

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 13

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005:

The provisions in the Bill related to the conduct of child related matters are based on the pilot of the Children's Cases Program in Sydney and Parramatta.

- a) Has the Department evaluated this pilot?
- b) When will the evaluation be released?
- c) Does the Department believe that a proper evaluation of CCP should occur before introducing it nationally and compulsorily?

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

The Family Court of Australia (the Court) is undertaking a comprehensive evaluation of the Children's Cases Program (CCP). The Court engaged two independent experts to evaluate the CCP. Prof Rosemary Hunter (Griffith University) is conducting the substantial evaluation, which incorporates the sub-study (specifically on the impacts of the CCP on children) being conducted by Dr Jennifer McIntosh (Family Transitions, Melbourne). Evaluation data required by the evaluators is being collected through surveys, interviews and a database built by the Court specifically for the pilot in accordance with the evaluators' specifications. The CCP pilot commenced in March 2004, and a significant amount of evaluation data has been collected and analysed by the evaluators during the past 20 months. To date, a total of 289 clients have participated in the evaluators' surveys and interviews (more than 1000 clients have been approached in relation to the evaluation).

The evaluators have provided several evaluation reports based on the data and information collected to date, which has informed the planning for the national adoption of the CCP approach. The decision has been made to formally end the CCP pilot in Sydney and Parramatta on 31 December 2005 in order to enable the evaluators to provide final pilot evaluation reports to the Court by 30 June 2006. The release of the evaluation is a matter for the Family Court.

Schedule 3 of the Shared Parenting Bill, which provides for less adversarial procedures, does not require courts to adopt the model of the CCP. While the provisions have been in part based on elements of the Program the provisions are broader and there is flexibility for courts to apply other means. Ensuring less adversarial procedures in family law is a key element of the changes to ensure a cultural change to post separation parenting.

The provisions in Schedule 3 draw extensively upon the Civil Procedure Rules that have been operating in the United Kingdom since 1999.