



# Country Women's Association of NSW

*Incorporated in 1931 by an Act of NSW Parliament  
Constituent Society of the Associated Country Women of the World*

ABN 82 318 909 926

21 February, 2014

Committee Secretary  
Senate Standing Committee on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600



Dear Committee Secretary,

**Re: Grandparents who take primary responsibility for raising their grandchildren**

The Country Women's Association of NSW (CWA) wish to comment on the terms of reference for this inquiry. In 2009 the following policy was adopted:

*"That the Country Women's Association of New South Wales urgently request the Federal Attorney General, and the NSW State Attorney General and Minister for Justice, to give fair access to legal aid for Grandparents requiring legal assistance in Family Law matters in circumstances where they are seeking orders that the grandchildren live with them, or spend time and communicate with them."*

To this end we wrote to the NSW Attorney General on this issue. Please find a copy of this letter attached as out comments on part d.) of this inquiry.

Yours Sincerely,

Donna Wilkins  
Executive Officer



# Country Women's Association of NSW

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ABN 82 318 909 926

27 May 2009

Ref: AGM050/09

The Hon John Hatzistergos MLC  
NSW Attorney General  
Governor Macquarie Tower  
Level 33, 1 Farrer Place  
SYDNEY NSW 2000

**COPY**

Dear Minister,

At the recent 87<sup>th</sup> Annual Conference of the Country Women's Association of New South Wales, the following resolution was passed:

**"That the Country Women's Association of New South Wales urgently request the Federal Attorney General, and the NSW State Attorney General and Minister for Justice, to give fair access to legal aid for Grandparents requiring legal assistance in Family Law matters in circumstances where they are seeking orders that the grandchildren live with them, or spend time and communicate with them."**

The Country Women's Association of New South Wales is concerned that grandparents who are seeking orders that their grandchildren either live with them, to gain access to spend time with them, or even to communicate with them, seldom have access to legal aid to assist in the process.

There are occasions where grandparents decide to seek legal custody of their grandchildren. The reasons are varied, but often include trauma, drug and alcohol addictions, relationship breakdowns, illness or death. Not only does this action to seek custody place increased pressure on already strained family relationships, but the grandparents frequently face high legal bills (even when there is no-one contesting the case).

These grandparents are seldom eligible for legal aid because the 'means test' for legal aid has unrealistic restrictions which preclude most applicants. In many cases the lack of legal aid can deter from grandparents seeking custody - even when they believe this is the best course of action.

The CWA of NSW's view is that, to ensure fair access to legal assistance in family law matters, it is necessary to apply the same means test as the Commonwealth Government's aged pension test. We ask that this important issue is given consideration to assist grandparents in custody cases relating to grandchildren.

Yours sincerely,

Donna Wilkins  
Executive Officer

cc. The Hon Robert McClelland MP, Attorney-General for Australia