

SENATE STANDING COMMITTEE ON COMMUNITY AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group 2**

**Program 1.3**

**Question No. 157**

**Senator Wright asked the following question at the hearing on 16 October 2012:**

- 1) The family violence amendments to the Family Law Act have been operating now for just over 4 months. Would you please detail the evaluation process which has been put in place to measure the impact of these amendments on children, parents and on court processes? Also, what amount has been budgeted for this evaluation? Please provide details of the funds allocated to this evaluation process over the past three years (2009/2010, 2010/2011, 2011/2012 and over forward estimates).
- 2) During the Senate Inquiry into the provisions of the family violence bill, Women's Legal Services Australia recommended implementing a risk assessment framework to identify and explore issues of family violence and child abuse at the initial stages of an application. Has the Department undertaken any research or analysis with respect to the creation of a comprehensive risk assessment framework for Australia's family law system?
- 3) Regarding Indigenous and culturally diverse clients within the family law system - in February 2012, the Family Law Council provided two reports focused on improving the family law system for Indigenous and CALD clients. When can we expect the Government's full response to these reports?
- 4) The advice I receive from stakeholders is that the Aboriginal and Torres Strait Islander clients have very limited ability to provide assistance in family law matters, let alone engage in community education and early intervention programs. In developing a response to the report on Aboriginal and Torres Strait Islander clients within the family law system, has the Department given consideration to the adequacy of the current level of funding provided to Aboriginal and Torres Strait Islander Legal Services?
- 5) Both reports recommend an expansion of the type & number of services provided by the family law courts, yet both the Family Court and Federal Magistrates Court are already struggling to operate under existing appropriations. Can you give me any indication as to how the Government intends to resolve this tension?

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

- 1) \$750,000 has been provided to the Australian Institute of Family Studies (in 2011/12 financial year) to gain insight into the experiences of recently separated parents in relation to the family law system in the period before the amendments in Schedule 1 of the Family Law Amendment (Family Violence and Other Measures) Act 2011 commence. The research has been designed so that, if funding becomes available in the future, a similar study could be

conducted to assess the impacts of the amendments in Schedule 1 on parents who have experience of the family law system after those amendments commence.

- 2) After a tender process in 2011, the Department selected Relationships Australia South Australia (RASA) to develop a common screening and risk assessment tool and framework and associated training package and software system, to detect and respond to safety and well-being risks in families, at the entry point to services, across the family law system. The tool and framework has been finalised and is called the Detection Of Overall Risk Screen (DOORS).

DOORS is simple, practical and flexible enough to meet the needs of different professionals, locations and client demographics. It will facilitate the referral of clients to appropriate services, when required.

The DOORS covers the following behaviour domains: client's culture and religious background, about the separation, managing conflict with the other parent, how the client is coping lately, how the other parent seems to be coping, client's child(ren), managing as a parent, children's safety, parent's personal safety, safety behaviour and other stresses.

Use of DOORS will not be mandatory throughout the family law system. Notwithstanding this, family law system agencies will be able to use DOORS to inform their own screening and risk assessment practices.

The Department is working with the Attorney-General to develop a distribution strategy for the DOORS.

- 3) The Government is currently considering the recommendations in this report. Timing of any response is a matter for Government.
- 4) In developing a response to the Family Law Council's report on Aboriginal and Torres Strait Islander clients, the department will take into account the current funding levels of all Indigenous-specific and mainstream legal providers that assist in family law matters, namely;
  - The Aboriginal and Torres Strait Islander Legal Services,
  - The Family Violence Prevention Legal Services,
  - Mainstream legal aid, and
  - Community Legal Centres.

The provision of family law assistance to Aboriginal and Torres Strait Islander clients is not limited to Indigenous-specific organisations

- 5) In developing a response to the Family Law Council's report on Aboriginal and Torres Strait Islander clients, the Government will take these issues into account.