

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERALS DEPARTMENT

Question No. 16

Senator Ludwig asked the following question at the hearing on 24 May 2007:

Regarding the recent Australian Institute of Family Studies report "Allegations of family violence and child abuse in family law children's proceedings":

a) Has the Department reviewed the report?

i) If so, give details as to whether or not the Department has taken the report into account in policy development and, if so, what that was.

b) For 2005-06 and 2006-07, what reviews have been conducted in to court processes for handling allegations of domestic violence?

i) If none:

1) Why not?

2) Does the Department intend to conduct reviews in this area?

c) What ongoing evaluations, reviews or monitoring exist for court processes for handling allegations of domestic violence?

i) If none:

1) Why not?

2) Is the Department planning on implementing any such measures (if not, why not)?

d) Does the Department have any plans to alter in any way the processes for handling allegations of violence in family law matters?

i) If so, give details.

ii) If not, why not?

e) Provide an update of the Magellan programme, indicating:

i) Whether the government intends to extend that program;

ii) Whether the program has been subject to review (including the outcome of any review);

iii) What percentage of family law cases are involved in the Magellan Project?

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

a) The Department has reviewed the report. It will inform on-going policy development and evaluation of the 2006 reforms. An evaluation framework has been developed by the Australian Institute of Family Studies at the request of the Attorney-General's Department (AGD) and the Department of Families, Community Services and Indigenous Affairs (FaCSIA). The framework for evaluation and longitudinal research relating to the 2006 reforms is available on line at
<http://www.ag.gov.au/www/agd/agd.nsf/Page/Families_Frameworkforevaluationandlongitudinalresearch-March2007>

b) The Family Court of Australia (FCOA) has two key mechanisms to review issues relating to court processes dealing with allegations of domestic violence.

First, in March 2004 the FCOA launched the Court's Family Violence Strategy. A Steering Committee oversees and monitors the implementation of the Family Violence Strategy. The

Steering Committee receives and analyses reports from designated staff and from the various Working Groups established in the five key areas of action. It also operates as a standing committee to provide ongoing advice to the Chief Justice and Chief Executive Officer on family violence issues.

Secondly, the Magellan Project pilot commenced in the Melbourne registry of the FCOA in mid 1998 and has now been rolled out to all States and Territories, however NSW is limited (by direction from the Department of Children's Services) to certain postcodes in the South West NSW area.

Magellan involves special case management of cases in which there were serious allegations of sexual or physical abuse of children. Once the cases are identified they are dealt with by a designated small team of Judges, registrars and Family Consultants. Magellan Case Management relies on a collaborative and highly coordinated set of processes and procedures. A crucial aspect is strong inter-agency coordination, in particular with State and Territory child protection agencies, which ensures that problems are dealt with efficiently and that information sharing is of high quality. It further requires that an Independent Children's lawyer be appointed in every Magellan case.

c) See response to a) above. Judges have access to the latest social science literature dealing with the dynamics and impacts of family violence. Training at judicial conferences also focus on family violence issues.

The Family Court introduced a mandatory form to be used in specific circumstances. It must be used when allegations of child abuse or risk of child abuse are made and a prescribed child welfare authority must be notified of the allegations (Section 67Z of the *Family Law Act 1975*). It must also be used when a person alleges that there has been abuse of a child or family violence or there is a risk of abuse of a child or family violence and the allegation of abuse, family violence or risk of abuse or family violence is relevant to whether the court should grant or refuse the application (Section 60K of the *Family Law Act 1975*).

c 2) See answer above.

d) The Department will continue to monitor closely the implementation of the 2006 family law reforms in relation to allegations of violence in family law matters.

e) i) See the Family Court's answer to Question on Notice 124.

ii) A 2001 evaluation of the Victorian pilot was conducted by the Family Violence and Family Court Research Program, Brown T., Sheehan R., Frederico M., and Hewitt L., (2001) *Resolving Family Violence to Children: The Evaluation of Project Magellan, a Pilot Project for Managing Family Court Residence and Contact Disputes when Allegations of Child Abuse Have Been Made*, Monash University, Clayton, Victoria.

The Australian Institute of Family Studies (AIFS) is currently conducting an evaluation of the Magellan Project which is being oversighted with input from the National Magellan Stakeholder Committee (see the Family Court's answer to Question on Notice 124).

iii) See the Family Court's answer to Question on Notice 138