

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

Output 1.1

Question No. 32

Senator Fielding asked the following question at the hearing on 13 February 2007

- a) The Family Relationship Centres provide up to three hours of joint session counselling free of charge. What fees are charged after those 3 hours? If the fees differ between centres, please provide a table showing the schedule of fees for each centre.
- b) The Department says low income people are not turned away. What guidelines are used to determine if a person or family is from a low income family? If that differs between centres, please provide details for each centre.
- c) For individuals or families defined as low income, what are the concessional fees charged? If concessional fees differ between centres, please provide details for each centre.
- d) Why is there a three hour limit on free joint session counselling while there is no limit on free individual counselling?
- e) How many people have taken up the offer of three free hours of joint session counselling? How many people went on to purchase further counselling once the three free hours had been used up?

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

a) The Family Relationship Centres are not funded to provide counselling services (they are expected to refer clients to other services where counselling is needed). Centres provide separating families with individual sessions for screening and assessment and preparing for dispute resolution. These sessions are free. Where joint dispute resolution is assessed to be appropriate, Centres may conduct one or more joint dispute resolution sessions, according to the needs of clients. The first three hours of those joint sessions are free. After the three hours, Centres may charge fees, taking into account the clients' capacity to pay. The Department does not collect information about the fee scales as they are set by each service provider. Under their funding agreements, Centres must waive fees for clients for whom Family Court fees would not be payable under the Family Law Regulations 1984 and must ensure that clients without the capacity to pay are not treated differently from those who can pay fees.

Under their funding agreement, Centres must publicly display their fees policy and discuss fees prior to arranging sessions where they apply so that clients have a choice about whether to commence the process or use another service with a different fees arrangement.

b) Under their funding agreements, Centres must waive fees for clients for whom Family Court fees would not be payable under the Family Law Regulations 1984. Currently these are situations where:

- the client has been granted legal aid for the parenting issue being dealt with at the Centre
- the client is the holder of:
 - a health care card,
 - a health benefit card
 - a pensioner concession card
 - a Commonwealth seniors health card or
 - the holder of any other card issued by the Department of Social Security (now Centrelink) or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions
- the client is an inmate of a prison or otherwise lawfully detained in a public institution
- the client is a child under the age of 18 years
- the client is in receipt of a youth allowance, or an austudy payment or ABSTUDY benefits, or
- the Centre, having regard to the income, day to day living expenses, liabilities and assets of the person liable to pay the fee, waives payment of the fee because, in his or her opinion, it would cause financial hardship to the person.

c) As indicated above, low income families who would not be required to pay fees under the Family Law Regulations have all fees waived at Family Relationship Centres. Centres may charge fees (after three hours of joint dispute resolution) for families on higher incomes. The Department does not compile details of those fees but understands that most service providers have a sliding scale, taking into account the client's ability to pay.

d) As indicated in a), Centres are not funded to provide free counselling (whether individual or joint). Where clients need therapeutic counselling or ongoing individual help they should be referred to another service. The individual sessions in Centres are for screening and assessment and to prepare for dispute resolution and are limited to the time necessary for these purposes.

e) For the period July 2006 to December 2006, 3,165 family dispute resolution sessions were held. Data is not collected on the proportion of cases that continue at Centres after the three hours as data focuses on outcomes, not what happens at a particular point in time.