

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

Program 1.1

Question No. 87

Senator Xenophon asked the following question at the hearing on 25 May 2010:

The Attorney-General confirmed on 20 May that it was looking at amending the Family Law Act to encouraging separating couples to go to Family Relationship Centres. How does the Government expect to fund this if it is slashing funds to the Family Relationships Services Program?

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

The proposal to enhance family dispute resolution is aimed at ensuring that Australian families experiencing separation and divorce have access to a greater range of options to resolve their disputes outside of court. Key features of the proposal are to:

- extend to property and spousal maintenance matters the requirement to participate in family dispute resolution prior to starting legal proceedings (subject to exceptions), and
- provide families with choices about whether they participate in mediation, conciliation or arbitration.

It is expected that family dispute resolution for property and spousal maintenance disputes would primarily be delivered by private sector providers. Funded services (such as Family Relationship Centres) would be able to expand their client bases and offer additional services on a user pays basis. These services already provide family dispute resolution in a number of cases, as resolving children's matters often also involves resolving issues relating to property.

The Department is currently consulting with key stakeholders on the proposals.