

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

Program 1.1

Question No. 53

Senator Siewert asked the following question at the hearing on 22 February 2011:

Investment across the family law system

Please table a clear breakdown of funding per annum and throughput (ie number of clients/families/cases) for each of the following for 2009-10, 2010-11 and 2011-12:

- Family Court of Australia
- Magistrates Court – Family Law cases
- Family Court of Western Australia
- Legal Aid
- Community Legal Centres
- Family Relationship Centres
- Family Counselling – AGD component
- Children's Contact Services
- Other post separation services – Parenting Orders Programs, Cooperative Parenting Post Separation, Supporting Children after Separation etc

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

Family Law Courts

Commonwealth Funding

	2009-10 (\$m)	2010-11 (\$m)	2011-12 (\$m)
Family Court of Australia (FCA)	148.349 ¹	154.825 ⁴	123.132 ⁷
Federal Magistrates Court (FMC) (including general federal law and family law funding)	28.560 ²	26.001 ⁵	50.962 ⁸
Family Court of Western Australia (FCWA)	16.928 ³	20.873 ⁶	18.116 ⁹

Notes

1. FCA 2009-10 Annual Report, p 179.
2. FMC 2009-10 Annual Report, p 131.
3. Western Australia, Department of the Attorney General, Court and Tribunal Services, 15 March 2011 (includes Commonwealth and State contributions, including retained fee revenue).
4. Appropriation Bill (No 1) 2010-11 (\$174.005m) less transfer of funds to FMC (\$21.917m - see FMC Portfolio Additional Estimates Statements (PAES) p 131, Table 1.4) plus adjustments arising from judicial pay increases (\$2.737m).
5. FMC PAES 2010-11 p 132, Table 1.5.
6. Western Australia, Department of the Attorney General, Court and Tribunal Services, 15 March 2011 (includes Commonwealth and State contributions, including retained fee revenue).
7. Appropriation Bill (No 1) 2010-11 (\$156.205m) less transfer of funds to FMC (\$43.840m - see FMC Portfolio Additional Estimates Statements (PAES) p 131, Table 1.4) plus adjustments arising from judicial pay increases (\$2.175m) plus departmental capital budget (8.592m).
8. Revenue from Government (\$50.084m – FMC PAES 2010-11, p 136, Table 3.2.1) plus Cash from Official Public Account (\$0.878m – FMC PAES 2010-11, p 142, Table 3.2.9).
9. Western Australia, Department of the Attorney General, Court and Tribunal Services, 15 March 2011 (includes Commonwealth and State contributions, including retained fee revenue).

Throughput – FCA

	2009-10¹	Estimated 2010-11²	Estimated 2011-12²
Final Order finalisations	3,935	3,600	3,600
Applications in a case	4,073	4,200	4,200
Consent Order finalisations	10,625	11,100	11,100
Other finalisations	462	440	440
TOTAL	19,095	19,340	19,340

Notes

1. FCA Annual Report 2009-10, p 38. Excludes appeals.
2. FCA Portfolio Budget Statements (PBS) 2010-11, p 317.

Throughput – FMC

	2009-10¹	Estimated 2010-11²	Estimated 2011-12²
Divorce Finalisations	46,437	48,600	50,400
Final Order Finalisations	15,407	16,465	16,465
Interim Order Finalisations	18,258	17,989	18,070
Other Finalisations	2,373	3,960	3,960
TOTAL	82,475	87,014	88,895

Notes

1. FMC Annual Report 2009-10, p 10.
2. Family law component of the estimates contained in the FMC PBS 2010-11, p 351.

Throughput – FCWA¹

	2009-10	Estimated 2010-11	Estimated 2011-12
Final order finalisations	2,147	2,276	2,228
Interim order finalisations	3,160	3,350	3,280
Consent order finalisations	2,451	2,598	2,544
Divorce order finalisations	4,766	5,051	4,947
Other finalisations	97	103	101
TOTAL	12,621	13,378	13,100

Notes

1. Western Australia, Department of the Attorney General, Court and Tribunal Services, 11 March 2011.

Legal Aid

Commonwealth Funding for Legal Aid Commissions

	2009-10	2010-11	2011-12
	(\$m)	(\$m)	(\$m)
Legal Aid Commissions - Total Funding Nationally ¹	173.519	190.797	194.784

Notes:

1. Funding for Legal Aid Commissions is provided for all Commonwealth legal aid service priorities, not just family law matters.

Of the overall funding to commissions the breakdown of expenditure on family law services is as follows:

Breakdown of Legal Aid Commission Family Law Expenditure Nationally

	2009-10	2010-11	2011-12
	(\$m)	(\$m)	(\$m)
Family Law Litigation	93.691	Not available	Not available
Family Dispute Resolution (FDR)	23.081	Not available	Not available
Duty Lawyer	3.922	Not available	Not available
Information & Community Legal Education ¹	8.452	Not available	Not available
Advice & Minor Assistance ¹	11.119	Not available	Not available
Assignment Services ¹	11.612	Not available	Not available
Strategic & Other Services ¹	8.735	Not available	Not available
Total	160.612	Not available	Not available

Notes:

1. Estimate.
2. Reports for 2010-11 are not yet available.

Legal Aid Commission Family Law Services Throughput Nationally

	2009-10	2010-11	2011-12
Family Law Litigation	21,408	Not available	Not available
Family Dispute Resolution (FDR)	17,433	Not available	Not available
Duty Lawyer	11,349	Not available	Not available
Information & Community Legal Education ¹	523,849	Not available	Not available
Advice & Minor Assistance ¹	112,673	Not available	Not available
Assignment Services ¹	44,582	Not available	Not available

Notes:

1. Estimate.
2. Reports for 2010-11 are not yet available.

Community Legal Centres

Community Legal Centre Family Law Funding¹

CLC Funding	2009-10 (\$m)	2010-11 (\$m)	2011-12 (\$m)
Family Law Funding (by proportion of clients)	7.744	10.321	Not available
Family Law Funding (by proportion of service activities)	9.859	12.599	Not available

Notes:

1. Funding refers to the approximate proportion of Commonwealth input that is directed by community legal centres to family law matters.

Community Legal Centre Family Law Services Throughput – 2009-10, 2010-11 (as at 27 February 2011)

CLC Statistics	2009-10	2010-11 (1 July 10-27 Feb 11)	2011-12
Clients	51,128	23,177	Not available
Information	44,276	16,573	Not available
Advices	78,583	31,480	Not available
Cases (open at start of period + opened during period)	21,867	4,961	Not available
Community Legal Education	1,179	609	Not available

Notes:

1. Throughput data includes joint Commonwealth and State Community Legal Services Program funding
2. Funding for community legal centres is provided for a set of core service activities (information, advice, casework, community legal education and law reform and legal policy). The services provided to clients relate mainly to civil and family law, with a small number of criminal law matters.
3. The average (across 2009-10 and to date 2010-11) percentage of clients assisted with family related matters is 34% of the total throughput. The statistical information provided above relates to actual family law matters (not proportion of total activities).

Family Relationship Services Program

Funding for AGD funded post separation services – 2009-10, 2010-11

	2009-10 Funding (\$m)	2010-11 Funding (\$m)	2011-12 Funding (\$m)
Family Relationship Centres	75.063	76.114	Not available
Family Dispute Resolution	12.379	12.553	Not available
Regional Family Dispute Resolution	5.734	5.746	Not available
Family Counselling – AGD component	15.902	16.125	Not available
Children’s Contact Services	14.726	14.932	Not available
Parenting Orders Programs	8.565	8.685	Not available
Post Separation Cooperative Parenting	6.448	5.970	Not available
Supporting Children after Separation Program	5.927	6.010	Not available

Client numbers for AGD funded post separation services – 2009-10, 2010 -11 (as at 27 February 2011)

	2009-10 total clients	2010-11 total clients (at 27 February 2011)	2011-12 total clients
Family Relationship Centres	70,831	41,556	Not available
Family Dispute Resolution	15,160	8,950	Not available
Regional Family Dispute Resolution	6,923	4,438	Not available
Family Counselling ¹	113,230	68,841	Not available
Children’s Contact Services	30,823	23,101	Not available
Parenting Orders Programs	9,531	5,309	Not available
Post Separation Cooperative Parenting	5,390	4,005	Not available
Supporting Children after Separation Program	14,578	8,089	Not available

Notes

1. Client numbers for Family Counselling services include clients accessing marriage counselling (funded by Department of Families, Housing, Community Services and Indigenous Affairs) and post separation counselling (funded by Attorney-General’s Department).