

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.5 Family Relationships

Question No. AE17/143

Senator Pratt asked the following question at the hearing on 24 March 2017:

To the Attorney-General –

1. Has the Government responded to this report?
2. If so, how?
3. The report observes that current funding for family law services does not adequately meet the projected population increase for individuals aged 25-49. How does the Government intend to respond to this shortfall?
4. The report observes that as the shortfall continues to widen over time, it is anticipated to accumulate to \$21.2 million by the end of 2025. How does the Government intend to respond to this shortfall?
5. The report observes that large scale changes in demand (based on demographic, social or cultural shifts), resulting in a greater proportion of the Australian population attempting to access universal family law services, would require an increase in funding. Does the Government have any plan for responding to large scale changes in demand for family law services in the future?
6. Will the Government provide more funding to ensure that at-risk and vulnerable cohorts have access to family law services that meet their needs?

To the department –

7. Has the Department responded to this report?
8. If so, how?
9. The report observes that there are complexities and challenges with current administrative arrangements, with family law services being funded by the Attorney-General's Department and administered by the Department of Social Services. Does the Department agree that this results in limited visibility of on-the-ground service provision?
10. The report observes that there is a tension between the provision of specialised care to at-risk and vulnerable cohorts and the provision of universal service. How does the Department currently deal with this tension?
11. Are at-risk and vulnerable cohorts less likely than the broader Australian population to have their needs met by family law services?
12. Is more funding needed to ensure that at-risk and vulnerable cohorts have access to family law services that meet their needs?

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

1. The report, "Future Focus of the Family Law Services" was commissioned by my department from the consultant KPMG to assist the department with analysis to inform future policy development for the family law services. There is no necessity for a formal government response to the report.
2. See answer to Question 1 above.

3. The Government will consider a range of options to ensure that family law services remain accessible to the Australian community. My department will undertake further consultation with the family law services sector on these options.
4. See answer to Question 3 above.
5. At present, there is no expectation of sudden large-scale changes in demographic, social or cultural circumstances which would result in a significant sudden increase in the population or number of family separations, and thus on the demand for family law services. The current expectation is that the primary factor driving demand for family law services is the size of the Australian population in the cohort aged 25-49.
6. Yes. As part of the funding package to support the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*, in October 2016, the Attorney-General announced the allocation of \$30 million for legal assistance and family law services. Of the \$30 million, \$6.2 million over three years from 2016-17 has been allocated towards piloting enhanced models of legally-assisted and culturally appropriate family dispute resolution to Indigenous and Culturally and Linguistically Diverse families who have experienced family violence. The pilots will be delivered by Family Relationship Centres (FRCs) in partnership with other specialist organisations. A restricted grant round inviting applications from FRCs opened on 17 February 2017 and closed on 17 March 2017. The pilots, which are expected to commence in mid-2017, will be evaluated to determine whether they provide a safe and successful alternative to court, with particular emphasis on whether they assist Indigenous and CALD families to better interact with the family law system.
7. See answer to Question 1 above.
8. See answer to Question 1 above.
9. No.
10. The department funds family law service providers to provide family dispute resolution services to all Australians, including those who are at-risk and vulnerable, such as victims of family violence, and those with other complex issues.

Under the *Families and Children Guidelines November 2014*, family law service providers are required to ensure that:

- all families are provided with the information they need about service options available, including from other sectors and jurisdictions
- vulnerable families are actively connected to services and supports, and
- children and families at risk of harm receive a timely and well-coordinated response from those who can keep them safe.

The department encourages family law service providers to tailor their services to individual client need, especially where clients report particular vulnerabilities, for example, by developing a safety plan, arranging interpreters and through regular engagement with community groups. Family law service providers also collaborate with, and provide referrals to, other supporting services, both state and federally funded, to support clients with multiple complex needs.

11. The family law services are universal services available to all Australians. However, there is evidence that demonstrates that people with complex needs are far more likely to use family law services than other separating families (Kaspiew, R., Carson, R., Dunstan, J., Qu, L., Horsfall, B., de Maio, J (et al) (2015) *Evaluation of the 2012 Family Violence amendments: Synthesis report* Melbourne: Australian Institute of Family Studies).

The department acknowledges the often-significant barriers to accessing family law services by at risk and vulnerable people, particularly those who are 'screened out' from receiving family dispute resolution services because of family violence allegations and safety concerns (The Allen's Consulting Group (2013) *Research on Family Support Program family law services: report to Australian Government Attorney-General's Department*).

In recognition of the importance of family law services to vulnerable people, fees set by family law service providers are usually tailored on a sliding scale according to the client's financial means. In addition, the government frequently pilots new models to make family law services more accessible and appropriate to vulnerable families with complex needs. The most recent example of this approach is the pilot of legally assisted and culturally appropriate family dispute resolution to Indigenous and Culturally and Linguistically Diverse families who have experienced family violence (see answer to question 6 above).

12. The pilots of enhanced models of legally-assisted and culturally appropriate family dispute resolution to vulnerable families, particularly Indigenous and Culturally and Linguistically Diverse families, will be evaluated to determine whether they provide a safe and successful alternative to court, with particular emphasis on whether they assist Indigenous and Culturally and Linguistically Diverse families to better interact with the family law system. This evaluation will assist the department to ascertain whether the needs of at risk and vulnerable people are being met by these enhanced models and the resources required to provide them.