

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
FAMILY COURT OF AUSTRALIA

**Question No. AE16/022**

**Senator McKim asked the following question at the hearing on 9 February 2016:**

Senator McKIM: Thank you for that, Attorney—ultimately. I appreciate that very much. Can I just go back to the other matter I was raising, which was around the report writers, as I think I inaccurately classified them. You have talked about the guidelines.

Ms Filippello: Yes.

Senator McKIM: I am shorthanding them there. When were those guidelines brought into effect, if I might ask?

Ms Filippello: I would have to say that the most recent ones were 2003, from recollection—sorry, 2013. But there has been a version of that document around for some time.

Senator McKIM: So 2013 is the latest version.

Ms Filippello: Yes.

Senator McKIM: So they were already in place, if you like, when Senator Waters raised her concerns at previous estimates. So has the court done anything at all subsequent to Senator Waters raising these matters, which were concerns conveyed to her, whilst these guidelines were actually in place?

Ms Filippello: Could I just clarify: although the guidelines are in place, they are revisited. If there are particular areas within the guidelines that need to be reconsidered given the more recent practice evidence that is available, then the relevant principle of—family consultants would actually revisit those guidelines and update them.

Senator McKIM: Can I ask whether there are any training programs associated with the guidelines?

Ms Filippello: Yes, there is. There is quite extensive training. Perhaps we could provide that to you on notice.

Senator McKIM: I am happy for you to take that on notice.

Ms Filippello: Yes. But I can indicate to you that, in addition to the guidelines that are in place, there is regular training conducted through the court by regular seminars—they have monthly internal seminars and they deal with various topics, including, more recently, the forensic examination of violence in a family law context, post-separation arrangements and high-conflict families, men's behaviour change programs—do they work and what should we do? It is certainly that type of training that occurs quite frequently. In 2014-2015, there was a series of three family violence clinical training modules that were delivered to all clinical staff. These modules focused primarily on personal and professional biases that can impact on clinical practice, in particular with an emphasis on balanced, robust and thorough examination, and reporting of family violence.

...

Senator McKIM: Perhaps, then, I could follow up, Mr Foster. Are you able to provide figures around the number of complaints, particularly relating to, what I think are called, family consultants—the report writers.

Mr Foster: Yes, we can. I can give to you—on notice, I will send it to you—the number of complaints for a particular period of time, the nature of those complaints and what happened to them.

Senator McKIM: Are they broken down into categories of—

Mr Foster: Administrative, procedural, privacy, security, transcripts—there is a range of different categories.

Senator McKIM: Thank you, I appreciate that. So you will provide that are notice?

Mr Foster: We can provide that on notice for both courts.

Senator McKIM: Thank you.

**The answer to the honourable senator's question is as follows:**

1. There is regular training conducted by the Family Court of Australia. For example, there are monthly internal video linked seminars which involve an external expert presenting to staff on various topics relevant to their work. In relation to family violence, clinical staff were provided with regular updates on the empirical trends and practice methods relating to the assessment and treatment of family violence, with topics including: *the Forensic Examination of Violence in a Family Law Context* (Dr Chris Lennings), *Post-Separation Arrangements in High Conflict Families* (Professor Matthew Sanders) and *Men's Behaviour Change Programs—Do They Work and Should We Refer?* (Professor Thea Brown).

As different registries see different challenges faced by litigants, they are able to initiate additional and tailored professional development activities. For example, in Brisbane Professor Cathy Humphries presented a seminar on family violence, separated parents and fathering empirical insights and intervention challenges, to local family consultants.

Most recently the CEO has approved of a national conference for all internally employed Family Consultants and that program is presently in the planning stages.

Training of family report writers who are *not* employed by the Courts is not a matter on which the Courts can provide an answer nor can the Courts address that training.

2. In 2013-14, the Family Court received 3 complaints in relation to family consultants and 5 complaints in relation to family reports. This equates to less than 0.1% of total filings for final orders for the year.

In 2014-15, the Court received 2 complaints in relation to family consultants and 3 complaints in relation to family reports. This equates to less than 0.1% of total filings for final orders for the year.

The complaints about family consultants were essentially administrative law issues and related broadly to processes regarding the training and knowledge and the employment of family consultants. The complaints in relation to family reports were specifically related to individual court matters. All of the complaints were responded to.

Data is not yet available for the 2015-16 financial year.