



Australian Government
Attorney-General's Department

17/16597-04

8 March 2018

Senator the Hon Ian Macdonald
Chair, Legislation Committee
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator

Responses to questions taken on notice

On 22–23 February 2018, the department appeared before the Senate Legal and Constitutional Affairs Legislation Committee at its hearing on the Family Law Amendment (Parenting Management Hearings) Bill 2017 (the Bill), and took questions on notice.

Below are the department's responses to those questions taken on notice.

Independent children's lawyers and family consultants

Senator Watt asked the following questions:

How did you come up with the idea that you only needed one rather than 0.5 or two or five [independent children's lawyers]?

How many family reports has the department assumed will be required for the matters that will go before the panel in the pilot?

The department costed one independent children's lawyer and two family consultants for each pilot site per annum.

Costings were based on a consideration of the estimated number of matters per annum and the types of matters to be heard by the Panel. It is intended that the Panel will deal with less complex parenting disputes between self-represented parties who consent to the Panel process. It is not envisaged that an independent children's lawyer will be appointed in all applications determined by the Panel, nor that a family report will be ordered by the Panel in all matters.

Offence for failing to comply with a notice to give information

During the hearing, we offered to provide the Committee with further information about the provision on which the offence for failing to comply with a notice to give information (section 11R of the Bill) was modelled.

The offence in subsection 11R(1) and applicable penalty is modelled on subsection 61(1) of the *Administrative Appeals Tribunal Act 1975* which provides for an offence for failing to comply with a summons and carries a penalty of 12 months imprisonment or 60 penalty units or both.

Similarly, non-compliance with a subpoena issued by a family law court may attract a term of imprisonment or a fine (section 112AD of the *Family Law Act 1975*).

Stakeholders consulted on draft Bill

Senator Watt asked:

Is it possible to take on notice getting a list of the organisations that were consulted?

The department has enclosed a document listing all stakeholders confidentially consulted on the draft Bill.

The action officer for this matter is Dianne Orr who can be contacted on

Yours sincerely

John Reid PSM
First Assistant Secretary
Civil Justice Policy & Programmes Division



March 2018

Stakeholders consulted on the exposure draft of the Family Law Amendment (Parenting Management Hearings) Bill 2017

Courts

Family Court of Australia

Federal Court of Australia

Federal Circuit Court of Australia

Family Court of Western Australia

Peak bodies/legal organisations

Law Council of Australia—Executive; and Family Law Section of the Law Council of Australia

National Legal Aid (including Family Law Working Group)

Women's Legal Services Australia

Australian Human Rights Commission (Children's Commissioner)

National Association of Community Legal Centres

Australian Institute of Family Law Arbitrators and Mediators

Family and Relationship Services Australia

Relationships Australia

Family Relationship Centre Parramatta

Australian Women Against Violence Alliance

Eastern Domestic Violence Service Inc

Academics

Professor Patrick Parkinson

The Honourable Richard Chisholm

The Honourable Mary Finn

The Honourable Peter Rose AM QC

States and Territories

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