



Australian Government
Attorney-General's Department
Families and Legal System Division

17 April 2020

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
CANBERRA ACT 2600

Dear Secretary

Clarifications to Hansard

I write to you concerning evidence provided to the Senate Standing Committee on Legal and Constitutional Affairs during the Additional Senate Estimates hearing on Tuesday 3 March 2020.

The Attorney-General's Department has identified the following clarifications:

Evidence of Mr Cameron Gifford, First Assistant Secretary; Families and Legal System Division, Attorney-General's Department

On page 39 of the transcript, during an exchange with Senator Henderson, Mr Gifford stated:

Mr Gifford: ... That's also been supplemented by a further property mediation pilot, which is \$13 million of non-ongoing funding from 1 July 2019 for family relationship centres to also conduct mediation in relation to property matters.

The Attorney-General's Department wishes to clarify that the funding from 1 July 2019 to fund the mediation of property matters in Family Relationship Centres was provided under the Women's Economic Security Package as ongoing funding from the Family Relationship Services Program and is not the subject of a pilot program.

Evidence of Mr Cameron Gifford, First Assistant Secretary, and Ms Alex Mathews, Assistant Secretary; Families and Legal System Division, Attorney-General's Department

On page 57 of the transcript, during an exchange with Senator Patrick, Mr Gifford and Ms Mathews stated:

Ms Matthews: This has been an ongoing matter. The original appropriation budgeted for 192 applications this year. That was based off modelling done by the Australian Institute of Family Studies. In response to being made aware of unexpected demand for the scheme, a further \$2 million was injected in the MYEFO process. That would have taken care of—using that modelling, in round numbers—a further 200 applications. From last week, the Attorney-General has made another \$1.2 million available in funding for the scheme.

(...)

Mr Gifford: There are a couple of things I would say about that. Firstly, in terms of the AIFS's research that underpinned this, they conducted a file search and desktop exercise with the courts to identify matters in which they thought the cross-examination ban would apply. On the basis of that exercise that they undertook with the courts, they came up with a figure. They thought it would apply to 134 matters in the first full year. We factored in a larger figure than that for the initial budget for contingency purposes, which was the 192 figure that Ms Matthews is referring to.

The Attorney-General's Department wishes to clarify that the study done by the Australian Institute of Family Studies involved the conduct of a historical file search and desktop exercise with the courts to identify matters in which direct cross-examination occurred, where the matters involved self-represented litigants in family law matters that proceeded to a final hearing and where family violence had been alleged or substantiated. It did not involve any future-focused modelling of likely demand on the scheme. On the basis of the exercise that AIFS undertook with the courts, AIFS provided an estimated range for the number of cases in 2015/16 and 2016/17 that may have involved direct cross examination at the final hearing in circumstances where family violence had been alleged or substantiated. Based on this and its own analysis, the department estimated the Scheme would apply to 134 matters in the first full year. The department added a further margin for contingency purposes, which was the 192 figure that Ms Matthews referred to.

Evidence of Mr Iain Anderson, Deputy Secretary, Legal Services and Families Group, Attorney-General's Department

On page 61 of the transcript, Mr Anderson had the following exchange with Senator Carr regarding court premises in Launceston:

Senator Kim Carr: How are you aware?

Mr Anderson: We've seen media reports.

Senator Kim Carr: Media monitoring—that's the only mechanism you have?

Mr Anderson: We've had some conversations with the Circuit Court and the Family Court as well about their capital budget and about how they allocate their capital budget and about security in their buildings.

Senator Kim Carr: The courts have actually put to you the need to move the registry from that office, have they?

Mr Anderson: We've had discussions about a number of different court facilities. I don't think that they've actually put to us a desire or intention to move from Launceston. Having checked that with my colleagues, I confirm that's the case, Senator.

The Attorney-General's Department wishes to clarify it was provided correspondence from the Chief Justice of the Family Court of Australia and Chief Judge of the Federal Circuit Court of Australia, the Honourable Justice William Alstergren to the Attorney-General relating to a desire to move the Launceston registry from existing premises due to security concerns.

Yours sincerely

Cameron Gifford
First Assistant Secretary
Families and Legal System Division