

**GOVERNMENT RESPONSE TO THE
HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
LEGAL AND CONSTITUTIONAL
AFFAIRS REPORT:**

TO HAVE AND TO HOLD

A report of the inquiry into aspects of

family services

JUNE 1999

RESPONSE TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS: INQUIRY INTO ASPECTS OF FAMILY SERVICES: TO HAVE AND TO HOLD

Introduction

Healthy supportive family relationships provide the foundation of a robust and resilient society.

This Report clearly shows the high price of marriage and relationship breakdown in Australia on many levels but particularly the emotional and financial. The costs are borne by children, adults, families, communities and businesses over a long period.

Recognising the increasing stresses on families and the changing social trends in relation to marriage, separation and divorce, the Report suggests that it is timely to renew the focus on preventive action to promote strong and healthy marital relationships. This will have long term benefits for children and young people as they mature.

The Government strongly endorses the Committee's view that problems should be tackled at their source. The Government's key response to the Committee's Report is the recognition of the need for a clear policy statement that reflects the Government's vision for Australia's families.

A national family strategy will be developed in partnership with the community and other levels of government. Prevention and early intervention will be key themes, and a vital part of this new framework will be a comprehensive strategy to strengthen and support marriage and relationships in the community as recommended by the Committee. It is important that information and help is available for families when needed – preferably early enough to prevent problems arising.

This Government's commitment to strengthening family relationships has been clearly demonstrated since coming to office. The 1999-2000 Budget provided further evidence of this commitment:

- an additional \$6 million will be provided over three years to extend community-based marriage and relationship education services; and
- an additional \$10.5 million will be provided over four years to create new networks and services which will further assist men to develop skills in their family relationships.

This brings to \$42 million the amount to be expended on the Family Relationships Services Programme (FRSP) in 1999 -2000.

The Government also significantly increased resources available to community-based organisations to assist families to resolve their disputes before they become intractable problems. 1999-2000 Budget initiatives included:

- \$60 million to provide early intervention assistance to young people under stress and to encourage them to reconcile with their families and re-engage with education, training,

employment and the community;

- over \$16.3 million to increase the number of primary dispute resolution services provided by community organisations and through conferencing in Legal Aid Commissions;
- \$3.1 million to establish a national telephone advice and information hotline in family law and child support matters; and
- \$15.6 million to establish new services to help separated parents manage complex child contact arrangements.

New funds were also made available for the *Tough on Drugs* strategy and *Partnerships against Domestic Violence*.

The Government's long term policy framework will focus on ways to ensure that families and individuals have access to assistance and advice at critical points in their lives, where there can be a positive impact on continuing family security.

In the development of the national family strategy the Commonwealth will focus on effective prevention and early intervention programmes for families at a range of life stages, and how to provide information to service providers, families and the wider community about the availability of these programmes.

The Government's reference to the Committee in August 1996 recognised the community's vital interest in how marriage and relationship breakdown can be minimised. In responding to the Report, the Government wholeheartedly supports the Committee's view of the importance of preventive strategies to assist Australian families to develop and sustain valued relationships.

Recommendation 1: The Committee recommends that there be a national strategy to strengthen marital relationships through programs of preventive education.

The Government supports this recommendation. A national preventive education strategy will be a key component of the Government's national strategy to strengthen and support families.

Recommendation 2: The Committee recommends that the Family Relationships Services Program clearly recognise in its objectives and funding mechanisms the programs of prevention (marriage and relationship education and family skills training), as distinct from programs of therapy, counselling and mediation.

The Government supports this recommendation in principle. As recommended, the objectives for each service type funded under the Family Relationships Services Programme (FRSP) have been clearly articulated.

The Government is strongly committed to preventive approaches for supporting family relationships, particularly to assist people to develop marital and other relationship skills before problems arise. The Government has doubled funding for marriage and relationship education and has introduced a number of innovative preventive programmes such as the men and family relationships initiative.

Work on a national family strategy will examine the ways in which the emphasis on prevention under the FRSP can be further enhanced.

Recommendation 3: The Committee recommends that the emphasis on the marital relationship should remain the focus of the marriage and relationship education program.

The Government strongly supports the Committee's view that the marital relationship, de jure or de facto, is one of the most important family relationships. It is appropriately the focus of the Marriage and Relationship Education Programme.

Services offered to clients through the Marriage and Relationship Education Programme increasingly provide a flexible approach which takes account of client needs at all stages of relationship development, particularly formation and maintenance. These services also acknowledge that individuals' experiences of family relationships from very early ages can be key influences on their adult relationships.

As recognised by the Committee in recommendation 7, all age groups, including school-aged children and youth are likely to benefit from programmes aimed at developing strong

relationship skills such as communication and conflict resolution. A number of FRSP funded organisations are already working with schools in this area on the development of peer relationships. This will assist young people to develop the skills to establish and maintain successful marital relationships.

Recommendation 4: The Committee recommends that the priority areas for marriage and relationship education relate to three life transition events, namely: marriage; the birth of the first child; and separation/re-partnering.

The Government supports this recommendation.

Marriage, the birth of a first child and separation/re-partnering are key transition events. There are a number of other important life events which also affect future outcomes for families, which should be the focus of preventive services. These include adolescence, single young adults leaving home, retirement and later life experiences and migration.

Marriage and relationship education services have been encouraged by Government to target life transition stages¹.

Centrelink recently announced a new service delivery model based on life events rather than the payments for which people might be eligible. These life events might be, for example, marriage, birth of children, adolescence, leaving school, being ill or unemployed. In return, people will receive a personalised solution containing products and services that best meet their individual needs.

Key life transition events will also be a particular focus of the national family strategy.

Recommendation 5: The Committee concludes that the system of funding the marriage and relationship education program reveals major inequities and recommends that it be rectified as a matter of urgency.

The Government acknowledges that the history of this programme has resulted in significant funding variations between organisations and regions.

A number of steps have already been taken to address these anomalies. Priority will be given to linking funding through the FRSP with outcomes for clients through quality service provision. Funding arrangements will be made more transparent and better data will be collected and published.

¹ Course stage of life/relationship cycle is a categorisation of course type. Service providers are required to identify what stage of the family and relationship cycle the courses address, with domains such as: pre-marriage, marriage/relationship enrichment-general, marriage/relationship enrichment-empty nest, marriage/relationship enrichment-retirement, re-marriage/re-partnering, separation/divorce, parenting-birth of a child, parenting-children under 5, parenting-children 5-12, parenting-adolescents, other.

New funds have been allocated in accordance with a needs based planning approach. Specific areas were targeted to bring about some equity in the level of marriage and relationship education funds available per number of marriages by state.

The new contractual framework with service providers, which will be implemented from 1999-2000, will move the focus away from what services do, ie. inputs, to what they achieve for their clients. This approach will, over time, ensure that funding is more transparent and distributed to organisations on the basis of demonstrable achievements for clients.

The integration of financial and service activity data, underpinned by a quality strategy will, over the next 3 years, establish a baseline for benchmarking programme performance. This will include basic administrative costs, weighted for factors such as different service types, rural versus metropolitan locations, target client demographics and the additional information and infrastructure provided by funded organisations.

Preliminary statistical information on client outcomes, service delivery and funding will be available at the end of the first 12 months and a summary of this information will be published in the Department's Annual Report. This information will assist the Government in its assessment of the performance of organisations. Organisations will be benchmarked nationally, and if they are unable to demonstrate their capacity to perform against the specified criteria, will not be recontracted. In this case, the funds would be retendered.

The new approach will be enhanced by the improved data collection system - FAMnet. More appropriate information will be collected on clients attending services and on services provided. This information, together with national census data and other relevant databases, will be used to assist in the equitable allocation of resources. Measures of expressed need (or demand), along with other demographic and social indicators (including ethnicity indicators) will be used to identify gaps in service delivery and target areas. Service catchment areas, based on groups of statistical local areas, will be constructed.

Work on a national family strategy will also give priority to funding issues.

Recommendation 6: The Committee reiterates its recommendation that funding pursuant to the Family Relationships Services Program clearly delineate between programs of prevention (such as marriage and relationship education and family skills training) and programs of therapy, counselling and mediation.

See responses to recommendations 2 and 5.

Recommendation 7: The Committee recommends that the proposed Marriage, Relationships and Parenting Council, in conjunction with other bodies in the field, including MEAA, and CSME, continue to develop materials for the promotion of preventive programs to targeted groups, such as those entering relationships, and those having a first child.

Secondly, as outlined elsewhere, the Committee recommends that the Council examine the means of promoting relationships education in schools.

The Government supports the involvement of organisations in the family relationships field in the development of promotional materials. Many FRSP organisations are involved in developing materials and ways to promote their services. The involvement in the production of these materials by bodies such as the Marriage Educators Association of Australia (MEAA) and the Catholic Society for Marriage Education (CSME) also plays a valuable part in promoting this service. The Government will consult with these and other groups in the development of promotional materials in the future.

The recent Relate campaign, which was launched in February this year, has involved a wide range of educators. It was based on research commissioned by the Attorney-General's Department in 1997 to identify levels of awareness of marriage and relationship education services and what they provide; attitudes towards the role of marriage and relationship education services; and barriers to people accessing marriage and relationship education services. The Government supports the Committee's recommendation for the promotion of preventive programmes to targeted groups, such as those entering relationships and those having a first child.

The Commonwealth strongly supports the promotion of relationship education in schools and many FRSP service providers are already working with local schools. Work on a national family strategy will address ways to promote relationship education in schools.

Recommendation 8: The Committee recommends that existing agencies and organisations that have an established record of providing marriage and relationship education be approved as funded agencies.

The Government supports the work of voluntary community-based organisations in providing marriage and relationship services, and will look at strengthening their role as a matter of priority.

Recommendation 9: The Committee recommends that the maximum period for notification of an intention to marry be extended by law to eighteen months.

The Government supports this measure to assist in increasing the number of participants in marriage education, and will look to introduce the necessary legislative changes.

Recommendation 10: The Committee recommends that the funding of marriage and relationship education be based primarily on service delivery.

The Government supports the Committee's recommendation that the funding of marriage and relationship education be based primarily on service delivery. Although under new contracting arrangements, the FRSP is also moving towards funding on the basis of service outcomes. The Government will review the effectiveness of this new form of contracting after the first year and thereafter as necessary.

In line with the Commonwealth drive for best practice financial and performance management, the emphasis of the FRSP will no longer be on measuring inputs. The programme will measure outcomes and outputs and assess their contribution to outcomes for clients.

The FAMQIS project reflects the serious commitment of the Government to developing a comprehensive funding basis for the programme in close consultation with service providers. As part of the increased emphasis on accountability the FRSP will be moving away from the provision of funds under a simple grants model from July 1999 and will be moving towards a performance/outcomes approach whereby organisations will be contracted to deliver outputs and outcomes and will be accountable for achieving those outcomes.

The Government will produce an annual report that provides the details of: funding to each organisation; outcomes and outputs achieved; the number of clients educated (whether as couples or in groups); the number of courses; the number of course and participant hours; together with any special factors, such as the delivery of programmes in remote locations or to special groups, by the organisation.

See also response to recommendation 14.

Recommendation 11: After considering the research evidence, and analysing the surveys, the Committee recommends that in order to receive Commonwealth funding, a course or program must be a minimum of six hours duration.

The Government supports the use of minimum criteria for quality service provision. Clearly, it is important that practice is based on the approaches known to be more effective. The Government will fund in 1999-2000 a project to examine the evidence of the effectiveness of particular approaches to relationship education. The results of this project will be considered in the context of the national family strategy.

Recommendation 12: The Committee recommends that both PREPARE-ENRICH Australia and FOCCUS Australia be funded as marriage and relationship agencies, and provided with a base grant.

Recommendation 13: The Committee recommends that both national bodies establish by the end of June 1999, when it is proposed that the new arrangements begin, continuing education requirements and minimum standards for accredited facilitators of the inventories.

In keeping with the general practice and directions in funding programmes, the FRSP generally provides funding for the provision of direct services and achievement of outcomes. Organisations may use some of these funds to purchase products and educational materials necessary to service provision.

As PREPARE-ENRICH and FOCCUS are not, of themselves, service delivery agencies it is not considered appropriate for the Government to fund them directly rather than for them to receive funding on a user pays basis. Organisations funded through the FRSP to provide marriage and relationship education use a range of products and educational materials including PREPARE-ENRICH and FOCCUS and should be able to contribute on a user pays basis.

While the Government is moving to outcomes based funding for delivery of programmes across the board, assessment and promotion of best practice in terms of methods used by services is of interest. The Department of Family and Community Services plans to undertake a relevant research project as mentioned in the response to recommendation 11. In view of the Committee's advocacy for PREPARE-ENRICH and FOCCUS and their widespread use, these products will be covered in the project.

Recommendation 14: After examining the evidence and giving consideration to the possible combinations of funding, the Committee recommends that approved agencies and organisations be provided with an annual base grant of \$30,000 to cover basic administration costs.

FRSP organisations include a wide range of sizes and income sources. Some organisations receive funds from a range of sources, such as state governments, churches and other benefactors, while others are largely funded under the programme. The Government acknowledges that this issue is a difficult one. Issues of funding equity will be addressed as per recommendation 5.

The FRSP will use FAMnet performance analysis as the basis for negotiation of future contracts with service providers to reflect more accurately administrative and service delivery costs of delivering agreed outputs. This is intended to provide a more equitable basis for funding irrespective of the size of the organisation or type of service being provided.

Family relationships service providers have been closely consulted throughout the FAMQIS project and have indicated that they welcome this initiative to provide a more objective and transparent basis for future contracts.

The Committee recommends that further grants to agencies and organisations be made for the delivery of services on a per participant basis.

In order to qualify for grants, the Committee recommends that agencies and organisations be required to meet the following criteria:

- **They offer education services in two of the three recognised education frameworks, namely, (1) an inventory, (2) an information-awareness program, and (3) a skills training program; and**
- **That the program be for a minimum of 6 hours duration.**

See responses to recommendations 11 and 15.

***Recommendation 15:* The Committee recommends that the service delivery component of the funding be provided by way of a complimentary voucher, made available through marriage celebrants, redeemable by booking for and attending a marriage and relationship education program conducted by an approved agency or organisation.**

The Committee recommends that the complimentary vouchers be provided to all marriage celebrants.

The Committee also recommends that the complimentary vouchers be available from family relationships services to ensure that people not currently planning to marry, such as those in de facto relationships, have access to the marriage and relationship education services.

The Committee recommends that marriage celebrants be required to give a complimentary voucher to each couple who approaches him or her to officiate at their wedding.

The Government is strongly committed to promoting access by couples to pre-marriage education and other relationship courses for those not currently planning to marry. Since this Report was released, it has initiated a number of strategies to address this issue.

Work has been undertaken directly with celebrants to identify and address issues affecting them and the delivery of civil marriage services. In April 1997 the Attorney-General approved an extensive consultation process to be undertaken by his Department. A discussion paper was developed after extensive consultation with civil marriage celebrant organisations and other stakeholders to promote discussion on issues relevant to celebrants and their clients

and invite feedback and suggestions on the development of a more effective framework for the programme. Over 700 responses were received to the discussion paper.

Following on from this, a national conference for civil marriage celebrants was held in Melbourne on 15-16 July 1998. A major focus of the two-day conference was how the links between the FRSP and marriage celebrants can be increased.

An important aspect of the Relate campaign was to work with civil marriage celebrants to encourage them to refer their client couples to family relationship courses and programmes. All civil marriage celebrants have been provided with copies of a new booklet entitled *About relationships, and what you can do to make your relationships better*. As well as talking about the 3Cs of relationships (compatibility, commitment and communication), the booklet focuses on the types of courses that are available for couples at different life stages.

The Department of Family and Community Services will continue to work with the Attorney-General's Department on strategies to ensure that civil celebrants are able to provide appropriate information to marrying couples on relationship education.

The Government will further consider the Committee's proposals for funding marriage and relationship education in the development of the national family strategy.

Recommendation 16: The Committee recommends that the service delivery component of the fee be set at \$60 per participant.

The level of fees is determined by the service providers themselves and is not prescribed by the Government, consistent with many other government subsidised programmes. Many organisations use a means test to determine appropriate fee charges for clients. The FRSP Guidelines currently state that the fee charged must not be a barrier to the use of the service and should reflect the ability of the parties to pay. The Guidelines also state that no one should ever be turned away or refused services because of their inability to pay.

It is envisaged that over time, FAMnet will provide a fuller picture of fee income and service delivery. Such information will be used to inform policy decisions regarding spread of funding and levels of adequacy of service delivery. FAMnet will be rolled out from 1 July 1999 and data sets will become available after June 2000.

See also the response to recommendation 15.

Recommendation 17: The Committee recommends that the new funding system be implemented from the beginning of the 1999-2000 financial year.

The Committee recommends that funding for marriage and relationship education agencies be increased by \$1.6 million for the 1999-2000 financial year.

The Committee recommends that new contracts with agencies not be entered into until the new system of funding is implemented. In order to enable this to occur, existing contracts should be extended by a period of up to 12 months.

In the 1999-2000 Budget the Government announced an additional \$2 million per annum over three years for relationship education from 1999-2000.

The new contracts with service providers from 1999-2000 will begin the process of establishing national benchmarks. Contract schedules will be renegotiated annually within the three year contract period. In the context of the Government's national families strategy future funding will become dependent on services achieving outcomes for clients, not just on delivering a service.

Recommendation 18: The Committee recommends the following training for marriage and relationship educators in funded agencies:

- All educators working for funded agencies should have reached the national competency standards by the end of the 1998-99 financial year;
- As from 1 July 1999, all new educators working in funded agencies must attain the national competency standards within 6 months of commencing to work for the agency (unless they have previously attained the standards); and
- All educators should complete a minimum of 50 hours practice each year to maintain their accreditation. The 50 hours can include up to 15 hours of in-service training.

Recommendation 19: The Committee recommends that for educators outside the metropolitan areas, the current requirement be 25 hours, including up to 10 hours in-service training. This provision should be reviewed after three years.

The Committee further recommends that a grant be provided to the Marriage Educators Association of Australia to conduct a series of training programs in 1998-99 to assist individuals and agencies to reach the national competency standards.

The Committee also recommends that MEAA develop an accreditation for marriage educators, based on the national competency standards. Such accreditation would satisfy an agency that an educator had attained the national standards.

The Government supports the use of national competency standards in the marriage and relationship education field as the basis of the appropriate qualification for educators, and will, as a matter of priority, incorporate relevant industry standards into FRSP approval requirements when work on these standards has been completed.

In addition, to address concerns about the absence of suitably qualified people in certain localities or working with certain target groups such as Indigenous Australians or people from culturally and linguistically diverse backgrounds, an exceptional circumstances category is included in the new FRSP approval requirements. This aims to ensure that the appointment of a person without an appropriate degree, diploma or other qualification can be justified on the grounds that:

- the person demonstrates a level of competence appropriate to the commencement of the role in an assessment by the organisation; and
- the appointee is
 - a) required to work in a remote area or with a target group where the availability of tertiary qualified staff is highly limited; or
 - b) a person who (whether currently a practitioner or not) has worked as a practitioner for not less than twelve months within the last three years in a family relationship services role similar to that of the appointment.

Proposals to conduct training programmes to assist individuals and agencies to reach national competency standards will be considered by the FRSP's Quality Management Group when the standards have been registered with the relevant Industry Training Advisory Board.

Recommendation 20: Given the importance attached to the continued publication of the magazine by marriage and relationship educators, the quality of the publication, and the developing nature of the field, the Committee recommends that the Commonwealth grant towards the publication of *Threshold* be continued by the Attorney-General's Department.

The Government supports this recommendation. A further grant of \$10,000 has been made to *Threshold* while a national strategy for marriage and relationship education is being developed.

Recommendation 21: The Committee recommends that advertising material available through the Attorney-General's Department and the proposed training courses alert civil celebrants to the range of secular programs available.

Recommendation 22: The Committee recommends that the proposed Marriage, Relationships and Parenting Council work towards establishing greater links between secular agencies and civil celebrants.

The Government supports these recommendations and work is already under way. The aims of the National Conference for Civil Marriage Celebrants, which was held on 15-16 July 1998, were to enhance the professional development of civil marriage celebrants; to report on progress with the review; and increase their knowledge of other professional family services available and their commitment to making referrals to those services.

Civil marriage celebrants were identified as an important target group within the overall development of a community awareness strategy for marriage and relationship education. As part of the Relate campaign, all civil marriage celebrants have been supplied with copies of a booklet which provides tips for a good relationship and focuses on the types of courses that are available to suit the different life stages.

The Committee's recommendations will be referred to the new Marriage and Family Council for further work on their implementation.

Recommendation 23: As part of that program, the Committee recommends that civil celebrants must undertake a course of training about marriage and relationships prior to obtaining registration. Existing celebrants must also undertake such a course within the next two years.

Recommendation 24: The Committee reiterates the Donovan Research report recommendation that service providers in the relationships education field provide training programs for civil marriage celebrants.

The Government supports these recommendations in principle. Civil celebrants should receive training to develop their knowledge of the availability of benefits of marriage education. Work on a national family strategy will include development of a clear plan for the training of current and future celebrants through consultation with relevant organisations. The Attorney-General's Department is currently undertaking a broad review of the Civil Marriage Celebrant Programme.

Recommendation 25: The Committee recommends that the proposed Marriage and Relationships and Parenting Council investigate ways of ensuring that adequate safeguards are put in place so that the potential conflict of interest between the dual roles of celebrant and educator can be avoided.

Subject to such safeguards being established, the Committee recommends that departmental regulations be changed so that civil celebrants who are also accredited marriage and relationship educators may perform the dual roles of providing marriage education and officiating at the wedding ceremony of marrying couples.

This recommendation will be considered as part of the review of civil marriage celebrants.

Recommendation 26: The Committee recommends that the Attorney-General report to Parliament in three years time on the developments that have occurred in family law in the United States, particularly in the implementation of covenant marriage and the provision of pre-marriage education.

The Attorney-General's Department and the Department of Family and Community Services monitor overseas developments in family, marriage and relationship policy and services on an ongoing basis. The Minister for Family and Community Services will report to Parliament in 2001 on the provision of pre-marriage education in the United States, the United Kingdom and other countries.

Recommendation 27: The Committee recommends that a fund for innovative and exceptional circumstances projects in marriage and relationship education be established by the Attorney-General's Department.

The Government supports this recommendation and will consider it as part of the national family strategy. Some innovative projects are already being conducted within the FRSP including:

- Indigenous relationships support initiative;
- young women's relationship support initiative;
- diversity projects;
- violence research and intervention projects;
- men and family relationships support initiative; and
- distance education project.

Recommendation 28: The Committee recommends that a funding scheme comprising base grants and a service delivery component be established for each of the other sub-programs under the Office of Legal Aid and Family Services.

See response to recommendations 14 and 15.

The Committee recommends that the Attorney-General's Department report to the Parliament each year full details of all funding to agencies for each of the Family Relationships Services sub-programs. The report should include details similar to that set out in the survey of marriage and relationship education contained in appendices to this report.

Consolidated statistics are published annually for each of the service types under the FRSP. The new FRSP contracts will allow more detailed reporting than has been available in the past. Funds provided to each organisation together with performance information will be included in future departmental annual reports.

The Committee recommends that the Australian National Audit Office undertake a financial and performance audit of the Family Relationships Services Program in two years time.

An audit of the FRSP (including its financial arrangements) has been included in the proposed Australian National Audit Office (ANAO) audit programme for 1999-2000. The Minister has written to the Auditor-General drawing his attention to key areas for review.

Recommendation 29: The Committee recommends that the Attorney-General's Department disregard the evaluation report as incomplete and lacking in the necessary rigour.

Recommendation 30: Further, the Committee recommends that similar evaluations not be undertaken in future.

The Government notes the Committee's views on the Keys Young evaluation. The report of the evaluation of marriage and relationship services, which was completed by Keys Young in December 1997, contains some useful information and assessments which have been considered in conjunction with other research recently conducted within the FRSP. It is a requirement of all funding programmes that external evaluations are conducted periodically to assess a programme's effectiveness, efficiency and appropriateness.

Recommendation 31: The Committee recommends the need for a national agenda for family based research.

The Government supports this recommendation.

The Department is developing a family policy and research framework as part of its larger policy and research agenda. It is also promoting the cooperation of research bodies that receive government funding, such as the Australian Institute of Family Studies (AIFS), the Social Policy Research Centre, Australian Housing and Urban Research Institute, the Australian Institute of Health and Welfare and the Centre for Aboriginal Economic Policy Research. A meeting of the directors of these research bodies will be held in mid 1999 to discuss strategies for a more integrated approach to social policy research, particularly issues relating to family and preventive approaches.

The national strategy for strengthening and supporting families will identify key research priorities for government funded organisations including the AIFS.

Recommendation 32: The Committee recommends that the Australian Institute of Family Studies undertake longitudinal studies into the effects of parenting education on marriage and relationship stability.

The Government supports this recommendation. The Government acknowledges that longitudinal studies are required to analyse the dynamic processes involved in complex social phenomena, including marital and family stability. Evaluating the effectiveness of parenting education over time is important and will be included in the national families strategy. The Department of Family and Community Services will discuss with the AIFS the best way of achieving this.

Recommendation 33: The Committee recommends that the proposed Marriage, Relationships and Parenting Council undertake two tasks in relation to family skills education.

The Marriage, Relationships and Parenting Council should promote the activities of parenting education by encouraging the sharing of resources and promoting the professional development of family skills educators. It should take an active role in working towards the development of standards, procedures and quality assurance mechanisms to assist the whole sector of family skills training.

In accordance with the recommendations in Chapter 11, the Marriage, Relationships and Parenting Council's priority areas should relate to three life transition events: becoming married; the birth of the first child; and separation.

In relation to the second of these events, the birth of the first child, the Committee recommends that the Marriage, Relationships and Parenting Council explore programs of education and skills training that are developed in conjunction with ante-natal classes.

The Government supports moves to continually improve quality in family relationship and parenting services. This is a key goal of the Family and Community Services portfolio. Within the FRSP the existing industry bodies (Family Services Australia, Centacare Australia and Relationships Australia) are playing a key role as part of the broader strategy to improve quality across this programme, including family skills training.

As mentioned in recommendation 4, the Government strongly supports moves to focus assistance on key life transition events.

Several FRSP organisations that provide marriage and relationship education are currently working with parents following, and prior to, the birth of their first child to assist them to develop and maintain their relationship skills at this sometimes difficult transitional period in their lives. Also, as part of the Men's Family Relationships initiative, some organisations are working with ante-natal groups to provide parents with relationship support skills. First-time parents were targeted as part of the Relate community awareness campaign, and it is anticipated that this will result in an increased demand for this type of service. The further development of programmes that could be run in conjunction with ante-natal classes will be explored with service providers.

Recommendation 34: The Committee recommends that the proposed Marriage, Relationships and Parenting Council undertake a study of developments in school-based programs in relationship and family skills education. As a result of this study, the Council should make appropriate recommendations to Government.

The Commonwealth Government supports this issue and undertakes to raise it with State and Territory Governments, given their primary responsibility for curriculum issues within their school systems.

Human relationships and structures are included in the Studies of Society and Environment Curriculum Statements and Profiles that were developed collaboratively by the Commonwealth, States and Territories. Within these statements and profiles individual school systems may be implementing a range of initiatives concerning relationships and family skills education. Any consideration of new curriculum materials needs to be considered in light of existing activities that school systems may be undertaking and concerns within school systems about the overcrowded curriculum. The issue of teacher professional development would also need to be addressed.

Recommendation 35: The Committee recommends that funding of marriage counselling should be based primarily on service delivery.

Recommendation 36: The Committee recommends that the Attorney-General's Department, in consultation with the field, implement a new system of funding, based on transparent service delivery.

See response to recommendation 10.

Recommendation 37: The Committee recommends that the new contracts with agencies not be entered into until the new system of funding is implemented. In order to enable the new arrangements to be put into place the Committee recommends further that existing contracts with service providers be extended for a period of up to twelve months.

The new contracts with service providers from 1999-2000 will begin the process of establishing national benchmarks. Contract schedules will be renegotiated annually within the three year contract period. In the context of the Government's new national framework to strengthen and support families, future funding will become dependent on services achieving outcomes for clients, not just on delivering a service.

Recommendation 38: The Committee recommends that the Family Relationships Counselling Sub-Program receive an increase in funding of 10 per cent beginning in the 1999-2000 financial year.

The Government has announced in the 1999-2000 Budget an additional \$13 million over three years to increase the availability of services in counselling, mediation and dispute resolution for families. Any additional resources will be considered in the context of the national families strategy.

Recommendation 39: The Committee recommends that prevention and education should be clearly distinguished from counselling and therapy in policy and funding initiatives.

See response to recommendation 2.

Recommendation 40: The Committee recommends that the Family Court of Australia rename its conciliation counselling services as separation counselling services in order to avoid confusion with the reconciliation counselling services offered by marriage and relationship counselling agencies.

The Government will further consider the recommendation to amend the Family Law Act in conjunction with the development of the proposal to redistribute primary dispute resolution services between the Court, community organisations and private service providers.

In the meantime, the Family Court is considering renaming its counselling and mediation services and restructuring them as dispute resolution services.

The Committee reiterates the recommendation of the Joint Select Committee on Certain Family Law Issues that the Family Law Act 1975 be amended to remove the statutory obligation on the Family Court to provide reconciliation counselling.

The Government will further consider the recommendation to amend the Family Law Act in conjunction with the development of the proposal to redistribute primary dispute resolution services between the Court, community organisations and private service providers.

Recommendation 41: The Committee recommends that primary dispute resolution services remain a part of the Family Court.

In September 1997 the Attorney-General's Department released a discussion paper about possible reform to the delivery of federally-funded primary dispute resolution services in family law. The paper explored the possibility of moving to a system in which there is a new emphasis on counselling and mediation services in a community rather than a court environment. The paper invited submissions on possible changes to the management and delivery of these services, including the potential for a much greater role for the community sector.

A further paper was released in July 1998 setting out the issues identified from responses to the discussion paper and outlining further action the Government proposes to take as a result.

The Government notes the Committee's views. However, the Government does not accept that all primary dispute resolution services should necessarily remain part of the Family Court. Any Government decisions in this area will be based on the premise that clients who do not require judicial services should be encouraged to use community services rather than Family Court services.

Recommendation 42: The Committee recommends that the accreditation regulations for mediators be suspended pending a full inquiry into their operation and effect.

The Committee further recommends that a competency-based accreditation system be implemented.

The Attorney-General is currently considering advice from the National Alternative Dispute Resolution Advisory Council (NADRAC) on Part 5 of the Family Law Act Regulations, which lays down a regulatory framework for the provision of primary dispute resolution under the Family Law Act. NADRAC's report contains a number of recommendations for change to the regulations of family and child mediation.

The current mediation regulations outline the qualifications and experience required for community and private mediators, but exclude reference to those required by Court approved mediators. The Court has, as a matter of policy, accepted as the minimum standard the conditions set out in the regulations relating to the education, qualifications, training and experience of family and child mediators.

Recommendation 43: The Committee recommends that the Government continue to support a range of mediation programs within both the Family Court and the community sector.

See response to recommendation 41.

Recommendation 44: The Committee recommends that cases involving domestic violence continue to be excluded from the mediation process until the appropriateness of mediating in cases involving violence can be further reviewed.

The Government agrees that the issue of violence in mediation cases is very important. It has been extensively reviewed in recent years in the FRSP. The Attorney-General's Department commissioned research/evaluation in 1995/96 to examine the extent to which violence was presenting to mediation services, service responses and client experiences. Following this research, the Department contracted the Domestic Violence and Incest Resource Centre (Victoria) to provide wide-ranging training in violence issues for mediation services contracted under the FRSP. This issue is constantly under review within the programme to ensure good practice, with all services continuing to review and update their policies and practices, and providing appropriate staff training.

Additionally, the Family Law Regulations outline the careful assessment of mediation suitability which mediators must undertake. Regulation 62 of the Family Law Act states that 'before providing mediation under the Act, the community mediator or private mediator to whom a dispute is referred must conduct an assessment of the parties to the dispute to determine whether mediation is appropriate. In determining whether mediation is appropriate, the mediator must take into account whether the ability of any party to negotiate freely in the dispute is affected by: a history of family violence; the likely safety of the parties; the equality of bargaining power among the parties; the risk that a child may suffer abuse; the emotional, psychological and physical health of the parties; and any other matter that the mediator considers relevant to the proposed mediation.' The mediator must determine, after consideration of these matters, whether mediation is appropriate.

Recommendation 45: Given the relatively recent implementation of mediation services, and the concerns expressed in evidence to the inquiry, the Committee also recommends that the Government continue to monitor mediation services used in the divorce process.

To this end, the Committee recommends that the Attorney-General report to Parliament within two years on the use and effectiveness of mediation as a method of primary dispute resolution.

The Government supports the recommendation to continue to monitor mediation services.

It is important to assess periodically the effectiveness, efficiency and appropriateness of government programmes. Several studies have already been conducted that indicate high levels of satisfaction with both the process and outcomes of mediation. FRSP and Family Court mediation services in Melbourne and Sydney were comprehensively evaluated with the reports released in January 1995 and July 1996 respectively.

Recommendation 46: The Committee recommends that the Family Court use its information sessions, parenting programs and counselling services to educate couples about the complexities involved in remarriage and the value in undertaking further relationships education and training. The Committee is not suggesting that the Family Court undertake this training, but rather that it be seriously involved in referring couples to appropriate marriage and relationship education services available in the community.

The Government supports this recommendation and will raise it in discussions with the Family Court of Australia.

The Court has indicated that, provided that it is not required to commit its resources to educating couples about re-marriage, it agrees with this recommendation. At little cost the Court would be able to include statements about the value of relationship counselling in its information sessions and in its literature for clients. It would also be able to endorse the referral of couples for marriage and relationship education through its policies.

Recommendation 47: As more community based agencies become involved in divorce counselling and mediation, the Committee recommends that these agencies also encourage couples to participate in further relationships training and programs aimed at teaching skills to cope with step parenting, blended families and other issues associated with remarriage.

The Government supports this recommendation.

Services funded through the FRSP are designed to be available to assist people at significant stages of their relationships such as pre-marriage, during marriage, with children, at separation, remarriage and with major changes and crisis events.

The transfer of the FRSP into the new Department of Family and Community Services will enable the Government to provide a more holistic approach to the provision of family relationship services and will encourage a greater emphasis on responding to client needs, rather than fitting clients into existing service models.

Recommendation 48: The Committee recommends that the current structure be replaced with two peak bodies to represent the two distinctive types of services offered within the Family Relationships Services Program.

One peak body would be set up and funded to represent the interests of intervention programs such as marriage counselling and mediation and the other peak body would be funded to represent prevention programs such as marriage and relationship education and family skills education.

The Government agrees that effective representation of prevention and early intervention services is needed.

As part of the development of the national family strategy to strengthen and support families, the Government will examine how best to ensure this, taking into account the Committee's recommendation.

Recommendation 49: The Committee recommends that the Family Services Council be abolished and its advisory functions be appropriately distributed between the new councils, the Family Law Council and NADRAC. The funding currently allocated to the Family Services Council (currently \$150,000 per annum) should be redirected to the peak body structure to provide further support and professional development for educators, counsellors, therapists and mediators.

Recommendation 50: The Committee recommends that annual grant in the order of \$200,000 be made available to each of the two councils, the Marriage, Relationships and Parenting Council, and the Counselling and Mediation Council to undertake their roles.

Recommendation 51: The Committee recommends that the new structure be implemented from the beginning of the 1999-2000 financial year.

It further recommends that the funding be provided to the new councils for an initial period of five years.

Recommendation 52: The Committee recommends that the new councils take an active role in providing support services for educators and therapists working in non-funded agencies in the field.

A new Marriage and Family Council will be established from July 1999 to oversee the development work in marriage and relationship education as part of the national family strategy. This Council will advise on better approaches to enhancing marriages and relationships. It will build on the work of the Family Services Council whose term will expire on 30 June 1999, particularly focusing on improving the effectiveness of relationship education, and considering risk factors and targeting of the services. The new Council's term will be until December 2000.

The future role of advisory councils will be taken up in the context of the national families strategy.

Recommendation 53: The Committee recommends that the Australian Research Council assist in raising the profile of family and relationship studies by having a research sub-category pertaining to the study of marriage and family within the more general category of the social sciences.

The Government agrees with the Committee that the profile of family and relationship studies should be raised. Australian Research Council (ARC) funding programmes have supported and continue to support research in the area of family welfare. As outlined in the Council's submission to the Standing Committee, support for family welfare research is encompassed under the broad areas of social sciences and humanities, and applications for research grants are assessed in ARC grants rounds accordingly. In practical terms each applicant is able to nominate the specific area of their research proposal through the use of category codes and Field of Research Classification codes developed by the ARC and the Australian Bureau of Statistics respectively. It is on the basis of these subcategories that applications are allocated to appropriate members of the Council's various programme committees and subsequently, in the case of some programmes, to assessors with expertise in the relevant area.

The Council's primary criterion for funding support is research excellence. The Council is currently considering the role of the interplay between excellence and priority in making funding decisions between different research areas and activities.

Recommendation 54: The Committee recommends that the Australian Institute of Family Studies be relocated within the Attorney-General's Department to enable it to focus more closely on the terms of its original charter as set out in Part XIVA of the Family Law Act 1975.

The Government supports the Committee's recommendation that the AIFS focus more strongly on its original charter.

The AIFS now reports to the Minister for Family and Community Services, and can provide valuable information on family functioning, research and data analysis as part of the broader family services context. With the creation of the new Family and Community Services portfolio, the Institute is now co-located with the Commonwealth's key programmes for families.

The Institute has a new research agenda consistent with Government policy directions. The national framework for strengthening and supporting families will identify key research priorities.

Recommendation 55: The Committee recommends that the Australian Institute of Family Studies, the proposed Marriage Relationships and Parenting Council and the proposed Counselling and Mediation Council be required to report annually on their activities to this Committee.

Arrangements will be made for the annual reports of the AIFS, FRSP industry representative bodies and the new Marriage and Family Council to be made available to the Committee.

Background on the Family Relationships Services Programme

The Family Relationships Services Programme (FRSP) has developed from a modest commitment to marriage guidance in 1961 of £49,500 to a \$37.5 million commitment in 1998, for the provision of relationship education, counselling and family mediation services delivered by community based organisations. The different service types offered through the programme target the formation and maintenance of marriage relationships, and where necessary, separation and re-formation stages of the relationship life cycle.

Over the years the FRSP has changed to meet the changing needs of Australian families. This has included improved targeting to the needs of particular client groups, such as people from diverse cultural backgrounds, and under-serviced regions through needs-based planning.

As with most other government programmes established for some time, the funding framework for this programme historically has been the grants model. Under this model, early grants were provided for specified service activity usually in response to submissions, and there were no direct incentives for service providers to achieve outcomes for clients or to improve quality. Many of the administrative issues identified by the Committee are a product of this approach. The Government agrees with the Committee that the history of the programme has resulted in significant funding variations between organisations.

In line with the government-wide movement away from the funding of inputs towards the funding of outputs and outcomes, the Family Relationships Branch in the Department of Family and Community Services, has been working with the family relationship sector for the last two years to develop a new quality strategy, a new accountability framework which focuses on outcomes for clients and a new internet based information system (FAMnet). This project, known as FAMQIS, is moving the programme on to a new contractual basis that will provide rigour in reporting on performance and more flexibility in meeting client needs.

The Government has determined that the issue of funding levels will be addressed in the context of the next contract round, due within three years, by which time it is expected that FAMnet will be providing substantive information.

Many of the Committee's recommendations on programme management issues are being addressed through this work.