus *supra* 131–132.

167 *ibid.*

168 For example, in dioceses in Eire, and in Hamilton, New Zealand.

In Australia, the CSME published a discussion paper on mandatory marriage education in 1994.¹⁶⁹ The discussion paper recommended that 'CSME urge the Catholic bishops of Australia to introduce over a three year period a requirement that couples wishing to marry in the church participate in approved pre-marriage education.'

The paper generated ongoing discussion about the proposal. A number of reservations were advanced about the idea. First, there was the suggestion that 'people, who are free to marry, have a natural right to marry.'¹⁷⁰ Secondly, fears were expressed that the presence of hostile couples in programs would make the work of marriage educators more difficult.¹⁷¹ Thirdly, concerns were expressed about the quality of programs if attendance was made compulsory.¹⁷²

Other marriage educators expressed contrary views. Kevin Bailey, a Melbourne marriage educator, wrote:

Few of us are untouched in our own families by the human suffering of a divorce today. It is estimated that more than a third of marriages will fail, effecting Christians and non-Christians alike. We can hardly complain about the high level of divorce if we are not prepared to take positive steps to avoid it in the first place.¹⁷³

Peter White, a Queensland marriage educator, suggested, given the financial savings to government in preventing marriage breakdown, and the research supporting the value of marriage education, that mandatory pre-marriage education be introduced gradually over a period of time.¹⁷⁴

John Collins, a Sydney educator, argued from a social justice stance:

At first glance, the idea of compulsory pre-marriage education may seem an attack on civil liberties. The fact remains however, that in a modern social democracy like Australia there is a commitment to the promotion of human dignity through the provision of adequate financial support to those in need. The individual's right to financial support needs to be balanced with governmental responsibility to the whole of society. In this case, the responsibility is to try to reduce the number of people who are in need of financial assistance and the consequent demand on the public purse. The exercise of this responsibility requires targeted community education and

169 CSME (1995) 'On marriage preparation' *Threshold* 46: 14-17.

170 R Reid (1995) 'Mandatory program doubts' *Threshold* 46: 19.

171 D Lacey (1995) 'Concern about proposal' *Threshold* 46: 18.

172 R Reid *supra*; and Denise Lacey *supra*.

173 K Bailey (1995) 'A progressive step forward' *Threshold* 46: 18.

174 P White (1995) 'Introduce gradually' *Threshold* 46: 19.

marketing of pre-marriage education and legislation making government funded pre-marriage education compulsory.¹⁷⁵

Collins argued that the largest sector of the community were those whose morality was largely based on respect for law and order, and who would not be convinced to attend a pre-marriage education program no matter how good the marketing or community education, but would do so out of respect for the law.¹⁷⁶

If we, who are involved in preparing people for marriage, are seriously interested in serving those most in need and reducing the enormous emotional and financial burden borne by the whole community as a result of divorce, it would seem that one necessary step is to promote government funded compulsory pre-marriage education.

Dr Markey noted in her commentary on the United States that ‘couples are seldom hostile, but they are reluctant. Most couples would not seek out marriage education if it were entirely optional, even though they rate it as valuable when they have finished.’¹⁷⁷ She stressed that it was important to have ‘good, easily available and diverse education programs in place . . . ’.

In a recent commentary on proposed mandatory pre-marriage education in the United States generally, Drs Scott Stanley and Howard Markman from the University of Denver Center for Marital and Family Studies, voiced three concerns. First, many segments of society are averse to increasing governmental intervention in family life. Second, mandating premarital education would be a bureaucratic nightmare. Third, ‘we are concerned that there are virtually no data on the effectiveness of mandated programs while there is steadily growing evidence on the effectiveness when couples volunteer for such programs. We do hope, over time, to have better data on the effects of mandating premarital and marital training within both religious and military institutions’.¹⁷⁸

The Committee notes that the *Marriage Preparation and Preservation Act* passed this year by the Florida legislature includes a provision for a reduction in the cost of a marriage license for couples who have participated in a marriage education program. The bill had originally proposed compulsory marriage education.¹⁷⁹

175 J Collins (1995) ‘Compulsory marriage education: An issue of social justice’ *Threshold* 47: 13 & 15.

176 id. 17.

177 B Markey supra 20.

178 SM Stanley & HJ Markman (1997) *Can government rescue marriages* Denver: Center for Marital and Family Studies.

179 MJ McManus (1998) ‘Florida passes nation’s most sweeping reform of marriage law’ *Ethics and Religion* syndicated column 16 May.

Drs Stanley and Markman encouraged religious denominations to promote and even mandate marriage education as the idea 'is consistent with a degree of accountability within the community of faith.'¹⁸⁰ Instead of government-mandated education, they urged politicians, health professionals, marriage educators and clergy focus on two key goals: to extol strong and happy marriages as a high value and a high priority; and to encourage couples to take advantage of effective tools to make their marriages not just more stable, but truly better:

We are talking about values here. Values that say marriage is important. Values that say working to resolve differences is good. Values that say preparing for marriage is wise. Values that lead to increased dedication to the task of building strong and happy marriages. These things can be done if we have the collective will.

The Committee supports this sentiment.

Although the proposal for mandatory marriage education has not been adopted to date by the Australian Catholic Bishops, the survey of marriage education reveals that approximately 60-65 per cent of couples marrying in Catholic churches undertake a pre-marriage inventory or a group program. Apart from Anglicans, participation by adherents of other denominations and religious groups is considerably lower. For those marrying in a civil ceremony, participation is almost nil.

The Committee notes evidence from some existing providers of marriage education about the difficulty they have encountered in seeking government funding.¹⁸¹

Recommendation 8

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

Established agencies with a record of service delivery which meets accountability requirements, such as an incorporated entity with auditing provisions, should be approved for funding.

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

180 id.

181 See for example, Growing Together in Marriage, *Submissions*, pp. S391-S392; Catholic Engaged Encounter, *Submissions*, pp. S118-S120; Jewish Community Services, *Submissions*, pp. S461-S477; St. John's Toorak, letter to Chairman.

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

3. Notification period for marriage

One matter raised with the Committee was the notification periods for marriage. Under current law, a couple are required to give notification of their intention to marry between one and six months prior to their wedding. It is common for wedding bookings, from the celebrant to the reception centre, to be made 12 – 18 months prior to the wedding. A longer notification period would seem to impose little burden. Ms Michele Simons suggested to the committee that ‘in the case of civil celebrants, an extension might be good because my experience is that couples will often only appear at the civil celebrant’s door with the minimum amount of time to organise it. When they are getting married in churches – because often churches are heavily booked – they can appear a year before, then quickly disappear into the woodwork and materialise again a month before the wedding.’¹⁸²

Dr Don Edgar, former director of the AIFS, has written ‘a consensus now seems to be emerging for a longer waiting period between marriage registration and the ceremony.’¹⁸³ The Committee concurs. It believes that a longer notification period in conjunction with a new funding system will have the effect of attracting more participants to pre-marriage education programs.

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

Recommendation 9

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

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

182 Ms Michele Simons, *Transcript*, p. 515.

183 D Edgar (1994) ‘Let’s marry slowly’ *Herald Sun* Melbourne: 6 June.

4. Financial incentives

A number of submissions to the inquiry stressed the importance of financial incentives directed at couples to encourage attendance at marriage and relationship education programs. Some noted the ability of churches to 'require' couples to attend education programs and the inability of civil celebrants to do likewise.¹⁸⁴

Financial incentives are provided indirectly by the provision of grants to approved marriage and relationship education agencies.¹⁸⁵ The agencies, in turn, use these and other funds to attract people to their programs. The participants, however, are unlikely to be aware of any financial incentive provided by either the agency or the government. Consequently, the provision of grants, although important to the agencies, is likely to have little influence on the decision of people to attend a program.

A number of submissions to the inquiry recommended the provision of direct financial incentives to potential participants.¹⁸⁶ A number of these suggested a direct payment to participants, which would be redeemable on an approved marriage and relationship education program. Mr Don Burnard, Executive Director of the Family Relationships Institute recommended:

A cash voucher be presented to each couple planning to marry with a maximum value of say \$150. This voucher can only be redeemed with an approved agency who is running workshops led by competent educators. The voucher amount would be redeemed by couples who undertake either a two full day workshop or four sessions each of two and a half hours over a four week period. The choice of workshop must be determined by the couple alone who clearly understand that they have a choice of secular or church program. The vouchers could be distributed by civil and religious celebrants who make it clear that the Government expects the voucher to be used by the couple.¹⁸⁷

Mr Bruce Findlay, a former member of the AAME national executive asked:

How about making a voucher available to late adolescents, which is redeemable by any recognised agency when the individual attends one of their courses. That would have the added advantage of indicating that the government approves and recommends such courses, and may help change community attitudes about the desirability of those courses.¹⁸⁸

184 Family Relationship Institute, *Submissions*, p. S852.

185 Attorney-General's Department, *Submissions*, p. S962. See also the discussion of funding above in this chapter.

186 See for example, Family Relationships Institute, *Submissions*, p. S862; Bruce Findlay, *Submissions*, p. S115; Catholic Society for Marriage Education, *Submissions*, p. S932.

187 Family Relationships Institute, *Submissions*, pp. S862–S863 and S1184.

188 Mr Bruce Findlay, *Submissions*, p. S115.

Financial incentives can be provided in a number of ways, including taxation deductions, taxation rebates, subsidies to agencies providing courses, or subsidies to individuals undertaking programs. For reasons outlined earlier in this chapter, the current system of providing grants to agencies has resulted in an inequitable system.¹⁸⁹

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

The direct payment system suggested in a number of submissions meets the criteria posited by the Committee. However, some submissions were concerned that a funding arrangement based entirely on service delivery would create some problems, especially in transition. Dr Browne commented:

It takes a long time to redress those sorts of imbalances. You have two ways you can do it. You can say, 'We will start again. We will have a greenfield site. We will identify the areas. Then we will call for tenders. We will contract services accordingly' This is an approach that would probably yield you the most equitable result, but which would be very disruptive for services – there would be upsides and downsides in that sort of approach – or else you can use new money that comes into the program to try to redress some of the imbalances. I guess it is the latter approach that we have been taking. I should add that when the government provided more money for marriage education in 1996, we did use some of that money to bring some of the least funded services up to a level of \$15,000 a year, I think it was, to give them some sort of minimum viability. We have done a little bit of levelling up if you like, but there are still large discrepancies.¹⁹⁰

There are a number of problems with this approach. First, because the focus is on agencies, rather than participants, inequities are unlikely to be overcome. Even if the inequities could be overcome, it would take many years. Indeed, it is arguable that some recent funding decisions have actually widened the inequities. More importantly, current funding does not take account of service delivery. To object that there would be 'upsides and downsides' involved in any change is to accept the current upsides and downsides. The Committee does not agree that agencies which are not delivering services according to their level of current funding should continue to receive such levels of funding because of historical arrangements. Nor should

189 Dr Margaret Browne, *Transcript*, p. 1006.

190 Dr Margaret Browne, *Transcript*, p. 1006.

agencies which are delivering programs to many participants continue to be underfunded, and, in some cases, unfunded. Justice and public accountability require the funding to be changed.

The Catholic Society for Marriage Education submitted that:

The major benefits of a voucher system are that: as a method of advertising course availability it does not cost the government if the voucher is not utilised; it directs the expenditure of some funding to assisting couples who are doing courses (a sort of government wedding present underlining the government's concerns for their happiness); research indicates that those who attend pre-marriage programs are more likely to seek counselling, and to do so sooner rather than later, thereby increasing the effectiveness of other forms of family mediation and counselling; and the voucher could be linked to a pre-marital inventory such as FOCCUS or PREPARE. The feedback provided by the facilitator could then direct the couple towards a course specifically suited to their individual needs.¹⁹¹

The CSME also recognised some possible disadvantages, including the spawning of a second rate marriage preparation industry, the use of shorter courses, and difficulties of program planning and administration.¹⁹² These concerns led the CSME to suggest that vouchers should be used only as an adjunct to current funding. Nonetheless, the CSME submitted that it was qualified to determine the suitability of courses proposed as appropriate for voucher redemption.¹⁹³

While the Committee believes that ideally funding should be linked to ascertainable service-delivery, it does recognise that agencies fear difficulties in knowing the level of clientele to expect, and, accordingly, the size of their administration. The Committee believes this concern is overstated. First, the survey of funded agencies revealed similar levels of program administration. The majority of programs were administered with no more than the equivalent of one full-time staff member, and many with less. Few agencies had a higher staffing level for their marriage and relationship education program. Generally these agencies also had larger numbers of participants in their programs. Under a direct service-delivery scheme, agencies would be able to plan, based on the historic levels of participation.

Recommendation 10

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

A case for a base level of funding can be argued out in some circumstances, such as rural agencies, new agencies, or agencies providing a new service. The Committee

191 CSME, *Submissions*, pp. S936–S937.

192 CSME, *Submissions*, p. S937.

193 *ibid.*

also recognises that a direct service-delivery funding scheme would have an adverse impact on a few agencies for which funding far outweighs reported service delivery. While the Committee is of the opinion that the latter situation should not be allowed to continue, it does accept that the combination of a small base level of funding combined with a larger service-delivery component would address the concerns voiced to it by agencies.

The Committee concludes that while funding based entirely on service delivery is possible, there are reasons, in a developing field, to provide a base allocation to approved agencies to ensure a continuing service to the community.

The Committee has examined a number of funding options for a combination of a base grant and a service delivery component. In doing so, it notes a number of relevant factors.

5. Duration of programs

In their evaluation of the marriage and relationship education program, Keys Young noted that programs which are most likely to obtain positive results are 'longer rather than shorter', amongst other things.¹⁹⁴

Other evidence supports the contention that in order for programs to be effective, they need to consist of a reasonable period of time. Dr David Olson, author of the PREPARE pre-marriage inventory, and professor of Family Social Science at the University of Minnesota, has stressed that more time was required for programs that sought to produce attitudinal change and behavioural change, than those aimed merely at raising awareness.¹⁹⁵ He said that six weeks is the shortest time necessary for skill building. Two or three hours per week class contact with some homework allows for a learning of skills that is more than superficial. Dr Olson also stressed the usefulness of pre-marital inventories such as PREPARE and FOCCUS.

Ms Michele Simons, the author of the two major studies of pre-marriage education in Australia told the committee that a minimum time of possibly 10–12 hours is required for adequate marriage preparation group programs. Other evidence suggested that the ideal time for the completion of a pre-marriage inventory, including follow-up sessions with the facilitator is approximately six hours.

The results of the survey of family relationship agencies indicates that almost all agencies offer group programs of two days in duration, or the equivalent hours over a series of evenings. The length of programs has generally increased over the past decade as agencies have recognised the need for more participant time. Some agencies have also offered much shorter courses of one to two hours in duration, usually around a specific topic, such as better communication. One agency has described this approach as 'a "starting point" or introduction for many people to the "helping" profession and its range of services'.¹⁹⁶ The educators stressed that a benefit of the short course was a readiness by participants to use other services, should the need arise. However, there is no evidence of a substantial return rate. Indeed, the Family Relationships Institute, a leading secular agency, noted in its submission that the return rate for post-wedding programs was only three per cent.¹⁹⁷

The large variations in the duration of courses raises important questions of both effectiveness and equity. Should a course for an hour receive the same level of Commonwealth subsidy as one which extends for 15 hours? Given the evidence that longer rather than shorter courses are more effective, particularly for imparting skills, such as better communication and conflict resolution techniques, the Committee

194 Keys Young (1997) *supra* 144.

195 'David Olson in Australia' (1988) *Threshold* 19: 8.

196 P Hall & D Ervine (1997) 'Groups in the 90s: Reaching remote populations within busy Adelaide' *Threshold* 57: 16–19.

197 Family Relationships Institute, *Submissions*, p. S858.

believes that there should be a minimum length of program or course in order for it to attract Commonwealth funding.

Recommendation 11

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

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

- An inventory such as PREPARE or FOCCUS where the during of the program, including both the introduction to the inventory, completion of the inventory by the couple, scoring or arranging for computer scoring, analysis of the matched results, and subsequent follow-up sessions with the couple would normally involve about six hours.
- A group program conducted over at least one day, usually two, or a series of evenings.
- A program consisting of a series of three evening seminars, amounting to at least six hours in duration.

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

Inventory programs

Both the Committee's survey of marriage and relationship education and submissions to it revealed the considerable growth in the use of inventories such as FOCCUS and PREPARE in the past decade. This growth in marriage education has not been reflected in funding arrangements. Nor was it remarked upon in any substantial manner in the Keys Young evaluation. In the Committee's opinion, this is a major oversight.

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

Recommendation 12

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

Secondly, PREPARE-ENRICH Australia and FOCCUS Australia should be paid the service delivery component where inventories are facilitated by educators not otherwise affiliated with funded agencies. It would be the responsibility of the two national bodies to make any subsequent payment to individual educators, after deducting any scoring or other appropriate fees. This approach has a number of advantages. First, it brings the funding system up to date by recognising the considerable growth on the use of pre-marriage and post-wedding inventories. Secondly, it provides a simple system of administration that does not require the government to deal directly with hundreds of educators using the inventory programs. Thirdly, it imposes a system of accountability through PREPARE-ENRICH Australia and FOCCUS Australia. Fourthly, it restricts payment to educators who have up to date accreditation with a funded agency.

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

Recommendation 13

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

The costs of these proposals are discussed below.

The value of base grants and service delivery components

The Committee notes, that according to its analysis of the level of Commonwealth funding and the number of participants in 1996–97, the average Commonwealth grant per participant was approximately \$98.00. The range was from \$7.80 to \$1,048.33. It also notes that total program expenditure has increased in 1997–98, but anecdotal evidence suggests no substantial increase in numbers of participants at group programs. It is also noted that a further 26,000 people participated in inventory programs. For the most part, these programs did not attract Commonwealth grants.

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

Recommendation 14

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

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

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

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

The Committee notes that in the case of FOCCUS Australia and PREPARE/ENRICH Australia, they only need to offer programs in one educational framework, namely, an inventory, because of their peculiar circumstances.

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

Recommendation 15

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

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

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

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

The Committee notes that a direct service delivery method of funding could be implemented without the use of a complimentary voucher. Agencies could provide details of the number of participants and be paid by the Department on that basis. However, the Committee is mindful of the considerable difficulty to date in attracting many couples, especially those being married by a civil celebrant, to participate in a marriage and relationship education program. The Committee believes that the use of the complimentary voucher will serve as a real encouragement for these couples to participate in marriage and relationship education.

The Committee notes that the payment of the \$30,000 base grants to 50 agencies would cost \$1.5 million per year. This includes some new agencies. The Committee notes that the average fee paid per participant was approximately \$98 in 1996–97. (According to data provided by the Attorney-General's Department, the average fee was about \$90).

Recommendation 16

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

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

The Committee notes that these figures are calculated on current levels of participation. It expresses the wish that as a result of these measures, the levels of participation will increase. Even if all couples marrying undertook a marriage and relationship program, the total cost to the Commonwealth by way of grants would be approximately \$14 million. If all couples marrying for a first time participated, the cost would be less than \$10 million. It cannot be claimed that the expenditure is open-ended. Given the cost of marriage and relationship breakdown exceeds \$3 billion a year, the proposed expenditure is a very modest sum. The Committee believes that such a level of expenditure, should it be required in the future is highly desirable. The Committee also notes the advice of AAME and CSME in 1993 that based on the conservative estimate of 5 per cent of couples who attend a marriage education program deciding to postpone or cancel their wedding, the savings to the Commonwealth if all couples attended such programs would far outweigh the modest investment of \$10 million. It also notes the advice from the AIFS in 1989, that for every \$1 spent on marriage counselling, the Commonwealth would save \$7.¹⁹⁸

198 I Wolcott & H Glezer (1989) *Marriage counselling in Australia* Melbourne: AIFS.

The Committee notes that the Attorney-General's Department is currently developing FAMnet as a computerised, internet linked, recording system for the family services program. The Committee believes that this system will enable the easy recording of the certificates provided by couples to agencies, and the smooth redemption of the service delivery funds from the Commonwealth to the individual agencies. The Committee believes that this could be done on a monthly or quarterly basis by the Department. Agencies would be required to keep the certificates, duly signed by the couple and an agency official for a specified period of years to enable any audit to occur. Otherwise, the Committee envisages that there should be no need for any other paperwork required of the agencies in order to meet appropriate requirements for accountability and transparency.

Recommendation 17

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

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

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

Training and standards

The previous examination of the development of marriage and relationship education in Australia provides an outline of the origins of programs over the past four decades. It was not until the field developed a significant adult education focus in the 1980s that the training of educators was examined. As the following discussion indicates, considerable advances have been made in the past decade, both in the training of educators and the attaining of standards.

A concerted interest in the appropriate standards for marriage educators can be traced to a national conference conducted by the then Australian Association for Marriage Education in 1988. The conference workshopped a number of topics before settling a 'Model for training and supervision of marriage educators in Australia'¹⁹⁹

Subsequently, the Attorney-General's Department funded AAME for the employment of a national trainer. The trainer conducted regular workshops and seminars throughout Australia during the years 1989–1993.

199 'A model for training and supervision of marriage educators in Australia' (1998) *Threshold* 20: 8–11.

The training ceased when the Department re-organised the funding of peak bodies in 1994 .

A complementary project involved the development of a curriculum by academics from the University of South Australia in conjunction with educators in the field.²⁰⁰ This project resulted in the development and registration of competency standards for marriage educators. The standards were registered in 1997.

Competency standards are precise statements about what a marriage and relationship educator is able to do in the actual workplace. They specify the activities that a person must be competent in and the criteria for judging competence. The competency standards consist of five components: units of competency, elements of competency, performance criteria, a range of variables, and evidence guides for assessment.²⁰¹

Current training

A number of recent surveys indicate the level of training of marriage educators. In their 1992 study, *Love Sex and Waterskiing*, Roger Harris et al found the educators 'were generally a well educated group, with over two-thirds holding tertiary diplomas (19%) bachelor's degrees (29%) or postgraduate qualifications(23%). Another 13% held other post-secondary qualifications from TAFE and business colleges.'²⁰² The researchers noted that while very few marriage educators have qualifications specifically in that field, that was 'to be expected with such little availability of relevant courses.'²⁰³ There was, however, 'a preponderance of disciplines that could be considered to have some direct relevance to pre-marriage education, such as teaching/education, psychology, social work, sociology and counselling.'²⁰⁴ The content and style of training for the role as a pre-marriage educator ranged from no formal training for those with relevant qualifications, such as teaching, through limited formal training, to more extensive formal training.²⁰⁵

The more recent Keys Young survey found that despite no tertiary level training specifically for marriage and relationship educators, 'educators were generally well qualified in terms of tertiary qualifications.' Out of a total of 686 educators surveyed,

200 R Harris & M Simons (1995) 'Developing national competency standards for marriage educators: A progress report' *Threshold* 48: 22–25.

201 M Simons (1995) *Draft national competency standards for marriage/relationship educators* Adelaide: University of South Australia.

202 R Harris et al (1992) *Love, Sex and Waterskiing* Adelaide: University of South Australia 59.

203 *ibid.* 61.

204 *id.*

205 *ibid.* 65–66.

501 had tertiary qualifications with education, social work/welfare or psychology qualifications being the most common.²⁰⁶

The survey also revealed that there was considerable 'in-house' training of people for the task of marriage educator, an informal system of apprenticeships and mentoring by more experienced educators.

The Committee's survey of agencies indicated a range of training for educators. The results indicated that the agencies have been developing training programs, following the impetus provided by having a national trainer and the work on competency standards. One agency indicated that it had developed a course accredited by VETAC, which it used in conjunction with mentoring. Another group of agencies conduct a joint training program as well as individual mentoring within respective agencies. Many conducted regular in-house seminars and workshops. Others referred educators to workshops and conferences conducted by organisations such as the Marriage Educators' Association of Australia, State conferences, and the annual national marriage education conference. FOCCUS and PREPARE facilitators are required to undertake training programs offered by the two organisations. Agencies have begun to use the national competencies as the basis for training programs.

Information provided to the Committee also suggested that agencies view on-going regular supervision of educators as a core component in their maintenance of standards.

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

Future training

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

Some other suggestions have also been made. Keys Young, for example, referred to higher and lower order skills: 'while one sector of the field is focussing on establishing basic competencies which might reflect an emphasis on "adult learning" principles, another sector of the field might see higher order skills in group work, therapy and

206 Keys Young (1997) *supra* 76–77.

counselling skills somewhat more relevant areas of expertise.²⁰⁷ Unfortunately, like other aspects of the report, the authors fail to expand upon these comments.

Alternative proposals have also advanced in the development of the new FAMQIS system. The term 'FAMQIS' was coined by the Attorney-General's Department to describe a new Quality Strategy and Information System for services approved and funded by the Family Services Branch.²⁰⁸ A new information system, called 'FAMnet' is being piloted in a number of selected sites across the nation. The object of the system is to allow agencies to forward client data to the Department, via the internet, in a convenient and secure way, generate reports of their own activities and performance, according to performance indicators available on the FAMnet, and network with other branches and agencies.²⁰⁹

The FAMQIS project has included proposals about entry to the field. In line with the Regulations, established for mediators, two standards are proposed. The first is based on the qualifications and competencies of staff (standard 4), and the second is based on experience and competency (standard 5).

Proposed standard 4 provides:

Within three months of commencement in a position, family relationship practitioners (other than family and child mediators and people working in contact services) are required to have:

- An appropriate degree, diploma or other qualification, and
- Completed 5 days vocational training of direct relevance to their role, and
- Completed 10 hours of supervised practice, and
- A level of competence appropriate to the commencement of their role assessed by the organisation.

In accordance with the attributes set out below.

Attributes

Evidence of an appropriate degree, diploma or other qualification is

- A course of at least three years with an orientation to behavioural or social sciences; or
- A course of study of at least one year in an area of direct relevance to the specialised role to be undertaken.

Evidence of competencies formulated by organisations for use in recruitment to practitioner/educator roles.

207 *ibid.*

208 Family Services Branch (1997) *Introducing FAMQIS*
<www.softlaw.com.au/famqis/introduc.htm>

209 *ibid.*

Proposed standard 5 provides:

A family relationship practitioner is required to be experienced in service provision or to be currently providing direct service in a non-profit organisation which is either at least substantially a family relationship service of some kind or which is funded by the Commonwealth or a State/Territory Government; and

- To demonstrate a level of competence appropriate to the commencement of their role as assessed by the organisation; and
- To have enrolled in a relevant course of study within four months of commencement of duties.

Attributes

Evidence that an organisation has satisfied itself that an employee or contracted person is experienced, that is, that

- People in counselling and therapeutic roles have had 150 hours of direct client contact in the previous five years, including at least 50 hours in the previous two years;
- People in educational roles have had 50 hours of direct client contact in the previous five years, including at least 20 hours in the previous two years.

Evidence that an organisation has satisfied itself that a course enrolled is a degree, diploma or other qualification that is

- A course of at least three years at bachelor level with an orientation to behavioural or social sciences; or
- A course of study of at least one year in an area of direct relevance to the specialised role to be undertaken.

Evidence in terms of existing staff of history of employment in family relationships service or other funded not for profit organisation.

The Committee notes that these proposals would require a marriage and relationship educator to undertake an appropriate degree, diploma or other qualification of at least one year's duration, in addition to other practice. The consultants listed responses from various people consulted, but did not identify which were educators, counsellors, mediators or administrators. Nor did the comments relate the proposals to current training practices.

The Committee believes the proposals are further evidence of the confusion that arises when education services are treated the same as counselling and therapeutic services. It notes that well developed marital education programs, such as PREPARE and FOCCUS, about which considerable research has been undertaken, both in the development stage and in practice, do not require such entry standards. Nor do other well-developed educational programs require such entry standards. A consequence of these proposals would be, in the view of the Committee, to create two classes of marriage education in Australia: a few funded programs catering to a limited number

of individuals, and numerous unfunded programs continuing to cater to the greater number of people. The failure of both the Keys Young report and the Department to recognise the huge growth in the use of pre-marital inventories illustrates this problem.

The Committee also views the proposals as totally unrealistic. As noted elsewhere, there are no specialised academic marriage education degrees or courses in Australia. While standards can always be improved, the Committee does not believe that current standards are generally unsatisfactory. Thirdly, the Committee believes that the work in establishing the national competency standards should be built upon constructively. It is also disappointed that the two bodies representing the largest groups of marriage educators in Australia, namely CSME and MEAA, have not been consulted directly in this process. The Committee notes that the standards required for Family Relationships Service personnel will differ. The qualifications and standards required for a mediator who is required to have knowledge of complex issues of divorce law differs from that required of counsellors working in a therapeutic setting and again from educators working in an educational environment.

The Committee views these proposals, and the manner in which they have been advanced, as a further reason for restructuring both the family services program and the manner in which advice is provided to the department, so as to clearly delineate between educational programs, and counselling and therapeutic services.

Recommendation 18

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

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

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

Recommendation 19

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

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

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

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

Publications

***Threshold* magazine**

Threshold is a magazine about marriage education, published by CSME and available to all marriage educators in Australia. It also has subscribers in New Zealand and other overseas countries. According to the editorial policy, 'it is designed to provide information and resources to meet the needs of educators working in the field of marriage education, and to act as a forum for the discussion of current ideas.'²¹⁰ The magazine commenced as a newsletter in 1987. It was transformed into a magazine in 1988 and named *Threshold*. It is published quarterly and has a circulation of some 1,800 copies each edition. Although published by CSME, it is distributed to almost all marriage and relationship educators in Australia, particularly those affiliated with CSME, the Marriage Educators' Association of Australia, and FOCCUS Australia.

The magazine has been developed in recent years to include news items, articles about current practice, details of the latest research relating to marriage and relationship education, as well as news of conferences, workshops and new books and other resources. New computer facilities and publishing software have enabled an upgrade in quality, although a considerable amount of voluntary effort is contributed to each edition.

Recent issues of *Threshold* have contained articles by leading researchers in the field, including Professor Linda Waite from the University of Chicago, and past-president of the American Population Association; Professor Scott Stanley from the University of Denver and co-author of the PREP marriage preparation program, Dr Moira Eastman, author of *Family – The Vital Factor*; Ms Michele Simons, co-author of the leading Australian research into marriage education; Professor Herbert Anderson, author of *Becoming Married* and other texts; Professor Denis Ladbrook from Curtin

210 'Editorial policy' (1998) *Threshold* 58: 2.

University; and Dr Sotirios Sarantakos, a leading researcher on cohabitation. Issues have also included articles from leading marriage educators from both secular and church agencies about current practice.

Threshold has received a modest grant of \$10,000 from the Attorney-General's Department in recent years, as a contribution towards its publication. There is no other magazine/journal that serves the emerging field of marriage and relationship education in Australia in a similar manner.

The publication received considerable support in submissions to the inquiry. CSME submitted:

A federal commitment to . . . produce *Threshold* would ensure that all educators, many of whom work in isolation would stay abreast of developments in the field. Such a funding commitment would be a tangible sign of government appreciation and recognition to all educators working in a voluntary capacity, in geographic isolation and for unfunded agencies.²¹¹

The Marriage Educators Association of Australia also supported the continued funding of *Threshold*.²¹²

In their evaluation of the marriage and relationship education program, Keys Young suggested that 'incentives be offered for the development of a professional journal which fosters open and critical debate on key issues, and contributes to the professional development of the field by providing a vehicle for educators to share resources and service development expertise and present their work to peers and others for critical review'.²¹³

The suggestion is surprising for a number of reasons, not the least of which was the failure of Keys Young to even consult the editor about *Threshold*! As the Committee has already noted, the magazine has provided a forum for critical debate and reflection for many years, publishing some of the most respected researchers and academics in the field, together with articles about current developments, resources, programs and different approaches to marriage and relationship education. Nor did Keys Young make any study about other journals, including their costing and circulation.

There are other publications that relate to family and marriage issues. Perhaps the best known in Australia is *Family Matters*, the magazine of the Australian Institute of Family Studies. Published three times a year, *Family Matters* is a multi-colour glossy

211 Catholic Society for Marriage Education, *Submissions*, p. S936.

212 Marriage Educators Association of Australia, *Submissions*, p. S287.

213 Keys Young (1997) *Evaluation of the Marriage and Relationship Education Sub-Program: Final Report* Sydney: 156.

magazine of about 72 pages. Until recently, only the work of AIFS researchers was published in the magazine. It has a circulation of about 4,000 copies each issue.

The *Australian Journal of Marriage and Family*, formerly the *Journal of Sex Marriage and Family* was published by the Family Life Movement for many years. It had a small circulation and was subsidised by Family Life. Eventually, Family Life decided that it could not continue to subsidise the journal. A *Journal of Family Issues* is now published by La Trobe University Press.

The Australian Association for Marriage Education (as it then was) designated *Threshold* as its official publication in the late 1980s. The subsequent Marriage Educators' Association publishes a small newsletter, but also encourages members to read *Threshold*. Family Services Australia produced two editions of a journal entitled *Scope*, but has discontinued publication, due to the costs involved. Neither Centacare nor Relationships Australia produce a magazine.

Some agencies publish newsletters for their educators and clients. The Family Relationships Institute Inc. commenced a quarterly journal *Relatewell* in 1997. The Marriage Education Programme Inc. publishes a series of newsletters entitled *Marriage Today* for newly married couples. The Engaged Encounter Movement publishes a quarterly newsletter, as do the Couples for Marriage Enrichment Australia. Some agencies have also developed their own websites to disseminate information about programs and services.

A survey of the publishing record of magazines and journals in the field of family and marriage reveals an uncertain existence. Even the circulation of the AIFS magazine *Family Matters* is modest. That CSME has been able to sustain the publication of *Threshold* for many years in a still developing field in which few people are full time, paid educators is commendable.

This year, CSME undertook a readership survey and conducted a professionally facilitated review of *Threshold*.²¹⁴ The survey and a subsequent workshop involving marriage educators from different agencies indicated overwhelming support for the publication of the magazine. The great majority of respondents to the survey found *Threshold* very useful for them in their work.²¹⁵

The magazine has served a very useful role in disseminating the latest research, publicising resources and educational opportunities for marriage educators, discussing different approaches to practice in the field, and stimulating debate about future directions. The number of references to articles published in *Threshold* in this report testify to its value in the field over the past decade. It has also been useful to government as a means of informing the field about policy directions and program funding from time to time. Submissions to the Committee also noted the importance

214 'Editorial' (1998) *Threshold* 58: 2.

215 The Chairman was invited to, and attended the facilitated workshop on the magazine.

of the magazine for educators in rural and regional areas of Australia. The magazine has been able to provide important information to a developing field, for the benefit of marriage and relationship education generally. Further, this has been achieved with a remarkably low budget of about \$20,000 per year.

Diane Sollee, director of the US Coalition for Marriage and Family Education, wrote recently that *Threshold* is the most valuable publication about marriage education available.²¹⁶

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

Recommendation 20

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

The Committee is of the opinion that there is no reason that funding should not be provided for the 1997–98 financial year and many good reasons for funding to continue in future years.

The role of civil marriage celebrants

The national survey of the provision of marriage education conducted by the Committee indicates that in the period 1996–97 approximately 40,000 individuals participated in pre-marriage education. This represents the equivalent of 20 per cent of all couples marrying in Australia. The survey also shows that most participants in pre-marriage education programs go on to be married in church-based ceremonies rather than civil ceremonies.²¹⁷ The implication of this research is that civil celebrants rarely refer couples to pre-marriage education.

Given that almost half of all marriage ceremonies in Australia are now conducted by civil marriage celebrants,²¹⁸ the Committee finds this low referral rate by civil celebrants of some concern. As celebrants are in a strong position to refer couples to pre-marriage programs, the Committee believes it is important to address the

216 Coalition for Marriage and Family Education **webmail**.

217 See Appendices D to N.

218 Australian Bureau of Statistics (1996) *Marriages and Divorces 22*.

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

Background to the Civil Marriage Celebrant Program

The Civil Marriage Celebrant Program was established in 1973 by the then Attorney-General, the Hon. Senator Lionel Murphy, to provide a secular alternative and freedom of choice for marrying couples who did not wish to have a religious ceremony and yet did not want a registry wedding.²¹⁹ The Marriage Celebrants sub-program within the Attorney-General's Department ('the Department') is administered by the Family Relationships Services Branch (FRSB) and is concerned with authorisation, monitoring and support for authorised marriage celebrants appointed under the *Marriage Act 1961*.

At 30 May 1998 there were 1,645 civil marriage celebrants authorised under s 39 (2) of the Marriage Act. The distribution of civil celebrants across Australia is uneven, being mainly concentrated in metropolitan areas. This heavy concentration or over supply of celebrants occurred in 1995 when new arrangements for appointment brought an additional 800 celebrants into the field. This was a 100 per cent increase. The Department has since acknowledged this problem and under new arrangements, approved by the Attorney-General in June 1996, additional authorisations are made only on the basis of identified levels of community need.²²⁰

In April 1996, the Attorney-General initiated a review of the Civil Marriage Celebrant Program, the aim being to make the program more relevant to the needs and aspirations of couples marrying, and to ensure civil marriage celebrants are thoroughly professional, sensitive to the needs and wishes of their clients, and committed to marrying couples with dignity.²²¹

As part of this review, the Department undertook extensive consultations with the various stakeholders, and in November 1997 issued a discussion paper covering all aspects of the Civil Marriage Celebrant Program. The discussion paper covers such matters as ethics, a code of conduct for civil marriage celebrants, service standards, professional development, training, fees, advertising standards, and legal matters. Significantly, the paper also considers the role of celebrants in referring couples to marriage and relationship education services.

Apart from the Attorney-General's Department's review of the Civil Marriage Celebrant Program, FRSB has recently commissioned Donovan Research to undertake research into the development of a market awareness strategy to promote marriage

219 Attorney-General's Department, Legal Aid and Family Services Branch (1997) *Discussion Paper: Civil Marriage Celebrants Program* November: 5.

220 *ibid.* 6.

221 Attorney-General, Hon Daryl Williams, *Press release* 26 November 1997: 368.

and relationship education. Recognising that civil celebrants are an important target group in this strategy, Donovan Research conducted two focus group discussions with civil celebrants in Sydney and Melbourne. The objectives of these discussions were to determine civil celebrants' awareness of the existence of relationship education programs; the degree to which these programs are seen as relevant to their work; their knowledge of and attitudes towards these programs; and the extent and nature of their referring behaviours regarding them.²²² It is significant that many of the findings of these focus group sessions are confirmed in evidence given by civil celebrants to this inquiry.

Marriage and relationship educators' views on the role of the civil celebrant

Witnesses representing the various marriage and relationship funded agencies all confirmed the findings of the Committee's survey that referral to marriage education programs from civil celebrants is almost non-existent.²²³ Furthermore, they suggested that attempts at contact with celebrants have been futile.

Mr Ian Macdonald, Executive Director, Relationships Australia (Qld), told the Committee that his agency had recently written to 130 celebrants in south-east Queensland to invite them into an information session so that they could acquaint themselves with the range of services that Relationships Australia provides for family support. Of these 130 celebrants, only four responded to the invitation.²²⁴

Mr Frank Giggins, Coordinator, Relationship Education Program, and a representative of one of the newer non-church based agencies, suggested that in attempting to advertise its services with celebrants, his agency had received a very mixed response. A small proportion of civil celebrants had been very supportive, very interested and, in some instances, taking the initiative to say, 'How can we work together in using the resources that your program has to offer?' However with the majority of civil celebrants there had been very little response.²²⁵

Marriage educators generally felt that while celebrants should not be expected to provide education, they do have a responsibility and duty to tell people of the importance of marriage education. As Mr Bruce Findlay said:

if you are going to make money out of somebody by officiating at a ceremony as important as marriage, while you cannot be expected to give a guarantee about the quality of the marriage, you should be prepared to emphasise the importance of it and point people in the way of things like relationship

222 Donovan Research (1988) *Marriage and Relationship Education Market Research: Report to the Attorney General's Department Family Services Branch* 44.

223 Ms Anne Matuszek, *Transcript*, p. 99; Mr Bruce Findlay, *Transcript*, p. 242.

224 *Transcript*, p. 664.

225 *Transcript*, p. 216.

education, . . . and give them the choice of various courses that are available.²²⁶

Mr Don Burnard, Director, Family Relationships Institute, and a representative of a secular agency, suggested that celebrants' awareness of the different types of secular programs should be increased. Given that many couples choose a civil ceremony in order to avoid a religious focus, celebrants will be reluctant to refer couples to agencies with a religious affiliation. Rather, civil celebrants should motivate people to attend courses by making them aware of the different options available to them. Mr Burnard believes that the Attorney-General's Department should produce advertising material that clearly distinguishes between secular and religious programs.²²⁷

Marriage educators suggested that a major reason why celebrants are reluctant to be proactive in encouraging couples into pre-marriage education is that they do not want to jeopardise their financial interest in officiating at the marriage service. A celebrant's living is often involved in their work and if they ask people to attend workshops which involve a fee, then there is a fear that people will go to other celebrants who do not make any efforts to motivate them towards training programs.²²⁸

Civil celebrants' views on their role

Celebrants and representatives of celebrant organisations, in their evidence to the inquiry were generally supportive of the concept of marriage education and suggested that the lack of referral was more complex than just a financial motive or a fear of losing business. They defended their position saying that religious celebrants are able to promote marriage education more easily because they have a certain leverage over couples who wish to be married in their particular church. Civil celebrants do not have this same element of persuasion, as couples can easily choose another celebrant who does not insist on pre-marriage education. As Mr John Hill, of the Humanist Network of Marriage Celebrants said, 'Within the framework of a religious institution, you can almost mandate a referral. But this is not a mandated thing as it stands now.'²²⁹

Several witnesses pointed out that celebrants are required by the Marriage Act to hand to the parties the brochures produced by the Attorney-General's Department such as *Happily Ever . . . Before and After*, and *Organisations offering programs of marriage/relationship counselling, mediation and marriage education/enrichment*.²³⁰ However there was a general consensus amongst celebrants that couples take little

226 *Transcript*, p. 242.

227 *Transcript*, p. 437.

228 Mr Frank Giggins, *Transcript*, p. 219; Mr Don Burnard, *Transcript*, p. 437

229 *Transcript*, p. 344.

230 Mr Robert Stephenson, *Transcript*, p. 160.

notice of these brochures²³¹ and furthermore, celebrants believe these brochures are often out of date and of a poor quality.²³²

Some celebrants referred to the Attorney-General's Department project *Is love enough*. This was a 1995 project aimed at encouraging civil celebrants to promote marriage education amongst couples intending marriage. Celebrants and marriage educators told the Committee that generally this project had very limited success. Some witnesses suggested it was not well received by couples and was a waste of resources and funds.²³³

In defence of their position, celebrants such as Mrs Leonie Hill, President, Association of All Authorised Civil Marriage Celebrants Nationwide, did say that secular agencies such as Relationships New South Wales, had made no attempt to contact celebrants and inform them about their marriage education programs.²³⁴ Miss Elizabeth Seddon, Director, Relationships Australia, when asked about methods of improving links between marriage celebrants and secular agencies, told the Committee that couples planning marriage are only a small target group amongst the programs offered in Relationships Australia. While Relationships Australia supports pre-marriage education, the agency believes that it is only a small element in what needs to happen in the life stage of a couple's relationship.²³⁵

It is of note, that celebrants when discussing marriage education with the Committee, often used the terms marriage counselling and marriage education interchangeably. This confusion between the concept of counselling and education was also noted in the Donovan Research focus group discussions. Donovan Research argues that this is a significant finding, given that one of the barriers to consumers participating in education programs is their perception that such programs are for couples with 'problems'. If celebrants spontaneously use terms such as 'counselling' when raising issues of relationship education, this is likely to become associated with 'having problems' amongst consumers, making it less likely that they will seek education programs.²³⁶ Such a basic misuse of terminology also suggests that while celebrants

231 Mr Dally Messenger, *Transcript*, p. 150. Under s42(5A) of the Marriage Act, celebrants have a legal obligation to provide marrying couples with the Form 14A documentation. This documentation consists of the pamphlets *Happily Ever...Before and After* and *Helping your relationship*.

232 Mrs Leonie Hill, *Transcript*, p. 313. This was confirmed in the Donovan Research focus group discussions: Donovan Research (1988) *Marriage and Relationship Education Market Research: Report to the Attorney General's Department Family Services Branch*: 50.

233 Mr Robert Stephenson, *Transcript*, p. 163; Ms Anne Matuszek *Transcript*, p. 99; Mr Don Burnard, *Transcript*, p. 438, who said the program was jeopardised by the appointment of an additional 800 celebrants.

234 Mrs Leonie Hill, *Transcript*, p. 316.

235 *Transcript*, p. 52.

236 Donovan Research (1988) *Marriage and Relationship Education Market Research: Report to the Attorney General's Department Family Services Branch* 45.

are supportive of marriage education, they do not fully understand the preventive nature of it.

There was a general feeling amongst celebrants and celebrant organisations that many of their problems are attributable to a lack of training and to the poor administration of the civil celebrant program by the Department. Celebrants criticised the Department's appointment of an additional 800 celebrants in 1995, suggesting it created an oversupply and gave the profession a poor image within the community. They also pointed out that civil celebrant appointments are made without a screening or interview process, and without training or briefing by the Department.²³⁷ In comparing the role of religious and civil celebrants, Mr Dally Messenger, President, Australian Federation of Civil Celebrants, made the following observations:

[... the] clergy are qualified; clergy do go through courses of preparation for this kind of thing; clergy do have pastoral care courses and counselling courses. I am ashamed to tell you that the civil celebrant program has been so badly managed that we have never even had a briefing; we have never even had a letter from the Attorney-General saying, 'Please do your job well'. We have had no training, not even a week's course or a weekend seminar or anything. People, volunteers like me, have to pick up the slack and try to do this. I am a qualified counsellor, but I would not dare intrude with advice to a couple I have met for the first time and who did not come along to me as a counsellor. One reason is that counselling is something that has to be very carefully handled and you have to be doing it all the time, and your mind has to be fully on it to do it well; otherwise we can have a repeat of what has happened in the civil celebrant ranks; people have had disastrous advice from unqualified people. [. . .] Maybe your concerns could find effective fulfilment if, in the future, this committee, the Attorney-General and the government in general start screening celebrants carefully, start training them and taking an interest in the role. Once there is some level of qualification there then at some level they can buy into giving people advice. But right now it would be dangerous in the extreme.²³⁸

Celebrants and their organisations generally felt that they should not be obliged to provide marriage education counselling and they pointed to the dangers of untrained celebrants providing counselling and education programs to people who are often at a very vulnerable time in lives.²³⁹ As Mrs Leonie Hill told the Committee, when people are vulnerable they often become dependant on the particular person guiding them through that stage of their life. Therefore, people who are untrained in counselling and marriage preparation could end up giving the couple the wrong information or

237 Mr John Hill, *Transcript*, p. 346; Mr Samuel Helprin, *Transcript*, p. 335.

238 *Transcript*, p. 158.

239 Mrs Leonie Hill, *Transcript*, p. 314.

pointing them in the wrong direction.²⁴⁰ Witnesses were in agreement that celebrants should not be offering marriage and relationship education without appropriate training.

Many celebrants and representatives of civil celebrant organisations suggested that celebrants should undertake some sort of competency training before appointment. Mr Dally Messenger told the Committee that the Victorian University of Technology has recently taken up the challenge of training for celebrants by offering a graduate diploma in marriage celebrant work. However, Mr Messenger and other witnesses also said that training courses for marriage celebrant work need not necessarily be at graduate diploma level. Rather, they agreed that there ought to be some certification by some independent educational body prior to a person being approved as a civil celebrant.²⁴¹

Mr Robert Stephenson, President of the Association of Civil Marriage Celebrants of Victoria, said that his association also strongly supports the establishment of a training program for new celebrants and ongoing training for established celebrants. He told the Committee that his association does try to provide professional development in terms of workshops and seminars throughout Victoria and Tasmania, but he believes the Attorney-General's Department should also play a role in this area.

Mr Stephenson told the Committee that the Department has a responsibility to give leadership so that the role of celebrant is seen as an appointment to provide a service to the community, rather than a means of making money.

Of late, there is too much emphasis on the role of civil marriage celebrants being an industry rather than being individuals who will make a positive contribution to the establishment and maintenance of marriage and the family in the Australian community and be suitable persons to represent the Commonwealth in this role. We believe that there is more leadership required from Canberra. Basically, all we receive is a letter of appointment, and nothing else.²⁴²

In summary, there was a consensus in the evidence from celebrants and celebrant organisations that there should be some level of training required in order for a person to be appointed as a civil celebrant. Whether this training should be a certificate, a diploma or some other form of training was not clear from the evidence.²⁴³

In relation to the civil celebrant's role in the provision of marriage education, several witnesses spoke of their frustration with the current departmental regulations governing this area. Some celebrants who are also accredited marriage educators told

240 *ibid.*

241 *Transcript*, p. 159.

242 *Transcript*, p. 160.

243 Mr Robert Stephenson, *Transcript*, p. 162; Mr Robert Ross, *Transcript*, p. 163.

the Committee that under the current regulations, they are precluded from combining their work as marriage educators and marriage celebrants. As they pointed out, religious celebrants are not subject to the same restrictions.²⁴⁴

It was suggested that such strict regulation dated back to a time when there was a fear that celebrants without training in marriage education would undertake counselling with the potential for disastrous results. Almost as a survival response, the government put a general embargo on all civil celebrants performing marriage education and counselling.²⁴⁵

Ms Affie Adagio from the Humanist Celebrant Network is a trained marriage and family therapist as well a civil marriage celebrant. She told the Committee that when people come to see her about officiating at their marriage, she gives them the pamphlets and tell them to go to a marriage counselling relationship agency but she is unable to offer marriage preparation training. As Ms Adagio said, it would be more helpful to the couple if she as their celebrant could also offer them assistance with marriage education programs.²⁴⁶

Mr Ian Macdonald said that when he applied to become a civil celebrant in Australia, he was declined on the basis of his occupation as a marriage counsellor. Somehow, some conflict of interest was perceived. As Mr Macdonald quite reasonably said, having people with experience in the area and people who work with couples at that vital stage in their life, were qualities that should be considered desirable in people wishing to become marriage celebrants.²⁴⁷

Ms Adagio, Mr Macdonald and other witnesses all agreed that the current regulations precluding marriage educators working as celebrants are a wasteful use of resources and inhibit involvement by marriage celebrants in the promotion of marriage education.²⁴⁸

The Committee's views on the role of civil celebrants in promoting marriage and relationship education

In the Attorney-General's Department's discussion paper on the Civil Marriage Celebrants Program, it is suggested that 'celebrants play an important role in Government's objective to foster quality family relationships particularly in their capacity to raise couples awareness about services which would help them develop

244 Mr Sam Helprin, *Transcript*, p. 344; Ms Affie Adagio, *Transcript*, p. 345.

245 Mr John Robson, *Transcript*, p. 589.

246 *Transcript*, p. 342.

247 Mr Ian Macdonald, *Transcript*, p. 664.

248 Mr John Robson, *Transcript*, p. 589.

stronger relationships and reduce the risk of future relationship breakdown and divorce'.²⁴⁹

The Committee believes that such a goal is commendable. However, based on evidence received during the inquiry and the Committee's marriage education survey results, the Committee seriously questions whether civil celebrants do play a role in fostering quality family relationships. While celebrants are in a position to promote marriage and relationship education, evidence and research strongly suggests that for a variety of reasons this is not happening.

The Committee commends the Attorney-General's Department for its review of the civil celebrant program and the work it has commissioned into marriage and relationship education market research. It hopes that the recommendations of the Donovan Research report relating to a communications strategy for civil celebrants will be implemented.

The Committee notes that there is already a legislative obligation on civil celebrants to provide marrying couples with documentation about marriage education.²⁵⁰ It suggests that future training programs emphasise the importance of this obligation. The Committee also acknowledges the evidence of celebrants who were critical of this marriage documentation and suggests that the Department should ensure that marriage documentation distributed to celebrants is kept up-to-date and made more relevant to marrying couples.

The Committee agrees with witnesses who suggested that there should be greater co-operation between secular marriage education agencies and civil celebrants. The Committee believes that celebrants' reluctance to refer may be partly based on an ignorance of the availability of secular programs and a belief that couples marrying in civil ceremonies are unwilling to attend religious affiliated marriage education programs. In this regard, it is disappointing that many secular agencies have not promoted the pre-marriage inventories such as FOCCUS and PREPARE. Indeed one agency, in reply to the Committee's survey asked 'What is an inventory?' Given the fact that the inventory programs are flexible, tailored to individual couples, and require less infrastructure than group programs, it is not surprising that they have become popular.

The Committee encourages all marriage education agencies to provide inventory programs and for the Attorney-General's Department and the proposed Council for Marriage Relationships and Parenting to promote their usefulness to civil celebrants.

Recommendation 21

249 Attorney-General's Department, Legal Aid and Family Services Branch (1997) *Discussion Paper: Civil Marriage Celebrants Program* November: 34.

250 Section 42(5A) of the Marriage Act.

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

Recommendation 22

The Committee recommends that the proposed Marriage, Relationships and Parenting Council²⁵¹ work towards establishing greater links between secular agencies and civil celebrants.

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

Recommendation 23

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

The Committee notes with approval the Donovan Research report recommendation that civil celebrants be given opportunities to receive training on relationship education issues. That report also recommends that this training could be provided by service providers in the relationships education field, which would have the important secondary effect of increasing contact between celebrants and relationship education programs.²⁵²

Recommendation 24

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

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

The Committee is sympathetic to the concerns of some witnesses about current regulations that preclude trained marriage educators from combining this work with their role of civil celebrant. The Committee agrees that these regulations are wasteful

251 Recommended in Chapter 11.

252 Donovan Research (1988) *Marriage and Relationship Education Market Research: Report to the Attorney General's Department Family Services Branch* 55.

of resources and that competency in marriage education training would in fact be a desirable attribute for marriage celebrants. The Committee notes that the roles of celebrant and educator are successfully combined by many religious celebrants.

Recommendation 25

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

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

International developments

Canada: Innovative programs

Marriage and family education has been gradually developed in Canada over the past decade. Much of the innovation has been driven by the British Columbia Council for the Family, a non-profit organisation formed by government, religious and community leaders in 1977. The Council published a marriage preparation manual in 1980, developed accreditation for a marriage preparation courses in 1983-84, conducted a consultation with academic and government officials in 1985, and held a province-wide consultation and conference in 1988.²⁵³ The Council has subsequently published newsletters for marriage educators, sponsored marriage preparation programs, and promoted marriage education in the province.²⁵⁴

Marriage and family education has also been promoted by other Canadian organisations, including Family Service Canada which established the Canadian Family Life Educators group.²⁵⁵

NZ: Establishing a national marriage education network

Following the participation of New Zealand marriage educators in a series of Australian marriage education conferences, a New Zealand conference was inaugurated in 1995.²⁵⁶

A network of marriage educators has formed in New Zealand, and an annual conference has been conducted. The 1997 conference was opened by the Governor-General, Sir Michael Hardie Boys, and included Professor Denis Ladbrook and Dr Barbara Markey on the program.²⁵⁷

UK: Preventive programs

253 British Columbia Council for the Family (1988) *Special Marriage Preparation Newsletter* Vancouver: BC Council for the Family.

254 See for example, *Marriage Education News* BC Council for the Family.

255 See, Family Service Canada *Let's Talk Families* newsletter, and the Canadian Family Life Educators *Putting Families First* newsletter Ottawa: Family Service Canada.

256 'Inaugural conference in Auckland' (1995) *Threshold* 47: 7. See also, Jackie Brown-Haysom (1995) 'Society promotes divorce, not marriage education ...' *Threshold* 47: 8-9.

257 'Marriage and family in the contemporary world' (1997) *Threshold* 57: 20. See also, M Hardie Boys (1997) 'The need for virtue in contemporary society' *Threshold* 57: 21-22.

Innovative projects aimed at preventing marriage breakdown and improving access to marriage support services have benefited from \$1 million of funding announced by the Lord Chancellor.²⁵⁸

The Lord Chancellor launched a Marriage Taskforce in 1995 to identify the availability of marriage support services, and how these met the needs of couples. Following extensive evaluation of how such services could be supported, he announced in late 1996 that money would be available for pilot projects with the potential to reduce the incidence of marriage breakdown, and invited marriage organisations to tender for funds.

Thirteen projects were selected, and began operation in 1997. Those selected included telephone hotlines, funding for a national marriage week, marriage preparation programs, including one for couples who do not marry in a church, a project to provide marital support for couples who have had a child, and marriage preparation programs for certain ethnic communities.²⁵⁹

According to Lord McKay, the aims of the program are threefold: They are to

- Promote a positive and realistic image of marriage;
- Raise the public's awareness of marriage support services and reduce stigma attached to seeking help; and
- Test the effectiveness of different forms of intervention in preventing marital breakdown.

All pilot projects are being monitored to measure their effectiveness in meeting the aims of the program.

USA: Reforming marriage and divorce law

A number of submissions suggested that the rate of marital breakdown was a consequence of the introduction of no-fault divorce law in Australia.²⁶⁰ In their view, making divorce more difficult would reduce marital breakdown.

While a review of the Family Law Act was outside the Committee's brief, the Committee noted developments in divorce law reform in other jurisdictions. In the US, at least 20 States have introduced bills to change divorce laws, either by extending waiting periods, repealing no-fault divorce, mandating counselling, or encouraging pre-marriage education.²⁶¹ The first State to pass such laws was Louisiana.²⁶²

258 'UK marriage support' (1998) *Threshold* 58: 5.

259 *ibid.*

260 See Chapter 4.

261 KJ Walters (1997) 'Marriage southern style' *Threshold* 57: 13–15.

262 Louisiana Legislature House Bill 756 signed into law on 15 July 1997 as *Act 1380 of 1997*.

Louisiana's covenant marriage laws

Louisiana's new law allows couples to choose between the existing marriage regime based on no-fault divorce, and a new regime of covenant marriage.²⁶³ The State's covenant marriage requires couples to swear they will live together forever as husband and wife. The partners must disclose to each other 'everything which could adversely affect' their decision to marry. Both must sign a notarised affidavit, swearing they have talked about the nature, purposes and responsibilities of marriage during their premarital counselling. They are legally required to seek marital counselling if problems arise in their marriage.²⁶⁴

Under existing laws, a divorce can be granted in Louisiana if the spouses have been living apart for six months or more, or the other spouse has committed adultery, or the other spouse has committed a felony and has been sentenced to death or imprisonment at hard labour.

Under the covenant marriage provisions, divorce is more difficult to obtain. In order to obtain a legal separation, a spouse must prove:

- the other spouse committed adultery;
- the other spouse has committed a felony and has been sentenced to death or imprisonment at hard labour;
- the other spouse had abandoned the matrimonial domicile for a period of one year and constantly refuses to return;
- the other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses;
- the spouses have been living separate and apart continuously without reconciliation for a period of two years; or
- on account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrages of the other spouse, if such habitual intemperance, or such ill-treatment is of such a nature as to render their living together insupportable.

If the spouses have lived apart since legal separation, they may obtain a divorce after a further period of separation of 18 months if there is a minor child or children of the marriage; one year if separation was granted for abuse of a child of either spouse; and one year in all other cases.

Couples who are already married may execute a declaration of intent to designate their marriage a covenant marriage. They must sign a recitation and an affidavit after receiving counselling. The counsellor must attest to the counselling.

Although there has been considerable debate in the US about the legislation,²⁶⁵ the requirement for premarital education has been widely supported.²⁶⁶

263 id.

264 T Jones (1998) 'The commitment' *Washington Post Magazine* 10 May.

265 See for example, J Loconte (1998) 'I'll stand bayou' *Policy Review* May/June.

Florida Marriage Preparation and Preservation Act

The Florida legislature passed a Marriage Preparation and Preservation Act in April 1998.²⁶⁷ The Act's preamble summarises the purport of the legislation, passed 91 to 16 in the House and unanimously by that State's Senate:

Just as the family is the foundation of society, the marital relationship is the foundation of a family. Consequently, strengthening marriages can only lead to stronger families, children and communities, as well as a stronger economy. An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce. Relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict. Once relationship skills are learned, they are generalised to parenting, the workplace, schools, neighbourhoods and civic relationships. By reducing conflict and increasing communication, stresses can be diminished and coping can be furthered. When effective coping exists, domestic violence and its effect of children are diminished. The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

The Bill includes four new requirements:

- High school students must take a course in marriage and relationship skill-based education;
- Engaged couples are encouraged to take a 'premarital education course' of at least four hours duration. It is suggested that the topics include conflict resolution, communication skills, financial responsibilities, children and parenting, and data on problems married couples face. Those who take the course receive a \$32.50 reduction in the cost of their marriage license, which normally costs between \$88 and \$200, depending on the county;
- Each couple applying for a marriage license will also be given a booklet prepared by the Florida Bar Association to inform them of 'the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon its dissolution.'
- Couples with children who file for divorce must take a Parent education and family stabilisation course that covers the legal and emotional impact of divorce on adults and children, financial responsibility, laws on child abuse or neglect and they must learn conflict resolution skills.

266 KJ Walters *supra* 15.

267 MJ McManus (1998) 'Florida passes nation's most sweeping reform of marriage law' *Ethics and Religion* syndicated column 16 May. See also, K Peterson (1998) 'Wedlock 101? Florida schools may require it' *USA Today* 21 May; and J Hallifax (1998) 'Chiles signs marriage ed bill.' *Associated Press* 12 June.

Arizona: New covenant marriage law

Arizona's legislature voted on 20 May 1998 to create a covenant marriage law like that pioneered in Louisiana. The law creates a two-tiered system of marriage licenses. Couples can choose a standard marriage certificate, which allows a no-fault divorce with 60 days separation, or a covenant marriage certificate in which the expectation is that the marriage is for life. The couple agree under the covenant marriage to seek professional help should problems arise in their marriage. The legislation includes drug, alcohol or emotional abuse as a fault-based ground for divorce. It also allows those in a covenant marriage to obtain a no-fault divorce if both partners want a divorce.²⁶⁸

Similar legislation has passed in one house in both Oklahoma and Georgia, but failed in the other house.

Other developments

The legislation is part of a renewed focus on marriage in the US. The American Bar Association has sponsored a relationships education program for high school students. Marital educators have formed a new association dedicated to preventative measures;²⁶⁹ and policy makers have begun to turn their attention to preventive programs.²⁷⁰

A marriage savers movement has prospered in a number of cities across the United States, in which pastors, judges and other marriage celebrants have refused to marry couples unless they have participated in pre-marriage education programs.²⁷¹ Although reports of early success in avoiding marital breakdown require further research,²⁷² there is clearly a movement towards encouraging marriage preparation. Every diocese of the Catholic Church in the US, for example, requires couples marrying in that church to participate in a marriage education program.²⁷³

As Kathleen Walters concluded recently:

268 M McManus (1998) 'Arizona adopts covenant marriage law' Coalition for Marriage Family and Couples Education (CMFCE) **webmail**: 24 May.

269 Coalition for Marriage, Family and Couples Education (CMFCE): <www.smartmarriages.com>

270 id.; See also, C Wetzstein (1998) 'Congress urged to provide economic, social incentives to preserve family' *Washington Post*: 15 April.

271 MJ McManus (1993) *Marriage savers* Grand Rapids MI: Zondervan. See also, D Southwell (1998) 'Churches aim to build better marriages' *Chicago Sun Times* 17 April.

272 DS Browning et al (1997) *From culture wars to common ground* Louisville KY: Westminster John Knox Press 309.

273 B Markey supra.

It is too early to tell what the outcome of these developments will be for the United States. Will the Louisiana legislation be the fore-runner of a national movement, just as the 1969 California law changed divorce laws throughout the country? Louisiana State University Professor Katherine Spaht, who drafted the law, has had inquiries from 12 other States about similar legislation. Alternatively, it may lead to further concentration on strategies to prevent unstable marriages happening in the first place. One thing is certain: the nation is set for a long debate and experimentation about ways to strengthen marriage and family life. As Ira Lurvey, past president of the American Bar Association Family Law Section says: 'Society is dissatisfied with the way things are now.'²⁷⁴

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

Recommendation 26

The Committee recommends that the Attorney-General report to Parliament in three years time on the developments that have occurred in family law in the United States, particularly in the implementation of covenant marriage laws and the provision of pre-marital education.

Education in rural and remote areas

Evidence to the Committee also addressed the circumstances of people in rural and remote areas of Australia. The absence of nearby services, difficult economic conditions, and the loss of young people to cities are among the factors present in many regions and communities. A number of key factors have an impact on the delivery of services, including:

- lack of economies of scale and big distances between communities;
- reluctance to access counselling and relationship support services;
- problems in recruiting, retaining and supporting service providers in the field; and
- difficulties for service providers of living and working in close knit communities.²⁷⁵

In 1996, the Legal Aid and Family Services Division of the Attorney-General's Department awarded a consultancy to explore options for effective distance education model(s) of service delivery for people in rural and remote areas of Australia as part of the marriage/relationship education program.

274 KJ Walters *supra* 15.

275 F Allen et al (1998) 'Relationship education for couples in rural and remote Australia by distance delivery' paper. See also, (1998) *Threshold* 59 (forthcoming) for a report of the project.

A survey of agencies found that the service to these areas 'was frequently ad hoc and patchy, with very few distance delivered programs.'²⁷⁶ The researchers found that very little of the material used in current relationship education programs 'is specifically designed and developed with rural and remote couples and distance delivery in mind' and therefore unlikely to be suitable in meeting the initial needs of couples.²⁷⁷

While these needs involved effective communication, they had a practical dimension:

Couples primarily view their needs in terms of the practical problems they face like coping with shift work or the difficulties caused by drought or financial pressures. Subsequently, they may talk about communication needs but often in terms of 'talking about problems'. They do not talk about their needs in terms of 'marriage enrichment' 'intimacy needs' or 'relationship enhancement'. This suggests strongly the need to develop and deliver educational services which focus on the issues couples are concerned about while also providing an opportunity to acquire the core relationship competencies. This 'client focussed' approach appears at odds with some current practice in the design and delivery of relationship education elsewhere.²⁷⁸

The consultants have suggested that the purpose of relationship education programs for rural and remote couples should be to develop and enhance the capacity of all couples in rural and remote parts of Australia to better self manage their relationship over time to the benefit of themselves, their children, their families and their community.²⁷⁹ They recommended that the Government's funding, support and directing of this program be on the basis that they are supporting the establishment of a relatively undeveloped 'human service industry' and that over time it has the potential to become more self sustaining.

Importantly, the consultants draft recommendation was that 'program activities be presented and promoted as normal educational activities not directly associated with the ambience of personal problems, failure and pathology, as is often associated with the field of relationship counselling and therapy.'²⁸⁰

The Committee supports this recommendation. As indicated elsewhere, the Committee is of the opinion that a clear distinction between education on one hand , and therapy and counselling on the other is desirable.

276 F Allen & M McKay (1998) 'Development of relationship education for farm couples in rural and remote Australia' paper.

277 F Allen et al supra 5.

278 *ibid.* 3.

279 *ibid.* 6.

280 *ibid.* 8.

The Committee notes that the consultancy work is continuing, including the development of materials and resources for people in rural and remote areas of Australia:

The model has been developed is one where mentors will be trained. They have a manual, so there will be uniform training for the mentors who will be positioned all round Australia in rural and remote areas. There will be a videotape or two. There will be short videotapes demonstrating relationship conflict resolution and that sort of thing. There will probably be an audio tape. There will be a booklet²⁸¹

The Committee welcomes this development.

Domestic violence

As indicated above in Chapter 3, the incidence of domestic violence in the community is unacceptable. Many individuals and organisations also submitted to the inquiry that domestic violence was a factor in marriage and relationship breakdown.²⁸²

The topic of domestic violence was considered by the Keys Young evaluation of the marriage and relationship education sub-program 'because the terms of reference . . . required researchers to explore the impact of domestic violence on the provision of marriage and relationship education programs.'²⁸³

The evaluation noted three types of organisational responses to the issue:

- where domestic violence is not recognised as an appropriate issue for pre-marriage and marriage enrichment programs, either generally, or in the programs provided by that particular organisation;
- where domestic violence has been recognised as an issue, but organisations are still in the early stages of developing appropriate responses;
- where domestic violence has been recognised as a core issue requiring staff development, a review of programs and service delivery models, and the establishment of protocols and procedures specifically for Marriage and Relationship Education Programs to ensure the safety of victims, and appropriate referral and support for both partners.²⁸⁴

The team conducting the evaluation concluded that most agencies were in the second category.

281 Ms Margaret Newman, *Transcript*, pp. 970-971.

282 See Chapter 4 above.

283 Keys Young *supra* 93.

284 *ibid.* 94.

In their recommendations, the evaluation team proposed:

- that knowledge of, and willingness to address domestic violence, be considered a core competency for educators; and
- that beyond the provision of appropriate information, advice and referral, the task of assisting couples or individuals to develop strategies to deal with personal experience of domestic violence should be recognised as a tertiary level intervention. In most cases, generic education programs provided at primary or secondary level of intervention are not suitable interventions for couples currently experiencing domestic violence. These couples should be screened out, and offered appropriate advice, information, referral and support.²⁸⁵

The evaluation team did not indicate how this should be undertaken, other than suggesting that protocols be in place.²⁸⁶ The Committee supports the implementation of agency protocols.

While protocols for dealing with participants presenting with indications of violence in their relationships are desirable, consideration about preventive approaches also requires attention.

In a recent review of the subject, Michael Johnson suggests that there are at least two dynamics at work in violence in intimate relationships.²⁸⁷ The two perspectives are often referred to as the family violence perspective and the feminist perspective. Johnson calls the feminist approach as patriarchal terrorism – violence that is a result of ‘patriarchal traditions of men’s right to control “their” women. It is a form of terroristic control of wives by their husbands that involves the systematic use of not only violence, but economic subordination, threat, isolation and other control tactics.’²⁸⁸

In what Johnson terms common couple violence, families experience occasional outbursts of violence from either partner or both. This dynamic is one in which conflict occasionally ‘gets out of hand’ leading usually to more ‘minor’ forms of violence, and much more rarely than patriarchal violence escalating into serious, sometimes even life-threatening, forms of violence. This is not to suggest that common couple violence is not a major concern: the use of the term ‘minor’ by Johnson is an attempt to compare rather than excuse. Some differences have been noted between the two types of violence. Common couple violence is much less frequent; escalation is less likely, and de-escalation may occur; and reciprocity is more likely between partners.

285 *ibid.* 157.

286 *ibid.* 101.

287 MP Johnson (1995) ‘Patriarchal terrorism and common couple violence: Two forms of violence against women’ *Journal of Marriage and the Family* 57: 283–294.

288 *ibid.* 284.

In terms of control, common couple violence is an intermittent response to the conflicts of everyday life – motivated by a need to control a specific situation, not a more general need to be in charge of the relationship. There is not a pattern in these relationships of one party trying to gain general control over their partner. Patriarchal terrorism, on the other hand, is all about total relationship control – by any and all necessary means. It is about a need to control, and to display control. The latter suggests that even if the man is in control, he continues in the violent acts as a demonstration of his control.²⁸⁹

Marriage educators have noted the importance of recognising the difference between the two, otherwise strategies employed will not be appropriate: 'Policies will be set; educational programs won't present the whole view, and therapeutic interventions will be ineffective and inappropriate if we assume couple violence as following one pattern.'²⁹⁰

The Canadian educator Rosanne Farnden Lyster comments on consequences for marriage education programs:

Common couple violence suggests that there is something in the couple dynamic' likely related to the ways in which conflict and anger are handled. Programs which address effective conflict resolution and anger management skills may well be of use in preventing this type of violence, particularly if one is clear about violence never being acceptable, and that there are other means of resolving differences. Couples attending the program who are experiencing this type of violence as part of their relationship need to realise that change is possible, and that they are beyond the primary prevention stage. They need to be encouraged to make plans for how to make their relationship one that is healthy and life-giving, and made aware that change will be more likely for them if they seek appropriate intervention-type assistance.

In terms of patriarchal terrorism, prevention programs would do well to outline what is meant by this, the types of control tactics that women need to be aware of, the subtleties involved, as well as the realities of it (ie. This type of violence does get worse, it doesn't go away, the cycle involved). A checklist of attitudes and behaviours might be an in-session activity. Women in these types of relationships need to be aware that they too are past the point where a prevention program is going to be of assistance. Providers need to be aware of the community resources that they could refer a woman in this situation to.²⁹¹

289 RF Lyster (1997/98) 'Apples and oranges: Another look at couple violence' *Concerning Couples* Winter Issue.

290 id.

291 ibid.

'If there are different patterns that arise from different societal roots and interpersonal human dynamics' writes Johnson, 'we must make distinctions in order to maximise our effectiveness in moving towards the goal of peace in our private lives.'²⁹²

The Committee notes that these are issues for the field when addressing violence in relationships.

Indigenous Australians

Recent studies indicate that very few Aborigines and Torres Strait Islanders access marriage and relationships counselling and education services funded through the Family Relationships Services Program.²⁹³ In view of this under-representation and in order to gain a better understanding of the particular needs of indigenous Australians, the Committee travelled to Darwin and to Bathurst Island and spoke to members of the local indigenous communities.

At Bathurst Island, Mr Barry Puruntatameri and Mr Terry O'Neill, both of the Nguui Community Government Council, told the Committee that the incidence of marital breakdown amongst indigenous Australians is very high and that this has a detrimental effect on local community life.²⁹⁴ Witnesses in Darwin suggested that the imposition of Western values on indigenous culture means that traditional methods of selecting marriage partners are being ignored. This results in a loss of family structure and support which often leads to marital breakdown.²⁹⁵

Mr Peter Fisher, Director, Anglicare Top End, commended the Attorney-General's Department for providing organisations such as Anglicare with funding to actually consult and work with the Aboriginal community on ways of structuring programs that are culturally appropriate for indigenous Australians.²⁹⁶ Mr Fisher said that programs reinforcing and teaching Aboriginal culture should be available for young people and equally importantly these programs should be guided and managed by Aboriginal people.²⁹⁷

The Committee agrees with evidence that stresses the importance of establishing programs that are culturally appropriate for indigenous Australians. It commends the

292 Johnson *supra* 293.

293 An example of these studies is the *1993 Marriage Counselling Census: summary of results*, conducted by the Attorney-General's Department. The Committee notes that while participation by indigenous Australians in marriage and relationship counselling programs is less than one per cent of total clients, their participation in Adolescent Mediation and Family Therapy and Family Skills programs is greater than three and four per cent respectively. See, Family Relationships Services Program *1996-97 Statistical Summary*: 9.

294 *Transcript*, pp. 2-3.

295 Mr Murabuda Wurramarrba, *Transcript*, pp. 893-894.

296 At the time of this particular public hearing, (7 November 1997) the program was still at the consultative stage.

297 *Transcript*, pp. 898-899.

Attorney-General's Department for funding organisations such as Anglicare so that they can assist in establishing programs in family skills and relationships training which are developed and managed by Aboriginal communities. It is hoped that these new projects will increase access by Aborigines to services funded by the Family and Relationships Services Program. The Committee believes that programs for Aborigines must be focused on supporting cultural structures which indigenous Australians consider important for improving family and marriage stability.

Innovative projects funding

The Committee recognises that there are new approaches to marriage and relationship education being developed from time to time. These approaches may be directed to specific communities,²⁹⁸ or involve a new program. The Committee notes, for example, the difficulties, now being addressed, of women from particular countries being brought to Australia as brides and the adverse consequences for many of them.

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

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

Recommendation 27

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

Funding of other Family Relationship Services Programs

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

The Committee believes that a system of base grants and a direct service delivery fee should be implemented for other Family Relationships Services Programs, namely family and relationship counselling, family and child mediation, adolescent mediation

298 See for example, L Crisante (1998) 'family relationships after migration' *Threshold* 58: 16–20; and L Heitritter (1998) 'Marriage education across cultures' *CMFCE webnews*, 23 May.

and family therapy, and family skills training. This funding mechanism should be established in consultation with the agencies and the proposed new Councils, with a view to implementation in 1999-2000.

Recommendation 28

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

The Committee recommends that the Attorney-General's Department report to the Parliament each year full details of all funding to agencies for each of the Family Relationships Service sub-programs. The report should include details similar to that set out in the survey of marriage and relationship education contained in appendices to this report.

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

A postscript: The Keys Young Evaluation

The Attorney-General's Department selected a firm, Keys Young, in 1997 to undertake an evaluation of the marriage and relationship education program. According to the terms of reference of the study, key issues to be researched were to be the degree to which current services are, or need to be:

- informed by an understanding of the different nature, types and stages of relationships and, in particular, the development and nature of both 'successful' and 'at-risk' relationships;
- incorporating an awareness of key life transitions - including issues such as retirement, divorce/separation, empty nest, step-parenting and so on;
- developing services to meet the needs of different types of relationships and the needs of different target groups such as people from different cultural backgrounds;
- aware of the implications of family or domestic violence on the conduct and content of education programs; matching current community values and expectations about marriage and relationships; and
- cost-effectiveness.²⁹⁹

The evaluation was scheduled to be completed in mid 1997. The final report was delivered in December.

299 'Marriage education evaluation' (1997) *Threshold* 54: 3-4.

The Committee had the opportunity to read the final report, to discuss it at length with Keys Young personnel and officers of the Attorney-General's Department, and to seek further advice from those engaged in the field of marriage education, both at an academic and practical level.

The Committee had been hopeful that the evaluation would assist this inquiry, but that has proven to be largely illusory, as the following observations indicate.

First, the evaluation failed to adequately address the first key issue, namely the nature of both 'successful' and 'at risk' relationships. As the early chapters of this report indicate, there has been considerable study and research into the factors that contribute to relationships that are on-going, and those that fail. Very little of this research is referred to in the evaluation. As a consequence, educational approaches to these factors are not evaluated.

Furthermore, the researchers seemed unaware of a large body of research about marital function and dysfunction, and the effects of marriage and relationship education.³⁰⁰ Asked about the body of research about the health impacts of marriage and separation, the research team replied that it was outside their terms of reference.³⁰¹ Asked why a series of relevant books and studies had not been referred to in the literature review, one of the researchers replied that 'there were only 20 days allocated to the whole literature review.'³⁰²

Secondly, the evaluation reported some of the literature in a misleading manner. For example, reference was made to Giblin's research into marriage enrichment programs without indicating there are considerable differences between marriage enrichment as reported by her in the United States and marriage education as practised in Australia. Nor was Giblin's key finding that claims that 'marriage enrichment is ineffective' are inaccurate.³⁰³ In other cases, the most up-to-date literature was not mentioned in the report.

Thirdly, the evaluation failed to comprehensively survey the field. There was no accurate breakdown of courses and programs from which some determination could be made of 'the effectiveness of funded organisations,' or the 'comparative costs of providing the various marriage and relationship education services.'³⁰⁴ Perhaps most disappointingly, the evaluation failed to note the substantial growth in the use of pre-marital inventories, such as PREPARE and FOCCUS, and to comment on these developments for the future of the program. As a consequence, the evaluation

300 *Transcript*, pp. 920–925.

301 *ibid.* p. 922.

302 *ibid.* p. 921.

303 *ibid.* pp. 923–924.

304 Keys Young (1997) *Evaluation of the marriage and relationship education sub-program* Sydney 2.

presents, at best, an incomplete picture of marriage and relationship education in Australia.

Fourthly, the evaluation appears to proceed on the basis of certain stereotypes and preconceived notions about marriage that do not accord with changing times. For example, the report makes references to traditional marriage and modern marriage. Asked whether the reference to a traditional marriage was to a marriage that occurs within a church and where the partners assume more conventional gender roles, the researchers replied 'yes'. This distinction was used in the report to suggest that marriage education programs substantially differed if they were conducted by church-affiliated agencies. Yet evidence to the Committee indicated that the distinction doesn't reflect modern marriages, nor the courses conducted by both church and secular agencies. The evidence suggested that the content of most pre-marriage programs, for example, is substantially the same, regardless of the affiliations of the agency.

The example illustrates another difficulty with the report, namely the failure by the team to comprehensively analyse the various approaches adopted by different agencies to marriage and relationship education. Apart from speaking to a range of 'key informants' and conducting some focus groups, the team did not observe programs, nor examine in any detail the course notes and work books used in them. Given that part of the brief to the team was to "identify innovative and effective marriage and relationship education services, and determine their relevance as 'best practice' models for use as benchmarks for comparison and direction in the sub-program,"³⁰⁵ this was a major oversight. Indeed, the innovative programs identified were self-reported.

The evaluation also uses language in an inconsistent manner in the report. For example, references are made to primary, secondary and tertiary levels of intervention, but it was conceded by the team upon questioning, that these terms were used in different ways in the report.³⁰⁶

The Committee is also concerned about the manner in which the report was undertaken and written. In many places, the evaluation team refer to 'some informants' for a particular point of view, without identifying them, the context of the remark, nor the agency or organisation with which they are affiliated. There can be little confidence in an approach that fails to identify comments from individuals in the field, nor the proportion of the field that support a particular proposition being advanced.

The Committee is disappointed with the quality of the evaluation. The research is incomplete, the conclusions of questionable validity, and the recommendations lacking in sufficient reasoning.

305 id.

306 *Transcript*, pp. 933-934.

While it is not the task of the Committee to determine why such a report was presented, it does raise questions about such evaluations in future. Although there was a project management steering committee, it would appear that this committee met rarely. Nor is it clear that any recommendations from the steering committee were adopted. Finally, the Committee was surprised that the relevant officers of the Attorney-General's Department were not able to comment on the evaluation report in any real detail four months after it had been delivered to them.³⁰⁷

307 *Transcript*, pp. 996–1003.

Recommendation 29

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

Recommendation 30

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

The Committee is of the opinion that scarce financial resources are better spent on academic research into the effectiveness of particular approaches to marriage and relationship education.

Chapter 7

Family Skills Training

In addressing the question of factors contributing to marital breakdown, submissions to the inquiry suggest that inadequate parenting skills, dysfunctional family background, family isolation and the breakdown of family support are significant risk factors that may contribute to marriage and relationship breakdown.¹ Academic research also points to a strong link between parenting skills and relationship stability. The transition to parenthood is regarded as a major life-cycle event which adds strains to the marital bond. Former Director of the Australian Institute of Family Studies, Don Edgar has documented the need for parenting programs stating that parent education programs and resources can be crucial in preventing child abuse and family breakdown.²

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

The Family Skills Training Sub-Program (FSTSP)

Family skills training was first funded by the Commonwealth on a pilot basis in 1991 as part of the Government response to the National Committee on Violence Report. This training aims to promote positive parenting and non-violent problem-solving by providing families with parenting and family functioning skills. Twenty one organisations are currently funded to provide this service. It is a preventative service aimed to meet the needs of low income families, sole parents, locationally disadvantaged families and families with children with disabilities. Some programs also provide services specifically for Aboriginal and Torres Strait Islander families and families from diverse linguistic and cultural backgrounds. An internal evaluation of the pilot projects, undertaken in 1992, found that the training was successful in meeting its objectives of assisting parenting skills and family functioning and that it was accessible to, and relevant for, vulnerable parents.³

The Committee understands that no external evaluation of the FSTSP has been undertaken since its inception in 1991. However on the basis of evidence to the inquiry, the Committee makes the following observations about the program.

1 See Chapter 4 above.

2 D Edgar (1990) 'Mixed Messages about Children' *Family Matters* 27: 30.

3 Attorney-General's Department, *Submissions*, p. S948.

Evidence to the inquiry suggests that there has been relatively little expansion of the FSTSP since its beginning as a pilot program in 1991.⁴ The program funds 21 agencies across Australia and in the year 1996–97, a total of 10,602 individuals participated in family skills training.⁵ The limited size of the program was confirmed by funded agencies who gave evidence to the Committee. For example, Centacare Family Services in Hobart, indicated that in 1995, the agency provided family skills training to 102 individuals and 195 children.⁶ Similarly, Ms Jillian Rose, Regional Manager of Anglicare Broadmeadows Family Services, told the Committee that the Broadmeadows program runs 24 parenting groups a year with approximately 160 participants in total.⁷ These figures indicate that the family skills program is accessing only a very small section of Australian families. Furthermore, witnesses suggested that the program is under-resourced and that agencies are unable to satisfy the demand for services with the current levels of funding.⁸

The Committee also observes that there appears to be a lack of commonality in the programs being offered. Programs have tended to develop locally in response to local conditions or according to the style of the particular agency involved. For example, Mrs Judith Mayfield, Coordinator of the Family Skills Training Program, Sunnybank Family Support, said that her program is run and structured very differently to programs being offered by other agencies involved in family skills training.⁹ Some agencies believe there are advantages in this arrangement as programs can then be more flexible and tailored to the specific needs of the local community.¹⁰

At the same time, Mrs Mayfield and other witnesses were also concerned about the lack of coordination and cooperation within the field and suggested that this is largely due to the fact that there are so few programs and that organisations generally work in isolation and often at great distance from one another.¹¹ Ms Susan Stephenson, Director, Sunnybank Family Support, believes there is actually more networking at a local level between the family skills agency and other community groups rather than between funded agencies of the FSTSP.¹²

4 As part of the 1995 *Justice Statement*, funding for the program was increased by 50% to \$2.8 million over four years.

5 Attorney-General's Department Family Relationship Services Program *Statistical Summary 1996–97*: 21.

6 *Transcript*, p. 85.

7 *Transcript*, p. 810.

8 Sister Philippa Chapman, *Transcript*, p. 87.

9 *Transcript*, p. 608.

10 Centacare Australia, *Submissions*, p. S851.

11 *Transcript*, p. 612.

12 *Transcript*, p. 609.

There was general agreement that national or state workshops and conferences would enable peer review and benefit the personnel working in the field.¹³ Mrs Mayfield suggested that while the peak body, Family Services Australia was a potential source of networking, it had in fact played a fairly limited role in this area.¹⁴

Linked with this issue, the Committee also notes that there are no nationally recognised competency standards for the field of family skills training. However evidence would suggest that agencies are usually employing facilitators who are university educated and/or are experienced in the areas of counselling, family work and group facilitation.¹⁵

Despite the limited nature of this program, agencies involved in family skills training spoke positively to the Committee about the benefits of the project.

Centacare Australia in its submission, suggested that for many participants, family skills training represents the first contact they have with services that focus on their relationships. An added advantage of the program is that people using this service are generally not at crisis point. Centacare Australia argued that family skills training is particularly beneficial for the community when it is linked to other family services such as counselling and relationships education. Counsellors can then refer clients to family skills courses on topics which would in the past have had to be addressed in counselling sessions. Conversely, family skills workers can refer people to counselling who might otherwise have been reluctant to venture into an unfamiliar agency.¹⁶

Sunnybank Family Support in its submission, argued that as a preventative intervention, the value of the family skills program is two fold. Firstly the program is designed to educate parents in effective relationship and parenting skills. This effect encourages the long-term prevention within the presenting family, such that information is shared and applied within the family. Consequently children also learn, via their adult models, more effective parenting skills.¹⁷

Secondly, an equally important part of the program is aimed at encouraging parents to develop wider community support networks. The most common characteristic of families approaching the Sunnybank services is a lack of a good informal network of support. As Ms Stephenson told the Committee, a lack of family support is identified as indirectly contributing to breakdown. Sunnybank's program is based on the premise that as well as supplying one-to-one professional

13 The Committee understands that a Family Skills Conference was held in June 1997.

14 *Transcript*, p. 609.

15 Mrs Judith Mayfield, *Transcript*, p. 612.

16 Centacare Australia, *Submissions*, p. S851.

17 Sunnybank Family Support, *Submissions*, p. S217.

support which the formal network can give, there is a need to work on redeveloping the informal network for people. She said a preventative education program, will be a much stronger program if it is supported by the development of those informal networks.¹⁸

Based on discussions with relevant witnesses, the Committee perceives that the family skills training programs are usually located in areas where the incidence of economic disadvantage is very high. The program is therefore meeting its objective of reaching disadvantaged and vulnerable families. In its submission, Sunnybank Family Support indicated that its target population includes families who are geographically isolated from kinship networks; locationally disadvantaged in terms of community infrastructure and resources; experiencing stress from lack of financial resources; experiencing a lack of identity related to unemployment; and families with Aboriginal and Torres Strait Islander and ethnic heritage.¹⁹

Similarly Ms Jillian Rose, said that in Broadmeadows there is a very high incidence of child abuse, family violence and unemployment, plus the additional complication of a number of newly arrived immigrant groups and a very great cultural diversity of language and culture. Because of its location, Anglicare Broadmeadows Family Services targets very well and does meet the needs of people who vitally need assistance with parenting. Much of their family skills work is referred to the agency from child protection services and from community health centres. Self referrals account for only 15 percent. Ms Rose and witnesses from other agencies also agreed that the largest proportion of clients were single parents rather than married couples or couples in de facto relationships.²⁰

Representatives from family skills training agencies also told the Committee that while no longitudinal studies have been done on the effectiveness of these programs, anecdotal evidence is encouraging. Feedback from clients is good and demand for courses continues.²¹

Other family skills training programs discussed in evidence to the inquiry

As the FSTSP is relatively small, the Committee saw value in talking to other organisations to learn of interesting and innovative work being done in the field of family skills training. To this end, the Committee heard evidence from the Positive Parenting Project in Perth and the NAPCAN Good Beginnings program.

18 *Transcript*, p. 606.

19 Sunnybank Family Support, *Submissions*, p. S222.

20 Ms Jillian Rose, *Transcript*, p. 816; Sister Philippa Chapman, *Transcript*, p. 86.

21 Sister Philippa Chapman, *Transcript*, p.86; Ms Jillian Rose, *Transcript*, p. 813.

Positive Parenting Program (Triple P)

This project was initiated by the Western Australian Health Department in 1995, its primary aim being to examine the feasibility and effectiveness of population level application of a Positive Parenting Program to reduce the prevalence of childhood disruptive conduct disorder.²²

The target group was parents of pre-school children ages three to four, recruited from areas of high socioeconomic disadvantage in the Perth East Metropolitan Health Region. Interested parents registered and participated in an eight session Positive Parenting Program. Eight hundred Perth families living in disadvantaged areas with the highest child abuse notification rate completed the program. Pre and post intervention results for the first 400 families are encouraging. Three in five eligible families in these areas participated in the project and 85 per cent of these families completed at least seven of the eight program sessions.

In the short term, the program has been effective in reducing the incidence of adverse or seriously dysfunctional parenting, from twice the population average prior to the program, down to the general population level post intervention. It has also significantly reduced disruptive behaviour disorder among children of the participating families. The conclusion drawn is that while the upfront costs of establishing a community wide prevention program are substantial (in this case \$440 per family), the long term benefits to the individuals and the community are likely to outweigh the costs.²³

Professor Stephen Zubrick, Division of Psychosocial Research, and Mr Sven Silburn, TVW Telethon Institute for Child Health Research, who both worked on the project spoke to the Committee about the Triple P and its significance for family relationships. Professor Zubrick suggested that it is important to acknowledge that today's children are tomorrow's parents. Much of what they will bring into parenthood and the families that they create will be carried from their experiences as children and young people today. Therefore projects such as Triple P have long term benefits for the stability of family relationships.²⁴

Mr Silburn told the Committee that the Triple P project has shown there are additional benefits in parenting programs beyond the positive impact it has on childhood behaviour. He said that the Triple P project has indicated that there are significant improvements in levels of family discord and marital functioning resulting from a program that has specifically addressed parenting issues. Getting

22 A Williams et al *A population based intervention to prevent childhood disruptive behaviour disorders: the Perth Positive Parenting Program Demonstration Project* unpublished paper: 1.

23 *ibid.* 6.

24 *Transcript*, p. 705.

support for parents in the task of rearing their children has flow on benefits to general family relationships.²⁵

Mr Silburn also suggested that families with young pre-school children are at a period in family life where there are great vulnerabilities and it is a time when many families feel least supported. It is therefore important that programs address this particular vulnerability.²⁶ Ms Anwen Williams, Senior Project Officer, Health Promotions Branch, Health Department of Western Australia, said that there are advantages in a population based approach such as Triple P versus an approach that selectively targets particular groups such as one-parent families. The program is a preferred approach because it is delivered in a non-stigmatising way rather than being offered only to high risk single parent families. It has the added advantage in that it is being offered at an early stage as a preventative approach before problems actually arise.²⁷

Good Beginnings National Parenting Project

The view that young families are particularly vulnerable was also the rationale for the development of the Good Beginnings project. This program was established as a pilot project by NAPCAN and Lions in 1996 and receives funding from the Commonwealth Department of Health and Family Services.

Ms Barbara Wellesley, National Project Director, Good Beginnings Project, told the Committee that at the basis of the research for this project was a belief that the stress, isolation and anxiety that many parents of new children feel can be detrimental to both the well being of the children and to the stability of the relationship between husbands and wives or partners. The time after the birth of the first child is a crucial time for relationships to either fail or succeed.²⁸

Good Beginnings works essentially by linking parents who are experienced parents and have volunteered their time to visit the homes of parents of new children. Volunteer parents under the guidance and training of a highly skilled professional, visit new parents on a regular basis and act as mentors by sharing knowledge and ideas and giving general support. The aim is to encourage parents in building self confidence to raise healthier, happier children and to improve parents ability to access and utilise effective and appropriate community services and resources.

Ms Diana Ewins, National Manager, Good Beginnings, said the advantage of a program based on volunteers is that parents can gain self confidence with the

25 *Transcript*, p. 719.

26 *ibid.*

27 *Transcript*, p. 720.

28 *Transcript*, p. 973.

support of other parents, rather than relying on professional intervention which can sometimes be intimidating and cause dependency.²⁹

Currently, there are four pilot sites running at Moe in Victoria, Katherine in the Northern Territory, inner-west Sydney and Hobart. Each location is able to support up to 120 families.

In discussions with the Committee, Ms Wellesley said that the coordination of family services is extremely important, but argued that in fact there is a lack of cooperation and linking between agencies. In the particular case of Good Beginnings, she suggested that volunteers and other community organisations should be more closely linked so that there is a greater understanding of each other's roles.³⁰

Miscellaneous parenting programs

The Committee is aware that there is a lack of readily available data on the variety of family skills programs. The following section describes some of the innovative programs that have come to the attention of the Committee.

Victorian Parenting Centre

The Victorian Parenting Centre is a major part of the Victorian Government's Skill Development Initiative. The aims of the initiative are: to promote the independence and healthy development of families through enhancing parental knowledge and skills, as well as to promote positive parent-child interactions and relationships; to develop a network of service providers with a focus on parent information and programs; to ensure that all Victorian families can obtain information and access to a range of parenting services; to ensure that the models of parenting education and support practised in Victoria are informed by current research into the most effective approaches; and to provide up to date resource materials and training for deliverers of family education and support services.

Parent Effectiveness Training

Parent Effectiveness Training (PET) courses have been offered in Australia since 1975. Originating in the United States through the work of Dr Thomas Gordon, PET is now taught in over 35 countries. Its purpose is to give parents

29 *Transcript*, p. 997.

30 *Transcript*, p. 980.

insights and skills needed to raise more responsible children and to foster more satisfying family relationships.

PET courses are designed to teach parents specific skills to find the middle position between authoritarianism and permissiveness. The 24-30 hour course imparts both theory and the opportunity for skill development based on the presentations. The length of the course allows the concepts and skills imparted to be sufficiently internalised to achieve a long-term benefit for the participants. Operating in all States and Territories, PET is one of seven effectiveness training courses offered by the Effectiveness Training Institute of Australia. Approximately 1,200 families undertook PET courses in 1997. The Effectiveness Training Institute receives no Government funding and courses run at a cost of \$120 per person or \$190 per couple.

The Committee also notes other programs, such as Systematic Training in Effective Parenting (STEP) operate in Australia.

The Toughlove Program

Based on Toughlove International, Toughlove is a non profit self-help support program for troubled families dealing with difficult adolescents. Rather than offering a parenting program, Toughlove is a crisis intervention group. It is aimed at fostering cooperation between children, parents and communities.

In 1993, a Toughlove program was first established in Adelaide by Relationships Australia (SA) and by June 1996 the movement had expanded so that there were 40 Toughlove groups operating throughout Australia. Toughlove programs take the form of weekly meetings of groups of parents. Where counselling or therapy is required, parents are referred to professionals, while continuing to receive support from the Toughlove group.

While the Adelaide initiative was initially funded through the FSTSP, Toughlove programs no longer receive government funding, nor do they operate through Relationships Australia.

Funding of family skills training programs

It would appear to the Committee that neither the Commonwealth nor the States are assuming primary responsibility in the area of parenting education. Parenting skills training is being funded by a myriad of Commonwealth and State governments with very little coordination or cooperation. For example, at the Commonwealth level both the Attorney-General's Department and the Department of Health and Family Services have some responsibility, while at the State level funding is provided in varying degrees by a variety of health, family services and education departments.

The Committee had discussions with witnesses regarding funding arrangements for the various programs. It became evident that funding comes from a variety of sources and with little coordination or consistency. For example, Ms Rose said that the Broadmeadows family skills training program receives funding from both the Victorian and Commonwealth Governments. She praised the federal funding saying it had always been provided in a very flexible way allowing a considerable degree of local autonomy to decide how to best target the local conditions and the local needs. She said that the strength of the Commonwealth program is that there has been a realistic position taken about actual operational costs in relation to sustaining programs in the long term. By comparison, the State funded family support programs are poorly funded.³¹

Ms Patricia Jewell, Parent Resource Coordinator, Children's Protection Society, West Heidelberg, suggested that when comparing the State and Commonwealth systems, the value of the Commonwealth program is that it has enabled agencies to establish new initiatives that are targeted at particular disadvantaged groups such as disabled parents and migrants.³²

From evidence, it is the Committee's understanding that the funding arrangements for the Victorian family skills program are differently administered to other States. It would appear that in Victoria, Commonwealth funding is actually administered through the State family support programs.³³

The Committee's views on family skills training

The Committee notes that the FSTSP administered by the Attorney -General's Department is relatively small and that there has been minimal expansion since its beginning in 1991. Despite this limited focus, the Committee believes the program does fulfil an obvious need in supporting disadvantaged and vulnerable families.

However, the Committee is of the opinion that while the FSTSP was established with a preventative focus, the reality is that it has developed more to meet the needs of the disadvantaged and to assist in areas where dysfunctional problems have already arisen. Without wishing to undermine the importance of such a program, the Committee also sees value in programs that reach all parents at an early stage and before problems arise. It supports the research that indicates that a critical intervention point in couples lives is after the birth of the first child. It

31 *Transcript*, p. 823.

32 Ms Patricia Jewell, *Transcript*, p. 848.

33 Ms Jillian Rose, *Transcript*, p. 809; Ms Patricia Jewell, *Transcript*, p. 847; Attorney-General's Department, *Family Relationships Services Program Statistical Summary 1996-97* also makes reference to this arrangement at p. 22.

commends the work of the Perth Positive Parenting Project and the Good Beginnings program which are based on a more encompassing approach to parenting education and which focus particularly on all parents with young families. The Committee is concerned that the current emphasis of the FSTSP on disadvantaged families stigmatises parenting education and is unhelpful in changing community perceptions about the value of learning and improving family skills. The Committee believes there should be greater effort to make programs more accessible and available to all parents.

As a preventative measure, the Committee suggests that parenting education should be offered at the earliest possible stage and before problems arise. To this end, it believes that ante natal classes should be used to promote positive parenting courses to all parents regardless of their socioeconomic status. The Committee notes that some development is occurring in this regard. A recent report to the Catholic Bishops' Committee on Family and Life has recommended the development of parenting and marital enrichment programs around the birth of the first child and existing programs of baptism. The Good Beginnings project also uses the birth of a child as a life transition event.

Funding and cooperation

The Committee notes that in addition to the Attorney-General's Department project, there is a range of parenting programs being offered across Australia. Some of these are funded by other Commonwealth departments, while others receive support from various State departments. It is of some concern to the Committee that there appears to be little cooperation or collaboration between these various programs with neither levels of government taking primary responsibility for parenting education. The Committee suggests that governments at State and Commonwealth level should collaborate to ensure that policies in preventative services to support family function are jointly developed.

Recommendation 31

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

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

Recommendation 32

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

The Committee notes the evidence suggesting an absence of communication between family skills educators both within the sub-program and amongst other family support organisations. Educators appear to work in isolation with little cross fertilisation of ideas or knowledge of other programs and without the guidance and support of a professional body. The Committee believes that the peak body should assist with this professional development. However, as discussed in Chapter 11, the Committee also argues that the current peak body structure is ill-equipped to perform this function.

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

Recommendation 33

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

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

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

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

The Committee acknowledges that the terms of reference for this inquiry have limited the Committee's ability to deal comprehensively with the issue of family skills training. Evidence to the inquiry would suggest that there is need for further work to be done to develop a national coordinated parenting policy across Australia. The Committee notes that the New South Wales Legislative Council Standing Committee on Social Issues is currently conducting an inquiry into the

state of parent education in New South Wales.³⁴ The Committee awaits with interest the tabling of the report from that inquiry.

The role of schools in relationship and family skills training

The Family Relationships Services Branch of the Attorney-General's Department does not have responsibility for school-based programs which provide relationship and family skills training. However, as many witnesses to the inquiry expressed great interest in this subject, the Committee considers it important to examine briefly, some of the innovative programs already in place in schools, and to consider possible options for the future.

Evidence to the inquiry was overwhelmingly supportive of the idea that relationship training and family skills training should begin in schools. Witnesses generally felt that schools are a very important and formative place, and it is here that training in the value of nurturing relationships can be established.

Mrs Dale Bagshaw, Chairperson of the Family Services Council, argued that there should be more emphasis on providing relationship training in schools.

There should be education at primary schools, secondary level and at tertiary level and education for the whole community. I do not think enough is being done in schools. There is evidence to suggest that, if there is education provided in schools, a whole school approach should be taken and it should be a fundamental part of the curriculum. The sort of education that could occur in schools and in tertiary and secondary areas is education around communications skills, conflict resolution strategies and those sorts of things.³⁵

Many witnesses suggested that while schools do have sex education programs, these focus on biological education and contraceptive information. It was suggested that the majority of these programs do not provide information on the importance of the relationship, nor do they give training in communication skills or conflict resolution.³⁶

Some witnesses suggested that schools should also play a role in countering the negative images of marriage that are being presented to children through other

34 The terms of reference of the New South Wales Committee on Social Issues include an inquiry into: the value and support accorded to parents and parenting by the community; the accessibility, relevance and flexibility of existing parent education and support programs; and the appropriate role of parents, government, non-government organisations and educational institutions in the development, delivery and promotion of parent education and support programs. The report is to be tabled in late 1998.

35 *Transcript*, p. 24.

36 Mrs Eris Smyth, *Transcript*, p. 106.

sources such as the media.³⁷ Ms Michele Simons, Lecturer, Centre for Research in Education, Equity and Work, University of South Australia, told the Committee that in her view, schools have a vital role to play, not only in teaching children about the importance of marriage, but also as being places where parents can become involved in family skills and relationship training.³⁸

Mrs Jennifer Boland, Chairperson of the Family Law Council, stressed the role of schools in reinforcing the importance of family and parental responsibility. She argued, that in order to imbue a sense of parental responsibility in the community, it is absolutely fundamental that this begins not just with lawyers and people who are at the breakdown of marriage. It must begin at kindergarten, and in schools, and it must be taught right through the school program, so that people understand that parental responsibility does not cease, regardless of whether or not they are married.³⁹

Ms Elspeth McInnes, from the National Council of Single Mothers and Their Children, supported the importance of schools saying that apart from the family, the school is the single other avenue that children engage with.

Right from day one we need to be in there with children around: how do you settle a dispute? How do you care for others? If children have a nurturing home where people do not hit each other, they are going to get some skills around that. If they do not have access to those opportunities, then there is really no avenue. The single other avenue that children engage with, apart from the family as an institution, is school, and we know that schools have a tremendous influence on children's lives.⁴⁰

Ms Kay Buckley, also from the National Council of Single Mothers and Their Children, said that it is important that children learn conflict resolution skills and that this can be done with children as young as five or six. She said, in her role as a parent educator, she had observed that children who know how to resolve conflict are often useful role models to their parents.⁴¹

The Committee received evidence from members of Family Life Movement of Australia. This organisation receives federal funding to provide marriage and relationship education and counselling in the community. It also provides programs in schools in New South Wales, Victoria, South Australia, and southern Queensland. These programs do not receive federal funding. In 1996-97, Family Life ran family based programs in 599 schools in New South Wales. While the emphasis of Family Life school programs is on sex education and family communication, the

37 Dr Roger Harris, *Transcript*, p. 508; Mrs Gerlinde Spencer, *Transcript*, p. 349.

38 *Transcript*, p. 509.

39 *Transcript*, p. 268.

40 *Transcript*, p. 541.

41 *Transcript*, p. 542.

Committee understands that Family Life also has programs for primary school children and adolescents which focus on building self esteem and self respect.⁴²

Mr Paul Hulbert, Manager, Family Life Movement of Australia, told the Committee that he believed training should begin as early as year one and should inculcate young people from a very early age with a knowledge of relationships, the skills that go into communicating, and an attitude of responsibility within a relationship.⁴³ If funding were made available, Mr Hulbert suggested that his organisation could provide such programs. Because his organisation already has expertise and experience in this area, Family Life could very quickly develop appropriate programs for implementation in schools.⁴⁴

Mrs Gerlinde Spencer, National Chair of the Couples for Marriage Enrichment Australia (CMEA), said that she believed CMEA leaders would be willing to set up suitable programs for schools. She suggested that other funded marriage and relationship agencies, because they have trained educators on their staff, would also be capable of developing appropriate packages for schools. Mrs Spencer said that there are already programs available which teach the principles of conflict resolution, and that Family Life and other agencies with trained staff, could very easily adapt these to the Australian scene. Mrs Spencer told the Committee that another option for development might be the broadening of the Family Life programs so that they involve a six-session program that could be slotted into the school curriculum within the health education program. Mrs Spencer believed that school teachers should not be involved in this work. Rather, relationship education in schools should be left to those who already have competency in this area.⁴⁵

School programs discussed in evidence to the inquiry

Because of the unqualified support for school-based programs noted in evidence, the Committee also sought information from organisations already providing innovative programs in schools.

Healthy Families Project

The Committee heard evidence from the Healthy Families Project, an education initiative funded by the Victorian Health Promotion Foundation to strengthen family life. This project was developed to foster the development of family health through an educational program designed to help children understand families and

42 *Transcript*, p. 356.

43 *Transcript*, p. 359.

44 *Transcript*, p. 363.

45 *Transcript*, p. 356.

the ways in which patterns of parenting are passed on from generation to generation. The Healthy Families Project was conceived not as a curriculum add-on but as an integral component of the regular curriculum for students in years five and six. Mr William Tickell, Director of Healthy Families Project, told the Committee that the crucial focus of the project is the understanding that patterns of parenting do not have to be repeated from generation to generation. The aim is to work through children in schools to break the cyclical effect of dysfunctional families.⁴⁶ At the time of giving evidence to the inquiry, Mr Tickell said there were 46 schools in Victoria involved in the project. Teachers within the schools provide the program. However Mr Tickell believes that there is a need for greater professional development of teachers to undertake this work more effectively.⁴⁷

Mr Tickell agreed with the Committee, that the Healthy Families programs which are run for children, would complement the parenting programs being offered by Professor Maurice Bolson at Monash University. While ideally, Mr Tickell would like to complement the children's programs with parenting skills training, he said there have been difficulties trying to get parental involvement. He said that there is a danger that the whole program will become stigmatised as a massive intervention exercise and an intrusion of the school into family life.⁴⁸

Seasons For Growth

Seasons For Growth, is a project set up by the McKillop Foundation to assist school students who are experiencing pain from loss and grief due to death, separation and divorce in the family. The program aims to help students to grow through the grief process and rebuild more effective relationships with their families, peers and other people. The project is resourced by the McKillop Sisters without government assistance and currently runs in 800 schools throughout Australia at a cost of approximately \$1,000 per school.⁴⁹

Mrs Lonergan, Chairperson, Seasons For Growth Advisory Committee, told the Committee that anecdotal evidence about the project has been very positive and demand for the program far exceeds the resources available. Mrs Lonergan also pointed to the advantages of providing programs within schools. She argued that in some ways, schools have become the centres of community because that is where you can access both the parents and children. Furthermore, if the program works well, then it will retain a permanent place within the school.⁵⁰

46 *Transcript*, p. 404.

47 *Transcript*, p. 410.

48 *Transcript*, p. 413.

49 Mrs Josephine Lonergan, *Transcript*, p. 988.

50 *Transcript*, p. 990.

Other school-based projects

The following projects did not come to the attention of the Committee through evidence. Nevertheless, the Committee believes they are interesting examples of innovative work being done in school-based programs both in Australia and overseas.

Partners for Students

Partners for Students was established by the Family Law Section of the American Bar Association. This program has involved the development of a self contained ten week course designed to fit within school curriculums. It teaches communication and negotiation skills needed to resolve common relationship problems. A set of interactive videos is used in combination with course material and class discussion, which is coordinated by local teachers. The program is now operating in 32 states across the United States. According to Lynne Gold-Bikin, Chairperson of the Family Law Section, the program aims to counter the misperceptions that can cloud the search for a partner and bring marital disasters at a later time. "Too often", Gold-Bikin observes, "people get their expectations of what marriage is about from television, not from their real lives."⁵¹ The Partners for Students curriculum helps students determine the key qualities they prefer in a mate and how to avoid selecting someone with incompatible personality traits. Local attorneys may also consult with the classes to clarify how divorce, child custody, support and related family law issues are handled.⁵²

Values for Life Seminars (VfLS)

The Value for Life (VfL) seminar program, operating under the auspices of Care and Communication Concern, commenced in Victoria 27 years ago under the name of the Christian Option Program. The project is funded by charitable resources and fees, without government assistance.

In 1997, Care and Communication Concern ran 188 VfL seminars in Government, Catholic and independent schools throughout Victoria. Seminars of between one hour and one day duration were offered to students in the age range of Year seven through to Year 12. Within a basic Christian philosophy, VfL seminars include subjects such as Peer Pressure and Identity; Abuse, Bullying and Disregard; Drugs and Alcohol; Identity and the Media; Sex, Love and Relationships; Life according to *Dolly*, *Cleo*, *Cosmo* and *Girlfriend*; Maleness and Identity; and The Things that Matter

51 (1994) 'Keeping the knot tied' *ABA Journal* 80: 105.

52 *The Partners for Students Curriculum*, available at:
<<http://www.abanet.org/family/partners/curriculum.html>>

Most. A recent evaluation of the program conducted by Graeme Withers, Senior Research Fellow, from the Australian Council for Educational Research, indicates that despite the relative brevity of the seminars, they do have considerable impact. From the anecdotal evidence obtained during the evaluation, Withers, believes that the seminars may provide a significant addition to the range of strategies that some adolescents possess when they come to process or apprehend cognitively values-related issues, and begin to explore their importance.⁵³

The Committee's views on the role of schools in relationship and family skills education

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

The Committee agrees with the overwhelming body of evidence that suggests that relationship and family education should be part of the curriculum in Australian schools. It commends the programs already in place, such as the Seasons for Growth program of the McKillop Foundation and the Healthy Families Project in Victoria. It notes with interest, the American Bar Association's Partners for Students initiative. These programs are valuable examples of innovative preventative programs for relationship education and as such, they are models that should be considered by governments implementing policy in this area.

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

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

Recommendation 34

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

53 G Withers *Life, Learning and Values: an Evaluation of the Values for Life Seminar Program as a co-curricular experience for Australian young people*. Care and Communication Concern: 1997: 26.

Chapter 8

Marriage Counselling

The Attorney-General's Department has described marriage counselling as 'a process where a neutral third party, focussing on the emotional dynamics of relationships and the stability of marriage within a family unit, assists parties to deal with the stresses they encounter as they move into, live within, or move out of that family unit.'¹

Growth of marriage counselling services

Marriage counselling services were first established in Australia during the 1950s. Initially they consisted of trained volunteers working on a sessional basis for a variety of charitable community or church-based agencies.

In 1960, with the introduction of the *Matrimonial Causes Act 1959*, the Commonwealth Government undertook a commitment to the support of stable marriage and family life and to the legal regulation of marriage and divorce. As part of this commitment, the Family and Relationship Counselling sub-program² (FRCSP) was established within the Attorney-General's Department and funding was provided to 19 organisations, mostly either church affiliated, or branches of the Marriage Guidance Movement (now Relationships Australia). It was envisaged that the organisations would be non-profit making, committed to serving the community, and that they would raise a proportion of their funds directly from the community, either through fees or from other sources.³

Over the ensuing period, the number of organisations funded by the FRCSP has increased to 41 and the counselling sessions they have provided have doubled in the last twenty years to over 200,000.⁴ In 1994–95, these funded organisations spent an estimated \$23.7 million providing counselling, \$14.8 million of which was provided by LAFS.⁵ The FRCSP is the oldest and most substantial of the sub-programs within the Family Relationships Services Program⁶ (FRSP) of Legal Aid and Family Services

1 D Fox (1988) *Guidelines for organisations seeking approval* Canberra: Attorney-General's Department.

2 This sub-program was formerly called the Marriage and Relationship Counselling Sub-Program and the Marriage Guidance Sub-Program. In this report the sub-program is referred to by its most recent name with the exception of any references to the ARTD report entitled *Evaluation of the Marriage and Relationship Counselling Sub-Program*.

3 ARTD *Evaluation of the Marriage and Relationship Counselling Sub-Program* 1996: 5.

4 *ibid.*

5 *ibid.* 7.

6 Formerly the Family Services Program.

(LAFS), although it is becoming a relatively smaller proportion, comprising 57 per cent of total funding under the FRSP in 1995–96.⁷

Other service providers

Apart from the 41 funded organisations, a range of related sources of marriage and relationship counselling has emerged. State funded health and mental health programs have offered a changing array of services. Private providers, both psychiatrists and medical doctors, and a growing number of counsellors and therapists in private practice are also offering marriage and relationship counselling.

The Family Court and marriage counselling

The *Family Law Act 1975* includes provisions which seek to encourage couples to achieve reconciliation. Section 14(5) of the Family Law Act provides:

Where a court having jurisdiction under this Act is of the opinion that counselling may assist the parties to a marriage to improve their relationship to each other and to any child of the marriage, it may advise the parties to attend upon a marriage counsellor or an approved marriage counselling organisation and, if it thinks it is desirable to do so, adjourn any proceedings before it to enable the attendance.

While the Family Court does have this statutory responsibility to provide reconciliation and relationship counselling, Chief Justice Alastair Nicholson told the Committee that it has generally referred this work to community based agencies and concentrated its efforts and resources on conciliation counselling in the divorce process.⁸ In chapter nine, the Committee recommends that the Family Law Act be amended to remove this statutory obligation on the Court to provide reconciliation counselling.⁹ The Committee believes that the Act should more accurately reflect the current arrangements.

Reviews of marriage counselling in Australia

7 ARTD *Evaluation of the Marriage and Relationship Counselling Sub-Program 1996*: 6.

8 *Transcript*, p. 165.

9 Joint Select Committee on Certain Family Law Issues, 1995 *Funding and administration of the Family Court of Australia*, also recommended that the Family Court's statutory obligation to provide reconciliation counselling be repealed. Joint Select Committee on Certain Family Law Issues Canberra: AGPS: 1995 (Recommendation 7.50).

In the last ten years there have been several major surveys and evaluations of the federally funded marriage and relationship counselling services. The outcomes of these reviews are discussed below.

McNair opinion poll on marriage counselling

A national poll conducted by AGB McNair in September 1995 and commissioned by LAFS, indicated that marriage counselling has become an established part of the Australian social landscape. The poll found that almost all Australians are aware of marriage counselling services, three quarters of adults see marriage and relationship counselling as helpful and two out of three people are willing to use marriage counselling.¹⁰

Marriage counselling census

In 1993, LAFS conducted a census of the marriage counselling organisations funded by the Commonwealth Government to provide information concerning the profile of clients attending services and the outcomes of the services. In summary the census showed that:

- more women than men used counselling (55 per cent of all clients);
- most clients were aged between 25-44 years (70 per cent);
- most clients were living with a partner on either a married or a defacto basis (58 per cent);
- most clients had dependent children (62 per cent);
- the primary language spoken at home is English (with only 2.4 per cent non-English speaking);
- very few Aboriginals or Torres Strait Islanders access the service (0.6 per cent of total clients); and
- the most common goals that clients wanted to achieve through their counselling sessions were to remain together or to improve the relationship (47 per cent). Eighteen per cent approached the service to decide about separation or divorce; 11 per cent to cope with separation or divorce; and seven per cent to get back together.¹¹

Australian Institute of Family Studies evaluation

In addition to the 1993 census, two evaluations of the federally funded marriage counselling services have also been undertaken in recent years. The Australian Institute of Family Studies (AIFS) completed an evaluation in 1989, the principal purpose of which was to assess the effectiveness of counselling processes in assisting couples and individuals in resolving relationship problems. It undertook this by

10 Family Services Council, *Submissions*, p. S759.

11 Attorney-General's Department *1993 Marriage Counselling Census: summary of results*: 1.

using a two-stage longitudinal study consisting of a pre-counselling survey followed after eight months by a post-counselling survey. In particular, the survey found:

- As the result of counselling, of those who were in an intact relationship, 81 per cent of women and 78 per cent of men remained together. Of those who were initially separated a higher proportion of women (30 per cent) than men (11 per cent) had reconciled. One quarter of women and 30 per cent of men stated they were more optimistic about their relationship continuing since counselling. Where separation did occur, in over half the cases it was women who initiated the action.
- In improvement in problem areas, personal life and quality of relationship, over 75 per cent of women and 83 per cent of men in intact relationships thought the problems they came to counselling about had changed for the better.
- The helpfulness and benefits of counselling most frequently mentioned were acquiring skills in communication and handling conflict, gaining insight into oneself, one's partner and the dynamics of the relationship, and, for women, obtaining emotional support.¹²

ARTD Management and Research Consultants' *Evaluation of the Marriage and Relationship Counselling Sub-Program*

A subsequent evaluation of the FRCSP, completed in September 1996 by ARTD Management and Research Consultants, examined the cost and effectiveness of services according to financial and client service measures. The report concluded that at a fundamental level, the primary objectives of the sub-program have been achieved through the creation over the years of a substantial body of marriage and relationship counselling services. These services are now a well established part of the social infrastructure in Australia and employ around 700 counsellors, and provide over 200,000 counselling sessions for more than 100,000 clients each year.¹³

However, at a more specific level, the ARTD evaluation indicates that there are access and equity difficulties with the current services and an apparent wide variation in the cost and efficiency of the various funded service providers.

Significantly, the evaluation found that on a population basis, only an estimated 34 per cent of the potential need for marriage and relationship counselling was met through the FRCSP. The extent to which other need was being met by unfunded agencies and individual counsellors was unable to be determined from the evaluation.

12 I Walcott and H Glezer (1989) *Marriage Counselling in Australia: an Evaluation* Melbourne: AIFS

13 ARTD *Evaluation of the Marriage and Relationship Counselling Sub-Program* 1996: x.

The Committee has been able to gauge some sense of this need from evidence to the inquiry. Some service providers have indicated that there are often long waiting periods for their counselling services. For example, a survey conducted by Centacare of its agencies in Queensland, New South Wales and Victoria, for the purpose of this inquiry, indicated that there are extensive waiting lists for counselling services in many organisations. Waiting times for counselling vary from 2-3 weeks in Cairns and Toowoomba to 8-10 weeks in Wyong and Melbourne. Many agencies report average waiting times of 4-6 week (Gosford, Narrabeen, Melbourne, Wagga Wagga) and 6-8 weeks (Wollongong).¹⁴

Similarly a group of major service providers in Victoria, in their joint submission, suggested that there are often times in all centres when their organisations are unable to meet the strong and continuing demand for relationship counselling. They also pointed out that there are areas of Victoria where there is either no specialist service or only a tiny and unsupported service.¹⁵

The Committee notes that this failure to satisfy demand for counselling services as evidenced by long waiting lists, is in contrast to other services such as marriage education where agencies have some difficulty promoting their services.

Access to marriage and relationship counselling by disadvantaged groups

The ARTD evaluation also confirmed the findings of the 1993 census which suggest that counselling is not readily available to all groups in the community.

Access by migrants

The 1996 evaluation, found that people who spoke a language other than English at home were a small proportion of all counselling clients relative to their representation in the Australian population and they were under-represented by a factor of five.¹⁶ In response to this issue, LAFS had funded a community development officer project which commenced in May 1996. The role of community development officers is to work with the particular ethnic communities to find out what their special needs are, and to be a conduit between the communities and the funded services to make sure that the services are provided in an appropriate way. The ARTD evaluation suggested that many organisations' responses indicated that access to services was improving to some extent through these policies and special projects. Nevertheless, the consultants concluded that these issues are being addressed to some degree, but not sufficiently, by all organisations.

14 Centacare, *Submissions*, p. S847.

15 Relationships Australia et al, *Submissions*, p. S595.

16 ARTD *Evaluation of the Marriage and Relationship Counselling Sub-Program 1996*: 153.

Evidence to the inquiry supports the impressions that there are difficulties in improving access to marriage and relationship counselling by some cultural groups. It was suggested that there needs to be research into methods of modifying existing services so that they are more relevant to ethnic groups.¹⁷

Access by indigenous people

The 1996 evaluation also reported that Aboriginal and Torres Strait Islander people were under-represented as a group using marriage counselling services and this under-representation was by a factor of 40. A quarter of organisations reported having some specialised services or projects for Aboriginal and Torres Strait Islander people and some examples of innovative projects were identified.

Ms Dale Bagshaw, Chairperson of the Family Services Council, recommended that in terms of access by indigenous people, community development officers of Aboriginal and Torres Strait Islander background should be appointed to develop more appropriate responses to the needs of the community through consultation with community groups.¹⁸

Rural access to counselling

The 1996 evaluation suggested that the FRCSP has been effective, through the geographical distribution of funds, in achieving a measure of equity in terms of the pattern of population need for counselling around Australia. It was argued that this was supported by the fact that the distribution of funding in each state generally matched the number of couples in each state. While the distribution of clients in urban, rural and remote regions generally matched the geographical distribution of couples, clients in rural areas outside major population centres were somewhat under-represented. Only three per cent of all counselling sessions were conducted in smaller rural areas despite these areas accounting for 13 per cent of Australian couples.¹⁹

Witnesses to the inquiry also spoke of the difficulties in providing access to marriage counselling in rural areas. Mr Price, Vice-President of Family Services Australia, said that it is almost impossible to provide services in New South Wales over the Blue Mountains as the cost involved in providing a mobile counsellor to go between different remote country areas would be prohibitive. Such services would need to be funded differentially.²⁰

17 Adelaide Central Mission, *Submissions*, p. S176.

18 *Transcript*, p. 25.

19 ARTD *Evaluation of the Marriage and Relationship Counselling Sub-Program 1996*: 152.

20 *Transcript*, p. 289.

Centacare Family Services, Hobart, also argued that the needs for counselling are not being met, particularly in rural and remote areas of Tasmania. The director, Father Clem Kilby, said that there is a need to extend services into the Huon Valley, Georgetown, Scottsdale and to the far north-west of Tasmania. However, because of inequitable and unpredictable funding arrangements, Centacare is unable to do this. Father Kilby said that Centacare had one person travelling to the west coast of Tasmania three days a week, but that this involved travelling 40,000 kilometres in 14 or 15 months which is a heavy burden on one person.²¹

Centacare Australia, the peak body, also highlighted problems with rural access to services and suggested there is a need for more creative alternatives, such as providing visiting specialist services to an identified family services base. Centacare's submission suggested that organisations need to be able to develop more flexible approaches to the provision of services in remote and rural areas, such as providing more supports and benefits in order to attract and maintain staff. A broad banding approach to funding of family services programs would increase the flexibility of program delivery and would enable agencies to offer more attractive positions.²²

Efficiency and cost effectiveness of service providers

The ARTD evaluation indicated that the 41 organisations which provide counselling services are a diverse group of community-based organisations located in capital cities and regional towns around Australia, varying greatly in size and structure of service delivery.²³ More significantly, the data from the evaluation indicated that outputs and apparent efficiency of counselling appeared to vary markedly between organisations. Some organisations appeared to be far more efficient than others. For example around one-quarter (27 per cent) averaged less than 600 sessions per counsellor and around one-quarter (24 per cent) averaged more than 900 sessions per counsellor.

The average number of sessions per closed case was five but varied between organisations, ranging from two to 14 counselling sessions. The data demonstrated a great degree of variation in the costs of counselling provided by different organisations. A central indicator, cost per counselling session, averaged \$101 per session across all organisations, but varied by a factor of seven, from a low of \$34 per session to a high of \$247 per session.²⁴

21 *Transcript*, p. 89.

22 Centacare Australia, *Submissions*, p. S854.

23 *ARTD Evaluation of the Marriage and Relationship Counselling Sub-Program 1996*: vii.

24 *ibid.* xi.

The difficulties of collecting consistent data from service providers suggests, that these findings should be treated with caution. Nevertheless, the data raise questions for further investigation about the comparative efficiency and cost-effectiveness of organisations, and the relative costs of dealing with different types of cases and working in different locations.

The ARTD evaluation confirmed the continuation of wide variations in the financial contribution of organisations to their total counselling expenditure, ranging from nine per cent to 83 per cent compared to the previous target of 25 per cent. Around 31 per cent of organisations met more than half of their total counselling expenditure from non-LAFS sources. At the other extreme, 19 per cent of the organisations met less than one-quarter of their total counselling expenditure from non-LAFS sources.²⁵

Some variation in costs with agency affiliation was evident, with Centacare costs on average about half those of Relationships Australia and Family Services Australia organisations midway between the two. There was some evidence that smaller marriage and relationship counselling programs had lower costs, with average costs per unit output approximately 65 per cent that of the larger programs.²⁶

The evaluation also found that some organisations had far more low income clients than others, indicating that access to counselling by low income people is likely to vary across the country depending upon the policies of the organisations in the region and the pattern of local demand.

This wide variation in financial contributions, costs and income level of clients was also borne out by evidence to this inquiry.

Mr Kevin Zibell, Managing Director of Ballarat Children's Homes and Family Services, spoke about the problems of providing marriage counselling services to the more vulnerable and disadvantaged groups within society. He argued that many of the people that his agency works with, feel alienated from current services for a variety of reasons including the formats adopted and the fees being charged.²⁷

Sister Philippa Chapman, Executive Director of Centacare Family Services in Tasmania, also pointed to inequities in the current funding arrangements and the difficulties this causes for her agency. While the Commonwealth Government funds 75 per cent of services, Centacare has to make up the 25 per cent shortfall from other sources. As their client group is poor, it is not possible to pass on the additional 25 per cent of costs in fees and the organisation has great difficulty in raising the shortfall. In contrast, an organisation like Relationships Australia charges to make up the difference because its client group can pay to make up the difference. Sister Chapman also suggested that the historical inequities of funding arrangements of

25 *ibid.* 155.

26 *ibid.* xv.

27 *Transcript*, p. 492.

LAFS have worked against her organisation and in favour of Relationships Australia, and that better and more predictable funding would enable it to reach out to the more isolated areas of Tasmania.²⁸

Similarly, the Reverend Michael Corbett-Jones, Director of the Anglican Counselling Centre, also argued that the average income his centre receives from its client base is much lower than for some organisations. This means that his centre has to expend time and energy on finding the shortfall of funds rather than on providing the much needed counselling services. Reverend Corbett-Jones suggested that some organisations select clients based on a client's ability to pay. He cited examples of clients being referred to the Anglican Counselling Centre because they could not afford to pay the more expensive fees charged by other funded agencies.²⁹

The Reverend Corbett-Jones highlighted the anomalies and inequities of the program in his example of two agencies receiving funding from the FRCSP. He said under current funding arrangements, one agency may be counselling 8,000 hours and receiving a grant of \$340,000, while another agency, counselling the same number of hours could be receiving \$765,000. The Reverend Corbett-Jones also referred to historical anomalies in funding. When agencies received a 20 per cent increase in funding several years ago, the effect was that the larger well funded organisations were able to expand enormously, whereas smaller agencies, such as the Anglican Counselling Centre, received a much smaller amount and could not expand to satisfy the demand for their services.³⁰

These experiences raise concerns about the inequity of the provision of services through the FRCSP. It would seem that marriage counselling is not readily available to all groups in the community, but rather it is now more readily available to those with greater financial means as an increasing number of service providers are forced to levy fees for service.

According to the 1996 evaluation, FRCSP Guidelines were seen as directly and indirectly compelling organisations to focus on counselling as the almost exclusive service, locking organisations into a very narrow marketing stance. Agencies believed that both financial viability and appropriateness of service would be served by greater variation, including related group or educational work.³¹

Evidence to the inquiry supported the suggestion that the current narrow focus of funding causes problems and suggested that there should be greater integration and flexibility across family services sub-programs.

28 *Transcript*, p. 90.

29 *Transcript*, p. 371.

30 *Transcript*, pp. 367–368.

31 *ARTD Evaluation of the Marriage and Relationship Counselling Sub-Program 1996*: xv.

Ms Bagshaw said that often people present to agencies with more than one set of needs. They may want counselling, mediation and perhaps family skills training. She argued that if agencies could combine their funding they could provide a service that was relevant to the particular community they were servicing in a truly innovative and consumer oriented way. Ms Bagshaw suggested that the outcomes would be better, both for the agency and most particularly for the consumer.³²

The major service providers in Victoria also suggested that the arbitrary division between counselling and education is an unhelpful one and said there are real advantages in a 'one stop shop' approach to services so that people can use a range of services at different times in their lives.³³

Father Kilby also pointed to the advantages of having a generic agency such as Centacare in Tasmania, which has a range of expertise to offer a variety of programs to support families at different times and with different needs.³⁴

The Committee's views on marriage and relationship counselling services

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

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

The Committee is concerned about three aspects of the FRCSP:

- The inequity in funding of agencies providing marriage counselling and the lack of transparency of funding;
- The fact that there has been no real increase in funding since 1992–93;³⁵ and
- The suggestion that there be integration of education and counselling programs and funding.

32 *Transcript*, p. 29.

33 Relationships Australia et al, *Submissions*, p. 596.

34 *Transcript*, p. 81.

35 The last major increase to funds for FRCSP was implemented in the 1990-91 budget year when an additional \$1.5 million each year for three years was made available to augment existing services. These additional funds increased the base for FRCSP by a total of \$4.5 million.

Inequity in funding of agencies

The Committee has noted the inequity in funding under the program generally in relation to marriage education. Evidence exists that similar inequities exist in relation to other sub-programs, including the FRCSP. The Committee notes with concern the results of the ARTD evaluation which showed a wide variation in outputs and efficiency between the various funded counselling agencies. The Committee is also sympathetic to the criticisms of witnesses such as the Reverend Michael Corbett-Jones who provided evidence of what he described as 'gross inequities' and 'anomalies' in the funding arrangements for counselling services. The Committee believes there is a need to correct these major inequities in funding arrangements in the FRCSP.

Recommendation 35

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

Recommendation 36

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

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

Recommendation 37

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

Discussions with LAFS officers suggest that the implementation of the new data collection system, FAMQIS and FAMnet, will enable LAFS to collect more standard and reliable data and hence provide much greater accountability than has been available in the past. The Committee hopes that FAMnet will enable the new system of funding based on service delivery to operate effectively.

Increase in funding for the FRCSP

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

expressed in the evidence, that if couples are seen at an earlier stage in a period of anxiety and before too much damage has been done to the relationship, there is a greater likelihood that they will need less counselling and there will be a greater chance of rebuilding the relationship.

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

Recommendation 38

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

The suggestion of integrating counselling and education programs

The Committee received evidence suggesting that there should be greater financial integration of the counselling and education programs within LAFS. The Committee rejects the integration of prevention and therapeutic programs and services for the reasons set out above in Chapter 6. Such an approach fails to acknowledge the distinctive differences between, and the very different demands, of the two types of services. Counselling services focus on resolving immediate and urgent problems and are well utilised and accepted within the Australian community. Education programs on the other hand, are more preventative and focus on long term outcomes. The Committee believes that because of these basic differences, an integration of the two services would inevitably result in resources being channelled towards the more urgent demands of counselling services and away from the equally important preventative work of education programs.

Recommendation 39

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

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

The special needs of men in family relationships

The Committee received substantial evidence from organisations and individuals documenting the particular issues affecting men and family relationships.³⁶ Many organisations representing men spoke to the Committee about the particular

36 The Fatherhood Project, *Submissions*, p. S536; Men's Contact and Resource Service, *Submissions*, p. S544; Men's Help Line, *Submissions*, p. S1071; Men's Rights Agency, *Submissions*, p. S1186.

problems facing men in coping with the pain and anguish of separation; the problems facing men in continuing their role as parents after separation; and the particular problems that men face in maintaining healthy relationships. Evidence to the inquiry also confirmed the results of recent research and studies indicating that men are often reluctant to seek assistance and support with their relationships.³⁷ This reluctance in turn means that relationship troubles are not addressed until it is too late and consequently some men may resort to violent, destructive and abusive behaviour.

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

Men and family relationships initiative

In November 1997 the Prime Minister announced that six million dollars would be available over four years for pilot services and relevant innovative projects targeted to better meet the needs of men. Funded through the FRSP, these services will aim to achieve more effective outcomes for men and their families seeking assistance with building and maintaining healthy relationships including appropriately managing separation. This initiative is part of the Government's 'Partnerships Against Domestic Violence'.

FRSP is currently seeking applications from community-based organisations to provide these innovative services which will support men in their relationships with their partners, ex-partners, children, step-children and extended family members.

Men and family relationships: A National Forum

The Attorney-General the Hon Daryl Williams has initiated the first National Forum on Men and Family Relationship which was held in June 1998. The forum examined men's relationship issues and considered how best to provide relationship support to men.

The forum was intended to:

- focus attention on identifying and addressing relationship service provision issues particular to men;
- identify issues faced by men when forming and sustaining relationships with life partners;
- identify the issues faced by men in forming and maintaining effective parenting relationships with their children;

37 Research has shown that more than twice as many women as men approached the FRSP counselling services and related programs in 1995/1996. (Donovan Research *Men's Counselling Research: Report to Attorney-General's Department Family Services Branch* March 1998: 2.)

- identify barriers to men seeking early assistance to support relationships with partners and with children;
- identify barriers to men seeking assistance at the time of and subsequent to marriage breakdown;
- identify models of service delivery which appeal to and are appropriate for men;
- identify strategies and possible strategies for improving access to services;
- inform and lead to positive practical responses in program and policy development in the Family Relationships Services Program; and
- encourage service providers to develop and implement innovative approaches to providing relationship support services for men.³⁸

The Committee commends these initiatives and hopes that they will address some of the difficulties men encounter in maintaining healthy marriages and relationships.

38 Details of the forum are available on the internet at: <<http://law.gov.au/lafs>>

PART FIVE: HARMONIOUS SEPARATION

While prevention programs are extremely important, the fact remains that many couples will separate. Estimates provided by the Australian Institute of Family Studies indicate that, based on current figures, 34 per cent of first marriages and 38 per cent of subsequent marriages will end in divorce. In addition, approximately 18 per cent of all children will experience parental divorce by the time they reach adulthood.¹ It is in this area that the Family Court of Australia plays a major role.

Under the *Family Law Act 1975*, the Family Court of Australia has a number of responsibilities in relation to the provision of conciliation and mediation services.² These primary dispute resolution (PDR)³ responsibilities have been further strengthened through significant amendments to the Family Law Act, which came into operation in mid-1996.⁴

1 Family Court of Australia, *Submissions*, p. S984.

2 Section 43 of the *Family Law Act 1975* sets out the guiding principles for all interventions by the Family Court. Parts III and VI provide for counselling and mediation to assist parties to resolve their disputes and improve their relationship with each other and with their children.

3 Primary dispute resolution (PDR) services are combinations of counselling, conciliation and mediation services provided by the Family Court. The term ADR (alternative dispute resolution) is often used interchangeably with PDR.

4 These amendments emphasise the importance of PDR and introduce definitions of family and child counsellors and mediators.

Chapter 9

Family Court counselling

While the Court does have a statutory responsibility to provide reconciliation and relationship counselling, it has generally referred this work to community based agencies and concentrated its efforts and resources on conciliation counselling.¹

The Family Court's counselling service works predominantly to help separated parents to reach agreement about the future arrangements for their children without litigation.²

As the Court explained in its submission, conciliation counselling relies on the application of professional technical and personal skills to assist in the reduction of often severe family dislocation. Such counselling is restricted to children's matters and is different in quality and quantity from long term therapy and the longer term interventions that normally accompany marriage and relationship counselling. On average, participants in Family Court conciliation counselling cases attend 1.8 sessions of one to two hours in length.³

The Court argues that conciliation counselling does more than help separating families reach agreements about the parenting arrangements for their children, and it is more than simply an 'alternative to litigation'. It involves helping parents to reach practical parenting arrangements, and to adjust to their changed parenting situation and the separation itself. According to the Court, conciliation counselling helps parents work through the hurt, anger and other emotions experienced when they separate, and generally it helps in reducing conflict.⁴ Court counsellors focus impartially on the needs of the child, whose best interests are the paramount consideration.

In 1996–1997 the Court's counselling service dealt with 25,869 cases in person and 13,809 telephone counselling cases, crisis calls and intake assessments.⁵ Of all the cases seen in person, 94.4 per cent were seen in the counselling service's conciliation counselling program. The remaining 5.6 per cent of cases were those where a family report was prepared. These reports were ordered in disputed cases involving children and, of those cases, some reached agreement during and after the preparation of the report and did not proceed to a contested hearing. These reports

1 Reconciliation counselling is within the jurisdiction of the Family Court because of the breadth of the principles enunciated in s 43 of the *Family Law Act 1975*.

2 Family Court of Australia *Annual Report 1996–1997*: 28.

3 Family Court of Australia, *Submissions*, p. S1006.

4 *ibid.* p. S1007.

5 Family Court of Australia, *Annual Report 1996–1997*: 28.

may be written by officers of the Court counselling service or by contracted welfare officers. Family reports become part of the evidence if the case proceeds to a contested hearing. In report cases, the family has usually had previous contact with the counselling section for conciliation counselling.⁶

Access to the Court's counselling services may be either voluntary or Court referred/ordered. For voluntary counselling, clients may self refer, be referred by a solicitor, by another agency or from some other source. The major source of referral to the counselling service for voluntary sessions is the legal profession. Voluntary conciliation counselling is available both before and after applications have been filed in the Court.

In 1996–1997, as many as 47.1 per cent of all cases seen came on a voluntary basis to use the Court's PDR service; 18.6 per cent were referred to counselling by the Court after lodgement of an application for a parenting order in relation to residence, contact or specific issues was filed but prior to the matter first coming before the Court; and a further 28.7 per cent were referred by the Court after the first Directions Hearing.⁷ Orders for counselling may be made on an urgent basis during the later stages of litigation with the intention that such counselling be received during a short adjournment of proceedings. The Court's counselling service therefore has counsellors on-call to deal with such urgent referrals.⁸

The Court appoints counsellors with a minimum of five years post graduate experience in psychology or social work and two years experience in family and child therapy and family relationship counselling.⁹

In its submission to the inquiry, the Family Court quoted a 74 per cent agreement rate for its voluntary counselling, 73 per cent agreement for its court ordered counselling held prior to the first day in court and 59 per cent agreement for those cases seen further down the litigation path.¹⁰

The proportion of Family Court applications which proceed to judgment has consistently averaged 4 per cent to 5 per cent.¹¹ The Court argues that such statistics indicate that counselling and more recently mediation have proved to be an important diversionary mechanism for those who otherwise may proceed further down the litigation pathway, possibly even to trial.¹²

6 *ibid.*

7 *ibid.*

8 Attorney-General's Department *Delivery of primary dispute resolution services in family law* August 1997: 35.

9 Family Law Council, *Submissions*, p.S15.

10 *Submissions*, p. S999.

11 *ibid.*

12 *Submissions*, p. S999.

A survey of 321 pre-filing voluntary counselling clients was conducted in the Court's registries in October 1996. According to the Court, a powerful theme of the responses was both the serious nature of the issues being raised and the tendency for clients to present with two or more problems. Family violence, child abuse, neglect, drug and alcohol problems, children refusing contact and serious communication problems were the subject of concern for many of these families. The survey results indicated that pre-filing voluntary and Court ordered or Court referred clients alike present with complex problems, to the extent that the characteristics of one population are indistinguishable from those of the other.¹³

The survey further found that almost half the voluntary clients had attended individual or marriage and relationship counselling before approaching the Court. Only 29 per cent had received no previous counselling, either at the Family Court or elsewhere. Furthermore, 53 per cent of clients indicated that they were aware of other services in the community, but still chose to come to the Court.¹⁴

In its submission, the Court argued that the survey results point to a high degree of confidence in the Family Court counselling service, both by the clients and their legal representatives, who had referred nearly two thirds of the clients to the service.

Respondents appeared to be seeking legal solutions to their personal and family problems, and many were attempting to save costs and avoid attendance at court. The fact that nearly one third of voluntary counselling clients surveyed wanted to avoid 'going to court' suggests that the court annexed service is not seen as being synonymous with litigation, but as an alternative to it.¹⁵

The survey results indicated that many clients are attracted to the court-annexed nature of the Court's service. One third said they felt more secure and confident arranging their matters through a Court related service and one quarter saw the counselling services as a component of the Family Court and of the legal system.

Suggestions for change

While PDR is provided largely by the Court, some programs funded through the Family Services Branch of the Attorney-General's Department also provide PDR services.¹⁶ Most of these services come under the Family Mediation sub-program. Under this sub-program, organisations such as Relationships Australia and Centacare receive funding to provide a number of PDR services which complement those offered by the Court.

13 *ibid.* S991.

14 *ibid.* S992.

15 *ibid.*

16 *Review of the Auditor-General's Audit Report*, No. 33 1996–1997: 25.

In recent years there has been increasing debate about the location of PDR services and whether the Family Court should continue to provide the bulk of these services or whether more of them should be provided by community-based agencies.

Joint Select Committee on Certain Family Law Issues

In the last parliament, the Joint Select Committee on Certain Family Law Issues supported the idea of locating at least some of the counselling services currently provided by the Court, in the community sector. That committee recommended that:

while recognising that the Family Court of Australia will always require direct access to counselling services, in the long term there are benefits in having counselling based in the community through structures such as the Noble Park centre in Melbourne, community legal centres and organisations like Relationships Australia on a flexible and competitive basis.¹⁷

The Family Law Council wrote a letter of advice to the Attorney-General on the Joint Select Committee report in June 1996. The letter criticised this recommendation in the following terms:

The Council also found that in several areas the JSC's report lacked any reasoning for its proposals (see, for example, the recommendation at paragraph 7.50) and in other areas inadequate reasoning was given. The lack of justification for, or explanation of, many of its recommendations makes it difficult constructively to comment on its recommendations.¹⁸

Attorney-General's Department, *The Delivery of Primary Dispute Resolution Services in Family Law*, August 1997

The debate about the location of PDR services has been taken up more recently in the Attorney-General's Department's discussion paper *The Delivery of Primary Dispute Resolution Services in Family Law*, August 1997.¹⁹ The thrust of this paper was foreshadowed in October 1996, when the Attorney-General, the Hon Daryl Williams AM QC MP, in an address to the National Press Club announced his intention to consider making far-reaching changes to the delivery of PDR services. In that address, the Attorney-General identified as an issue the 'contradiction between encouraging people to resolve their family law problems outside the courts, while at

17 Joint Select Committee on Family Law Issues *Funding and Administration of the Family Court of Australia* November 1995: 98.

18 Family Law Council, *Submissions*, p. S98.

19 The paper is available on the internet at <<http://law.gov.au/publications.familypdrs.htm>>

the same time keeping a major source of counselling, including voluntary counselling within the Family Court'.²⁰

The discussion paper released in August 1997 is a substantial document and calls for comment on the issue of whether significant improvements can be made to the structures now in place for family relationships services. It includes discussion of a possible model for reform involving increased community sector involvement.

Court and community services have developed separately without any real consideration of where families might prefer to be. It is time to examine whether a greater community focus may assist more people to resolve their disputes without resorting to legal proceedings.²¹

The paper identifies the principal objectives of any reform proposal as being to improve access for clients; to improve accountability in government spending; to introduce greater efficiency through contestability; and to divert more people away from a court environment during their family disputes.²²

With these objectives as a basis, the paper then focuses on two key proposals, namely the creation of a new administrative structure for all family relationship services and secondly the option of removing non-judicial functions from the Family Court and placing them with community organisations.

The new administrative structure suggested in the paper would involve creating one central body responsible for the overall planning, policy and funding for all non-judicial family relationship services (including those currently provided by the community and the Family Court). Such an office would be located within the Attorney-General's Department and would use a proportion of the budget from the Family Court and the Family Services Branch of the Attorney-General's Department. This central body, could manage the purchasing of services but would not be a service provider itself.²³ One likely consequence of any such new arrangement would be that counselling and mediation services would be provided to a greater extent in a community setting, rather than on court premises.

The other significant option considered in the discussion paper is the proposal of removing from the Court all non judicial services and placing them in a community setting. The paper argues that if some or all of the court-provided services not integral to the litigation process were provided in a community setting there may be a consequent reduction in the number of people becoming involved in litigation.

20 *Family Law: Future Directions* 15 October 1996.

21 Attorney-General and Minister for Justice *Press release* 333 2 September 1997.

22 Attorney-General's Department (1997) *Delivery of Primary Dispute Resolution Services in Family Law* August: 4.

23 *ibid.* 11.

This may occur because clients engaged in PDR away from court premises may be less likely to consider it an adjunct to litigation.²⁴

The paper acknowledges that the final settlement statistics in the Family Court are good (only 5 per cent of cases reach litigation), but considers a restructured system of delivery may further reduce filing rates or limit the issues on which filing occurs. This, it is argued, would reduce costs for the clients who need to use the Court's judicial services and potentially speed up movement through the system.²⁵ It may also result in clients accessing services earlier, or accessing services with a different focus, well away from the litigation stream.

If families can be and are encouraged to access these services before considering filing any court proceedings, indeed without having to enter Court buildings at all, they may be more able to resolve their disputes completely outside the litigation process. They may be less inclined to assume that litigation is the ultimate choice for resolving the dispute. They may be more committed to reaching their own resolution if they are outside the court system even though they may still be aware there is a decision-maker ultimately available should they not succeed.

Increased diversion from litigation could therefore be achieved by fostering greater recognition that PDR is not, in most cases, part of the litigation process but intended to be quite separate ñ a truly alternative means for reaching a solution.²⁶

The Committee commends the Attorney-General's Department for providing an opportunity for debate and consultation about the provision of family relationships services. In light of the Department's request for comment, the Committee provides the following sections which present a range of views expressed during the inquiry. In general that evidence suggests that the discussion paper has caused considerable concern within the Court itself, amongst other family law bodies and also amongst some community organisations.

The Family Court's views on the location of PDR services

The Family Court's views on the proposed changes have been put most succinctly in its current Annual Report in the section 'Year in review by the Chief Justice'

I have strongly opposed the suggestion that counselling and mediation services should be removed from the Court or reduced in scope. This has nothing to do with any misgivings about the effectiveness of community-

24 *ibid.* 19.

25 *ibid.* 20.

26 *ibid.*

based organisations or because of any 'territorial' concerns. Rather it has everything to do with the success of the existing Court services, the apparently high esteem in which they are held by clients and the legal profession and because to dismantle them appears to fly in the face of progress made by family courts not only in this country but around the world. Indeed it is inconsistent with the developments taking place in all other Australian courts in the promotion of mediated resolutions of disputes. There is room for such services in the community but clients should have maximum choice and, in any event, the development of services external to the Court is not inconsistent with the retention of those provided within it.²⁷

The Court, in its submission to the Committee, also argued strongly for the maintenance of the present system. The submission describes in some detail the extent to which the Court's services are integrated with each other, the serious and acute nature of the disputes which voluntary clients bring to counselling, the high settlement rates which occur at this stage and the propensity for pre-filing disputes to develop into intractable problems if they are not managed effectively at an early stage.²⁸

As discussed above, voluntary counselling clients have already separated from their partners, many are referred by solicitors, and their expectation is that they will receive expert advice and assistance relating to their circumstances, which usually centre around their children. Many have previously sought out the services of community organisations, possibly prior to the separation.²⁹

As the Court argued in its submission:

To prevent the Court from dealing with these clients would therefore create the potential for more serious child related problems to arise, which would disrupt the inter-disciplinary liaison which currently occurs within the Court and would have a flow-on effect in relation to settlement rates and the extent to which litigation is relied on.

Similarly it makes no sense to remove the Court's mandatory counselling function. Court counsellors work with judges and registrars in providing information which the legislation requires to be in the child's best interests. Furthermore, the presence of counselling within the Court allows urgent matters to be dealt with immediately if necessary.

Although integrated, the Court's system allows flexibility where this is required. Disputes do not go through the stages of primary dispute resolution and litigation sequentially, the processes are interwoven and parties move

27 Family Court of Australia *Annual Report 1996-1997*: 17.

28 Family Court of Australia, *Submissions*, p. S1097.

29 *ibid.*

backwards and forwards from one to the other according to the particular needs and nature of their matters. This works extremely well and can occur easily within the integrated system which the Court has developed. It would certainly not work otherwise.³⁰

The Court's submission was also critical of the concept of a single administrative body responsible for all family relationship services.

If a new bureaucracy, such as a family commission, were established to fund, monitor and co-ordinate some or all of the services which the Court currently provides, the separation of these aspects and particularly the funding from the delivery would provide opportunities for dislocation, the introduction of inconsistent standards and inappropriate interventions. Such a high integrated system of primary dispute resolution requires the service provider to have full control of the resources available to it. Dismantling the integrated nature would similarly create a number of difficulties.³¹

Other views on the location of PDR services

The Family Court's strong opposition to the Attorney-General's proposal for change was also supported in submissions by other legal bodies.

The Law Society of New South Wales submitted that, if court counselling is removed or significantly reduced, the converse effect will be a significant increase in, not just initial applications for family law relief, but most probably, disputes, that will reach the point of trial before judges and judicial registrars. While not opposed to community-based counselling, the Law Society believes voluntary pre-court filing counselling fills an hiatus which cannot be covered by other agencies.³² Mr Robert Benjamin, a representative of the Law Society, told the Committee that from his experience in legal practice, the majority of people experiencing marriage break-up prefer to go to court counselling rather than outside agencies. He believes the imprimatur of the Court has a tremendous effect on the parties.³³

In evidence, other members of the legal profession spoke highly of the expertise and long experience of the Family Court counselling service. Ms Ruth Venables, Principal Solicitor of the North Queensland Women's Legal Service, said Family Court counsellors were the 'most experienced' and 'most skilled' counsellors available. She said further that the body of expertise built up over 22 years is not found anywhere else.³⁴ James Gibney, Managing Solicitor of the Cairns Community

30 *ibid.* S1098.

31 *ibid.*

32 *Submissions*, p. S1038.

33 *Transcript*, p. 324.

34 *Transcript*, p. 805.

Legal Centre, also argued, from a regional perspective, that if the Family Court withdraws from counselling, community organisations in Far North Queensland will not have the skills base to fill the vacuum.³⁵

Mr Alan Campbell of the Noble Park Family Mediation Centre, and previously a counsellor with the Family Court of Western Australia, claimed that the Court's counsellors are more in tune with the needs of the particular clients than those in community organisations. From his experience with the Western Australian Family Court he claimed that counsellors there were able to respond to the Court's requirements quickly and had the advantage of working with the support and back-up of other infrastructures within the court system. As he said, many of the clients who go to the Family Court go there having tried other options and therefore the Court is seeing clients at the more difficult end of the spectrum. At this stage, it is then important to respond quickly and effectively, in order to prevent disputes going to trial.³⁶

Evidence to the Committee from community organisations was also supportive of the current arrangements.

A number of Victorian service providers, in their joint submission, argued that pre-filing conciliation counselling or mediation should be done by both the Family Court and outside bodies. However they argued strongly that court ordered counselling or family reports should be provided solely via the Family Court and should not be required of community based organisations.³⁷

These service providers supported the Court's arguments that there is need for a close liaison between counselling services and the Family Court; they pointed to the supportive infrastructure available within the Court structure which gives the counselling services the capacity to respond quickly and potentially prevent further litigation. Significantly, these providers added that from their perspective, moving court ordered counselling services to the community and thereby significantly increasing the number of separation and divorcing clients that agencies would be dealing with, could potentially threaten the community organisations' focus on prevention.³⁸

The Victorian service providers argued that to be most effective in supporting and strengthening relationships it is critical that the public seek help from their organisations as soon as relationship difficulties first appear. It is already a problem that many people in the community believe that, if you are seeing a marriage

35 *Transcript*, p. 804.

36 *Transcript*, p. 202.

37 Anglican Marriage Education and Counselling Services, Catholic Family Welfare Bureau, Drummond Street Relationship Centre, Family Mediation Centre (Noble Park) and Relationships Australia (Victoria) prepared a joint submission. *Submissions*, p. S598.

38 *ibid.* 598–599.

counsellor, your relationship must be 'on the rocks'. This unhelpful perception will be significantly reinforced by any increase in the amount of counselling for separating and divorcing couples conducted by community organisations, particularly if these additional services include court ordered counselling and family reports.³⁹

These Victorian service providers also made the point that if staff caseloads become skewed toward these court ordered cases, staff may lose some of their capacity to undertake effective therapeutic work with individuals, couples and families. Court ordered cases require intensive intervention, and therefore considerable resources. There will inevitably be a tendency for resources to flow in their direction, leaving existing preventative work under-resourced.⁴⁰

Family Services Australia, one of the three peak family services bodies, also argued that existing community services do not want to be identified with court ordered counselling services because this could compromise the community's view about the voluntary and preventative nature of their work and interfere with couples using the services to improve relationships rather than just end relationships. This submission also suggested that specialised work such as the preparation of family reports requires particular skills and court time for cross-examination. Existing community services are largely unprepared for such work.⁴¹

Another peak body, Centacare Australia, expressed a similar opinion. Based on a survey of Centacare organisations throughout Queensland, Victoria and New South Wales, it argued that Family Court counselling has for many years served a different and complementary role to that of the community based marriage counselling agencies because it has had the resources to handle the potentially dangerous cases and the perceived authority to address cases where children are at high risk. This is a much needed role which cannot and should not be taken on by community agencies.⁴²

An alternative – remove all voluntary PDR from the Family Court

The Attorney-General's discussion paper suggests that one possible option would be to retain court ordered counselling and family reports with the Family Court and to move voluntary or pre-filing counselling into the community. The Committee received conflicting evidence in relation to this option. Family Services Australia suggested that this alternative may be particularly worthwhile in terms of what is the best location of services to meet the needs of the family most effectively. Such an

39 *ibid.*

40 *ibid.*

41 *Submissions*, p. S696.

42 *Submissions*, p. S847.

option would help to counter a common view, often supported by the legal profession, that the Family Court is the main provider of family services.⁴³

Other evidence to the Committee suggested there are difficulties with this option as the distinction between voluntary and non-voluntary counselling is often artificial. A 1996/1997 survey conducted by the Family Court suggests that voluntary clients are often indistinguishable from court ordered clients and many of the most difficult cases present first as voluntary counselling at the behest of the legal profession. These clients, it is argued, require the expertise of trained counsellors prior to filing an application for parenting orders.⁴⁴

The Family Law Council is strongly opposed to the suggestion that all voluntary counselling provided by the Family Court should be provided by agencies outside the Court on the basis that it would put an artificial barrier in the way of those wishing to access the service.

The Council is of the view that where parties are clearly in dispute about their children or wish to discuss future parenting issues with a court counsellor, then they should not be required to make an application to the court before they are able to utilise its primary dispute resolution services. The unintentional consequences of such an action could result in parties filing an application to access services. To do so would be to formalise intervention too early and thereby reduce the likelihood of a non-adversarial solution.⁴⁵

A common theme in evidence to the Committee on this issue was concern about the greater security risks involved in moving the Family Court's counselling functions to community organisations.

As the submission of the Victorian service providers argued, there is a greater risk of serious violence in cases which have traditionally been handled by the Family Court. According to the Court's 1996/1997 annual report there were 8597 cases where separate interviews were requested and held because of family violence.⁴⁶ As the major service providers stated:

The Court has put substantial resources into security systems for staff and clients, which are not currently available or desirable for community based services and those in the community.⁴⁷

43 *Submissions*, p. S696.

44 Family Court of Australia *Annual Report 1996–1997*: 29.

45 Family Law Council, *Submissions*, p. S577.

46 Family Court of Australia *Annual Report 1996–1997*: 28.

47 *Submissions*, p. S599.

Community counsellors dealing with domestic violence also affirmed the value of the Family Court's counselling services and the Court's ability to handle security problems.

Ms Clarke, Domestic Violence Outreach Worker for the Salvation Army Crossroads Project Melbourne, stressed the need for safety in conciliation counselling. She said family law counselling should remain within the family law structure because the Family Court was able to offer a certain amount of safety for women and children accessing the service.⁴⁸ In her submission she outlined various areas where women had expressed concern about the counselling services they had accessed.⁴⁹

The impact of fees on counselling services

As of 1 January 1998, the Family Court introduced fees for conciliation counselling. Prior to that date this service was available free of charge whereas similar services provided through community organisations such as Relationship Australia were only available for a fee. It is arguable that this arrangement may have been an additional incentive for clients to use the Family Court counselling services.

The Committee therefore sought opinions from witnesses regarding the possible impact of fees on the Court's counselling services.

Members of the legal profession said that even with the introduction of fees they would prefer to refer clients to the Family Court's counselling services because they have confidence in the staff of the Court to resolve matters quickly without incurring further legal costs. Mrs Jennifer Boland, Chairperson of the Family Law Council, said regardless of the fees involved, she would continue to refer clients to the Family Court on the basis of the tremendous expertise available in the Court and the fact that their services are the best at this particular time.⁵⁰

However, these witnesses also pointed out that the introduction of fees may deter people from using the resources of the counselling services. As Professor Hilary Astor, Chairperson of National Alternative Dispute Resolution Advisory Council, suggested there is then a danger that disputes which could be solved expeditiously and quickly will end up in the court with a consequent far greater cost to the disputants and the whole community.⁵¹

The Committee acknowledges this concern but points to the inequity of an arrangement where community organisations' clients are charged fees while Family

48 *Transcript*, p. 419.

49 Salvation Army Crossroads Network, *Submissions*, p. S437.

50 *Transcript*, p. 274.

51 *Transcript*, p. 267.

Court clients are exempt. Such a system is not only inequitable but could be perceived in the community as placing a greater value on separation counselling over reconciliation or marriage relationship counselling.

The New Zealand experience

The Family Court of New Zealand was set up by virtue of the *Family Courts Act 1980*. In 1981 it was decided that the court would not have an in-house counselling service like the Australian model. Rather, the Government was persuaded that the Marriage Guidance Council, which had previously provided conciliation services under the old Domestic Proceedings Act would be able to service the counselling needs of the new family court. The practice of using community-based services was thus established at the outset, and has been retained. According to the 1993 Boshier report, the Marriage Guidance Council provides about one-third of the required counselling and the remainder is spread among a variety of community agencies and private practitioners.⁵²

Given this emphasis on community based conciliation counselling, the Committee believed that the New Zealand experience might be valuable in making decisions about the future direction of Australian conciliation counselling services.

In 1993, the Chief Justice Boshier of the New Zealand Family Court established an inquiry into the family court system to investigate the reasons for the sharp annual increase in public funding for legal services and to look at ways of containing costs and restoring the principles and philosophies of that Court. In relation to counselling, the Boshier Committee was required to look specifically at 'ways in which the conciliation process can be reinforced and where necessary restored and where appropriate, extended'.⁵³

The report of that inquiry indicates that the New Zealand focus on community based counselling has not solved the difficulties perceived to exist within an in-house court counselling structure.

A theme that comes through this report is the lack of confidence in the counselling services offered. The report suggests there are difficulties liaising between the court and counselling services. The Boshier Committee noted that counsellors feel they are often seen as the 'poor relations' of the family court team. Counsellors often work in isolation, vary widely in their skills and training, are recruited in a somewhat piecemeal fashion and suffer from a lack of nationally-recognised standards. Unlike the Australian system, where legal practitioners indicate great confidence in the Family Court counselling services, the Boshier report suggests that while lawyers were generally supportive of the counselling process, few have high expectations of

52 (1993) *A review of the Family Court: a report for the Principal Family Court Judge Auckland*.

53 *ibid.*

its success.⁵⁴ Many counsellors told the Boshier Committee that they received too little feedback on the quality of their work, and would welcome a closer relationship with the court and greater accountability in terms of their effectiveness. Both Marriage Guidance Council and private counsellors said they would like training in mediation skills to be provided for them by the family court, so that uniform and consistent standards could be reached.⁵⁵

A major concern of the Boshier Committee was to look at ways in which counselling could be encouraged over litigation. To this end, that Committee recommended that a family conciliation service with a system of counselling coordinators be established alongside the judicial family court structure. Since 1993, there has been no further documented research on the success of these proposed reforms. On this basis, the Committee draws its conclusions from the 1993 Report and suggests that the greater community focus of the New Zealand system has not been any more successful than the Australian system in containing costs and assisting people to resolve their disputes without resorting to legal proceedings.

The Committee's views on the proposed changes

The Committee commends the community consultation the Attorney-General's Department is undertaking to improve services. However, on consideration of the evidence to the inquiry, the Committee believes that the reform proposals involve complexities that require a more detailed analysis and consideration.

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

The frequency with which security issues were raised in the evidence suggests that the security offered by the Family Court is one of the significant differences between the court-based services and those in the community. The Committee believes that the need to provide protection and security against family violence is a key reason for retaining counselling services within the environs of the Family Court. Evidence clearly supported the retention of counselling services within the Family Court on the basis that community organisations can not provide the sophisticated intake screening procedures offered by Family Court registries. Not all community based

54 *ibid.* 43.

55 *ibid.* 44–45.

agencies would be able to meet the requirement suggested in a position paper on mediation prepared for the National Committee on Violence Against Women:

Intake interviews must always be conducted with the disputants separately whatever the circumstances and whatever the desires of the parties. It is unlikely that any interview with both parties present will identify violence.⁵⁶

The Discussion Paper makes no attempt to provide a solution to this complex problem. Rather it bypasses the issue with the following question:

Q. 7 Does the fact that the Family Court already has in place significant security measures to respond to a violent incident require the current model to be retained?⁵⁷

The Committee believes that until a satisfactory solution can be found to the issue of security, there is good reason for retaining the current model.

According to the Attorney-General's Department, the main rationale for the proposed reform is to encourage more people to avoid litigation. This could be misleading. The Family Court's PDR services are already focused on helping couples resolve their differences without resort to litigation. With 95 per cent of matters being settled without judicial determination, they have been most successful in doing this. The Committee is impressed by the high settlement rates achieved by the Family Court and believes that any proposal to change the current arrangements should be based on solid evidence that these figures can be improved substantially.

As part of this inquiry, the members of the Committee visited the several family court registries in order to gain a better understanding of the PDR services provided there. The Committee was impressed with the highly integrated approach of the Courts. The Committee saw no evidence to suggest that the particular situation of the Family Court's counselling service substantially encourages litigation. Rather, the Family Court maintains a physical separation of its counselling and mediation services. People using conciliation and mediation services, or attending information sessions, are not thrust into a confrontational atmosphere.

On the basis of the Committee's own observations, and the arguments presented in evidence to the inquiry including a review of the New Zealand experience, the Committee is persuaded that the counselling services offered by the Family Court are an integral part of the Court's core functions. Attempts to differentiate between court ordered and voluntary counselling seem to be artificial and it is arguable that removing pre-filing counselling from the environs of the Family Court may result in earlier filing. The Committee believes strongly this is to be avoided.

56 H Astor (1991) *Position Paper on Mediation* December: 41.

57 Attorney-General's Department (1997) *The Delivery of Primary Dispute Resolution Services in Family Law* August: 10.

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

Recommendation 40

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

The Committee reiterates the recommendation of the Joint Select Committee on Certain Family Law Issues that the *Family Law Act 1975* be amended to remove the statutory obligation on the Family Court to provide reconciliation counselling.⁵⁸

As Chief Justice Alastair Nicholson told the Committee, the Family Court has already relinquished this statutory responsibility of providing reconciliation counselling and instead has concentrated its efforts on crisis counselling.⁵⁹ The Committee believes therefore that the Act should be amended to more accurately reflect the current practice.

A new administrative structure

As noted above, the Attorney-General's discussion paper proposed a central body (to be part of the Commonwealth) which would have responsibility for all counselling services currently provided through the Family Court PDR services and the Family Services Branch of the Attorney-General's Department.

There would be a major change to the functions of the Family Court if PDR services were to be moved away from its control.

The Coaldrake Report, *Review of the Top Structure of the Family Court of Australia* notes:

58 Joint Select Committee on Certain Family Law Issues *Funding and administration of the Family Court of Australia* November 1995: Recommendation 7.50.

59 *Transcript* p. 165.

If there were to be a move away from the Court for non-judicial services, the organisational ramifications would be very considerable, the more so given that the Judges of the Family Court are professionally involved in only a tiny proportion of the matters dealt with by the organisation.⁶⁰

It is clear that the question of counselling services and the Family Court is complex, but the Committee believes it is crucial that it should be resolved quickly. The Committee notes the concern expressed in the Family Court's most recent annual report:

The impacts of various inquiries into areas such as this [counselling services] have the capacity to increase uncertainty and to impact negatively on the morale of staff who may be affected by their outcomes.⁶¹

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

Any such decision should be approached with a great deal of caution. Attention must be paid to the different types of counselling services and the suitability of particular bodies for delivering different services. On the basis of the evidence to the inquiry, the Committee considers that PDR services are an integral part of the Family Court's operations. Future administrative arrangements will have to take this factor into account.

Recommendation 41

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

60 The Coaldrake Report (1997) *Review of the Top Structure of the Family Court of Australia* June: 6.

61 Family Court of Australia *Annual Report 1996–1997*: 17.

Chapter 10

Divorce mediation

Family and child mediation is a voluntary process that enables parties to reach agreements about property, finances and ongoing care of children with the help of an impartial third person. It provides the opportunity for the more dignified and respectful resolution of disputes associated with marriage and relationship breakdown than generally occurs in a highly adversarial litigation process. This is particularly important where there are children and the parents must continue to have contact and make arrangements about the children, which is best done without ongoing conflict.¹ The 1996 reforms to the *Family Law Act 1975* emphasise family and child mediation as a method of primary dispute resolution in family law disputes.

The Family Court established its own mediation services in 1990 and currently offers services in Sydney, Melbourne, Brisbane and Parramatta registries. Additional staff have been trained to offer the service in Adelaide Registry as operational resources permit.² Fees for mediation were introduced on 1 July 1997 for all clients accessing the Court's service.

The Family Court stated, in its Annual Report for 1996–1997, that the integration of the mediation service with its existing conciliation and counselling services is being developed at the Parramatta Registry with the intention of introducing such a model throughout the Court. This integrated client services program aims to better identify at the time of intake procedure, the type of dispute resolution procedure best suited to the parties to proceedings in the Court.³

Mediation is always a voluntary service, and may be used before or after proceedings have been filed. Information sessions, provided by the Court, explain that mediation is not always a suitable intervention, and requires the willingness of both parties and an ability to enter into meaningful negotiations. If there is not a reasonable balance of power between the parties mediation is considered inappropriate.⁴

During 1996–1997, the mediation service conducted 192 mediation information sessions, and opened 556 cases for mediation. Mediators conducted 1,195 mediation sessions averaging 1.9 sessions for each matter. Of the matters closed, 53.35 per cent of disputes related to both children and property. Of all matters seen, 63.9 per cent

1 Attorney-General's Department (1997) *Delivery of Primary Dispute Resolution Services in Family Law* August: 30.

2 Family Court of Australia *Annual Report 1996-1997*: 31.

3 *ibid.*

4 Family Court of Australia, *Submissions*, p. S1031.

were fully settled, and an additional 10.55 per cent settled in at least one substantial issue.⁵

Apart from the mediation program of the Family Court, 17 community organisations are approved and funded by the Attorney-General to provide family and child mediation.⁶

Evaluations of mediation services

Between 1994 and 1996 three evaluations of federally funded family mediation services were conducted, covering the mediation services of the Family Court, Centacare, Relationships Australia and Unifam. These studies found that the mediation processes used, led to full agreement in 44 per cent to 71 per cent of cases and partial agreement in 11 per cent to 39 per cent of cases. Between 17 per cent to 18 per cent failed to reach any agreement at the mediation meetings. Generally, higher percentages of full agreements occurred in disputes over children, as compared to disputes over finances.⁷

These studies showed that altering family agreements is a 'normal' event. Within one year of settlement at mediation, about one third found it necessary to change the terms of the agreement. However these changes were made without the agreement 'breaking down' or 'being abandoned'.⁸

These evaluations also demonstrated a high level of client satisfaction with nearly three quarters of users saying they would use the process again and liked the process, even if some did not like the substantive outcome.⁹

All three studies concluded that the model of mediation used at each agency should be retained. However, it should be acknowledged that all the models surveyed were sophisticated. They included elements such as co-mediation with mediators of different gender and professional background; facilitative or problem solving process; negotiation on all problems raised, not just selected areas of conflict; extensive intake procedures and documents; mediators familiar with family law and the dynamics of separation; protocols and expertise in relation to allegations of violence and various other imbalances of power. Furthermore, they were heavily

5 Family Court of Australia *Annual report 1996–1997*: 31.

6 Attorney-General's Department 1997 *Delivery of Primary Dispute Resolution Services in Family Law* August: 30.

7 J Wade (1997) 'Four Evaluation Studies of Family Mediation Services in Australia' *Australian Journal of Family Law* 11: 344.

8 *ibid.* 345.

9 *ibid.*

subsidised by the government to reduce user costs. As Wade notes, many mediation services do not have the expertise, tradition or resources to emulate this model.¹⁰

The surveys found a number of distinctions between the populations, with Family Court clients being more likely than those who used the community services to be referred by solicitors, to be aware of alternative services and be prepared to litigate if mediation proved to be unsuccessful.¹¹ The evaluations concluded that there was no duplication of mediation services within the Attorney-General's portfolio, that mediation clients tend to approach community or court based agencies with different expectations and that it was important that clients and referring bodies have a choice of agencies available.¹²

Other views on mediation services

The Committee sought opinions from witnesses about the nature of mediation services in the community.

A common concern conveyed to the Committee was the lack of community understanding of the meaning of mediation. Witnesses cited the 1995 AGB McNair survey that found that only 17 per cent of the community had heard of family mediation.¹³ Professor Hilary Astor, former Chairperson of the National Alternative Dispute Resolution Advisory Council (NADRAC) said it was a very difficult issue to deal with and suggested that providing information to the public can be something of a financial black hole. She stated further, "It is possible to pour a great deal of resources into such an enterprise without necessarily achieving your ends".¹⁴

Professor Astor suggested that one approach might be to educate the legal profession about the alternative ways of resolving relationship disputes. She noted that enthusiasm for mediation and alternative dispute resolution is enormous amongst her law students but somehow this enthusiasm for alternatives is lost as they progress through the profession.¹⁵

She also considered that one of the most important things in terms of assisting people to use dispute resolution mechanisms like mediation is to educate them about what it is they are getting themselves into. She spoke highly of the Family Court information sessions in this regard and said it is extremely important that

10 *ibid.* 347.

11 Family Court of Australia, *Submissions*, p. S992.

12 *ibid.*

13 *Submissions*, p.S358.

14 *Transcript*, p. 258.

15 *ibid.* 262.

mediation schemes are able to do the sorts of things that the Family Court does with people approaching the court for mediation.¹⁶

At the Family Court, people proposing to undertake mediation, get to talk to skilled people about what is going on in their lives, what their dispute is about and how that meshes with the process of mediation. They are assisted to make a decision, or an informed choice about what to do. Professor Astor said that the process of intake has a very important educative effect. The parties are ready to learn because they have a problem that they do not know how to resolve. They need information about whether or not a particular mechanism is appropriate for dealing with the problem that they have.¹⁷

Witnesses, from the Community Mediation Service Tasmania, agreed that there was a lack of community knowledge of mediation.¹⁸ Ms Carla Wisenbeek and Ms Elizabeth Gunning suggested that many people think mediation is counselling. In their experience in Hobart, mediation is only slowly being recognised as a method of primary dispute resolution. They referred to the fact that the Family Court does not provide mediation services in Tasmania, but rather refers clients to either Mediation Services Tasmania or Relationships Australia. Ms Elizabeth Gunning said she believes mediation is conducive to an environment away from the court, however she acknowledged the mediation skills of the Family Court and suggested that it should not be a case of 'them and us' but rather giving people the option of choosing either community facilities or the Family Court.¹⁹

Ms Wisenbeek also suggested that mediation rather than counselling is often a more appealing dispute resolution mechanism for men. In mediation, men can see concrete outcomes for their effort.²⁰ She saw this as an important reason to have a range of services to offer to clients, in order that they choose the one they are most comfortable with.

Mrs Jennifer Boland, Chairperson of the Family Law Council, argued that while there is a general perception that community organisations handle children's matters very well, the strength of the Family Court mediation service is its ability to deal with cases involving a blend of property and children's matters. In these cases the legal expertise of the Court is extremely valuable. For this reason she argued for the retention of mediation service in the Family Court and in the community.²¹

16 *ibid.* 266.

17 *ibid.*

18 *Transcript*, p. 134.

19 *ibid.*

20 *Transcript*, p. 129.

21 *Transcript*, p. 272.

While Mr Robert Benjamin, representative of the Law Society of New South Wales, spoke positively about Family Court mediation services, he argued that the perception in the legal community is that the Court has not and can not provide as full a service in mediation as it has in counselling. He suggested that there are widely accepted mediation facilities outside the Court and stated that: "We are not saying that there should not be court mediation. We are just saying that perhaps any further growth should be measured in terms of the other facilities that are available".²²

However, Mr Benjamin claimed that the value of court mediation has been that it has set a standard which other organisations involved in mediation can follow or adhere to. Mr Benjamin expressed concern that there is no professional structure for mediators. There are mediators coming from the law stream and others from the various counselling services, all of them having different standards and different approaches. He argued there must be consistency and a professional standard when dealing with family law, rather than the current situation in which a tension has developed between counsellors and lawyers.²³

In its submission, the Law Society of New South Wales suggested that an appropriate step for this Committee would be to work with the Legal Aid Commissions, the Family Services Council and NADRAC towards a national family law related accreditation system for family and child relationship mediators.²⁴

In an attempt to resolve this concern about accreditation standards for mediators, the government has responded with amendments to the Family Law Regulations under the Family Law Act²⁵. These amendments relate to family mediation standards and accreditation in particular and came into effect on 11 June 1996.

According to Professor John Wade, from Bond University, in a paper titled *Family mediation: a premature monopoly in Australia?*²⁶, these accreditation regulations indirectly prohibit any person from practising as a family mediator unless he or she satisfies new training and supervision prerequisites, or qualifies under a 'grandmother/grandfather/wise elder' clause. The regulations recognise only two types of tertiary education, namely law degrees and social science degrees and exclude other professions such as accountants some of whom are often involved in complex family property disputes. The 'excluded' professions are required to undertake one year of further study in dispute resolution.²⁷ Professor Wade argues

22 *Transcript*, p. 362.

23 *ibid.*

24 *Submissions*, p. S1039.

25 The relevant regulations are numbered 59-72.

26 J Wade (1997) 'Family Mediation: a Premature Monopoly in Australia?' *Australian Journal of Family Law* 11: 286-308.

27 *ibid.*

that by imposing such stringent and unrealistic standards of accreditation, the regulations have given certain lobby groups of mediators a premature monopoly and thereby suddenly disenfranchised skilled mediators.²⁸

The paper also points to a number of unintentional flaws in drafting which have created unnecessarily complex demarcation questions and unintentionally excluded skilled mediators from practising²⁹. Professor Wade called for the immediate suspension of these regulations for at least 12 months in order to prevent this disenfranchisement.

NADRAC, in its report to the federal Attorney-General titled *Primary Dispute Resolution in Family Law* recommended a series of amendments to these accreditation regulations. These included a suggestion that the description of 'family and child mediator' be expanded, and secondly that non-accredited mediators be allowed to practise family mediation but without the statutory protection of confidentiality and immunity. The aim being to leave private family mediation services accessible in Australia, and gradually (rather than suddenly) impose quality controls on such services.³⁰

Witnesses to the inquiry also suggested there is a perception of middle class bias in the use of mediation services. Professor Hilary Astor cited as an example, research she was involved in that indicated that middle-class people are happy to use counselling organisations to assist them with their relationships and with resolving disputes attendant upon the ending of those relationships. People are happy to go to Relationships Australia, Centacare or Unifam, or any of the other service providers who are supported by the government.³¹ However working class women and women who are using refuges perceived, that those services are not appropriate to their needs, that they are for middle class people, that they charge fees which they would not be able to pay and that they would not understand the reality of the lives that they are living.

Professor Astor's view of class bias was supported in the series of studies of the federally funded mediation services as reported by Professor Wade. These studies indicated that clients who choose mediation appear to be more middle class, more educated and to have more children than the average divorcing population in Australia.³²

28 *ibid.* 296.

29 For example reg 60(2) arguably excludes a large number of Australian lawyers who became lawyers without obtaining a university law degree.

30 J Wade (1997) 'Family Mediation: a Premature Monopoly in Australia?' *Australian Journal of Family Law* 11: 306.

31 *Transcript*, p. 262.

32 J Wade (1997) 'Four Evaluation Studies of Family Mediation Services in Australia' *Australian Journal of Family Law* 11: 344.

These studies and comments raise the question of whether another, perhaps more relevant model of mediation, would be appropriate for less educated families, and families from other cultural backgrounds.

The Committee notes that the mediation accreditation standards which came into effect on 11 June 1996 may reinforce this perception of middle class bias. The regulations effectively prohibit or exclude appropriate mediators from Aboriginal and Torres Strait Islander and non-English speaking background communities. NADRAC in its report *Primary Dispute Resolution in Family Law* suggests that the government waive accreditation standards to allow limited authorisation schemes for community groups of particular disadvantaged backgrounds.³³

Recommendation 42

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

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

Violence and mediation

There is a substantial body of literature which argues that family disputes with a history of violence should not go to mediation. Professor Hilary Astor argues there are a number of reasons for this conclusion: the imbalance of power created by violence is extreme and is too great for a neutral mediator to redress; the nature and history of the relationship between the parties makes consensual decision making impossible; mediation places an extreme burden on the target of violence; mediation can endanger the safety of women who are the target of violence and the safety of children in their care; and mediation is highly likely to result in unjust and exploitative agreements where there has been violence. Further, mediation of family disputes involving violence creates a risk that violence against women will be removed from the public eye and existing protections threatened.³⁴

Evidence to the inquiry confirmed the view that mediation is not an appropriate mechanism for solving disputes involving family violence. Many witnesses referred to the value of the Family Court in having well defined and appropriate procedures in place for screening and identifying potential violence so that people who are in fear of each other are not brought together and can be excluded from the mediation process.³⁵

33 J Wade (1997) 'Family Mediation: a Premature Monopoly in Australia?' *Australian Journal of Family Law* 11: 306-308.

34 H Astor (1994) 'Violence and Family Mediation: Policy' *Australian Journal of Family Law* 8: 3.

35 For example, Ms Pauline Eglington, *Transcript*, p. 575.

However, the view that mediation is always inappropriate in cases of violence is not supported by the recent evaluations of the federally funded mediation services. In particular the 1996 Violence study which surveyed 12 mediation services agencies around Australia found that 31 per cent of the women who took part in the survey stated that 'I had experienced physical violence from my partner'. The findings of the 1996 Violence study indicated that there was generally less pre-mediation anxiety, more positive experience of the mediation process and a higher level of satisfaction with agreements where women:

- reported that they had been subject to emotional abuse or one off physical abuse or threats only;
- had been separate from their ex-partners for a considerable time;
- had received personal counselling to deal specifically with the abuse;
- reported that they no longer felt intimidated by their ex-partner;
- felt confident in their legal advice and knew what they could reasonably expect from a settlement;
- and where mediators;
- asked specific questions about domestic violence or abuse, including non-physical types of abuse or harassment;
- offered women specific guidance in considering the possible impact of violence or abuse on the mediation process; and
- offered women separate time with the mediator to disclose or discuss any concerns before, during and after the mediation process.³⁶

The Committee's views on mediation

Evidence to the inquiry and recent surveys of federally funded mediation services indicate that mediation is a successful, if under-utilised method of primary dispute resolution (PDR)³⁷. The Committee believes that the government should remain committed to the support of family mediation services as an important method of PDR.

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

36 J Wade (1997) 'Four Evaluation Studies of Family Mediation Services in Australia' *Australian Journal of Family Law* 11: 347.

37 Primary dispute resolution (PDR) services are combinations of counselling, conciliation and mediation services provided by the Court. The term ADR (alternative dispute resolution) is often used interchangeably with PDR.

organisations. In the Committee's view, the government should continue to support a range of programs from both the Family Court and the community sector.

Recommendation 43

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

The Committee acknowledges the importance of accreditation standards but is also concerned about the perceived middle class bias of mediation programs. It suggests that the government take account of the recommendations of NADRAC in relation to accreditation and work with bodies such as NADRAC to make mediation more widely utilised by disadvantaged groups within the community.

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

Recommendation 44

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

Recommendation 45

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

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

Role of mediation and counselling services in education

It is well established that as people end one relationship or marriage, they have either entered into a new relationship or will enter into a new one at some future point in time. Divorce rates for these second or subsequent marriages are higher than for first marriages and the literature clearly identifies those marriages at greater risk of break up.³⁸ With this in mind, the Committee explored with relevant witnesses the possibility of using this period of transition to provide further relationship training and education.

38 Keys Young (1997) *Evaluation of Marriage and Relationship Education Sub-Program: Final Report* Sydney: 40.

In other words, the Committee sought ideas about whether more could be done during the processes of mediation and conciliation counselling, to provide people with more skills and knowledge for subsequent relationships.

In relation to mediation, Professor Hilary Astor said that when the present interest in mediation began, mediators, particularly in family areas, were very optimistic that the process of mediation, which involves giving the parties responsibility for forging their own agreements, would also have the effect of educating the parties about better ways to resolve disputes. Some authors even claimed that mediation had a therapeutic effect in reducing anger and distress as well as teaching the parties about better ways to resolve disputes than fighting about them.

However Professor Astor thought that such optimism has somewhat ameliorated. She cited US mediator Ms Joan Kelly, who did carefully controlled research studying groups of people going through litigation and groups of people going through mediation. What she wished to examine was the effect that the two different processes had upon the relationship between the parties and their children after divorce.

Ms Kelly found that there was some beneficial effect for those parties who went through mediation. For about a year after the end of mediation, the parties reported measurably less conflict. However, after about a year, that effect disappeared.

The conclusion that Professor Astor draws from this research is that while mediation may be excellent as a short term focused intervention, it is not appropriate for teaching the parties more substantive lessons about how to conduct a healthy relationship.³⁹

Professor Astor's view is supported by the recent studies of federally funded mediation services. While the customer satisfaction level of these particular mediation services was very high, the couples in these studies rarely agreed that the short term mediation intervention had caused changes to their long term problem-solving skills.⁴⁰

On the other hand, Mrs Jennifer Boland, Chairperson of the Family Law Council, was supportive of using this transition period to promote relationship education. She praised the information sessions in the Family Court and suggested similar programs could be used to promote future relationships education. However, she also proposed education for future relationships education should be promoted through a wider network than the Family Court. Rather, promotion could be undertaken through a range of court lawyers and community education and even through the Child Support

39 *Transcript*, p. 261.

40 J Wade (1997) 'Four Evaluation Studies of Family Mediation Services in Australia' *Australian Journal of Family Law* 11: 345.

Agency. Such a link could be as simple as offering brochures and suggesting 'Here is a service that may help you in developing relationships'.⁴¹

Mrs Boland also suggested that if there were ongoing programs to help people come to terms with the grief and the loss of self esteem associated with separation and divorce, then they may prevent some of the difficulties that arise when people rush into inappropriate relationships.⁴²

Family Court programs

The Family Court currently offers both information sessions and group conciliation and cooperative parenting education programs. All registries provide information session to inform clients and prospective clients of what to expect when they come to court and to prepare them for any counselling or conciliation conferences they may attend with registrars. The cooperative parenting education programs and the group conciliation programs are aimed at assisting parents resolve their differences, develop better communication patterns and find more cooperative and less conflictual ways of parenting after separation.

The Committee agrees with evidence that suggests that the time of separation and divorce is a key transition point in couples lives and a critical time to undertake further education for relationships and marriage.

The Committee notes the research and studies that indicate that mediation as a process does not necessarily provide couples with long term skills in resolving disputes and living in healthy relationships.

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

Recommendation 46

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

41 *Transcript*, p. 262.

42 *ibid.*

Recommendation 47

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

Chapter 11

Advisory bodies

Under Commonwealth arrangements for family services, several organisations are funded to provide advice on family services to the Attorney-General and the Attorney-General's Department. An outline of these advisory bodies follows.

Peak bodies

Under the Family Relationships Services Program (FRSP) of the Attorney-General's Department, three national organisations, namely Centacare Australia Limited, Family Services Australia Limited and Relationships Australia Incorporated, are funded to provide a national voice for their members and to be actively involved in ongoing consultation with departmental program administrators on significant policy and procedural issues. These peak bodies also provide representational, training and support services for their affiliated member organisations, and participate as members of the Family Services Council. All service providers funded through the Family Relationships Services Program (FRSP) are required to join one of these peak bodies, in order to facilitate communication between the Department and the service delivery agencies.¹

Centacare Australia

Centacare Australia is the peak organisation representing the Catholic Church's diocesan-based social service agencies known as Centacare. Under the auspices of the bishop of each diocese, Centacare agencies operate autonomously but work with the national body with respect to national programs and policies.

Centacare Australia is a not for profit organisation offering an extensive range of professional family, social and employment services throughout metropolitan and rural Australia. The network of Centacare Australia employs approximately 2,000 staff operating from 150 sites.

Relationships Australia

Relationships Australia is a secular, non government and not for profit community based organisation. A national association, Relationships Australia consists of eight State and Territory Relationships Australia organisations. The organisation began in the late 1940s under the name of Marriage Guidance Council with counselling

1 Attorney-General's Department, *Submissions*, p. S952.

services provided mainly by volunteers. Since that time the organisation has grown to provide a range of professional services. Under the FRSP, Relationships Australia is approved to provide counselling, relationship education, family mediation and other specialist relationships programs. In 1994, the name, Relationships Australia was adopted to reflect the breadth and diversity of services offered by member organisations ²

Family Services Australia

Family Services Australia is a peak organisation which represents over half the organisations funded under the FRSP. The organisation currently has 45 ordinary funded member agencies and 14 associate non funded members. Member organisations are diverse, but include bodies associated with the Anglican, Uniting and Baptist churches and the Wesley/Central Missions. Some are associated with community legal centres, and others are independent community organisations.

Family Services Australia provides services around Australia and across all the sub-programs in the FRSP including Marriage and Relationship Education, Marriage and Relationship Counselling, Family Mediation, Adolescent Mediation and Family Therapy, Family Skills Training and other specialist services.

Family Services Council

The Family Services Council was established in December 1994 to advise the Attorney-General on policy and practice for the then Family Services Program. According to the former Parliamentary Secretary to the Attorney-General, Peter Duncan, the Council would:

act as a channel between the community and government aiming to ensure that family relationship services in the community serve its needs, are efficient, effective and of a high standard.³

The Attorney-General's Department sees the Family Services Council as forming a conduit between the Department and funded community-based services. The council provides advice on the development of policy directions, priorities and principles in the Family Services Program, including quality assurance and a research and evaluation agenda.

Membership of the Family Services Council comprises ten people, including a departmental representative and three peak body representatives. Other members are drawn from the broader field of service providers and the community.

2 Relationships Australia *Annual Report 1996: 2.*

3 Parliamentary Secretary to the Attorney-General *Press release 4/94: 7 December 1994.*

According to its 1995-96 Annual Report, the council has provided advice on amendments to the *Family Law Act 1975*, the enactment of the *Family Law Reform Act 1995*, and the development of mediation standards to be established through the Family Law Regulations. In addition it has provided advice on the development of a proposed quality strategy for the FRSP and the involvement of children in family services. According to its most recent charter, the issues that the Council is currently advising on include: the capacity of FRSP contracted agencies to take on aspects of Family Court work; and advice on how service providers should respond to the impact of the changes to the Family Law Act.⁴

Family Law Council

The Family Law Council is a statutory authority established under section 115 of the Family Law Act. The functions of the council are to advise, and to make recommendations to, the Attorney-General concerning any matters relating to family law. Advice and recommendations to the Minister may be either at the council's own instigation or in response to a referral by the Minister. Since its inception in 1982, the council has reported and made recommendations in a wide range of areas such as *Administration of Family Law in Australia* (1985); *Arbitration in Family Law* (1988); *Child Sexual Abuse* (1988); *Representation of Children in Family Court Proceedings* (1989); *Comments on the Report of the Joint Select Committee on the Operation and Interpretation of the Family Law Act* (1993); *Patterns of Parenting After Separation* (1992); *Section 64A of the Family Law Act* (1992); and *The operation of the (UK) Children Act 1989* (1994).⁵

National Alternative Dispute Resolution Advisory Council

The National Alternative Dispute Resolution Advisory Council (NADRAC) was set up in 1995 by the then Attorney-General in order to foster the expansion of alternatives to court action in civil matters. The Government saw the establishment of NADRAC as a way of encouraging the expansion of alternative dispute resolution (ADR) as part of its strategy to lower legal costs and improve access to justice. NADRAC has provided advice on registration and accreditation requirements for mediators and the development of community education programs.⁶ While its role and function encompasses family law, it has an additional role in relation to ADR in other jurisdictions.

4 Family Services Council 1997 *Newsletter* Spring: 3.

5 Family Law Council, *Submissions*, pp. S582-S583.

6 Attorney-General *Press release* 100/95: 14 November 1995.

Assessment of the need for the peak bodies and the Family Services Council

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

Several witnesses expressed dissatisfaction with the current arrangements for peak bodies, the strongest criticism coming from Family Services Australia. This organisation believes the current funding arrangements are inequitable, and claims that it is the only true peak body representing the FRSP service providers.⁷ In Family Services Australia's view, the other two peak bodies are only national representative bodies. Centacare Australia is a body which represents a particular group of agencies provided through the Catholic Church; Relationships Australia is an umbrella body for the relationships organisations in each of the States; whereas Family Services Australia has a different character and composition.

The Committee notes that the current peak body structure was implemented by the Attorney-General's Department in 1994 following a review of the structure. Previously, there had been five peak bodies: the Australian Council of Marriage and Family Counselling Organisations (ACOMCO), Centacare Australia, Marriage Guidance Australia (now Relationships Australia), the Catholic Society for Marriage Education (CSME), and the Australian Association for Marriage Education (AAME). A 1993 discussion paper from the Department canvassed a number of alternative arrangements, notably, one national body, or alternatively, three peak bodies comprising Centacare Australia, Marriage Guidance Australia, and a new body comprising all other agencies.⁸ The latter structure was preferred by the Department and subsequently adopted. Funding was provided to three peak bodies: Centacare Australia, Marriage Guidance Australia, and a new body, Family Services Australia, which was formed by the members of ACOMCO and AAME, together with other agencies providing family services.⁹

The Committee notes that while ACOMCO has ceased to exist, AAME was restructured as the Marriage Educators Association of Australia.¹⁰ Although not funded as a peak body, CSME continues to operate as the largest national organisation of marriage and relationship education agencies in Australia.

7 Family Services Australia, *Submissions*, p. S697.

8 Attorney-General's Department (1993) 'Peak arrangements for the family services program' *Threshold* 40: 6–14.

9 (1993) 'Family Services Australia' *Threshold* 42: 3–4.

10 G Spencer (1995) 'MEAA mission statement and goals' *Threshold* 47: 12.

In its submission, Family Services Australia pointed out that the three existing peak bodies are all funded by the Commonwealth Government to the same extent (\$99,560 each per annum). It considers this to be inequitable:

The role of Family Services Australia in disseminating information, ascertaining the views of members, representing the views of members to government and other relevant bodies, informing members of government directions, ... is a far more complex task because of the diversity of member organisations and the need for extensive interaction and consultation.¹¹

Mr Clive Price, Vice President of Family Services Australia, told the Committee that the peak body's task is made more complex because it has the greatest membership of the newest sub-programs of LAFS. He said that some of their agencies are the newer agencies without the history or the support structures in place and are quite often funded under the newer programs which cannot charge fees. If an agency cannot charge fees, (which is probably appropriate because of the client population,) then its capacity to give resources to the peak body for its task becomes severely curtailed.¹²

Mr Price pointed to the value in having a range of different organisations representing the community. In his opinion there is a place for having local, small, community based organisations through to larger organisations, perhaps connected with church auspice bodies, through to the large State Relationships Australia. However, such an arrangement puts increasing strain on the peak body to try and service the needs of all these different types of agencies. He cited as an example the complexity of trying to look after a small agency in Cairns, the interests of Unifam, (which is a middle sized agency in New South Wales), and a couple of agencies in Western Australia.¹³ According to Mr Price, these difficulties are aggravated because Family Services Australia does not have the capacity to get the additional income support through levies that Centacare and Relationships Australia can get from their members.¹⁴

Mr Price also argued that in the current competitive environment where it is essential to compete for funding arrangements, Family Services Australia is at a disadvantage because it does not have the financial backing to support, resource and assist agencies to the extent that Centacare and Relationships Australia might have.¹⁵

Member organisations of Family Services Australia were also critical of the arrangements for peak bodies. Mr Andrew De'Ambrosis, Co-Director of Anglican Family Care, said that because of inadequate funding, Family Services Australia

11 Family Services Australia, *Submissions*, p. S697.

12 *Transcript*, p. 282.

13 *ibid.*

14 *ibid.*

15 *ibid.*

recently increased fees from members in order to carry out the necessary activities of a peak body. This in turn creates further difficulties for agencies such as Anglican Family Care which is already experiencing cost-cutting exercises in order to respond to no increases in funding to government programs.¹⁶

In pointing to the inequity of the present structure of peak bodies, Mr Peter Fisher, Executive Member of National Anglican Caring Organisations Network, suggested that it could be argued that if Centacare is a peak body and funded by the Attorney-General's Department, then there are good grounds for arguing that the Anglican organisation should be treated similarly. He made reference to earlier arrangements whereby in 1990 five peak organisations received funds from LAFS. In 1994, there was a perceived need to reduce this number and the strong lobby of Centacare and Relationships Australia enabled them to remain as peak bodies. All other bodies were placed together under the umbrella of Family Services Australia.¹⁷

Apart from the agencies funded through LAFS, many other organisations provide family services programs without funding from LAFS. While the peak bodies were set up specifically to look after funded agencies, Family Services Australia has also taken under its umbrella, agencies that are not yet funded or choose not to be funded. Family Services Australia acts as an information source for these organisations by providing magazines and newsletters, and holding meetings and workshops, for the exchange of information. Mr Price told the Committee that Family Services Australia believes the peak body has a role to work towards the development of standards, procedures, and quality assurance mechanisms which would assist the whole sector. However, while this role of supporting the non-funded organisations is important, Family Services Australia says the limited funding received makes it difficult to adequately perform this function.¹⁸

Ms Helen Disney, National Director of Relationships Australia, said that the current arrangements relating to peak bodies are working, but admitted that the arrangement of three peak bodies was due to historical accident rather than good planning. She said:

to be frank, if you were starting out today you perhaps would not create three.¹⁹

Ms Disney qualified this statement by saying that given the fact that there are three bodies, the funding allocated to them is being well utilised. The three bodies are working together and they are all fulfilling a really important role. She particularly praised Family Services Australia, which is in its very early days and has a big task

16 *Transcript*, p. 564.

17 *Transcript*, p. 490.

18 *Transcript*, p. 284.

19 *Transcript*, p. 667.

in establishing itself and playing an important role in representing the smaller bodies.²⁰

Some witnesses spoke positively about the current advisory structure for family services. Ms Dale Bagshaw, Chairperson of the Family Services Council, supported the current arrangements saying that given the size of the Family Services Program budget, only a very small amount is committed to consultation with the community and service providers.

In relation to the Family Services Council, Ms Bagshaw argued that as it was only established in 1994, it has provided in a short time significant advice to both the Attorney-General and LAFS on family mediation standards, the Family Law Reform Bill and family law regulation. In addition the council has prepared advice to LAFS on many aspects of its work, including proposed aims and outcomes of the FRSP.²¹

Family Services Australia saw value in having a Family Services Council in addition to peak body representation. Vice President Mr Clive Price said he thought there is a clear distinction between their roles and believes it would be very difficult to both advise the minister and lobby on the behalf of member agencies.²²

Dr Margaret Browne, First Assistant Secretary, LAFS, Attorney-General's Department, justified the existence of the Family Services Council on the basis that its membership is able to provide a broader perspective than the peak body structure can offer. Whereas the peak bodies only represent service providers, the council has a wider membership including academics and other experts in the field. Dr Browne acknowledged that there was some commonality of subject matter with the peak bodies and the Family Law Council, but she maintained that the Family Services Council is a valuable advisory body to the Department.²³ In reference to the peak body structure, Dr Browne suggested that given the way the FRSP is now structured, there would be value in having only one peak body to represent service providers, rather than the current arrangement of three.²⁴

In the evaluation of the Marriage and Relationship Counselling Sub-Program performed by ARTD in 1996, the consultants reported positively about the peak body structure suggesting that it has been very important in attaining a substantial level of cooperation between LAFS and the funded service providers.²⁵

20 *ibid.*

21 *Transcript*, p. 22.

22 *Transcript*, p. 281.

23 *Transcript*, pp. 1012–1013.

24 *Transcript*, p. 1014.

25 ARTD Management Consultants *Evaluation of the Marriage and Relationship Counselling Sub-Program: Final Report* August 1996: xii.

On the other hand, Mrs Jennifer Boland, Chairperson of the Family Law Council, suggested that there seemed to be considerable duplication and overlap between the functions of the Family Law Council and Family Services Council. She argued that duplication makes more work for those who are receiving advice and for those who are giving it.²⁶

In relation to NADRAC, Ms Boland agreed that there is also some overlap between that body and the Family Law Council, but she believes the two bodies have worked well together and that the council has had considerable input to NADRAC. She said that there is in fact a role for a distinct body to deal with alternate dispute resolution in all jurisdictions.²⁷

One suggestion put to the Committee was to establish a peak body exclusively promoting the interests of marriage education. Mr Don Burnard, Director of Family Relationships Institute, said that the three peak bodies are dominated by counselling agencies at the expense of education agencies. In stressing the importance of marriage relationship education, Mr Burnard suggested that in place of the current arrangement, there should be a peak body to exclusively look after and promote marriage and relationship education. Mr Burnard also made reference to the dissatisfaction within Family Services Australia, about the present structure of the three peak bodies.²⁸

Evidence given to the Keys Young consultants in their evaluation of the Marriage and Relationship Education Sub-Program also suggested that the field of marriage education suffered when it ceased to have separate representation.

When overviewing the history of marriage and relationship education in Australia, it appears that the abolition of separate peak bodies representing educators appears to have had a major impact on the recent development of the field. In particular the loss of a national trainer responsible for professional training and development was raised by many [agencies] as a major loss. Many educators not affiliated with the Catholic Society of Marriage Educators (CSME) said the loss of a national body contributed to their sense of professional isolation.²⁹

The Committee acknowledges the work done by the three peak bodies and the Family Services Council in facilitating communication between the Attorney-General's Department and family services delivery agencies. However, based on evidence to the inquiry, the Committee agrees that there are inequities and

26 *Transcript*, p. 270.

27 *ibid.*

28 *Transcript*, p. 436.

29 Keys Young (1997) *Evaluation of Marriage and Relationship Education Sub-Program: Final Report* Sydney: 43.

anomalies in the current advisory structure and that there appears to be duplication of responsibilities between the three peak bodies, the Family Services Council, the Family Law Council and NADRAC.

Evidence to this inquiry and to the Keys Young evaluation suggests that there have been difficulties sustaining the professional development of marriage educators and family skills educators. The Committee believes that the current structure of three peak bodies contributes to these difficulties by setting up inappropriate boundaries and rivalries between service providers. These rivalries work against the sharing of resources and the professional development of marriage educators.

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

Recommendation 48

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

One peak body would be set up and funded to represent the interests of intervention programs such as marriage counselling and mediation and the other peak body would be funded to represent prevention programs such as marriage and relationships education and family skills education.

The Committee believes that a structure built around these two distinct activities would enable greater professional development and encourage a sharing of resources amongst similar service providers. Membership of these two peak bodies would be open to individual educators, therapists, counsellors or mediators who are recognised by the appropriate professional bodies. Office holders of the executive bodies within these two peak councils would be elected by individual members and not by service providers or Government. However, in order to provide a smooth transition to the new arrangements, the Committee suggests that during the first 12 months of operation, the FRSP should ensure that current representative groups are appropriately represented on these two bodies.

The Committee considered whether the existing structure should be replaced by one national peak body, either operating alone, or in conjunction with the Family Services Council. The Committee is of the opinion that a clear emphasis on preventive programs of education should be reflected in policy and administrative

arrangements. The Committee believes, partly as a consequence of the historical development of the field, that the major emphasis remains with the therapeutic counselling and mediation services. This would be likely to remain the case if one peak body was formed, unless there were clear requirements for adequate balance between prevention, and counselling and therapy. The Committee has no confidence in prevention being given an appropriate emphasis under one peak body. Accordingly, the Committee recommends that two peak bodies be established.

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

Recommendation 49

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

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

Recommendation 50

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

The Committee believes that by comprising practitioners from the respective fields, the councils will enjoy the experience of both individual practitioners and the agencies in which they work. The councils will also enable an effective voice for practitioners from fields such as family skills that currently have no direct representation. The Committee expects that existing bodies such as Relationships Australia and Centacare Australia will continue to exist as umbrella bodies for particular groups of agencies. These bodies represent agencies affiliated to each other in a particular way. They do not represent the field generally. Their role as peak bodies has the effect of artificially dividing the field. The Committee is of the opinion that such bodies should not hold the status of peak bodies for the purposes

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

Recommendation 51

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

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

The Committee believes that the Attorney-General's Department should provide more support for unfunded agencies working in family services. It agrees with Family Services Australia's submission that a peak body should play a role in working towards the development of standards, procedures and quality assurance mechanisms which would assist the whole sector.

Recommendation 52

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

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

Australian Institute of Family Studies

The Australian Institute of Family Studies (the AIFS) was established in February 1980 under Part XIVA of the Family Law Act. Its statutory functions are to promote, by the conduct and encouragement of research, identification and development into the understanding of the factors affecting family and marital stability in Australia. The object of the AIFS is to promote the protection of the family as the natural and fundamental group unit in society. In addition, the AIFS has the statutory responsibility to advise and assist the responsible Minister in relation to the making of grants and to supervise the employment of such grants.³⁰

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

30 Australian Institute of Family Studies *Annual Report 1996–1997*: 8.

The AIFS in its 1996-97 Annual Report, has identified six core areas of research concentration for the next three year period. These are: family well being across the life course; family formation, dissolution and reformation; parenting and young children; ageing, later life families and family care; child protection studies; and studies on living standards of Australian families.

The Committee questioned witnesses about the role of the AIFS in fostering research into marriage and family life.

Dr Moira Eastman, of the Australian Catholic University in East Melbourne, argued that Australian and US research has progressively ignored or neglected marriage and family life in their discussions and in their research activities. She pointed specifically to the AIFS and suggested that it has not paid sufficient attention to research into the positive contributions that families make and the importance of marriage within the family, but rather has concentrated on the other end of the spectrum where families and marriages have become dysfunctional. Dr Eastman cited the example of a 1993 AIFS conference, where only two papers out of approximately two hundred were given on marriage: 'To me that is not the right balance. I believe that the positive aspects of marriage have not been recognised.'³¹

Dr Eastman suggested that an institute of women's studies would have as its key focus research into women and by analogy marriage and family should therefore be one of the key focuses of the AIFS.

Dr Eastman also referred to the anomaly in the fact that Australian universities do not have a chair of marital studies nor faculties offering marriage or family studies, and yet marriage has a major impact on the economy.

Dr Eastman made several recommendations which in her view would help and encourage research into families and marriage.

Firstly she suggested that the absence of marriage research was partly attributable to poor funding and therefore it is important that the Australian Research Council actually establishes a category specially set aside for marriage and family research.

Secondly, she suggested that greater effort should be made to feed important data relating to marriage and family into the National Health Strategy. She believes the AIFS has a responsibility to promote this data and put it into the minds of other government departments. She also noted that the AIFS had failed to give evidence to the 1993 National Health Strategy *Pathways to Better Health*.

Dr Eastman stated that 85 per cent of care of children under five years of age is done entirely by families. She therefore argued that it is important that families with

31 *Transcript*, p. 392.

children under five years of age be better represented on the board of the AIFS so that they can get their concerns onto the research agenda.³²

Ms Susan Gribben, Executive Director of Relationships Australia (Victoria), said she believes that the focus of research in Australia has been more on children and families rather than on couples and maintaining relationships. Like Dr Eastman, she believes the AIFS should take a larger role in relationship research.³³

On the other hand, Dr Harry McGurk and Mrs Ilene Wolcott from the AIFS defended its work saying there are sound reasons for the lack of longitudinal research into the effectiveness of marriage education programs in Australia. Mrs Wolcott suggested that the lack of research is partly due to the limited nature of such programs. Because the strength of marriage education has been through the church movement and has focussed on pre-marriage education, Mrs Wolcott believes that this has probably limited the ability to extend research to the more general community. Because of the reasonably captive audiences that tend to go to marriage education, the result may be that you will skew the kinds of people that come and their reasons for coming, even though clearly it has had a positive outcome.³⁴

Dr McGurk added that while it has been possible to evaluate the short term outcomes of pre-marital education, it is very expensive to carry out longitudinal research. He made reference to current research undertaken by the AIFS into a large scale life course which will follow 2,000 families over a very long period of time and which will enable studies of the longer term impact of marital preparation courses. However, as Mrs Wolcott said, such research is inherently difficult because there are numerous intervening variables that would come in between the period of pre-marriage education and the period under examination. So many factors have occurred in a couple's life that it is very difficult to track back whether or not what was learned or what was absorbed in the pre-marital education program actually was the causal factor of what occurs later.³⁵

In response to criticisms that the ARC does not support research into families, the ARC argues that family welfare research is encompassed under the broad areas of social sciences and the humanities and applications for research grants are assessed in ARC grant rounds accordingly. The ARC defended its position by citing examples of recently funded projects to show that its research funding programs have supported and continue to support research in the area of family welfare.³⁶ The Council pointed out that applications for funding support must compete with other

32 *ibid.* 394.

33 *Transcript*, p. 197.

34 *Transcript*, p. 251.

35 *Transcript*, p. 252.

36 For example, in 1996, the ARC allocated approximately \$210,000 to seven research programs in areas such as parenting and marriage relationships; conflict and violence in marriages; the changing role of women and its effects on marriage; and the re-definition of marriage.

research applications across all research fields on the criterion of research excellence and that competition for funding through the Council's programs is extremely strong.

The Committee acknowledges the concerns raised by witnesses about the neglect of research into marriage and family in Australia. The Committee agrees with Dr Eastman that this area of study needs to receive a higher profile within Australian research institutions and it believes that the ARC could play a more active role promoting this.

Recommendation 53

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

The Committee's views on the role of the AIFS

The Committee believes that the AIFS is a valuable research institute that should be preserved. The Committee notes that the AIFS, since its establishment in 1980, has had a statutory responsibility to promote and encourage research into the understanding of factors affecting family and marital stability in Australia and more generally to promote the protection of the family as the natural and fundamental group unit in society.³⁷ The Committee believes that the AIFS should be encouraged to focus more closely on this original charter.

In 1992, an External Panel of Review was appointed by the then Minister of Social Security to conduct a review of the AIFS. In its report, the panel said that the key task of the AIFS is to ensure that the AIFS remains at the forefront of family research. To that end the panel recommended:

- (i) AIFS should provide a forum for family research – to allow analyses and opinions contrary to AIFS policy suggestions to be aired prominently (and not necessarily separately from AIFS research);
- (ii) AIFS should move towards the discussion of options for family policy in a wide variety of areas;
- (iii) greater emphasis should be placed on the submission of articles for publication in refereed journals and
- (iv) AIFS should extend its links with other institutions (especially Universities and other interested parties).³⁸

37 Australian Institute of Family Studies *Annual Report 1996-1997*: 8.

38 External Panel of Review *An Evaluation of the Australian Institute of Family Studies: Final Report of the External Panel of Review* Canberra: 1993: 1.

While some of these issues have been addressed³⁹, the Committee believes that the AIFS should be more proactive in addressing the panel's fourth recommendation, namely that the AIFS establish more links with other research organisations, particularly universities.

At its establishment, the AIFS operated within the Attorney-General's portfolio. It is now located within the Department of Health and Family Services and reports to the Minister for Family Services. The Committee notes that the Australian Institute of Health and Welfare also reports to the Health and Family Services minutes. The Committee believes that in order to promote research into marriage and family, it would be advantageous for the AIFS to be co-located with FRSP which would mean relocated with the Attorney-General's Department. Within that portfolio, the AIFS could maintain closer links with other organisations involved in family relationships services and concentrate its resources in areas more closely related to its original charter.

Recommendation 54

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

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

Recommendation 55

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

39 For example, the Committee notes that the AIFS journal, *Family Matters*, does include material from sources outside the AIFS.

Kevin Andrews MP
Chairman

June 1998

APPENDIX A

List of Submissions

Submission Number	Individual/Organisation
1	Wollongong Youth Accommodation & Support Association
2	Youth with a Mission Family Ministries
3	Mr Tim Janes
4	Ms Jennifer Lehmann
5	Australian Institute of Family Studies
6	Marymead Child & Family Centre
7	Humanist Celebrant Network
8	Australian Family & Marriage Educational Services (Oz FAME)
9	Mr K Grover
10	Anglican Counselling Centre
11	Association of All Authorised Civil Marriage Celebrants Nationwide Inc
12	TVW Telethon Institute for Child Health Research
13	Mr Brian Clarke
14	Mr John Lucas
15	Together Programmes Central Committee
16	Centacare Canberra
17	Mr Paul Edward Stott
18	Mr Paul Steinfort
19	Mr Max Wilson
20	The Australian Family Association
21	Mr Bruce Findlay
22	Catholic Engaged Encounter
23	Mr Alexander & Mrs & Kathleen Steinfort
24	Anglican Marriage Education & Counselling Service
25	Centacare Canberra
26	Prepare/Enrich Australian National Office
27	Head Injury Council of Australia
28	Shop, Distributive & Allied Employees' Association
29	Family Relationships Institute Inc
30	The Salvation Army
31	Ballarat Children's Homes & Family Services
32	Council for Family Catholic Archdiocese of Melbourne
33	Centacare Brisbane
34	Adelaide Central Mission
35	Catholic Women's League of SA Inc

36	Knights of the Southern Cross
37	Dr Rosemary Dunlop & Associate Professor Ailsa Burns
38	The Association of Marriage Celebrants of Victoria
39	Victorian Legal Aid
40	NQ Domestic Violence Resource Centre
41	Associate Professor Maila Stivens
42	Sunnybank Family Support Inc
43	Australian Federation of Deaf Societies
44	Caxton Legal Centre Inc
45	Sunshine Coast Women's Crisis Service Inc
46	National Council for the Single Mother & Her Child
47	Focus on the Family Australia
48	Kids Help-Line
49	The Salvation Army Crossroads St Kilda Network
50	Salt Shakers Christian Ethics Action Group
51	Marriage Educators' Association of Australia
52	Family Law Reform Association NSW Inc
53	Mr Robert & Mrs Iris Tebble
54	Mr Andrew Gray
55	Relationships Australia Queensland
56	Festival of Light
57	Australian Family Association VIC
58	Wodonga Rural City Council
59	National Alternative Dispute Resolution Advisory Council
60	Women's Information and Referral Centre
61	Berry Street Inc
62	Northern Suburbs Family Resource Centre Inc
63	The Association of Civil Marriage Celebrants of South Australia Inc
64	Mrs Wendy Brown
65	Noble Park Family Mediation Centre Inc
66	Mrs J Iwanow
67	Family and Children's Advisory Council
68	Growing Together in Marriage NSW
69	Women's Action Alliance Australia Inc
70	Mr Karl Fraser
71	Sutherland Shire Family Support Service Inc
72	National Anglican Caring Organisation Network
73	Lutheran Community Care
74	Peirson Adolescent Support Service

75	International Social Service Australia
76	Number not used
77	The Uniting Church in Australia Frontier Services
78	Family Unity and Equality
79	Ms Agatha Rogers
80	Big Brothers - Big Sisters Inc
81	Jewish Community Services Inc
82	Department of Immigration & Multicultural Affairs
83	Healthy Families Project
84	NSW Working Group on the Prevention of Male Suicide
85	Mrs Irima Gaglia
86	Family Support Services Association of NSW Inc
87	Domestic Violence Service Gold Coast Queensland
88	Anglican Counselling Centre Diocese of Sydney
89	Centacare Hobart
90	The Australian Federation of Civil Celebrants Inc
91	Mercy Family Centre
92	NSW Men's Health & Wellbeing Association - The Fatherhood Project
93	Northern Rivers Men's Contact & Resource Service
94	Southern Family Life Service Association Inc
95	Family Law Council
96	Relationships Australia Victoria Inc
97	Family Life NSW
98	John Pierce Centre
99	Redlands Domestic Violence Service
100	Mr Gary Atkins
101	Catholic Women's League of the Archdiocese of Canberra & Goulburn Inc
102	Office of the Premier Western Australia
103	Bethany Family Support Inc
104	Department of the Premier & Cabinet Queensland
105	Catholic Marriage Preparation & Education Services
106	The Law Society of Western Australia
107	Anglican Family Care
108	The Australian Association of Social Workers Ltd
109	Family Services Australia Ltd
110	Anglicare Western Australia
111	Mr Peter Vogel
112	Office of the Premier Tasmania
113	Family Services Council

114	Women's Legal Service
115	Lifeline Far North Queensland
116	Galilee Inc
117	Marriage/Relationship Education NT Inc
118	Women's Legal Services Inc WA
119	Mr John & Mrs JoAnn O'Neil
120	Mr Warren Entsch MP
121	Victorian Deaf Society
122	Health Department of Western Australia
123	Catholic Women's League Australia Inc
124	Our Lady of the Assumption Catholic Church
125	Anglicare Tasmania
126	Family Action Centre
127	Anglicare Northern Territory
128	Centacare Australia Ltd & the Australian Catholic Social Welfare Commission
129	Family Relationships Institute Inc
130	Domestic Violence Resource Centre
131	Catholic Family Welfare Bureau
132	Law Council of Australia
133	Elizabeth Dalzell & Associates
134	The Australian Catholic University
135	Community Mediation Service Tasmania Inc
136	Centacare Sydney
137	The Standing Conference of Educators & Trainers in Counselling & Psychotherapy
138	Catholic Society for Marriage Education
139	Attorney-General's Department
140	Family Court of Australia
141	Law Society of New South Wales
142	Association of All Authorised Civil Marriage Celebrants Nationwide Inc
143	Australian Institute of Family Studies
144	Marriage Education Programme Inc
145	Humanist Celebrant Network
146	Mens Help Line
147	National Women's Justice Coalition Inc
148	Relationships Australia National Office
149	The Salvation Army
150	Melbourne Catholic Social Services
151	Law Institute of Victoria
152	Women's Legal Resources Centre (WLRC)

153	Mr Neil Wright
154	Humanist Celebrant Network
155	Family Relationships Institute Inc
156	Men's Rights Agency
157	Women's Legal Service Inc Brisbane
158	CONFIDENTIAL
159	Attorney-General's Department
160	Minister for Family Services
161	The Community & Family Rights Council
162	Humanist Celebrant Network
163	Mr Karl Frazer
164	Humanist Celebrant Network
165	Relationships Australia Queensland
166	Addiction Counselling Services
167	Mr Gregory John Edwards
168	Relationships Australia National Office
169	Mr Greg Milles
170	Marriage Bonds
171	Family Relationships Institute Inc.
172	Attorney General's Department
173	Catholic Society for Marriage Education
174	Prepare/Enrich
175	Jansen Newman Institute
176	Australian Research Council
177	Attorney General's Department

List of Exhibits

Exhibit Number	Exhibit
1	Humanist Celebrant Network <i>Various documents relating to civil marriage celebrant</i> (Related to Submission No. 7)
2	TVW Telethon Institute for Child Health Research <i>Western Australian Child Health Survey, May 1996</i> Family & Community Health Australian Bureau of Statistics (Related to Submission No. 12)
3	TVW Telethon Institute for Child Health Research <i>Chapter 6 WA Child Survey - Family & Community Health, pp. 59-68</i> Family & Community Health Australian Bureau of Statistics (Related to Submission No. 12)
4	Mr Brian Clarke <i>Why Responsible Governments Must Support. ort Traditional Family Life Again</i> - Submission from the Victorian Branch of the Australian Family Association (Related to Submission No. 13)
5	Mr Brian Clarke <i>Newspaper Articles (51) 1993-1996</i> (Related to Submission No. 13)
6	Mr Brian Clarke <i>Marriage in America - A Report to the Nation</i> , Council on Families in America March 1995 (Related to Submission No. 13)
7	Mr Brian Clarke <i>Empowering Australian Families</i> Lyons Forum National Inquiry Families and the Economy (Related to Submission No. 13)
8	Mr John Lucas <i>Conscious Marriage: A new model for making marriage work</i> (Related to Submission No. 14)
9	Australian Rotary Health Research Fund <i>Family Matters</i> - Winter 1996, Issue No.44. and <i>Statement on Health and the Family</i> to the Australian Rotary Health Research Fund Board 23- 25 May 1996
10	Family Relationships Institute Inc <i>Relatewell Workshops</i> - Pamphlets, July 1996-June 1997 (Related to Submission No. 29)
11	National Council for the Single Mother and Her Child <i>Membership form</i> (Related to Submission No. 46)
12	Family and Children's Advisory Council <i>Speaking Out, Taking Part</i> - A report to the Government from the Community and Family Commission on behalf of the people of Western Australia (Related to Submission No. 67)
13	Family and Children's Advisory Council <i>WA Families - Our Future</i> - Report of the Taskforce on Families in Western Australia, May 1995 (Related to Submission No. 67)

- 14 Family and Children's Advisory Council
Western Australian Child Health Survey, May 1996 - Family and Community Health
Australian Bureau of Statistics - Child Health Research
(Related to Submission No. 67)
- 15 Growing Together in Marriage - Uniting Church Ministry NSW
Growing Together in Marriage National Newsletter, Volume 9 January 1996 and Pamphlets
(Related to Submission No. 68)
- 16 Healthy Families Project
Western Australian Child Health Survey - Family & Community Health May 1996
(Related to Submission No. 83)
- 17 Family Support. Services Association of NSW Inc
Family Support Services in New South Wales - revised edition February 1994
(Related to Submission No. 86)
- 18 Southern Family Life Service Association Inc
Southern Family Life Counselling and Support Services Annual Report 1995-1996
(Related to Submission No. 94)
- 19 Catholic Marriage Preparation and Education Services Archdiocese of Perth
Catholic Marriage Preparation Courses enrolment form 1996
(Related to Submission No. 105)
- 20 Family Services Council
Family Services Council Newsletter - June 1996
(Related to Submission No. 113)
- 21 CONFIDENTIAL
- 22 Victorian Deaf Society
Australian Deaf Community and its Language - Extract from Trevor Johnson's Auslan Dictionary 1984
(Related to Submission No. 121)
- 23 The Family Action Centre
The Family Action Centre - Pamphlet
(Related to Submission No. 126)
- 24 Anglicare NT
Sustaining Families in Outlying Areas, Betsy McKay
(Related to Submission No. 127)
- 25 Marriage Educators Association of Australia Inc
Working Together for Marriage Educators - Pamphlets
- 26 Australian Federation of Deaf Societies
Recommendations and case study
(Related to Submission No. 43)
- 27 Family Court of Australia
Appendix 1 - *Family Court Counselling Service case examples*
Appendix 2 - *Survey of voluntary clients attending the counselling service*
Appendix 3 - *Pre-Marriage to Conflict Resolution - A range of processes*
Appendix 4 - *Client attitudes to the counselling service*
Appendix 5 - *Counselling Circuits, Visiting Services and Outreach*
(Related to Submission No. 140)
- 28 Family Court of Australia
The Effects of Marital Separation on Men - 10 Years On, - Research Report No. 14
(Related to Submission No. 140)

- 29 Australian Federation of Civil Celebrants Inc
Opening speech at public hearing 12/11/96
(Related to Submission No. 90)
- 30 Australian Federation of Civil Celebrants Inc
The Meaning of Ritual for Ockham's Razor
(Related to Submission No. 90)
- 31 Australian Federation of Civil Celebrants Inc
Ceremonies for Today and
So Mum and Dad have Separated, 2nd edition
(Related to Submission No. 90)
- 32 Australian Federation of Civil Celebrants Inc
It's Your Wedding Publication Second Edition
(Related to Submission No. 90)
- 33 Relationships Australia Victoria Inc
Funding information on: Relationships Australia Victoria, Catholic Family Welfare Bureau Victoria, Anglican marriage Education & Counselling Service Victoria, Noble Park Family Mediation Centre Inc Victoria and Drummond Street Relationship Centre Inc Victoria
(Related to Submission No. 96)
- 34 Association of Marriage Celebrants of Victoria
Application to the Attorney-General's Department for grant to implement training programme for newly appointed Celebrants in Victoria and Tasmania, dated 20 February 1995
(Related to Submission No. 38)
- 35 Community Mediation Service Tasmania Inc
Information pamphlets on Separation or Divorce
(Related to Submission No. 135)
- 36 Anglican Counselling Centre
Anglican Counselling Centre - Annual Report 1995/96
(Related to Submission No. 10)
- 37 CONFIDENTIAL
- 38 CONFIDENTIAL
- 39 Family Life NSW Branch
Family Life - NSW Branch - Annual Report 1996
(Related to Submission No. 97)
- 40 Humanist Celebrant Network
A Wedding in Australia
(Related to Submission No. 7)
- 41 The Australian Catholic University
'The Role of Family Education in Adult Education' - Australian Journal of Adult and Community Education Vol 34, No. 3, November 1994
(Related to Submission No. 134)
- 42 The Australian Catholic University
Myths of Marriage and Family - article by Moira Eastman
(Related to Submission No. 134)
- 43 Humanist Celebrant Network
Marriage Rooms and Marriage Officers of the NSW Registry 18 November 1996
(Related to Submission No. 7)
- 44 School of Behavioural Sciences Macquarie University
Appendix 1: *Images of Australian Families* - Chapter 9 pp. 123-135
Appendix 2: *Life Span Development I* - Chapter 9 pp. 212-241
Appendix 3: *Journal of Marriage and the Family* - May 1995 pp. 375-386

Appendix 4: *Childhood and Parenthood* Chapter 26 pp. 363-379

Appendix 5 *Parent-Child Relationships and Adolescent Self-Image Following Divorce: A Ten Year Study* by Rosemary Dunlop, Ailsa Burns, and Suzanne Bermingham
(Related to Submission No. 37)

- 45 Mr Tony Smith MP
Breakdown of Second Marriages, documents from Malcolm and Colleen MacLeod
- 46 Men's Rights Agency
Aims and Objectives - A Response to the Report Legislative Options for Non-Spousal Domestic Violence
- 47 Mr Bill Muehlenberg
Focus on the Family Australia - various documents
- 48 The Australian Catholic University
A Critique of Twenty Family and Marriage and the Family Textbooks by Norval D Glenn, and *Does Marriage Matter?* by Linda J Waite, University of Chicago Demography, Vol. 32 No. 4, November 1995 pp. 483- 507
- 49 Mr Gerry Tickell
Healthy Families Project: Board of Studies, Victorian Health Promotion Foundation in Association with Relationships Australia & Monash University
- 50 Centre for Research in Education, Equity and Work, University of South Australia
Pathways to Marriage and Love, Sex and Waterskiing
- 51 Queensland Southside Domestic Violence Action Group
Challenging the Legal System's Response to Domestic Violence,
Conference Papers Brisbane 23-26 March 1994
- 52 Anglican Family Care
Social and Community Service Award, 1996
(Related to Submission No. 107)
- 53 Relationships Australia Queensland
Relationship Education Courses Offered by Relationships Australia (Qld) and the 47th Annual Report 1995-1996
(Related to Submission No. 55)
- 54 Domestic Violence Service Gold Coast, Queensland
Violence Against Women Volume 2, Number 1, March 1996
(Related to Submission No. 87)
- 55 Mens Help Line
Men's Help Line: Projected Growth, 1994 to 1998
(Related to Submission No. 146)
- 56 Prepare/Enrich Australian National Office
It's About Quality of Married Life - Pamphlet
(Related to Submission No. 26)
- 57 Sunnybank Family Supp. ort Inc
Family Skills Training - Pamphlet
(Related to Submission No. 42)
- 58 Catholic Family Welfare Bureau
Marriage and Relationship Education Programs 1997 - Pamphlet
(Related to Submission No. 131)
- 59 Marriage Educators' Association of Australia
Working Together in Marriage and Marriage Preparation - Pamphlets
(Related to Submission No. 51)
- 60 National Council for the Single Mother and Her Child
Letter reprinted from SPARK Newsletter Autumn 1996 (Related to Submission No. 46)

- 61 Mens Help Line
Suicide in the Bush - Myth or Reality? 1996 Griffith University (Australian Institute for Suicide Research & Prevention)
(Related to Submission No. 146)
- 62 Kids Help-Line
We care - we listen - Kids Help-Line information folder
(Related to Submission No. 48)
- 63 Mrs J Iwanow
Pre-Marriage Percentage Compatibility Rating Test - Information paper on Marriage Education
(Related to Submission No. 66)
- 64 Nan Bennett
Letter from Nan Bennett JP regarding legal time requirement for marriages
- 65 Prepare/Enrich Australian National Office
Prepare/Enrich Counsellor's Manual and Training Manual
(Related to Submission No. 26)
- 66 Centacare Adelaide
An Instrument for Marriage Preparation - FOCCUS
- 67 The Australian Catholic University
Documents from Dr Moira Eastman, regarding Families, children and domestic violence
(Related to Submission No. 134)
- 68 Journal of Marital and Family Therapy July 1986 Vol 12, No. 3 pp. 259 267
Bonds or Bargains: Relationship Paradigms and the Significance for Marital Therapy by Sue Johnson University of Ottawa
- 69 Behavior Therapy 23, pp. 493-506 1995
Behavioral Couple Therapy: A New Beginning by Neil S Jacobson University of Washington
- 70 Mr Michal Kinasz
What Darwin Taught Hitler article by Grenville Kent
(Related to Submission No. 158)
- 71 CONFIDENTIAL
- 72 John F Kennedy University
Back to the Best Interests of the Child: Towards a Rebuttable Presumption of Joint Custody, April 1994
- 73 Tasmanian Deaf Society
Letter from Mr Greg J Keane - The Australian Federation of Deaf Societies
- 74 The Western Australian Deaf Society Inc
Letter to Greg J Keane The Australian Federation of Deaf Societies from John Levitzke 6 December 1996
- 75 Victorian Deaf Society
Letter to Greg J Keane - The Australian Federation of Deaf Societies from David Hall
(Related to Submission No. 121)
- 76 Family Life NSW
Outline of training courses on understanding relationships for high school students
(Related to Submission No. 97)
- 77 Anglican Counselling Centre
Letter from Anglican Counselling Centre regarding Marriage Education
(Related to Submission No. 10)
- 78 CONFIDENTIAL

- 79 Legal Aid & Family Services Attorney-Generals Department
Yearly Statistical Summary: Marriage Counselling, Adolescent Mediation and Family Therapy, Family Skills Training Marriage Education, Family Mediation - 1992/1993, 1993/1994, 1994/1995.
(Related to Submission No. 159)
- 80 CONFIDENTIAL
- 81 Domestic Violence Service Gold Coast, Queensland
'Date rape shock: survey sparks plea Gold Coast Bulletin, 23 November 1996
(Related to Submission No. 87)
- 82 Domestic Violence Service Gold Coast, Queensland
School Children's Perceptions of Wife Abuse Australian Institute of Criminology, Second National Conference on Violence
(Related to Submission No. 87)
- 83 Domestic Violence Service Gold Coast, Queensland
Domestic Violence Victims in Emergency Departments Australian Institute of Criminology, Second National Conference on Violence
(Related to Submission No. 87)
- 84 HCS Nursing Pty Ltd
HCS Home Care Services, HCS Nursing & Home Care Systems Client Profile
(Related to Submission No. 166)
- 85 TVW Telethon Institute for Child Health Research
Various documents regarding Children, Work and family Life and Family Stability
- 86 Family Relationships Institute Inc.
Let's Keep It Alive course information and brochure
- 87 Lifeline Far North Queensland
Counselling Statistics for January to March 1997
- 88 Family Unity and Equality
Parliamentary Research Service - Memo and attachments from Mr Colin Frank Fryer
- 89 CONFIDENTIAL
- 90 TVW Telethon Institute for Child Health Research
Population based intervention to prevent childhood disruptive behaviour disorders: the Perth positive parenting program demonstration project
- 91 TVW Telethon Institute for Child Health Research
WA Child health survey from ABS, 19 February 1997
- 92 Couple and Family Counselling Program
Brochure on Relationships Australia, Western Australia
- 93 Relationships Australia Canberra
Why Marriages Fail
- 94 Mr D Blankenhorn
Marriage in America - A Report to the Nation Council on Families in America March 1995
- 95 Anglicare Victoria
Statistical Return for LAFS 1996-1997
- 96 Family Court of Australia
A Review of The Family Court Report April 1993 Boshier report on the New Zealand System
- 97 Family Court of Australia
Synopsis of Family Court Research Projects Booklet published by Family Court of Australia
- 98 Attorney-General's Department
Guidelines and Schedules on Family and Marriage Attachments A-D20

- (Related to Submission No. 139)
- 99 Attorney-General's Department
Information on Evaluations and Projects conducted by the Family Services Program
(Related to Submission No. 139)
- 100 Mr Kevin Andrews MP
Strategies to Strengthen Marriage and Divorce Various papers and articles
- 101 Attorney-General's Department
FAMQIS Project, Program Development Final Report, Summary, September 1997
- 102 Attorney-General the Hon Daryl Williams AM QC MP
Correspondence and attachments
Attachment 1 - *Discussion Paper: Civil Marriage Celebrants Program November 1997*
Attachment 2 - *Response Paper: Civil Marriage Celebrants Program November 1997*
- 103 Legal Aid and Family Services
Literature Review chapter of the Marriage and Relationship Education Sub-Program Evaluation
prepared by Keys Young, 19 November 1997
- 104 Healthy Families Program
Evaluation report, report from the project team, the summary business plan and some summary material on the program
- 105 Family Court of Australia
Delivery of Primary Dispute Resolution services in Family Law - Response to the Attorney-General's Department Discussion Paper
- 106 Attorney-General's Department
Responses to questions on Notice - Committee Hearing 30 October 1997
- 107 Attorney-General's Department
Evaluation of Marriage and Relationship Education Sub-Program - Final Report, 12 December 1997
(Related to Submission No. 139)
- 108 Mary McKillop Foundation
Seasons for Growth - Australian Grief and Loss Program for School Students
- 109 Jansen Newman Institute
Jansen Newman Institute Calendar of Events Summer/Autumn 1998, Professional Training Continuing Education Courses for Everyone
- 110 Jansen Newman Institute
Really Relating, How to Build an Enduring Relationship by David Jansen and Margaret Newman with Claire Carmichael
- 111 Seasons for Growth Mackillop Foundation
Grief and Loss Education Program - Seasons for Growth
- 112 Seasons for Growth Mackillop Foundation
Resource handbook for site coordinators Seasons for Growth Program
- 113 Seasons for Growth Mackillop Foundation
Primary Program - Companion's Manual Seasons for Growth Program
- 114 Seasons for Growth Mackillop Foundation
Primary School Program - Journals 1, 2, 3
- 115 Seasons for Growth Mackillop Foundation
Junior Secondary Program - Companion's Manual
- 116 Seasons for Growth Mackillop Foundation
Junior Secondary School Program - Participant Book & Journal
- 117 Seasons for Growth Mackillop Foundation

- Senior Secondary Program Companion's Manual*
- 118 Seasons for Growth Mackillop Foundation
Senior Secondary School Program - Participant Book & Journal
- 119 Seasons for Growth Mackillop Foundation
What is the Seasons for Growth Program
- 120 Ms Michele Simons
Analysis of the roles of marriage and relationship educators. - Development and validation of competency standards, by Michele Simons and Roger Harris
- 121 Attorney-General's Department
FAMQIS Project, 'Quality Strategy' final report, December 1997
(Related to Submission No. 159)
- 122 Attorney-General's Department
Marriage and Relationship Education Market Research - Development of Community Awareness Strategy, Volume 1, February, 1998
(Related to Submission No. 159)
- 123 Relationship Educations Programs
60 responses to *Survey of Marriage and Relationship Educations Programs*
- 124 Australian Research Council
Report on Research Funding Schemes 1997
(Related to Submission No. 176)
- 125 Effectiveness Training Institute of Australia Ltd
Summary of Parent Effectiveness Training (PET), PET fact sheet, Effectiveness Training brochure.
- 126 Relationships Australia
Information on The Toughlove program
- 127 Australian Council for Educational Research
Life Learning and Values - An evaluation of the Values for Life Seminar program as a co-curricular experience for Australian young people.

List of Witnesses

Canberra, 31 October 1996

Attorney-General's Department

Dr Margaret Browne, First Assistant Secretary, Legal Aid and Family Services

Ms Coleen Clare, Director, Coordination & Development, Family Services Branch, Legal Aid & Family Services

Ms Helen Hambling, Assistant Secretary, Family Services Branch

Canberra, 7 November 1996

Family Services Council

Ms Dale Bagshaw, Chairperson

Ms Rose Beynon, Executive Officer

Relationships Australia National Office

Mrs Gail Bateman, National Projects Officer

Ms Elizabeth Seddon, Director, Canberra and Region

Centacare Australia Ltd & the Australian Catholic Social Welfare Commission

Mr Neil Harrigan, Deputy Chair

Mr Paul Tyrrell, National Executive Officer

Centacare Wollongong

Ms Kathleen McCormack, Director

Hobart, 11 November 1996

Centacare Family Services

Sister Philippa Chapman, Executive Director

Reverend Father Clement Kilby, Director

Ms Anne Matuszek, Coordinator, Marriage Education

Catholic Women's League of Australia

Mrs Mary Campbell, National President

Mrs Eris Smyth, National Secretary

Australian Federation of Deaf Societies

Mr Gregory Keane, Secretary/Treasurer

Mr John Lovett AM, Member

Community Mediation Service Tasmania (Inc)

Ms Karen Gunning, Family and Child Mediator

Ms Carla Wisenbeek, Mediation Manager

Melbourne, 12 November 1996

The Australian Federation of Civil Celebrants Inc

Mr Dally Messenger, President & Administrator

Association of Civil Marriage Celebrants of Victoria

Mrs Gwenda Foard, Vice-President

Mr Robert Ross, Immediate Past Secretary

Mr Robert Stephenson, President

Family Court of Australia

Dr Carole Brown, Principal Director of Court Counselling, Office of the Chief Executive

Mr Leonard Glare, Chief Executive Officer

Ms Margaret Harrison, Senior Legal Advisor

Justice Nahum Mushin, Judge

Chief Justice Alastair Nicholson, Chief Justice

Anglican Marriage Education & Counselling

Ms Meredith Edgar, Executive Director

Catholic Family Welfare Bureau

Ms Rosalie Hearne, Branch Manager and Community Development Program Manager

Noble Park Family Mediation

Mr Alan Campbell, Director

Relationships Australia Victoria Inc.

Ms Susan Gribben, Executive Director, Victorian Directors of Family Services

Mr Michael Hunt, Director, Family Mediation

Mr Terence Melvin, Manager, Family Violence Prevention Program

Bethany Family Support Inc.

Ms Angela Duns-Lowe, Team Leader, Family Education

Mr Frank Giggins, Coordinator, Relationship Education Program

Shop, Distributive & Allied Employees' Association

Mr Ian Blandthorn, National Assistant Secretary

Jewish Community Services Inc.

Mrs Miriam Suss, Director, Social Work Services

Individuals

Mr Bruce Findlay

Australian Institute of Family Studies

Dr Harry McGurk, Director

Mrs Ilene Wolcott, Senior Research Fellow

Sydney, 13 November 1996

Anglican Counselling Centre

Reverend Michael Corbett-Jones, Director

National Alternative Dispute Resolution Advisory Council

Professor Hilary Astor, Chairperson

Attorney-General's Department

Mrs Jennifer Boland, Chairperson, Family Law Council

Family Services Australia Ltd

Mr Clive Price, Vice-President

Individuals

Associate Professor Ailsa Burns

Dr Rosemary Dunlop

Uniting Church, Board of Education

Mrs Marilyn Hendy, Administrator, Growing Together in Marriage Programs
Mrs Jillian Robertson, Leader, To Have and To Hold Marriage Education Program
Association of All Authorised Civil Marriage Celebrants Nationwide Inc.
Mrs Leonie Hill, President

Law Society of New South Wales
Mr Robert Benjamin, Member, Family Law Committee

Humanist Celebrant Network
Ms Affie Adagio, Committee Member
Mrs Joyce Edmonds, Member
Mr Samuel Helprin, Coordinator
Mrs Sheila Helprin, Adviser on Celebrants' Proposed Training Courses
Mr John Hill, Member

Marriage Educators Association of Australia Inc.
Mrs Gerlinde Spencer, Immediate Past President and Committee Member

Family Life Movement of Australia (NSW Branch)
Mr Paul Hulbert, Manager, Training and Transport Activities
Reverend Tibor Mokany, Manager, Counselling and Mediation Services

Melbourne, 25 November 1996

Focus on the Family Australia
Mr William Muehlenberg, National Research Coordinator
Mr Glenn Williams, Executive Director

Individuals
Dr Moira Eastman

Victorian Board of Studies, Healthy Families Project
Ms Delyce Dalton, Project Officer
Mr William Tickell, Director

Salvation Army Crossroads Project & Housing and Support Network
Ms Billi Clarke, Domestic Violence Outreach Worker
Ms Margaret Hamley, Manager, Housing and Crisis Services
Ms Jenny Plant, Manager, Crisis Services Network
Ms Maggie Toko, Manager, Youth Services

Family Relationships Institute Inc
Mr Don Burnard, Director

Southern Family Life Service Association Inc.
Ms Diana Anderson, Acting Clinical Supervisor
Ms Jo Cavanagh, Director
Ms Maryanne
Ms Tessa

Catholic Engaged Encounter Oceania
Mrs Jacquelyn Greely, Member - Liaison Team
Mr John Greely, Member - Liaison Team
Reverend Tony Kerin, Liaison Team Priest

University of Melbourne, History Department
Dr Maila Stivens, Director of Women's Studies

Catholic Family Welfare Bureau

Mrs Denise Lacey, Coordinator Marriage and Relationship Education

National Anglican Caring Organisation Network (NACON)

Mr Peter Fisher, Executive Member

Ms Susan Kirkegard, Executive Officer

Children's Homes and Family Services Inc.

Mr Kevin Zibell, Client Services Manager Ballarat

Adelaide, 26 November 1996

University of South Australia, Centre for Research in Education, Equity & Work

Dr Roger Harris, Director

Ms Michele Simons, Researcher & Lecturer

Lutheran Community Care

Mrs Colleen Fitzpatrick, Director

Mrs Helen Lockwood, Coordinator of Marriage Education Program

Mr Wayne Maddox, Manager of Helping Services

Anglican Community Services

Mrs Elizabeth Alvey, Treasurer/Secretary, Marriage Educators Association of Australia

Mrs Gillian Mickan, President, Marriage Educators Association of Australia

National Council of Single Mothers and Their Children

Ms Kay Buckley, Co-Executive Officer

Ms Elspeth McInnes, Co-Executive Officer

Northern Suburbs Family Resource Centre

Ms Alice Hodgson, Manager

Brisbane, 28 November 1996

Anglican Family Care

Mr Andrew De'Ambrosis, Co-Director

Mrs Alison Dorman, Co-Director

Redlands Domestic Violence Service

Ms Pauline Eglinton, Relief Coordinator

Couples for Marriage Enrichment Australia (Qld)

Mr Lloyd Breusch, Joint Chair

Mrs Lynette Breusch, Joint Chair

Prepare/Enrich Australian National Office

Mr John Robson, National Administrator

Mens Help Line Association

Mr Trevor Ozanne, Committee Member

Mr Peter Rohan, President

Sunnybank Family Support Inc

Mrs Judith Mayfield, Coordinator Family Skills Training Program

Ms Susan Stephenson, Director

Miss Elisabeth Thomasson, Family Skills Facilitator & Trainer

Caxton Legal Centre

Ms Barbara Hook, General Law Solicitor
Ms Merran Lawler, Director/Solicitor

Women's Legal Service

Ms Deidre Doherty, Domestic Violence Worker Windana Women's Shelter
Ms Amanda McNulty, Community Worker Violence Against Non-English
Background Group
Ms Zoe Rathus, Legal Coordinator

Domestic Violence Service Gold Coast, Queensland

Ms Betty Taylor, Coordinator

Relationships Australia Queensland Inc.

Mr Ian Macdonald, Executive Director

Relationships Australia National Office

Ms Helen Disney, National Director

Boystown National Community Projects

Ms Julie Clark, Director of Counselling

Individuals

Mrs Janet Iwanow

Perth, 18 April 1997

Relationships Australia Western Australia

Mr James Hall, Executive Director

Ms Lucy Henry, Coordinator Build Better Relationships Project and Promotions

Ms Helen McCarthy, Manager Couple and Family Counselling Program

Health Department of Western Australia

Ms Anwen Williams, Senior Project Officer Mental Health Program, Health Enhancement
Team, Health Promotions Branch

TVW Telethon Institute for Child Health Research

Mr Sven Silburn, Consultant Clinical Psychologist

Associate Professor Stephen Zubrick, Head Division of Psychosocial Research

Wesley Mission

Mrs Elizabeth Dalzell, Contract Educator People In Harmony

Cairns, 2 May 1997

Family Unity and Equality

Mr Gregory Edwards, Secretary

Mr Colin Fryer, Member

Mr Barry Maslen, Member

Mr Philip McLuskey, Information Officer

Lifeline Far North Queensland

Reverend Milton Drake, Director (CEO)

St John's House Crisis Accommodation and Support Centre

Mr Rocco Fammartino, Coordinator

St Margaret's House Crisis Accommodation and Support Centre

Ms Faye McLucas, Coordinator

Cairns Community Legal Centre
Mr James Gibney, Managing Solicitor

North Queensland Womens Legal Service
Ms Ruth Venables, Principal Solicitor

Melbourne, 28 July 1997

Broadmeadows Family Services, Anglicare Victoria
Ms Jillian Rose, Regional Manager

Children's Protection Society
Ms Patricia Jewell, Parent Resource Coordinator

Family Court of Australia
Justice Alan Barblett, Acting Chief Justice
Dr Carole Brown, Principal Director of Court Counselling Office of the Chief Executive
Justice Nahum Mushin, Judge

Institute for American Values
Mr David Blankenhorn, President

Canberra, 30 October 1997

Commonwealth Attorney-General's Department
Dr Margaret Browne, First Assistant Secretary, Legal Aid and Family Services
Ms Helen Hambling, Assistant Secretary, Family Services Branch, Legal Aid and Family Services

Darwin, 6 November 1997

Anglicare Top End
Mr Peter Fisher, Director
Mrs Susan Murdoch, Family Skills Worker
Mr Murabuda Wurramarrba, Community Leader
Mrs Dilyumara Wurramarrba

Sydney, 20 March 1998

Jansen Newman Institute
Dr Thomas Jansen, Director
Mrs Margaret Newman, Managing Director

Keys Young
Ms Frances Haynes, Senior Researcher
Ms Janette Lord, Consultant
Mr John Schwartzkoff, Director
Ms Alison Wallace, Associate Director

NAPCAN-Good Beginnings
Ms Diana Ewins, National Manager Community Relations
Ms Barbara Wellesley, National Project Director

Seasons for Growth Mackillop Foundation
Mrs Josephine Lonergan, Chairperson Seasons for Growth Advisory Committee

Canberra, 2 April 1998

Commonwealth Attorney-General's Department

Dr Margaret Browne, First Assistant Secretary, Legal Aid and Family Services

Ms Helen Hambling, Assistant Secretary, Family Services Branch, Legal Aid and Family Services

Appendix D

Marriage and Relationship Education Programs

Total course hours and Commonwealth funding by agency: 1996-97

	Pre-marriage	Post-wedding	Remarriage	Stepfamily	Separation	Misc. R'ship	Other	Total course hours	C'th funding	C'th funds per course hour
VIC										
Bethany	15	2			20	115.5	30	183.5	76,100	414.71
CFWB	690	15						705	28,960	41.08
Centacare Ballarat	108	17						125	79,886	639.09
Centacare Sandhurst	165	9	6				12	192	48,036	250.19
FRI	340	258	16			28		642	144,388	224.90
Lifeworks	133	12				10	8	163	76,932	471.98
MEP	184	12						196	20,230	103.67
RA Vic	39	14			46	16.75	87.5	103.25	144,468	710.79
Stepfamily				48				48	22,250	463.64
Hume	new								37,500	
CEE	96							96	nil	nil
NSW										
Anglican	720	76						796	49,968	62.77
Centacare Bathurst	108							108	46,064	426.52
CEE	126							126	nil	nil

Centacare B. Bay	132							132	43,504	329.56
Centacare Lismore	29					15.5	5	49.5	nil	Nil
Centacare Wagga	check									
Centacare W'gong	130				73	27	12	245	91,136	371.99
Centacare P'matta	242							242	43,504	179.77
Centacare Sydney	720	36			49	13	71	889	122,656	137.97
Interrelate	202.5	16.5					115	334	88,420	264.73
Armidale		40					224	21	285	nil
RA (NSW)		198	287	84			175	165	909	177,320
Unifam							56	44	100	44,520
UCA	57.5	27						84.5	nil	nil
Together	153							153	nil	nil
QLD										
CEE	196							196	nil	nil
Centacare Brisbane	720	12			12	6		750	152,374	203.16
Centacare Cairns	28							28	9,672	345.43
Centacare R'hamp	150							150	27,262	181.75
Centacare T'ville	66 (see note 2)							66	9,784	148.24

Centacare T'woomba	36							36	23,190	644.17
Kinectons	160		24	12	28	30		254	178,876	704.24
Tweed	48							48	37,500	781.25
RA Qld		12			48	34		94	50,984	542.38
SA										
Anglicare	212.5	36			3		25	276.5	48,912	176.90
Centacare Adelaide	268						8	276	94,038	340.72
COPE			37.5		200	45	62.5	381	49,996	131.22
Lutheran	72						4	76	22,500	296.05
RA SA	15	100			112	152.5	182	561.5	13,348	23.77
WA										
AEE								49.5	nil	nil
CEE	144							144	nil	nil
CFS Geraldton	18							18	nil	nil
CMP Perth	226							226	51,800	229.20
Kinway	111			15	80	257.5		463.5	74,396	
People in	42	120			60	2		224	14,516	
RA WA	30			36	30	42	12	150	110,148	734.32
TAS										
Anglicare	150							150	20,612	137.41
Centacare	54							54	62,512	972.44

RA Tas		6			74	12		92	36,180	393.26
ACT										
Centacare	104				3		20	127	22,658	178.41
RA										
NT										
Centacare	16							16	nil	nil
M& R Ed.	8							8	26,336	3,292
NATIONAL										
UCA		208						208	nil	nil
Retrouvaille		129.5						129.5	nil	nil

Notes:

1. The calculations are taken from information supplied by the respective agencies.
2. These pre-marriage courses were all FOCCUS programs.
3. The table does not include FOCCUS, PREPARE and other inventories offered through agencies. Appendix K includes the number of participants in inventory programs conducted by agencies.

Marriage and Relationship Education Agencies and Organisations

VICTORIA

Bethany Family Services, Geelong
Catholic Family Welfare Bureau, Melbourne
Centacare, Ballarat
Centacare Sandhurst, Bendigo
Family Relationships Institute Inc., Melbourne
Lifeworks (Anglican Marriage Education and Counselling Services)
Melbourne
Marriage Education Programme Inc., Melbourne
Relationships Australia (Victoria), Melbourne
Stepfamilies Association of Victoria, Melbourne
Upper Hume Community Health Service, Wodonga
Catholic Engaged Encounter, Melbourne

NEW SOUTH WALES

Anglican Counselling Centre, Sydney
Centacare, Bathurst
Catholic Engaged Encounter, Sydney
Centacare Broken Bay, Pennant Hills
Centacare Lismore
Centacare Wagga
Centacare Parramatta
Centacare Sydney
Interrate (Family Life Movement), Sydney
Marriage and Relationship Education Service (Anglican Armidale), Inverell
Relationships Australia (NSW)
Unifam Counselling and Mediation Services, Parramatta
Uniting Church of Australia (Growing Together in Marriage), Sydney
Together Programmes, Sydney

QUEENSLAND

Catholic Engaged Encounter, Brisbane
Centacare Brisbane
Centacare Cairns
Centacare Toowoomba
Kinnections (Anglican), Brisbane
Relationships Australia (Qld), Brisbane
Tweed Valley Family Support and Youth Service, South Tweed

SOUTH AUSTRALIA

Anglicare, Adelaide
Centacare Adelaide

Centre of Personal Education, Adelaide
Lutheran Community Care, Adelaide
Relationships Australia (SA), Adelaide

WESTERN AUSTRALIA

Anglican Engaged Encounter, Perth
Catholic Engaged Encounter, Perth
Catholic Family Services, Geraldton
Catholic Marriage Preparation, Perth
Kinway (Anglicare) Perth
Mandurah Marriage Education, Mandurah
People in Harmony (Wesley Mission) Perth
Relationships Australia (WA)

TASMANIA

Anglicare, Hobart
Centacare, Hobart
Relationships Australia, Hobart

AUSTRALIAN CAPITAL TERRITORY

Centacare, Canberra & Goulburn
Relationships Australia (Canberra & Region)

NORTHERN TERRITORY

Centacare Darwin
Marriage & Relationship Education, Darwin

NATIONAL PROGRAMS

Uniting Church of Australia Marriage Education
Retrouvaille, Geelong

Note:

1. The city indicated refers only in general terms to the location of the head office. Many agencies conduct programs and courses in numerous locations.
2. The list includes all agencies in receipt of Commonwealth Attorney-General's Department grants towards their Marriage and Relationship Education Programs, together with the major non-funded groups. Nonetheless, some other groups and organisations offer programs. For example, the organisation Couples for Marriage Enrichment Australia offer post-wedding, marriage enrichment programs; and the Jansen Newman Institute in Sydney conducts a successful School of Marriage.

3. These agencies and organisations are referred to by abbreviated title in the following appendices.

Appendix E

Marriage and Relationship Education Programs

Total participant hours and Commonwealth funding by agency: 1996-97

	Pre-marriage	Post-wedding	Remarriage	Stepfamily	Separation	Misc. R'ship	Other	Total participant hours	C'th funding	C'th funds per participant hour
VIC										
Bethany	660	130			160	2,216.5	476	3,643	76,100	20.89
CFWB	637,944	98						638,042	28,960	0.05
Centacare Ballarat	20,304	80						20,384	79,886	3.92
Centacare Sandhurst	33,990	207	42				2,904	37,143	48,036	1.29
FRI	127,344	207,996	80			564		335,984	144,388	0.43
Lifeworks	40,432					240	96	40,768	76,932	1.89
MEP	101,936	216						102,152	20,230	0.20
RA Vic	1,902	476			786	228.5	7,065	10,458	144,468	13.81
Stepfamily				2,496				2,496	22,250	8.91
Hume								New	27,500	
CEE	18,048							18,048	nil	nil
NSW										
Anglican	1,415,520	7,248						1,422,768	49,968	0.04
Centacare Bathurst	7,992							7,992	46,064	5.76

CEE	21,672							21,672	nil	nil
Centacare B. Bay	64,680							64,680	43,504	0.67
Centacare Lismore	1,160					232.5	150	1,543	nil	nil
Centacare Wagga										
Centacare W'gong	29,900				13,698	612	240	44,450	91,136	2.05
Centacare P'matta	125,840							125,840	43,504	0.35
Centacare Sydney	1,415,520	2,088			3,773	1,298	3,410	1,426,089	122,656	0.09
Interrelate	30,784	264				4,620		35,668	88,420	2.48
Armidale		640				9,905	858	11,403	nil	nil
RA (NSW)		13,500	15,956	5,208		1,845	6,820	43,329	177,320	4.09
Unifam						2,352	710	3,062	44,520	14.40
UCA	3,105	562						3,667	nil	nil
Together	13,617							13,617	nil	nil
QLD										
CEE	22,824							22,824	nil	nil
Centacare Brisbane	894,000	228			1,176	90		895,494	152,374	0.17
Centacare Cairns	2,072							2,072	9,672	4.67
Centacare R'hamp	7,466							7,466	27,262	3.65
Centacare	7,788							7,788	9,784	1.26

T'ville										
Centacare T'woomba	3,024							3,024	23,190	7.66
Kinections	47,680		432	216	364	810		49,502	178,876	3.61
Tweed	1,776							1,776	37,500	21.11
RA Qld		924			4,272	3,552		8,748	50,984	5.83
SA										
Anglicare	51,000				12		325	51,337	48,912	0.95
Centacare Adelaide	96,970						64	97,034	94,038	0.97
COPE		864	1,425		20,800	11,655	3,812.5	38,556	49,996	1.30
Lutheran	9,216						280	9,496	22,500	2.37
RA SA	240	4,216			5,488	59,651	6,328	75,923	13,348	0.18
WA										
AEE	495							495	nil	nil
CEE	31,392							31,392	nil	nil
CFS Geraldton	820							820	nil	nil
CMP Perth	243,052							243,052	51,800	0.21
Mandurah	60							60	nil	nil
Kinway	13,266			195	4,400	8,165.5		26,027	74,396	2.86
People in	1,848	13,440			1,920	40		17,248	14,516	0.84
RA WA	1,620			1,512	1,380	4,782	924	10,218	110,148	10.80
TAS										
Anglicare	13,620							13,620	20,612	1.51
Centacare	3,996							3,996	62,512	15.64

RA Tas			108		3,028	144		3,280	36,180	11.03
ACT										
Centacare	102,752				45		340	103,137	22,658	0.22
RA										
NT										
Centacare	352							352	nil	nil
M& R Ed.	128							128	26,336	205.75
NATIONAL										
Retrouvaille	25,641							25,641	nil	nil
UCA	48,672							48,672	nil	nil

Notes:

1. Calculations are based on data provided by each agency.
2. The table does not include FOCCUS, PREPARE and other inventories offered through agencies. Appendix K includes the number of participants in inventory programs conducted by agencies.

Appendix F

Marriage and Relationship Education Programs

Total participants and Commonwealth funding by agency: 1996-97

	Pre-marriage	Inventory	Post-wedding	Remarriage	Stepfamily	Separation	Misc. Rel'ship	Other	Total Participants	C'th funds	C'th funds per participant
VIC											
Bethany	44	26	16			8	208	54	356	76,100	213.76
CFWB	1180	602							1782	28,960	16.25
Centacare Ballarat	188	14	22						224	79,886	356.63
Centacare Sandhurst	206	16	23	7				*	252	48,036	190.62
FRI	379	150	652	5			51		1237	144,388	116.72
Lifeworks	304	196	18					12	530	76,932	145.15
MEP	554	50	15						619	20,320	32.82
RA Vic	135		34			36	94	32	331	144,468	436.46
Stepfamily					52				52	22,250	427.88
Hume									New program	37,500	
CEE	188								188	-	-
NSW											
Anglican	1966		216						2182	49,986	22.91
Centacare Bathurst	74	136							210	46,064	219.35
CEE	172								172	-	-

Centacare B. Bay	490	28							518	43,504	83.98
Centacare Lismore	40	66					15	30	151	-	
Centacare Wagga	168	20				53	122	109	472	62,000	131.36
Centacare W'gong	460	8				290	36	80	874	91,136	104.27
Centacare P'matta	520	12							532	43,504	81.77
Centacare Sydney	1966	270	58			77	14*	145	2530	122,656	48.48
Interrelate	152	20	16				191		379	88,420	233.30
Armidale		260	16				116	164	556	60,016	107.94
RA (NSW)		14	204	175	62		75	85	615	177,320	288.32
Unifam		26					42	37	105	44,520	42.38
UCA	54		52						106	-	-
Together	178								178	-	-
QLD											
CEE	207								207	-	-
Centacare Brisbane	1618	356	19				30		2023	152,374	75.32
Centacare Cairns	74	48							122	9,672	79.27
Centacare R'hamp	190	412							602	27,262	45.29
Centacare T'ville	8	214							222	9,784	44.07

Centacare T'woomba		92							92	23,190	252.06
Kinectons	298	156		18	18	13	28		514	178,876	348.00
RA Qld		48	77			89	416		630	50,984	80.92
Tweed	37								37	37,500	1013.51
SA											
Anglicare	240	124	24			4		13	405	48,912	120.77
Centacare Adelaide	396	370						20	786	94,038	119.64
COPE			168	38		104	259	61	630	44,996	79.36
Lutheran	128	14						70	212	22,500	106.13
RA SA	16	16	184			49	978	468	1711	13,348	7.80
WA											
AEE	20								20	-	-
CEE	218								218	-	-
CFS Geraldton	46	2							48	-	-
CMP Perth	1590	50							1640	51,800	31.58
Kinway	134	56			13	55	178		436	74,396	170.63
Mandurah	6	20							26	-	-
People in	44	126	112			32	20		334	14,516	43.46
RA WA	54				42	46	489	77	708	110,148	155.58
TAS											
Anglicare	238								238	20,612	86.60

Centacare	74	236							310	62,512	201.65
RA Tas				9		204	12		225	36,180	160.80
ACT											
Centacare	988	96			15		40		1139	22,658	19.89
RA		12							12	12,580	1048.33
NT											
Centacare	22	20							42	-	-
M& R Ed.	16	14							30	26,336	877.86
NATIONAL											
UCA			234						234	-	-
Retrouvaille			198						198	-	-

Note:

1. * The Committee has not counted short school education sessions in these figures.
2. The figures for Lismore and Port Macquarie have been counted together.

Appendix G

Survey of Marriage and Relationship Education Programs

PRE-MARRIAGE EDUCATION (GROUP COURSES)

STATE/Agency/Course	1995-96			1996-97		
	Courses /course	Hours (Couples)	Participants	Courses /course	Hours (Couples)	Participants
VICTORIA						
Bethany Family Support Geelong <i>Making marriage matter</i>				1	15	22
Catholic Family Welfare Bureau <i>Partnerships</i>				53	12	500
<i>Program add-ons (various topics)</i>				18	3	90
Centacare Ballarat <i>Pre-marriage</i>	9	10-14	102	9	10-14	94
Centacare Sandhurst (Bendigo) <i>Beginning a life partnership</i>	14	10-11.5	49	15	10-11.5	103
Family Relationships Institute <i>Lets make it work</i>	15	15	160 couples & 32 individuals	20	15	175 couples & 29 individuals
Lifeworks (Anglican) <i>Pre-marriage</i>	4	10		4	10	
Marriage Education Programme <i>Growing together in marriage</i>	25	7	178	19	7	152
Relationships Australia (Victoria) <i>Getting it together (Kew)</i>	15	11.5	300	16	11.5	277
<i>For better for worse (Kew)</i>	1	7	3			
<i>For better for worse (Shepparton)</i>				3	9	28
<i>Building healthy relationships (Traralgon)</i>	1	6	3 & 1 indiv.			
<i>Futurepartners (Traralgon)</i>	1	8	11 individuals	1	2	50 individuals
Upper Hume Community Health Service				5	2	29 individuals
<i>Note: only commenced in 1997</i>						
Catholic Engaged Encounter <i>Engaged encounter</i>	9	16	816	16	94	

NEW SOUTH WALES

Anglican Counselling Sydney

<i>Partners</i>	65	9	962	80	9	983
Centacare Bathurst						
<i>To us</i>	10	12-15	31	8	12-15	37
Catholic Engaged Encounter						
<i>Pre-wedding</i>	6	21	77	6	21	86
Centacare Broken Bay						
<i>Marriage education</i>	14	12	271	11	12	245
Centacare Lismore#						
<i>Pre marriage</i>	3	11	25	3	8-11	20
Centacare Parramatta						
<i>Pre-marriage</i>	24	11	297	22	11	260
Centacare Port Macquarie						
<i>Pre-marriage</i>	3	9	36	3	9	32
Centacare Sydney						
<i>Partners</i>	65	9	962	80	9	983
Centacare Wagga						
<i>Pre-marriage</i>	5	10-20	56	3 6	15 10	34 50
Centacare Wollongong						
<i>Pre-marriage</i>	12	10	130	13	10	230
Interrelate (Family Life)						
<i>Life together 1</i>	17	13.5	124	15	13.5	76
Marriage & Relationship Education Armidale						
<i>See Inventory details</i>						
Together Programmes #						
<i>Together as one</i>	9	17	93	9	17	89
Uniting Church (Growing together in marriage)						
<i>To have and to hold</i>	6	11.5	41c	5	11.5	27c

QUEENSLAND

Catholic Engaged Encounter

-Brisbane - <i>Engaged encounter</i>	10	16	84 & 8 indiv.	8	16	78 & 3 indiv.
-Rockhampton - <i>Engaged encounter</i>	4	16	21	4	16	19
<i>A journey forever</i>				1	4	5

Centacare Brisbane

<i>Pre-marriage education</i>	40	12	870	50	12	729
	6	15	60	8	15	80

Centacare Cairns

<i>Pre-marriage</i>				4	7	37
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Centacare Rockhampton

-Mackay <i>Pre-marriage</i>				3	18	23
<i>Engaged Encounter</i>				2	2	162
-Bundaberg <i>Towards</i>				2	13	9
-Rockhampton <i>Towards commitment</i>				4	9.5	40

Centacare Toowoomba

<i>Pre-marriage</i>				4	9	4
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Centacare Townsville

See inventory details

Kinections (Anglican Family Care)

<i>Building our future together</i>	18	10-12	104	16	10	149
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Relationships Australia (Qld)

see relationship education details

Tweed Valley Family & Youth

Support Service

<i>Strengthening relationships</i>				3	16	6 & 25 indiv.
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SOUTH AUSTRALIA

Anglicare

<i>Pre-marriage</i>	17	12.5	116	17	12.5	120
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Centacare Adelaide

<i>Pre-wedding</i>	18	14	205 & 1 indiv.	18	14	192
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<i>Pre-wedding and FOCCUS</i>	2	14	6	1	16	6
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Centre of Personal Education

<i>Premarriage</i>	1	12.5	5			
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Lutheran Community Care

<i>Preparing for marriage</i>	7	11-15	66 (check)	6	11-13	64 (check)
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Relationships Australia (SA)

<i>Prepare</i>	7	5	18	3	5	8
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Whyalla Counselling Service

No courses in 1996-97

WESTERN AUSTRALIA

Anglican Engaged Encounter#

<i>Pre wedding</i>	5	16.5	20	3	16.5	10
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Catholic Engaged Encounter

<i>Pre-marriage</i>	10	16	128	9	16	109
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Catholic Family Services

Geraldton

<i>Pre-marriage</i>	3	6	21	3	6	23
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Catholic Marriage Preparation and Education Perth

<i>Pre-marriage</i>	26	5-6	857	26	6	766
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	5	10	26	7	10	29
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Kinway

<i>Becoming partners</i>	10	8	58	11	9	67
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Mandurah Marriage Education

<i>Pre-wedding</i>	5	12	10	1	12	3
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People in Harmony (Wesley)

<i>Pre-marriage</i>	5	11	40	4	10.5	22
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Relationships Australia (WA)

<i>Getting it together</i>	4	10	38	3	10	27
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TASMANIA

Anglicare

<i>Pre-marriage</i> - Hobart	7	10	51	6	10	63
- Launceston	5	10	39	6	10	45
- Burnie	3	10	9	3	10	11

Centacare

<i>Pre-marriage</i>	9	8-10	48	6	8-10	37
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ACT

Centacare

<i>Pre-marriage</i>	17	8	708	13	8	494
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NT

Centacare NT

<i>Pre-marriage</i>	2	8	10	2	8	11
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Marriage/Relationship Education

<i>Pre-marriage</i>	2	8	9	1	8	8
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Note: # Agency not funded by the Commonwealth

Programs included in this section are those of the equivalent of one day (6 hours) in duration or more, generally attended by couples engaged to be married or contemplating marriage.

Appendix H

Survey of Marriage and Relationship Education

USE OF COUPLE INVENTORIES: NATIONALLY AND BY AGENCIES - 1996-97 ⁽¹⁾

NATIONAL TOTALS ⁽²⁾	PRE-MARRIAGE		POST-WEDDING	
		(Estimate)		(Estimate)
<i>Foccus</i>	4,500 couples	(Estimate)	300-400 couples	(Estimate)
<i>Re-Foccus</i>				
<i>Prepare</i>	6,513 couples			
<i>Prepare MC</i>	1,064 couples			
<i>Enrich</i>			857 couples	
Total	12,077 couples		1157-1257 couples	
STATE/Agency/Inventory	Couples attending with educator and no other couples	Couples participating in a group setting	Couples attending with educator and no other couples	Couples participating in a group setting
VICTORIA				
Bethany Family Support - Geelong				
<i>Prepare</i>	10			
<i>Prepare MC</i>	3			
Catholic Family Welfare Bureau				
<i>Foccus</i>	260			
<i>Re-Foccus</i>			6	
<i>Foccus on marriage</i>		35		
Centacare Ballarat				
<i>Foccus</i>	2			
<i>Re-Foccus</i>				
Centacare Sandhurst (Bendigo)				
<i>Foccus</i> (3)	6			
<i>Prepare</i>	2			
Family Relationships Institute				
<i>Prepare</i>	18			
<i>Enrich</i>			4	
<i>Partner motivation & attitude assessment</i>	53			
Lifeworks (Anglican)				
<i>Foccus</i>		4		
<i>Prepare</i>	93			

Marriage Education Programme Inc.*Foccus* 25**NEW SOUTH WALES****Centacare Bathurst***Foccus* 46 22**Centacare Broken Bay***Foccus* 14**Centacare Lismore (St Agnes Family Support)***Foccus* 30*Re-Foccus* 3**Centacare Parramatta***Foccus* 6**Centacare Sydney***Foccus* 135**Centacare Wagga***Foccus* 10**Centacare Wollongong***Foccus* 4**Interelate (Family Life Movement)***Prepare* 10**Marriage & Relationship Education Armidale (Anglican)***Prepare* 65*Enrich* 65**Relationships Australia (NSW)***Prepare* 7**Unifam Counselling & Mediation Services***Enrich* 5**QUEENSLAND****Centacare Brisbane***Foccus* - Brisbane 122

- Gold Coast 56

Centacare Cairns*Foccus* 24**Centacare Rockhampton***Foccus* - Bundaberg 30

- Mackay 65

- Rockhampton 92

- Blackwater 19

Centacare Toowoomba		
<i>Foccus</i>	46	
Centacare Townsville		
<i>Foccus</i>	103	
<i>Re-Foccus</i>		4
Kinections (Anglican Family Care)		
<i>Foccus</i>	78	
Relationships Australia (Qld)		
<i>Foccus</i>	24	
SOUTH AUSTRALIA		
Anglicare		
<i>Prepare MC</i>	62	
Centacare		
<i>Foccus</i>	147	
<i>Prepare</i>	33	
<i>Re-foccus</i>		3
<i>Enrich</i>		2
Lutheran Community Care		
<i>Prepare</i>	7	
Relationships Australia (SA)		
<i>Prepare</i>	8	
WESTERN AUSTRALIA		
Catholic Family Services Geraldton		
<i>Foccus</i>	1	
Catholic Marriage Preparation Perth		
<i>Foccus</i>	25	
Kinway		
<i>Prepare</i>	28	
Mandurah Marriage Education		
<i>Foccus</i>	10	
People in Harmony (Wesley Mission)		
<i>Prepare</i>	53	
<i>Prepare MC</i>	4	
<i>Enrich</i>	6	

TASMANIA

Centacare

<i>Foccus</i>	116	
<i>Re-Foccus</i>		2

AUST. CAPITAL TERRITORY

Centacare

<i>Foccus</i>	48	
Relationships Australia (Canberra)		
<i>Prepare</i>	6	

NORTHERN TERRITORY

Centacare

<i>Foccus</i>	10	
Marriage & Relationship Education NT		
<i>Enrich</i>		7
Notes:		

1. A description of each of the inventories is contained in the text of this report.
2. National figures were provided by PREPARE/ENRICH Australia and FOCCUS Australia. The national figures include marriage education conducted by individual educators and marriage celebrants using the various inventories. The national figures exceed the total use of inventories by marriage education agencies as many individual educators, including marriage celebrants, use them.
3. As an example of the above point, the Centacare Sandhurst agency processed 171 Foccus inventories for individual educators in addition to those inventories facilitated by agency personnel.

Appendix I

Survey of Marriage and Relationship Education

POST-WEDDING AND MARRIAGE ENRICHMENT PROGRAMS

STATE/Agency/Course	1995-96			1996-97		
	Courses	Hours /course	Participants	Courses	Hours /course	Participants
VICTORIA						
Bethany Family Support Geelong						
<i>Enrichment</i>				1	3	2c, 4i
				1	15	4c
Catholic Family Welfare Bureau						
<i>Marriage & enrichment</i>	1	6	6c			
Centacare Ballarat						
<i>Enrichment</i>				1	7	7c
				1	10	4c
Centacare Sandhurst						
<i>Enrichment</i>				1	9	8c, 7i
Family Relationship Institute						
<i>Let's keep it alive</i>	5	16	279c	8	16	310c
	7	10	25i	13	10	32i
Lifeworks						
<i>Post-wedding</i>	1	6	4c	2	6	9c
Relationships Australia (Victoria)						
<i>8 steps to better relationships</i>	2	7	15c	2	7	17c
	1	8	5c			
NEW SOUTH WALES						
Anglican Armidale						
<i>Learning to be married</i>			8	5-6	8c	
Anglican Sydney						
<i>Growing in marriage</i>			6	6	64c	
<i>Marriage enrichment</i>			2	15	44c	
Centacare Lismore (St Agnes)						
<i>Couples nights</i>	1	10	12c			
Centacare Sydney						
<i>Marriage enrichment</i>	2	7.5	20c	4	9	20c, 18i
Interrelate						
<i>Life together 2</i>	4	16.5	23c			
<i>Life together 3</i>	2	16.5	15c	1	16.5	8c

Relationships Australia (NSW)

<i>Creating co-operative relationships</i>	2	20	12c			
<i>Relationship skills 1</i>	4	12	14c,8i	7	12	24c, 14i
<i>Relationship skills 2</i>	2	12	3c,8i	5	12	51c,12i
<i>Couple communication</i>	3	18	14c	3	18	14c

Unifam

<i>Enrichment</i>	7	14	22c			
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Uniting church (GTIM)

<i>Couples communicating</i>	2	16	11c	1	16	5c
<i>Happily ever after?</i>	2	6-9	20c	1	6-9	12c
<i>Helping marriage tick</i>				1	3	35c

QUEENSLAND**Centacare Brisbane**

<i>Marriage enrichment</i>				1	12	2c, 15i
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Relationships Australia (Qld)

<i>Marriage enrichment</i>	3	12	5c, 24i	1	12	29c, 19i
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SOUTH AUSTRALIA**Anglicare**

<i>Marriage enrichment</i>	4	various	18c	2	18	12c
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Centre of Personal Education

<i>Marriage enrichment</i>	10	12.5	23c,70i	15	12.5	40c, 88i
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Lutheran Community Care

<i>Your story, my story, our story</i>	1	12	5c			
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Relationships Australia (SA)

<i>8 steps to better relationships</i>	3	8	14c	6	6	48c
	6	6	48c	2	8	8c
<i>Getting your message across</i>	2	20	9c		2 20	9c
<i>Mars & venus</i>	4	2	32c, 98i	2	4	13c, 28i
<i>Why can't you understand me?</i>	2	2	24c, 15i			
<i>Arguments in relationships</i>	2	2	20c, 39i			

WESTERN AUSTRALIA**People in Harmony**

<i>Marriage enrichment</i>	2	4	22c	15	4-12	56c
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ACT**Relationships Australia (Canberra)**

<i>Eight vital relationship skills</i>	2	?	26i			
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<i>Preparing your relationship</i>	1	?	11i
<i>Building blocks for relationships</i>	1	?	15i

NORTHERN TERRITORY

Marriage & Relationship Education

<i>Marriage enrichment</i>	2	8.5	8c
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NATIONAL

Retrouvaille

<i>Retrouvaille</i>	7	18.5	97c	7	18.5	99c
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Uniting Church

<i>Growing together in marriage</i>	16	16	125c	13	16	117
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Note: 'c' denotes couples; 'i' denotes individuals. For example, 20c, 3i means 20 couples and 3 individuals, making a total of 43 participants.

Appendix J

Survey of Marriage and Relationship Education

REMARRIAGE PROGRAMS

STATE/Agency/course	1995-96 Courses	Hours /course	Participants	1996-97 Courses	Hours /course	Participants
VICTORIA						
Centacare Sandhurst						
<i>Remarriage</i>				1	6	7i
Family Relationship Institute						
<i>Remarriage</i>	2	4	22i	1	16	5i
Lifeworks						
<i>Remarriage</i>	3	9	19c			
Relationships Australia (Victoria)						
<i>Starting again</i>	1	2	15i			
NEW SOUTH WALES						
Relationships Australia (NSW)						
<i>After separation</i>	8	20		93i	3	15
	3	20		36i	3	20
				7	20	84i
<i>Starting over</i>	1	20		5i	2	20
<i>Beyond separation</i>				1	2	8i
QUEENSLAND						
Centacare Brisbane						
<i>Remarriage</i>	2	8c, 5i				
Kinections						
<i>Creating new beginnings</i>	2	12	16c	2	12	9c
SOUTH AUSTRALIA						
Centre of Personal Encounter						
<i>Remarriage</i>		3	12.5		19c	

ACT

Relationships Australia (Canberra)

<i>Starting again</i>	2	?	27i
<i>Second time around</i>	1	?	6i

TASMANIA

Relationships Australia (Tas)

<i>Things you should know</i>	1	6	9i
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Note: 'c' denotes couples; 'i' denotes individuals

Appendix K

Survey of Marriage and Relationship Education Programs

STEP-FAMILY PROGRAMS

STATE/Agency/Course	1995-96			1996-97		
	Courses	Hours /course	Participants	Courses	Hours /course	Participants
VICTORIA						
Step Family Association						
<i>Making step-families work</i>	3	12	21c	4	12	26c
Relationships Australia (Vic)						
<i>Step-family groups</i>	1	10.5	4c			
<i>Step-family survival</i>	1	6	5c			
<i>Step-parenting</i>	1	14	5			
NEW SOUTH WALES						
Relationships Australia (NSW)						
<i>Stepfamily course</i>	5	12	15c, 10i	7	12	62i
QUEENSLAND						
Centacare Brisbane						
<i>Step-families</i>	1		65i			
Kinections						
<i>Step-families</i>	2	7.5	16c	2	6	9c
SOUTH AUSTRALIA						
Relationships Australia (SA)						
<i>Step-parenting</i>	3	8	15i			
<i>Jigsaw pieces</i>	2	2	10c, 29i			
WESTERN AUSTRALIA						
Kinway						
<i>Living in a step-family</i>				1	15	6c, li
Relationships Australia (WA)						
<i>Living in a step-family</i>	2	12	14c	3	12	21c

Note: 'c' denotes couples; 'i' denotes individuals.

Appendix L

Survey of Marriage and Relationship Education Programs

SEPARATION PROGRAMS

STATE/Agency/Course	1995-96 Courses	Hours /course	Participants	1996-97 Courses	Hours /course	Participants
VICTORIA						
Bethany Family Support Geelong						
<i>Pathways</i>				1	20	8i
Relationships Australia (Victoria)						
<i>Moving on - Narre Warren</i>	2	8	18i	2	8	21i
- Kew	3	10	18i	3	10	15i
- Shepparton	2	8	28i			
<i>Separating</i>	1	12	5i			
<i>Separation & rebuilding</i>	2	2	14i			
NEW SOUTH WALES						
Anglican Armidale						
<i>Marriage & separation</i>				3	12	new course
				2	8	new course
Centacare Sydney						
<i>Recovery</i>	5	2.5	55i	7	7	77i
Centacare Wagga						
<i>Recovery</i>	5	14	63i	1	15	25i
Centacare Wollongong						
<i>Recovery</i>	4	17.5	87i	2	14	28i
<i>Recovery support groups</i>	4	17.5	195i	4	17.5	195i
<i>Growth through loss</i>	1	2.5	16i	1	37	?
				1	3	16i

QUEENSLAND

Centacare Brisbane

Separation & divorce 1 8i 6 2 98i

Kinectons

After separation 2 15 16i 2 14 13i

Relationships Australia (Qld)

Separation & divorce 3 16 50i 3 16 89i

SOUTH AUSTRALIA

Anglicare

Separation and divorce 2 50 15i 1 3 4i

Centre of Personal Education

Separation 11 20 130i 10 20 104i

Relationships Australia (SA)

When a relationship ends 8 16 84i 7 16 49i

2 6 146i

WESTERN AUSTRALIA

Kinway

Learning to love again 2 20 23i

Rebuilding your life 6 20 86i 4 20 55i

People in Harmony

Separation & divorce 4 20 42i 4 15 32i

Relationships Australia (WA)

New directions 4 10 49i 3 10 46i

TASMANIA

Relationships Australia (Tasmania)

Starting again 3 12 33i 3 12 23i

Men are from mars 9 2 146i 5 2 10c, 106i

Being single in the 90s 4 6 36i

What about children 2 2 2c, 15i

ACT

Centacare

Separation & divorce - RMC 2 2 150i 1 3 15i

- West Wyalong 1 3 48i

Note: 'c' denotes couples; 'i' denotes individuals

Appendix M

Survey of Marriage and Relationship Education Programs

MISCELLANEOUS RELATIONSHIP PROGRAMS

STATE/Agency/Course	1995-96			1996-97		
	Courses	Hours /course	Participants	Courses	Hours /course	Participants
VICTORIA						
Bethany Family Support Geelong						
<i>Blokes and relationships</i>				1	30	9i
<i>Women and relationships</i>				1	15	10i
				1	1.5	76i
				1	12.5	6i
<i>Gay relationships</i>				2	2.5	21i
<i>Young people and relationships</i>				1	2	13i
<i>Introduction to relationship educ'n</i>				14	1.75	47i
<i>Really relating</i>				1	10	6c, li
<i>Anger</i>				1	15	4c, 5i
Family Relationships Institute						
<i>Single relate well</i>	2	10	19i	2	10	13i
<i>Balancing family and work</i>	2	4	22i	2	4	38i
<i>Retirees</i>	0	4	0			
Lifeworks						
<i>Cross cultural (Vietnamese)</i>				1	10	2c, 20i
Relationships Australia (Victoria)						
<i>Different relationships, different times</i>				1	1.75	5i
<i>I can't hear you</i>	3	6	26i			
<i>Intimacy</i>				1	1.75	29i
<i>Picking warning signals</i>	1	2	8i	1	1.75	25i
<i>Men and women</i>				1	1.75	25i
<i>Are we fools for love</i>	4	8	35i	1	1.75	10i
<i>Conflict and relationships</i>	1	2	6i			
<i>Communication for couples</i>	1	6	4c, li	1	8	4c
	1	8	8c			
<i>Building healthy relationships</i>	1	12	10c			
<i>Life skills</i>	1	12	10c			

NEW SOUTH WALES

Centacare Port Macquarie

Conflict resolution 1 7.5 15i

Centacare Sydney

Venus and mars 1 7 14i

Relationships for school leavers 2 3 200i

Centacare Wagga

Conflict resolution skills 5 14 63i 1 21 22i

1 21 12i

Applied conflict resolution 1 14 16i

1 5 9i

Dealing with conflict 1 7 33i

Anger is relationships 1 12 13i

Loss in relationships 1 7 17i

Centacare Wollongong

Different planets 2 18 16i

Secrets to successful relationships 2 3 10c 10i

2 10 4c 2i

Anger: its use and abuse 1 3 50i 1 3 4c 28i

Confrontation 1 3 30i

Richer relationships 1 12 6c 6i

Really relating 1 12 8c 8i

Interrelate

Communication skills 1 10 2c,5i

Talking together 4 7.5 17c, 10i

Fighting fair 4 7.5 9c, 13i

About relationships 3 7.5 9c, 17i

Building effective relationships 1 12 20i

Whatever happened to happily ever 1 3 10i

married

Marriage & Relationship Education

Armidale

Conflict resolution 1 2.5 10i

6 8 3c, 22i

Communication awareness 1 8 3c, 22i 1 8 6c

Stress and relationships 2 3.5 30i

Knowing myself to improve my rel'ship 4 16-20 3c, 19i

Building better relationships 1 16 9i

Enriching my relationship 5 16 }51c

6 8 }19i

Relationships Australia (NSW)

<i>Starting over single</i>	1	20	22i	2	20	19i
				1	15	7i
<i>Are men from Mars</i>	2	2	16 (c&i)			
<i>Spicing up your relationship</i>	1	2	8 (c&i)			
<i>Women & relationships</i>				6	20	49i
Unifam						
<i>Relationship skills</i>	3	14	33i	4	14	42i
QUEENSLAND						
Centacare Brisbane						
<i>Relationship skills</i>	2		50i			
<i>Effective communication</i>				1	3	15i
<i>Conflict management</i>				1	3	15i
Kinectons						
<i>Improving communication</i>	1	15	7c, 4i	2	15	13c, 2i
Relationships Australia (Qld)						
<i>Miss, Mrs, myths</i>	1	20	35i			
<i>Communication & conflict</i>	1	12	2c, 8i			
<i>Relationship education</i>	9	1	240i	10	1	250i
<i>Gender differences 1</i>	2	2	2c, 8i			
<i>Family matters</i>	1	2	9i			
<i>Cross cultural</i>				10		20c
<i>Partners to parents</i>				2		8c
<i>Common relationship issues</i>				10		50i
<i>Relationship stages</i>				2		30c
SOUTH AUSTRALIA						
Centre of Personal Education						
<i>One night information sessions</i>				15	3	259i
Relationships Australia (SA)						
<i>One night specials - singles</i>	6	6	330i	11	6	704i
<i>- coffee, cake, sex</i>	5	2	42c, 103i	5	4	21c, 48i
<i>- club solo</i>				1	2.5	3c
				4	16	178i

WESTERN AUSTRALIA

Kinway

<i>Couple communication</i>	4	15	26c	3	15	15c
<i>Developing selfesteem</i>	2	20	22i	5	20	53i
<i>Make anger your ally</i>	1	8	16i			
<i>Attitude is everything</i>	1	8	12i			
<i>Conflict and anger</i>	1	8	10i			
<i>Positive parenting</i>	2	20	8c, 9i	1	15	4c, 2i

This time for keeps

2 9 7c

Family roots

3 15 16i

Developing gifts

3 9 38i

Managing emotions

1 2.5 6i

Communicating assertively

1 2.5 3c, 5i

People in Harmony

Life stages

1 2 20i

Mens group

1 2 20i

Family of origin

2 10 2c, 20i

Relationships Australia (WA)

One night specials

8 2 265 3 2 31c, 333i

Laws and lore - Perth

6 5 6c, 65i

- Bunbury

2 3 3c, 11i

TASMANIA

Relationships Australia (Tasmania)

Six steps to a good relationship

7 12 12c, 56i 1 12 2c, 8i

Women in relationships

1 6 unknown

Conflict resolution

1 10 unknown

Midlife & relationships

1 5 unknown

ACT

Centacare

Creating positive relationships

1 8 17i

Note: 'c' denotes couples; 'i' denotes individuals.

Appendix N

Survey of Marriage and Relationship Education

OTHER PROGRAMS

STATE/Agency/Course	1995-96 Courses	Hours /course	Participants	1996-97 Courses	Hours /course	Participants
VICTORIA						
Bethany						
<i>Psychiatric disability</i>				2	2-5	29i
<i>Tenderness and touch</i>				1	6	5c
<i>Women in abusive relationships</i>				1	20	15i
Centacare Sandhurst						
<i>School education</i>	1	1	24i	12	1	242i
<i>School teachers</i>	1	5	14i			
Lifeworks						
<i>Rebuilding - single again</i>				1	8	12i
Relationships Australia (Victoria)						
<i>Women and relationships</i>	1	8	4	2	17.5	11
				1	16	5i
<i>Men and relationships</i>				1	10	7i
<i>Men and communication</i>				1	6.5	3i
<i>Parenting without tears</i>	3	6	50i			
<i>Improving sexual relationships</i>	1	2	6			
<i>And baby makes three</i>	1	3	6i			
<i>Recovery from childhood abuse</i>	1	14	5i			
<i>Multicultural marriage (assertiveness)</i>	1	3	6i			
<i>Healing relationships</i>				1	20	4i
NEW SOUTH WALES						
Centacare Port Macquarie						
<i>Mens nights</i>	1	10	40i			
<i>Womens nights</i>	1	10	31i			
<i>Parenting adolescents</i>				1	5	30i

Centacare Sydney						
<i>Men in relationships</i>	1	2.5	6i	4	7	10c, 64i
<i>Partners to parents (check)</i>						
<i>Rainbows (Grief & loss for children)</i>				2	7.5	50i
				2	14	11i
Centacare Wagga						
<i>1-2-3 Magic (parenting)</i>	2	6	40i	4	6	109i
Centacare Wollongong						
<i>Decision making</i>				1	3	22i
<i>Parting adolescents</i>				1	3	8c 12i
<i>Making love work</i>				3	3	10c 10i
Marriage & Relationship Ed'n Armidale						
<i>Parents and still friends</i>	2	16	5c, 14i			
<i>Sole parenting</i>	1	16	6i			
<i>Women and fatigue</i>				1	7.5	6i
<i>Life stages</i>				4	1.5	11 c, 10i
<i>Retirement</i>				1	1.5	30i
<i>Men's group</i>				1	6	3i
Relationships Australia (NSW)						
<i>Life enhancement for older women</i>				4	25	60i
<i>Life enhancement for Turkish women</i>				1	25	12i
<i>Self-esteem & assertiveness for women</i>				2	20	13i
Unifam						
<i>Parenting</i>	2	14	10c 1i	1	14	25i
<i>Women and domestic violence (check)</i>						
<i>Parents to partners</i>	2	7.5	17c, 37i	1	30	12i

SOUTH AUSTRALIA

Anglicare

Lifestages 2 12 25 2 12.5 13i

Centacare

Finance 3 4 15c 1 4 5c

Fertility and family planning 3 4 14c 1 4 5c

Centre of Personal Education

Women and relationships 5 12.5 61i

Lutheran Community Care

What is marriage? 1 4 70

Relationships Australia (SA)

You and your teenager 2 8 4c, 9i 1 8 13i

Parenting 5-12 year olds 1 6 5c, 4i 1 6 3c, 7i

Discover you potential 4 16 48i

Men and violence 3 30 40i 2 30 21i

Fears 2 2 89i 2 2 54i

Take a day to get a life 1 6 9c

Discover your potential 2 2 74i

4 16 44i

1 6 12i

2 2 2c, 47i

4 2 114i

2 2 28i

1 2 9i

WESTERN AUSTRALIA

Relationships Australia (WA)

Life stages 2 6 6c, 65i

ACT

Centacare

Life stages 2 2 25i

Men relating well 1 16 15i

Forming positive relationships (schools) 3 3 180i

Coping with trauma (suicide) 1 2.5 28i

Relationships Australia (Canberra)

Parenting after separation 3 ? 29i

NORTHERN TERRITORY

Marriage and relationship education

Grief 1 4 4

Notes:

1. 'c' denotes couples; 'i' denotes individuals.
2. The category 'Other Programs' was chosen to include those programs not clearly within other categories. The choice was made according to the description provided to the Committee. Accordingly, there may be some programs that could be included as 'Miscellaneous Relationship Programs' in this list.