

CHAPTER SIXTEEN: THE CHILD SUPPORT SCHEME

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Introduction

16.1 Although the Committee's terms of reference did not specify an evaluation of the Child Support Scheme the Committee received so many submissions, letters and telephone calls on the scheme that it felt it was incumbent on it to make a comment. In addition, all Committee members have had numerous representations from constituents protesting about the operation of the scheme. Criticisms were of two kinds, those directed at the Child Support Agency itself, and those which criticised the operation of the scheme, in particular the formula applied to assess a non-custodial parent's liability for child support.

16.2 Child support is an integral part of the family law system - it is a factor to be considered in deciding a property dispute and the amount of income and assets a non-custodial parent is left with can determine to some degree the extent and quality of any continuing relationship with the child/ren. The Committee emphasises its support for the scheme and the principles underlying it. However, it is obvious that some fine tuning is needed to avoid the hardship that is currently being experienced by many non-custodial parents and, where re-marriage has taken place, their new spouses.

The legislation

16.3 Division 6 of the *Family Law Act 1975* provides for the maintenance of children. It states:

66A(1) [Principal object of division] The principal object of this division is to ensure that children receive a proper level of financial support from their parents.

66A(2) [Particular objects] Particular objects of this Division include ensuring:

- (a) that children have their proper needs met from reasonable and adequate shares in the income, earning capacity, property and financial resources of both of their parents; and
- (b) that parents share equitably in the support of their children.

16.4 Section 114 of the *Child Support (Assessment) Act* makes a similar statement.

16.5 The Committee's major concern is that both parents may not now be sharing equitably in the support of their children, that the custodial parent very often is seen to be faring very well under the new scheme at the expense of the non-custodial parent, who appears to be becoming impoverished. The formula appears to be too inflexible and not capable of enabling relevant expenditure such as existing mortgage payments, school fees and utilities payments to be taken into consideration. The Committee also has concerns about the operation of the Agency itself and points to the recent report of the Commonwealth Ombudsman, which considering the client base of the Agency had the largest proportion of complaints and the third largest in terms of absolute numbers.

Events leading up to the introduction of the Child Support Scheme

16.6 Prior to the introduction of the Child Support Scheme the issue of child maintenance payments had been a problem in matrimonial proceedings. The level of maintenance orders which were made were generally modest and in fact very low. The compliance with maintenance orders was very poor and there was a resulting lowering of the standard of living of children of separated parents. The Australian Institute of Family Studies conducted an investigation on the economic consequences of marriage breakdown and published its findings in the report **Settling Up**.¹ The report stated:

Amounts of child support which are inadequate or barely adequate at the time of separation will of course also be eroded by inflation over time. In addition, children are increasingly more expensive to maintain as they get older (Lovering, 1984). These two factors, increasing financial erosion of payments with time, combined with increasing financial costs, add up to a picture in many cases of negligible continuing support from the non-custodial parent.²

1 Australian Institute of Family Studies, **Settling Up: Property and Income Distribution on Divorce in Australia**, 1986

2 *ibid*, p 262

16.7 In 1986 the Family Court addressed the problem of the payment of maintenance in the decision of **Mee v Ferguson** (1986) FLC 91-716. In that case the court considered the respective responsibilities of parents in relation to the maintenance of children and established that the primary responsibility for the payment of maintenance for children is the responsibility of both parents of the child. The court held that the financial needs of a child will vary with the circumstances of the individual case, taking into account the age and sex of the child, the relevant standard of living and any special factors applicable in that case. The court also stated that in relation to the liability of parents to make maintenance payments the question should be approached by considering the financial needs of the particular child, the extent to which the child has financial resources to meet those needs and a comparison of the respective financial circumstances of the parties to meet the needs of the child. The case reaffirmed the priority that parents have a duty to provide for their children at an appropriate level.

16.8 In 1987 the *Family Law Act 1975* was amended to essentially incorporate the approach of the Family Court in **Mee v Ferguson** and the principles of that case are reflected in Division 6 of Part 7 of the Act. Section 66D of the Act provides that the parents of a child have the primary duty to maintain the child. Under the Act, the inquiries to be made in relation to determining child maintenance are a calculation of the needs of the child, the appropriate apportionment of those needs between the natural parents. In assessing the level of child maintenance necessary expenses incurred by a parent to support themselves or others to whom they have a legal duty are to be taken into account.

The Child Support Scheme

16.9 The Child Support Scheme was introduced in June 1988, its stated aim being to ensure that children of separated parents received adequate financial support from both parents.³ Two pieces of legislation govern the scheme - the *Child Support (Registration and Collection) Act 1988* and the *Child Support (Assessment) Act 1989*. The Scheme was introduced in two stages - Stage 1, governed by the *Child Support (Registration and Collection) Act 1988*, involved the establishment of the Child Support Agency (CSA) in the Australian Taxation Office to collect child support and spouse maintenance. Anyone with a court order or registered agreement is able to apply under Stage 1 to the CSA to collect the payments through the CSA for distribution through the Department of Social Security to the custodial parents. Stage 2, governed by the *Child Support (Registration and Collection) Act 1988*, applies only in the case of children whose parents separated on or after 1 October 1989, or who were born on or after that date and siblings of such children. Stage 2 came into effect on 1 October 1989 and involves:

- 16.9.1 the transfer from the courts to the Child Support Agency of responsibility for setting the level of child support. The CSA

3 Department of Social Security, *Annual Report 1989-90*, AGPS, p 68

assesses the amount payable according to a formula based on both parents' income and the number of children to be supported by each;

- 16.9.2 for people with voluntary agreements on the form and amount of maintenance, the ability to register those agreements with the Child Support Agency instead of with a court;
- 16.9.3 the ability to appeal to a court under the *Family Law Act* for an order to depart from an administrative assessment of the Child Support Agency.

16.10 Courts can no longer make orders or register agreements for the provision of maintenance under the *Family Law Act* where Stage 2 of the Child Support Act applies. Where a voluntary agreement is registered, those custodial parents who are sole parent pensioners, the level of child support agreed must be at least 90 per cent of the amount which would have been paid had the formula been applied.

16.11 The *Child Support Legislation Amendment Act* which came into effect in April 1992 amended the child support legislation in several ways, the most important of which being the establishment of an administrative review process, available to either the custodial or non-custodial parent. Previously, in order to obtain a review of an assessment by the CSA it was necessary to take the matter to the Family Court. The Amendment Act provided for independent administrative review, free of charge and with no requirement for legal representation. However, grounds for administrative review remained the same as for review by the Family Court. These are contained in s117(2) of the *Child Support (Assessment) Act* and relate to the special circumstances of a case. The section reads as follows:

117(2) For the purposes of subparagraph (1)(b)(i), the grounds for departure are as follows:

- (a) that, in the special circumstances of the case, the capacity of either parent to provide financial support for the child is significantly reduced because of:
 - (i) the duty of the parent to maintain any other child or another person; or
 - (ii) special needs of any other child or another person that the parent has a duty to maintain; or
 - (iii) commitments of the parent necessary to enable the parent to support:
 - (A) himself or herself; or
 - (B) any other child or another person that the parent has a duty to maintain;

- (b) *that, in the special circumstances of the case, the costs of maintaining the child are significantly affected:*
 - (i) *because of:*
 - (A) *high costs involved in enabling a parent access to the child; or*
 - (B) *special needs of the child; or*
 - (kk) *because the child is being cared for, educated or trained in the manner that was expected by his or her parents;*
- (c) *that, in the special circumstances of the case, application in relation to the child of the provisions of this Act relating to administrative assessment of child support would result in an unjust and inequitable determination of the level of financial support to be provided by the liable parent for the child because of:*
 - (i) *the income, earning capacity, property and financial resources of either parent or the child; or*
 - (ii) *any payments, and any transfer or settlement of property, previously made (whether under this Act, the **Family Law Act 1975** or otherwise) by the liable parent to the child, to the custodian entitled to child support or to any other person for the benefit of the child.*

16.12 Section 60 of the *Child Support (Assessment) Act* enables a non-custodial parent to 'make an election' regarding the level of taxable income if the person's income will be less than or equal to 85 per cent of the person's taxable income under the Act for the last relevant year of income. This is an administrative action and does not appear to be a ground for review, which, as can be seen from s117(2) set out above, are set down in fairly general terms. From the submissions and letters to the Committee it would appear that eligibility for review and when a person actually needs to use the formal review process is not well understood.

Child Support Evaluation Advisory Group

16.13 A Child Support Evaluation Advisory Group was established by the Minister for Social Security in September 1989 to report on the progress of the scheme. The Group's functions were to:

- 16.13.1 monitor the implementation and evaluation of the Child Support Scheme and advise the Minister for Social Security on this matter; and
- 16.13.2 to examine outcomes on adequacy and coverage of the sole pensioner population to see if there were any inequity between those who are able to use stage two of the scheme and those who can use stage one.

16.14 The report, chaired by the Hon Justice Fogarty, was tabled in Parliament on 5 March 1992. Fogarty J, in his introduction to the report, stated that while there had been significant successes with the introduction of the scheme, including an increase in the size of the average court order and an increase in the collection rate compared with the collection rate prior to the introduction of the scheme, **there were significant problems and deficiencies in the scheme** (emphasis added).⁴ Many of the problems described by Fogarty J related to operational aspects of the Child Support Agency, but two of significance were the harshness of the formula and the necessity to appeal to the courts for a review of the Agency's assessment. The Advisory Group made recommendations to include all children for whom the non-custodial parent was responsible in the formula and to establish an administrative review process of the assessments by the Agency. The Committee notes the limited recommendations for amendment of the review process, however, the Committee is concerned that significant problems remain with the child support and the operation of the Child Support Agency.

16.15 The Committee is firm in its view that responsibility for children and their support lies with the parents. Fogarty J points to the shift in public debate on child support to the point where the vast majority of people accept that it is the primary responsibility of parents to support their own children. Submissions to the Committee recognise this principle, even those highly critical of the Child Support Scheme. The responsibility for supporting children lies with both parents and the Committee's major concern is that one parent, the non-custodial parent, may be bearing a disproportionate share of the burden.

Report of the Commonwealth Ombudsman

16.16 The most recent report of the Commonwealth Ombudsman was very critical of the operations of the Child Support Agency:

The CSA may well have been the greatest single source of difficulty for my office during the year. It was not just the complaint numbers. Its administrative system seems complex, its staff appear at times not to have grasped how the law operates; and it is not as responsive to complaints, whether from me or from the public, as ought to be expected...But the number of complaints remains a prime source of concern because the client group is so much smaller than that of the other agencies with high complaint levels.⁵

16.17 The total number of complaints, written and oral, about the CSA was 1 546, of which approximately 78 per cent were finalised in favour of the complainant. The Ombudsman also expressed concern that the CSA, which ranked third in terms of

4 Report of the Child Support Evaluation Advisory Group, March 1992, p iv

5 Commonwealth and Defence Force Ombudsman, **Annual Report 1991-92**, AGPS, p 6

absolute numbers of complaints, after the Department of Social Security and Telecom, in terms of client population has a higher level of complaints than any other agency:

For example, in 1990-91, the Australian Taxation Office dealt with more than 10 million income tax returns; DSS made social security payments to over 5 million pensioners or beneficiaries; and Telecom had over 9 million customer lines in operation, including mobile phones.

In contrast, by September 1991, the CSA was dealing with only some 55,000 stage 1 and 47,000 stage 2 custodial parents who had applied for registration - a total of 204,000 clients.⁶

16.18 The extent of the complaints against the CSA can be gauged best by looking at the rate of complaints against the agency. This is represented in Table 16.1. As can be seen from the table the rate of complaints is significantly higher than those for DSS, in fact it is 10.1992 times higher. This means that the complaint rate is an order of magnitude higher for the CSA than for any other government agency.

16.19 Another factor of significance in the Ombudsman's report is the percentage of complaints resolved in favour of the complainant. Again the CSA showed the worst performance. Table 16.2 shows the percentages of complaints resolved against the CSA and those resolved against Telecom, DSS and the ATO.

16.20 The picture generated by the Ombudsman's report, together with the level of complaints forwarded directly to the Committee, give the Committee serious cause for concern over the operations of the Child Support Agency.

Comment to the inquiry

16.21 Even though child support was not a matter included in the committee's terms of reference, by the time submissions closed in November 1991, the Committee had received 198 complaints about the level of child support payable under the new scheme and 71 complaints critical of the child support agency itself. Altogether 285 complaints were received about some aspect or other of the new child support scheme. Since that time the Committee has continued to receive complaints about the CSA and the level of child support. Given that the payment of child support and maintenance issues are closely related to one another and to other issues within the family law area, the Committee was unable to ignore the grievances expressed to it on this matter.

16.22 The major complaints raised in submissions related to the high level of child support as assessed under the formula, the inability of many non-custodial parents to start a second family if they had remarried (often the second wife was working to

6 *ibid*, p 25

Table 16.1: Complainant rate 1991-92

| | Population Base | Number of Complaints | Complainant Rate (percent) (Percentage of complaints to the population base) |
|--------------------------|--|----------------------|---|
| Australian Tax Office | 10,000,000 (Number of income tax returns) | 1,176 | 0.0118 |
| Telecom | 9,000,000 (Customer lines) | 2,797 | 0.0311 |
| Dept. of Social Security | 5,000,000 (Pensioners and beneficiaries) | 3,716 | 0.0743 |
| Child Support Agency | 204,000 (Custodial and non-custodial parents) | 1,546 | 0.7578 |

Note: When measured against the next highest complainant rate (DSS), the CSA showed a rate of 10.1992 times the DSS rate.

Table 16.2: Resolution rate of complaints

| | Number of complaints investigated | Percentage resolved in favour of complainant |
|-------------------------------|-----------------------------------|--|
| Telecom | 2,784 | 59 |
| Department of Social Security | 3,731 | 63 |
| Australian Tax Office | 1,133 | 73.5 |
| Child Support Agency | 1,529 | 78 |

assist in meeting the payments to the CSA), the intense resentment on the part of non-custodial parents and their new spouses about the ability of the custodial parent to earn the yearly equivalent of average weekly earnings (AWE) plus an additional amount for each child in that parent's care, an amount which for two children is approximately \$32,000 per annum, without affecting the level of child support paid by the non-custodial parent. In essence, the submissions give the following picture:

- 16.22.1 non-custodial parents appear to be liable for the full cost of supporting their children;
- 16.22.2 the custodial parent can earn a significant income before there is a corresponding reduction in the level of child support provided by the non-custodial parent;
- 16.22.3 no account under the formula is taken of expenditure in the form of school fees, mortgage payments and other expenditure of direct benefit to the children and directly attributable to the non-custodial parent by the beneficiaries - ie it cannot be hidden or denied by the custodial parent;
- 16.22.4 significant shifts in income levels are required before the non-custodial parent can qualify for a review of the amount paid.

16.23 An anomaly was raised by a non-custodial parent in hearings in Melbourne. Mr Trevor Graham stated that while his wife was happy for him to have access for five nights out of 14, she would not agree to any increase on this time as it would have affected the level of child support payments.⁷ Under the formula a parent must have the child/ren for more than 40 per cent of the time to qualify for a reduction in child support payments. Five nights access out of 14 is not 40 per cent, but six nights is.⁸

16.24 Another serious matter raised in submissions is that people are forced to consider leaving their employment and applying for unemployment benefit or to apply for bankruptcy. Members of the Committee, through their own electorate office work, are aware of instances where this has happened. Such consequences are indicative of the need for some reassessment of the objects of the scheme and the best methods of achieving those objects. Forcing people to leave their jobs or into bankruptcy is unconscionable. The following case studies from submissions and letters are illustrative of the predicament many non-custodial parents are now finding themselves in.

7 Transcript, 22 April 1992, p 1633

8 Section 8 of the *Child Support (Assessment) Act* provides that where another person has care of the child for at least 40 per cent of the nights of the child support year the other person is to be taken to share ongoing daily care of the child equally with the custodial parent. An amendment to this Act will provide that where a person has care of a child for between 30 per cent and 40 per cent of the time there will be some consideration to the level of child support to be paid. This amendment is expected to take effect from 1 July 1993.

Case study 1

16.25 A letter from a male non-custodial parent in Western Australia is a typical case study of a man who, having accepted a very low property settlement, found that his liability for child support as assessed under the Act, left him in a very poor financial situation. Mr M had settled out of court. Out of a sum of \$65,000 he received \$13,000 as a property settlement, agreeing to an 80:20 split because he was advised by his lawyer that he would not do any better if it went to court. This amount was fully eaten up by debts he had accrued since his separation in maintaining his family and re-establishing himself in separate accommodation. However, the money he spent in continuing to meet rates, electricity and mortgage payments was not 'repaid', neither does the law make any provision for such repayment. Mr M made the following specific points:

- 16.25.1 the present CSA formula is too high and bears no relation to the actual cost of bringing up the children. In his own case he assessed his payments as being twice what the actual cost to him of supporting his children when he was living with them;
- 16.25.2 once the payments were in his ex-wife's hands, she could spend the money on whatever she wished, there being no control over the expenditure;
- 16.25.3 the present system which allows the wife to earn up to \$29,931 per annum before her earnings have any effect on the level of maintenance paid by the husband is totally immoral. A fair system would be one in which both parents contributed pro-rata in proportion to their gross incomes.

16.26 Mr M also made the following comment in the opening paragraphs of his letter:

I am still under the misconception that the purpose of the Child Support Scheme is to enable the children of a broken marriage to enjoy the life style of both parents, whereas the practical reality in my own case and for many others is that our life style has been destroyed and we have been reduced to living constantly in debt. When I discuss my present situation with colleagues the usual response is 'why don't you do what everyone else does, and get yourself sacked so that you can go on the dole?'⁹

Case study 2

16.27 The Committee received a submission from Mr Max Henry from Melbourne¹⁰ who argued that the formula, in its inherent simplicity created enormous difficulties - especially in the situation where the custodial parent is well off financially and the non-custodial parent is not. Mr Henry, like many of the people who wrote to draw attention to the present ills of the child support scheme, stated that he accepted there were 'grievous wrongs to be redressed', but that he believed that 'the pendulum has swung too far in the other direction'. One of the fundamental points made by Mr Henry was that the degree of impoverishment inflicted on non-custodial parents limited their access to their children - they could not afford to have much access to their children.

Property settlements under the *Family Law Act 1975*

16.28 A matter which also merits consideration and something to which the Family Court must turn its attention is the outcome of the property settlement. The court is required under the *Family Law Act 1975* (s75(2)(na)) to take into consideration any liability for child support which the non-custodial parent must pay or has paid. However, the extent to which this is a real consideration and the extent to which the court is aware of the realities of the child support scheme is unclear. Non-custodial parents have advised the Committee in their submissions that they received very little from their property settlement because they did not have custody of the children, and in many cases were not in a position to seek custody, and the payments assessed by the CSA then ensured that they were unable to re-establish themselves in any satisfactory way. Again, members of the Committee are aware of such situations from their electorate office work.

Conclusions

16.29 The Committee's major concern is that in many cases the non-custodial parent is bearing a disproportionate cost of maintaining the children. The Committee is concerned that the intention expressed in both the *Family Law Act* and the *Child Support (Assessment) Act* that both parents share the responsibility for the maintenance of their children, is reflected in reality. This appears not to be the case at present. The Committee considers that the Government as a matter of urgency must address the anomalies currently inherent in the Child Support Scheme so that both parents share an equitable burden of the cost of supporting their children after marriage breakdown.

Senator Jim McKiernan
Chairman

November 1992

10 Submission 394, Vol 9, and submission 407, Vol 10

DISSENT BY SENATOR SID SPINDLER

1.1 The Report of the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act has made a searching examination of the issues referred to it.

1.2 The Committee had to weigh public policy considerations and the often conflicting rights, interests and desires of individuals caught up in one of the most traumatic areas of human experience.

1.3 I have reluctantly formed the view that the legal system will remain a necessarily blunt and often inadequate instrument in dealing with the multi-faceted personal problems individuals face in a dissolution of marriage situation.

1.4 Recognising this limitation I agree with the Committee's Report and Recommendations as a significant step forward in the continuing effort to improve the provisions and implementation of the *Family Law Act*. However, there are three matters where in my view stronger recommendations are required to advance the application of important principles.

Separate representation of children

1.5 The Act states that the welfare of children shall be a paramount consideration, s64(1)(a).

1.6 Under s65 the Family Court is given power to order separate representation '...in any proceedings under the *Family Law Act 1975* in which the welfare of a child is relevant.'

1.7 The discretionary nature of this provision and the absence of easy access to legal advice for children do not satisfy either the general principle that all human beings are autonomous individuals regardless of age or the provisions of the United Nations Convention on the Rights of the Child, to which Australia is a signatory.

1.8 The effective operation of s65 is limited in two ways:

1.8.1 The Court exercises its discretion to appoint a separate legal representative somewhat infrequently and by definition only where it has become obvious that the welfare of the child could be affected unless this step were taken.

1.8.2 The number of cases coming before the Court is small compared with the total number of marriage dissolutions involving children.

1.9 More than half (54.2 per cent) of all divorces granted in 1991 involved children. However, approximately 95 per cent of all divorces do not reach the stage of proceedings before the Family Court. Hence, in most divorces decisions affecting children are made by agreement between the separating parties in circumstances which do not enable the Court to use its discretion under s65.

1.10 Even if an agreement were registered with the Family Court, the Court is not obliged to examine the terms of the agreement - only 380 such agreements were registered in 1990 - let alone the effect on the former partners or their children. The opportunity for emotional blackmail to achieve, for example, a favourable property settlement trading off access and/or custody provisions is obvious and indeed the Committee has been provided with anecdotal evidence to that effect. The underlying assumption in such cases is clearly that children are chattels and may be treated as such.

1.11 Recently separate representation for all children involved in family law proceedings has been introduced in New Zealand. The operation of the scheme is awaiting analysis, although the Committee was offered informal and anecdotal evidence that the cost to the legal system was substantial. The cost factor will require careful consideration but where the welfare of children is at issue, it should not be a bar to the implementation of an appropriate scheme.

1.12 In practical terms, and to a large extent in legal terms, children are under the control of adults in a family or household which is intact and this is often used to rebut arguments in favour of separate legal representation for children.

1.13 However, the need to protect the welfare of children even in 'normal' settings is on public record, not least in the growing acknowledgment of domestic violence in families across all socio-economic strata.

1.14 The loss of security and the emotional upheaval of a marriage dissolution lends particular urgency to the need for separate legal representation, however, the principle of greater personal autonomy enunciated in the United Nations Convention on the Rights of the Child has general application.

1.15 To meet these requirements, I submit the following recommendations:

- (i) that in all cases involving access, custody or property disputes where the contestants have care and control of children, a separate children's legal representative be provided by the Family Court.

- (ii) that ready access to legal advice be made available through Community Legal Centres or other agencies funded by the Commonwealth Government for children who are in the care and control of persons undertaking marriage dissolution proceedings.
- (iii) that the Registrar of the Family Court be given the responsibility to ensure that all children involved in a marriage dissolution be informed that such a service is available.

Jurisdiction over property disputes between de facto couples

1.16 The Committee has recommended that:

'the Commonwealth Government legislate separately in relation to jurisdiction in property disputes between de facto partners; and the jurisdiction of this Act be vested in the Family Court.'

1.17 In doing so, the Committee has accepted that such provisions are 'not inconsistent with the statutory recognition of the importance to the family of marriage.' The Committee has also reached the conclusion that it sees 'the current complex situation and the lack of uniformity of both process and outcome for the resolution of property disputes arising out of de facto relationships as undesirable.'

1.18 In these circumstances there is no logical or moral reason to withhold this facility from gay de facto couples and I recommend:

- (iv) that the definition of 'de facto relationship' for the purposes of the separate legislation envisaged by the Committee be not limited to 'the relationship between a man and a woman.'

Independent complaints mechanisms

1.19 The Committee has heard evidence from some litigants claiming bias on the part of individual judges or the Court as a whole or expressing dissatisfaction with the way their case has been handled by the Court.

1.20 No evidence has been provided to the Committee that the current avenue available, ie, lodging the complaint with the Chief Justice, has resulted in anything but the most scrupulous consideration of complaints. Nevertheless the procedure offends

against the elementary principle that complaints against a public authority should not be handled by that authority.

1.21 A similar concern is raised by the numerous complaints voiced in submissions received by the Committee about the way their cases were handled by their legal representatives and the level of legal fees charged. Currently complaints are directed to bodies run by the legal profession, with further legal action the only other practical alternative. The principle that complaints should be handled by an independent body applies here also, and is of course also relevant for jurisdictions other than the Family Court.

1.22 Accordingly, I submit the recommendation:

- (v) (a) that the Commonwealth Attorney-General establish an independent complaints mechanism to deal with allegations of bias in the exercise of judicial discretion by judges of the Family Court;
- (b) that the Commonwealth Attorney-General take steps in consultation with State Governments to establish independent complaints authorities to deal with complaints against members of the legal profession including negligence, unprofessional conduct and overcharging.



Senator Sid Spindler

10 November 1992

APPENDIX 1

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| 70 | Name withheld | 4 June 1991 |
| 71 | Name withheld | 4 June 1991 |
| 72 | Name withheld | 4 June 1991 |
| 73 | Name withheld | 4 June 1991 |
| 74 | Name withheld | 4 June 1991 |
| 75 | Name withheld | 4 June 1991 |
| 76 | Name withheld | 4 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|---------------------------------|------------------------------------|
| 77 | Name withheld | 4 June 1991 |
| 78 | Name withheld | 4 June 1991 |
| 79 | Name withheld | 4 June 1991 |
| 80 | Name withheld | 4 June 1991 |
| 81 | Name withheld | 4 June 1991 |
| 82 | Name withheld | 4 June 1991 |
| 83 | Name withheld | 4 June 1991 |
| 84 | Name withheld | 4 June 1991 |
| 85 | Name withheld | 4 June 1991 |
| 86 | Name withheld | 4 June 1991 |
| 87 | Name withheld | 4 June 1991 |
| 88 | Name withheld | 4 June 1991 |
| 89 | Name withheld | 4 June 1991 |
| 90 | Name withheld | 4 June 1991 |
| 91 | Name withheld | 4 June 1991 |
| 92 | Name withheld | 4 June 1991 |
| 93 | Name withheld | 4 June 1991 |
| 94 | Name withheld | 4 June 1991 |
| 95 | Name withheld | 4 June 1991 |
| 96 | Name withheld | 4 June 1991 |
| 97 | Name withheld | 4 June 1991 |
| 98 | Name withheld | 4 June 1991 |
| 99 | Name withheld | 4 June 1991 |
| 100 | Name withheld | 4 June 1991 |
| 101 | Name withheld | 4 June 1991 |
| 102 | Name withheld | 4 June 1991 |
| 103 | Ms L Gould | 4 June 1991 |
| 104 | WA Government | 20 June 1991 |
| 105 | Professor B Waters | 20 June 1991 |
| 106 | Name withheld | 20 June 1991 |
| 107 | Name withheld | 20 June 1991 |
| 108 | Ms L Crighton | 20 June 1991 |
| 109 | Mr V Abianac | 20 June 1991 |
| 110 | Anonymous | 20 June 1991 |
| 111 | Mrs A D Lindsay | 20 June 1991 |
| 112 | Dr I Burnett | 20 June 1991 |
| 113 | Mr K Wright, MLC | 20 June 1991 |
| 114 | Mr M Taylor | 20 June 1991 |
| 115 | Mrs L Gillespie (supplementary) | 20 June 1991 |
| 116 | Name withheld | 20 June 1991 |
| 117 | Mr H Stewart | 20 June 1991 |
| 118 | Anonymous | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|------------------------------------|------------------------------------|
| 119 | Name withheld | 20 June 1991 |
| 120 | Name withheld | 20 June 1991 |
| 121 | Name withheld | 20 June 1991 |
| 122 | Mr K Seppanen | 20 June 1991 |
| 123 | Name withheld | 20 June 1991 |
| 124 | Name withheld | 20 June 1991 |
| 125 | Name withheld | 20 June 1991 |
| 126 | Name withheld | 20 June 1991 |
| 127 | Mr J Trémain (supplementary) | 20 June 1991 |
| 128 | Mr L Love | 20 June 1991 |
| 129 | Name withheld | 20 June 1991 |
| 130 | Senator J Olsen | 20 June 1991 |
| 131 | Name withheld | 20 June 1991 |
| 132 | Name withheld | 20 June 1991 |
| 133 | Mrs B Verney | 20 June 1991 |
| 134 | Mr R Weekes | 20 June 1991 |
| 135 | Name withheld | 20 June 1991 |
| 136 | Hon J P Elliott | 20 June 1991 |
| 137 | Mr A W Jay (supplementary) | 20 June 1991 |
| 138 | Crown Law Department, WA | 20 June 1991 |
| 139 | Ms E L Geronimo | 20 June 1991 |
| 140 | Mr K Loibl | 20 June 1991 |
| 141 | Miss M O'Brien | 20 June 1991 |
| 142 | Mr R Mitchell | 20 June 1991 |
| 143 | Department of the Attorney-General | 20 June 1991 |
| 144 | Bethany Child and Family Support | 20 June 1991 |
| 145 | Name withheld | 20 June 1991 |
| 146 | Name withheld | 20 June 1991 |
| 147 | Name withheld | 20 June 1991 |
| 148 | Name withheld | 20 June 1991 |
| 149 | Name withheld | 20 June 1991 |
| 150 | Mr N H Russell | 20 June 1991 |
| 151 | Name withheld | 20 June 1991 |
| 152 | Mr P Atkinson | 20 June 1991 |
| 153 | Mr J Arthur | 20 June 1991 |
| 154 | Name withheld | 20 June 1991 |
| 155 | Mrs E Heenan | 20 June 1991 |
| 156 | Name withheld | 20 June 1991 |
| 157 | Name withheld | 20 June 1991 |
| 158 | Name withheld | 20 June 1991 |
| 159 | Name withheld | 20 June 1991 |
| 160 | Mrs B Bardsley | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|------------------------------------|---------------------------------|
| 161 | Mr J Mitchinson & Ms M Pree | 20 June 1991 |
| 162 | Mrs P Blyth | 20 June 1991 |
| 163 | Dr A J Crandon | 20 June 1991 |
| 164 | Mr D Mulqueeney | 20 June 1991 |
| 165 | Name withheld | 20 June 1991 |
| 166 | Name withheld | 20 June 1991 |
| 167 | Name withheld | 20 June 1991 |
| 168 | Name withheld | 20 June 1991 |
| 169 | Name withheld | 20 June 1991 |
| 170 | Mr H Oberson | 20 June 1991 |
| 171 | Name withheld | 20 June 1991 |
| 172 | Name withheld | 20 June 1991 |
| 173 | Mrs B McLean | 20 June 1991 |
| 174 | Mr A S Collins | 20 June 1991 |
| 175 | Name withheld | 20 June 1991 |
| 176 | Mr O Charles | 20 June 1991 |
| 177 | Ms R Wade | 20 June 1991 |
| 178 | Name withheld | 20 June 1991 |
| 179 | (Withdrawn) | |
| 180 | Mr T M Corlett | 20 June 1991 |
| 181 | Mr B Barkeley-Smith | 20 June 1991 |
| 182 | Name withheld | 20 June 1991 |
| 183 | Name withheld | 20 June 1991 |
| 184 | Name withheld | 20 June 1991 |
| 185 | Mr R Kison | 20 June 1991 |
| 186 | Mr P Kennedy | 20 June 1991 |
| 187 | Mr & Mrs P & B J Cornish | 20 June 1991 |
| 188 | Mr D Byron | 20 June 1991 |
| 189 | Name withheld | 20 June 1991 |
| 190 | Women's Electoral Lobby | 20 June 1991 |
| 191 | Mr A J Smith | 20 June 1991 |
| 192 | Ms R Marriott | 20 June 1991 |
| 193 | Mr R Cleave | 20 June 1991 |
| 194 | Name withheld | 20 June 1991 |
| 195 | Name withheld | 20 June 1991 |
| 196 | Name withheld | 20 June 1991 |
| 197 | Name withheld | 20 June 1991 |
| 198 | Anonymous | 20 June 1991 |
| 199 | Australian Family Law Action Group | 20 June 1991 |
| 200 | Dr P Jackson | 20 June 1991 |
| 201 | Mr R Campbell | 20 June 1991 |
| 202 | Mrs L Friedman | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|---|------------------------------------|
| 203 | Country Women's Association of WA (Inc) | 20 June 1991 |
| 204 | Mr J Bennett | 20 June 1991 |
| 205 | Name withheld | 20 June 1991 |
| 206 | Name withheld | 20 June 1991 |
| 207 | Ms P Heffernan | 20 June 1991 |
| 208 | Mr A Howland | 20 June 1991 |
| 209 | Name withheld | 20 June 1991 |
| 210 | Mr L Meredith | 20 June 1991 |
| 211 | Mr W Allen | 20 June 1991 |
| 212 | Name withheld | 20 June 1991 |
| 213 | Ms L Price | 20 June 1991 |
| 214 | Name withheld | 20 June 1991 |
| 215 | Endeavour Forum | 20 June 1991 |
| 216 | Name withheld | 20 June 1991 |
| 217 | Mrs J L Slocombe | 20 June 1991 |
| 218 | Mr S J Fyson | 20 June 1991 |
| 219 | Name withheld | 20 June 1991 |
| 220 | Name withheld | 20 June 1991 |
| 221 | Mr B Le Vien (supplementary) | 20 June 1991 |
| 222 | Anonymous | 20 June 1991 |
| 223 | Mr N Lovell (supplementary) | 20 June 1991 |
| 224 | Mr D Wilson, ACT | 20 June 1991 |
| 225 | Mrs E Rowe & Mr S Duffield | 20 June 1991 |
| 226 | Name withheld | 20 June 1991 |
| 227 | Mr G Wiseman | 20 June 1991 |
| 228 | Mr S Henderson | 20 June 1991 |
| 229 | Name withheld | 20 June 1991 |
| 230 | Mr R A Smith | 20 June 1991 |
| 231 | Country Women's Association (NSW) | 20 June 1991 |
| 232 | Mr & Mrs G Lennard | 20 June 1991 |
| 233 | A Miller | 20 June 1991 |
| 234 | Mr M Vincent | 20 June 1991 |
| 235 | Mr A Wagstaff | 20 June 1991 |
| 236 | Ms D Turnbull | 20 June 1991 |
| 237 | Ms M Irvine | 20 June 1991 |
| 238 | Name withheld | 20 June 1991 |
| 239 | D J Moore | 20 June 1991 |
| 240 | Name withheld | 20 June 1991 |
| 241 | E A Parker | 20 June 1991 |
| 242 | Name withheld | 20 June 1991 |
| 243 | Name withheld | 20 June 1991 |
| 244 | Mr R Britts | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|----------------------------------|------------------------------------|
| 245 | Mr C Dawson | 20 June 1991 |
| 246 | Name withheld | 20 June 1991 |
| 247 | Mr M Stark | 20 June 1991 |
| 248 | Mr R Kent | 20 June 1991 |
| 249 | Mr C Arnold | 20 June 1991 |
| 250 | Name withheld | 20 June 1991 |
| 251 | Mr G Luxford | 20 June 1991 |
| 252 | Community Mediation Service (WA) | 20 June 1991 |
| 253 | Mr K Alder | 20 June 1991 |
| 254 | Mr P Molloy | 20 June 1991 |
| 255 | Mrs M Jones | 20 June 1991 |
| 256 | Mr D Freemantle | 20 June 1991 |
| 257 | E S Matthews | 20 June 1991 |
| 258 | Name withheld | 20 June 1991 |
| 259 | Ms M P Garrett | 20 June 1991 |
| 260 | Name withheld | 20 June 1991 |
| 261 | Mr R Graham | 20 June 1991 |
| 262 | Name withheld | 20 June 1991 |
| 263 | Mr C Rose | 20 June 1991 |
| 264 | Mr B Hatten | 20 June 1991 |
| 265 | Name withheld | 20 June 1991 |
| 266 | Mr & Mrs A & Ms J of NSW | 20 June 1991 |
| 267 | Penrith Women's Refuge Ltd | 20 June 1991 |
| 268 | Name withheld | 20 June 1991 |
| 269 | Name withheld | 20 June 1991 |
| 270 | Ms V Hutton | 20 June 1991 |
| 271 | Mr & Mrs C & A Ammitzball | 20 June 1991 |
| 272 | E R Crow | 20 June 1991 |
| 273 | Mr & Mrs L R & A J Fisher | 20 June 1991 |
| 274 | Mrs J A Trent | 20 June 1991 |
| 275 | Mr J W McGuinness | 20 June 1991 |
| 276 | Name withheld | 20 June 1991 |
| 277 | Name withheld | 20 June 1991 |
| 278 | Name withheld | 20 June 1991 |
| 279 | Mr R Bust | 20 June 1991 |
| 280 | Mr R Lawrence | 20 June 1991 |
| 281 | Mr P P Matthews | 20 June 1991 |
| 282 | Mr J Shea | 20 June 1991 |
| 283 | Mr G Hampton | 20 June 1991 |
| 284 | Mrs M J Hampton | 20 June 1991 |
| 285 | Name withheld | 20 June 1991 |
| 286 | Name withheld | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 287 | M A Harris | 20 June 1991 |
| 288 | Mr J Dunbar | 20 June 1991 |
| 289 | Mr C H Jarvis, MBE | 20 June 1991 |
| 290 | I P Davies | 20 June 1991 |
| 291 | Mr C Davies | 20 June 1991 |
| 292 | Name withheld | 20 June 1991 |
| 293 | Mr S Raper | 20 June 1991 |
| 294 | Name withheld | 20 June 1991 |
| 295 | Mrs T Kaveney | 20 June 1991 |
| 296 | Name withheld | 20 June 1991 |
| 297 | Name withheld | 20 June 1991 |
| 298 | Mr A Russell | 20 June 1991 |
| 299 | Family Law Practitioners' Association of Tasmania | 20 June 1991 |
| 300 | Mr K Butler | 20 June 1991 |
| 301 | Australian Defence Families Information & Liaison Staff | 20 June 1991 |
| 302 | Mr C Bullworthy | 20 June 1991 |
| 303 | Mr B Waring | 20 June 1991 |
| 304 | Ms C Tyzack | 20 June 1991 |
| 305 | Mrs G Lord | 20 June 1991 |
| 306 | A Alderson | 20 June 1991 |
| 307 | Mrs R J O'Carroll | 20 June 1991 |
| 308 | Mr K Gardiner | 20 June 1991 |
| 309 | Mrs H Cooney | 20 June 1991 |
| 310 | Dr J Varghese (Royal Aust & New Zealand College of Psychiatrists) | 20 June 1991 |
| 311 | Name withheld | 20 June 1991 |
| 312 | M J Whiting | 20 June 1991 |
| 313 | Name withheld | 20 June 1991 |
| 314 | Name withheld | 20 June 1991 |
| 315 | Name withheld | 20 June 1991 |
| 316 | Name withheld | 20 June 1991 |
| 317 | Name withheld | 20 June 1991 |
| 318 | Name withheld | 20 June 1991 |
| 319 | Mr W B Miller | 20 June 1991 |
| 320 | Dads Against Discrimination | 20 June 1991 |
| 321 | Bible & Tract Society of Australia | 20 June 1991 |
| 322 | The Family Law Reform Association of Qld | 20 June 1991 |
| 323 | Ms B Trewartha | 20 June 1991 |
| 324 | Mr C Van Der Boor | 20 June 1991 |
| 325 | Ms C J Hewitt | 20 June 1991 |
| 326 | Mrs D T Cleary | 20 June 1991 |

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|----------------------|---|------------------------------------|
| 327 | Mr J Zabaneh | 20 June 1991 |
| 328 | The Brethren | 20 June 1991 |
| 329 | Lone Fathers Association (Rockhampton Branch) | 20 June 1991 |
| 330 | Name withheld | 20 June 1991 |
| 331 | Mrs G M Cleeland | 20 June 1991 |
| 332 | Islamic Welfare Centre | 20 June 1991 |
| 333 | Mrs E Miles | 20 June 1991 |
| 334 | Mr W Platz | 20 June 1991 |
| 335 | Mr D J Thomson | 20 June 1991 |
| 336 | Mr R J Styles | 20 June 1991 |
| 337 | Name withheld | 20 June 1991 |
| 338 | R C Wiseman | 20 June 1991 |
| 339 | Ms S Thompson | 20 June 1991 |
| 340 | Mr R Jones | 20 June 1991 |
| 341 | Mrs M R Leach | 20 June 1991 |
| 342 | Anonymous | 20 June 1991 |
| 343 | Sr M Comer | 20 June 1991 |
| 344 | Mr B Williamson | 20 June 1991 |
| 345 | Mr K Pankhurst | 20 June 1991 |
| 346 | Mr I Windsor | 20 June 1991 |
| 347 | Conflict Resolution Service Inc | 20 June 1991 |
| 348 | Ms M Linkenbagh | 20 June 1991 |
| 349 | Mr J Carr | 20 June 1991 |
| 350 | Mr P Noonan | 20 June 1991 |
| 351 | Domestic Violence Crisis Service Inc | 20 June 1991 |
| 352 | V Grasso | 20 June 1991 |
| 353 | Mr K A Andrews | 20 June 1991 |
| 354 | Mr J Wotherspoon | 20 June 1991 |
| 355 | Mr R G Coldrey | 20 June 1991 |
| 356 | Mr P J Norman | 20 June 1991 |
| 357 | Mr & Mrs M C & S M Toole | 20 June 1991 |
| 358 | Mr F Hudson | 20 June 1991 |
| 359 | Consumer Link-Up | 20 June 1991 |
| 360 | A Blunden | 20 June 1991 |
| 361 | Mr G Poyntz | 20 June 1991 |
| 362 | Ms K Murdoch | 20 June 1991 |
| 363 | Mrs L A Harris | 20 June 1991 |
| 364 | Name withheld | 20 June 1991 |
| 365 | Mr D Johnston | 20 June 1991 |
| 366 | Mr C M Stott | 20 June 1991 |
| 367 | Ms A Field | 20 June 1991 |
| 368 | Mrs J Bunce | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 369 | Divorce Law Reform Assn of SA | 20 June 1991 |
| 370 | Mrs C M Young | 20 June 1991 |
| 371 | Mr B Williams | 20 June 1991 |
| 372 | Mr A W Nicolson | 20 June 1991 |
| 373 | Mr G Summerhayes | 20 June 1991 |
| 374 | Mr K Hill | 20 June 1991 |
| 375 | Mr A Michel | 20 June 1991 |
| 376 | Mrs M Williams | 20 June 1991 |
| 377 | Australian Family Association | 20 June 1991 |
| 378 | Mr J Kent | 20 June 1991 |
| 379 | Mrs S Drady | 20 June 1991 |
| 380 | Mrs N Boyd | 20 June 1991 |
| 381 | Name withheld | 20 June 1991 |
| 382 | Name withheld | 20 June 1991 |
| 383 | South East Queensland Combined Women's Group | 20 June 1991 |
| 384 | Name withheld | 20 June 1991 |
| 385 | Mr S Morton | 20 June 1991 |
| 386 | Mr R Graham | 20 June 1991 |
| 387 | Department of the Attorney-General (supplementary) | 20 June 1991 |
| 388 | Anonymous | 20 June 1991 |
| 389 | Mr C Bucknor | 20 June 1991 |
| 390 | Name withheld | 20 June 1991 |
| 391 | Mr R M Smith | 20 June 1991 |
| 392 | Name withheld | 20 June 1991 |
| 393 | Victorian People Against Child Exploitation | 20 June 1991 |
| 394 | Mr M Henry | 20 June 1991 |
| 395 | Catholic Parish of St Marys | 20 June 1991 |
| 396 | Council of Social Welfare Ministers | 20 June 1991 |
| 397 | Mr K D Morgan | 20 June 1991 |
| 398 | Council on the Aging | 20 June 1991 |
| 399 | Mr L Cox | 20 June 1991 |
| 400 | Mr T Graham | 20 June 1991 |
| 401 | Dr T Deklin | 20 June 1991 |
| 402 | Mrs M McVinish | 20 June 1991 |
| 403 | Legal Aid Office (ACT) | 20 June 1991 |
| 404 | Family Life Movement of Australia | 20 June 1991 |
| 405 | Dr R Wade | 20 June 1991 |
| 406 | Mr G Langford | 20 June 1991 |
| 407 | Mr M Henry (supplementary) | 20 June 1991 |
| 408 | Justice Tolcon (Family Court of WA) | 20 June 1991 |
| 409 | Attorney-General of Western Australia | 20 June 1991 |
| 410 | Dr G Meggs | 20 June 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 411 | National Council of Jewish Women in Australia | 20 June 1991 |
| 412 | R J Anderson | 20 June 1991 |
| 413 | Family Law Council (ACT) | 20 June 1991 |
| 414 | Family Court of Australia | 23 June 1991 |
| 415 | Law Council of Australia | 23 June 1991 |
| 416 | Name withheld | 8 October 1991 |
| 417 | Mrs G Nelson & Mrs D Smith | 8 October 1991 |
| 418 | Sexual Abuse Self Help Association (WA) Inc | 8 October 1991 |
| 419 | Family Law Reform Assn, Cairns Branch | 8 October 1991 |
| 420 | Family Law Assistance Association | 8 October 1991 |
| 421 | Mr J Benc | 8 October 1991 |
| 422 | E Roberts | 8 October 1991 |
| 423 | Mr L Trevena | 8 October 1991 |
| 424 | Mr P A Austin | 8 October 1991 |
| 425 | Dads Against Discrimination (DADS) | 8 October 1991 |
| 426 | Mr D O Brown | 8 October 1991 |
| 427 | Parents Without Partners (Aust) Inc | 8 October 1991 |
| 428 | Mr T Synan | 8 October 1991 |
| 429 | Parent Without Rights | 8 October 1991 |
| 430 | Mr J Hardy | 8 October 1991 |
| 431 | Name withheld | 8 October 1991 |
| 432 | Name withheld | 8 October 1991 |
| 433 | Name withheld | 8 October 1991 |
| 434 | Name withheld | 8 October 1991 |
| 435 | Name withheld | 8 October 1991 |
| 436 | Name withheld | 8 October 1991 |
| 437 | Family Life Movement of Australia (supplementary) | 8 October 1991 |
| 438 | Name withheld | 8 October 1991 |
| 439 | Mr H Court | 8 October 1991 |
| 440 | Name withheld | 8 October 1991 |
| 441 | Mr D J McGoldrick | 8 October 1991 |
| 442 | Lone Fathers Association of Australia (Sydney Branch) | 8 October 1991 |
| 443 | Mr & Mrs G Dawson | 8 October 1991 |
| 444 | Name withheld | 8 October 1991 |
| 445 | Ms J Abbott | 8 October 1991 |
| 446 | Law Reform Association of NSW Inc | 24 September 1991 |
| 447 | Justice Elizabeth Evatt | 24 September 1991 |
| 448 | Australian Council of Marriage Counselling Organisations Inc | 24 September 1991 |
| 449 | Mrs L J Crandon | 24 September 1991 |
| 450 | Australian Press Council | 24 September 1991 |

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|-------------------|--|---------------------------------|
| 451 | Australian Federation of Islamic Councils Inc | 24 September 1991 |
| 452 | Anglican Information Office | 24 September 1991 |
| 453 | Australian Family Association (NSW) | 24 September 1991 |
| 454 | National Catholic Association of Family Agencies | 8 October 1991 |
| 455 | Mr P Shack, MP | 8 October 1991 |
| 456 | Mrs D Wallace | 8 October 1991 |
| 457 | Mrs J S Ryder | 8 October 1991 |
| 458 | Mr J Walkom | 8 October 1991 |
| 459 | Mr G J Byrnes | 8 October 1991 |
| 460 | Mr W D Day | 8 October 1991 |
| 461 | Name withheld | 8 October 1991 |
| 462 | Miss B Flood | 8 October 1991 |
| 463 | Mr B Simpson | 8 October 1991 |
| 464 | Mr D F Fairfull | 8 October 1991 |
| 465 | Mr A B McGrath | 8 October 1991 |
| 466 | Mrs L Harris | 8 October 1991 |
| 467 | Mrs H M Walkom | 8 October 1991 |
| 468 | Mr E J Edwards | 8 October 1991 |
| 469 | Mrs E Tidswell | 8 October 1991 |
| 470 | Ms H Armstrong | 8 October 1991 |
| 471 | Mr D Hill | 8 October 1991 |
| 472 | Mr M Watson | 8 October 1991 |
| 473 | I Fraser | 8 October 1991 |
| 474 | Mr R A Shoebridge | 8 October 1991 |
| 475 | Name withheld | 8 October 1991 |
| 476 | Name withheld | 8 October 1991 |
| 477 | Name withheld | 8 October 1991 |
| 478 | Mr P Shack, MP | 8 October 1991 |
| 479 | Mr I Webb | 8 October 1991 |
| 480 | Mr R Hutchens | 8 October 1991 |
| 481 | Mr D Evans | 8 October 1991 |
| 482 | Mr R Bennett | 8 October 1991 |
| 483 | Mr G Kessell & Ms A Lee | 8 October 1991 |
| 484 | Ms K Bailey | 8 October 1991 |
| 485 | Ms C Clarke & Mr B Coleman | 8 October 1991 |
| 486 | Mr B McClelland | 8 October 1991 |
| 487 | Name withheld | 8 October 1991 |
| 488 | Mr P Drummond | 8 October 1991 |
| 489 | Mr B Kerkow | 8 October 1991 |
| 490 | Name withheld | 8 October 1991 |
| 491 | Mr E Sorensen | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 492 | Mr A Soames | 8 October 1991 |
| 493 | Mr W M Boyd | 8 October 1991 |
| 494 | Mr P A Drouyn | 8 October 1991 |
| 495 | Name withheld | 8 October 1991 |
| 496 | Mr A Hill | 8 October 1991 |
| 497 | Mr W Blomeley | 8 October 1991 |
| 498 | Mr D Durrant | 8 October 1991 |
| 499 | Mrs M Roberts | 8 October 1991 |
| 500 | Mr N Redwood | 8 October 1991 |
| 501 | Mr B Allison | 8 October 1991 |
| 502 | M J Szulc | 8 October 1991 |
| 503 | Ms J Neill | 8 October 1991 |
| 504 | T John | 8 October 1991 |
| 505 | N Trevena | 8 October 1991 |
| 506 | Ms E Quinn | 8 October 1991 |
| 507 | Ms M Rutter | 8 October 1991 |
| 508 | Anonymous | 8 October 1991 |
| 509 | Ms C King | 8 October 1991 |
| 510 | Mrs K Sharman | 8 October 1991 |
| 511 | Mrs S Banks | 8 October 1991 |
| 512 | Mr L Jessen | 8 October 1991 |
| 513 | Mr W Edwards | 8 October 1991 |
| 514 | Mr R Hardy | 8 October 1991 |
| 515 | Mr A Sieracki | 8 October 1991 |
| 516 | Catholic Women's League of Victoria and Wagga Wagga | 8 October 1991 |
| 517 | Ms V Pocock | 8 October 1991 |
| 518 | Mr R Mason | 8 October 1991 |
| 519 | Mr P Young | 8 October 1991 |
| 520 | Dr H A Finlay | 8 October 1991 |
| 521 | Mr J T Simpson | 8 October 1991 |
| 522 | Name withheld | 8 October 1991 |
| 523 | Ms D Rosborough, Social Worker, Department of Social Security | 8 October 1991 |
| 524 | Ms D Gibson | 8 October 1991 |
| 525 | Anonymous | 8 October 1991 |
| 526 | Mr D & Ms L Clarke | 8 October 1991 |
| 527 | Name withheld | 8 October 1991 |
| 528 | Mr E Azzopardi | 8 October 1991 |
| 529 | Mr T Synan | 8 October 1991 |
| 530 | Mr T Law | 8 October 1991 |
| 531 | Mr R Dalgleish | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 532 | Name withheld | 8 October 1991 |
| 533 | Name withheld | 8 October 1991 |
| 534 | Name withheld | 8 October 1991 |
| 535 | Women's Electoral Lobby, Cairns | 8 October 1991 |
| 536 | Mr N Jacka | 8 October 1991 |
| 537 | Mr A Salter | 8 October 1991 |
| 538 | Name withheld | 8 October 1991 |
| 539 | Mr G Thorn | 8 October 1991 |
| 540 | Mr K Bourke | 8 October 1991 |
| 541 | Name withheld | 8 October 1991 |
| 542 | Mr N Collins | 8 October 1991 |
| 543 | Mr J Baryczka | 8 October 1991 |
| 544 | Mr B Steen | 8 October 1991 |
| 545 | Women's Health Centre | 8 October 1991 |
| 546 | Family Law Council | 8 October 1991 |
| 547 | Mr M & Mrs C of WA | 8 October 1991 |
| 548 | Mr R Halls | 8 October 1991 |
| 549 | Name withheld | 8 October 1991 |
| 550 | Mr T Scheikowski | 8 October 1991 |
| 551 | Mr D A Wely | 8 October 1991 |
| 552 | Mr R D Lyons | 8 October 1991 |
| 553 | Mr G T Nadge | 8 October 1991 |
| 554 | Mr B Galvin | 8 October 1991 |
| 555 | Mr B Heron | 8 October 1991 |
| 556 | Mr D Steele | 8 October 1991 |
| 557 | Name withheld | 8 October 1991 |
| 558 | Name withheld | 8 October 1991 |
| 559 | Mrs K Lee | 8 October 1991 |
| 560 | Mr S Elliott | 8 October 1991 |
| 561 | Mr P Cummins | 8 October 1991 |
| 562 | Mr A Giersch | 8 October 1991 |
| 563 | Mr S English | 8 October 1991 |
| 564 | Ms P Trezise & Ms M Little | 8 October 1991 |
| 565 | Name withheld | 8 October 1991 |
| 566 | Mr R Barns | 8 October 1991 |
| 567 | Mr B Newbegin | 8 October 1991 |
| 568 | Mrs M O'Loughlin | 8 October 1991 |
| 569 | Mr P Tattersall | 8 October 1991 |
| 570 | Lifeline, Darling Downs Centre | 8 October 1991 |
| 571 | Mr B Trotter | 8 October 1991 |
| 572 | Women's Action Alliance (Australia) Inc | 8 October 1991 |
| 573 | Migrant Women's Emergency Support Service | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|-----------------------------------|------------------------------------|
| 574 | Australian Family Action Movement | 8 October 1991 |
| 575 | Name withheld | 8 October 1991 |
| 576 | Mr S Guthrie | 8 October 1991 |
| 577 | Mr M & Mrs G Stott | 8 October 1991 |
| 578 | Mr S Mason | 8 October 1991 |
| 579 | Mrs W Wilson | 8 October 1991 |
| 580 | Mr J Lewis | 8 October 1991 |
| 581 | Mr G Macmillan | 8 October 1991 |
| 582 | Mr G Alford | 8 October 1991 |
| 583 | Mr L Caldwell | 8 October 1991 |
| 584 | Anonymous | 8 October 1991 |
| 585 | Mr G Cutler | 8 October 1991 |
| 586 | Mr P Gamble | 8 October 1991 |
| 587 | Mr J Jung | 8 October 1991 |
| 588 | Name withheld | 8 October 1991 |
| 589 | Marriage Guidance Council of SA | 8 October 1991 |
| 590 | Name withheld | 8 October 1991 |
| 591 | Mr D Carns | 8 October 1991 |
| 592 | Name withheld | 8 October 1991 |
| 593 | Mr F Riley | 8 October 1991 |
| 594 | Mr R Manning | 8 October 1991 |
| 595 | Ms D Johns | 8 October 1991 |
| 596 | Anonymous | 8 October 1991 |
| 597 | Mr J Redfern | 8 October 1991 |
| 598 | Mr R Slorach | 8 October 1991 |
| 599 | Mr M Sleigh | 8 October 1991 |
| 600 | Mr R McLean | 8 October 1991 |
| 601 | Name withheld | 8 October 1991 |
| 602 | Name withheld | 8 October 1991 |
| 603 | Mr J Ellis | 8 October 1991 |
| 604 | Ms P Ryan | 8 October 1991 |
| 605 | Mrs D Cwddas | 8 October 1991 |
| 606 | Mrs M McLeay | 8 October 1991 |
| 607 | Mr L Kirwin | 8 October 1991 |
| 608 | Mr S Irwin | 8 October 1991 |
| 609 | Ms C Laszl | 8 October 1991 |
| 610 | Mr D Grigg | 8 October 1991 |
| 611 | Name withheld | 8 October 1991 |
| 612 | Anonymous | 8 October 1991 |
| 613 | Mr C O'Ryan | 8 October 1991 |
| 614 | Name withheld | 8 October 1991 |
| 615 | Ms P Payne | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 616 | Name withheld | 8 October 1991 |
| 617 | Mr B Drynan | 8 October 1991 |
| 618 | Name withheld | 8 October 1991 |
| 619 | Anonymous | 8 October 1991 |
| 620 | Mr J Strugarek | 8 October 1991 |
| 621 | Mrs C L Keena | 8 October 1991 |
| 622 | Mr W Aoake | 8 October 1991 |
| 623 | Mrs L Davies | 8 October 1991 |
| 624 | Mr B Bryson | 8 October 1991 |
| 625 | Mr N M MacRae | 8 October 1991 |
| 626 | Mr I Blain | 8 October 1991 |
| 627 | Mr B J Gavin | 8 October 1991 |
| 628 | Name withheld | 8 October 1991 |
| 629 | Mr D Laughton | 8 October 1991 |
| 630 | Mr A Brekelmans | 8 October 1991 |
| 631 | Mrs A K Deane | 8 October 1991 |
| 632 | Mr K L Matson | 8 October 1991 |
| 633 | Name withheld | 8 October 1991 |
| 634 | Mr C White | 8 October 1991 |
| 635 | Dr K Byrne | 8 October 1991 |
| 636 | Name withheld | 8 October 1991 |
| 637 | Mrs L Thompson | 8 October 1991 |
| 638 | Ms D Bagshaw | 8 October 1991 |
| 639 | NSW Bar Association | 8 October 1991 |
| 640 | Anglican Church of Australia | 8 October 1991 |
| 641 | Domestic Violence Service, SA | 8 October 1991 |
| 642 | Western Area Domestic Violence Action Group SA | 8 October 1991 |
| 643 | Mr D P Mannkew | 8 October 1991 |
| 644 | Mr L McNamara | 8 October 1991 |
| 645 | Mr D Torr | 8 October 1991 |
| 646 | Name withheld | 8 October 1991 |
| 647 | Mr G Henderson | 8 October 1991 |
| 648 | Mrs A Wilson | 8 October 1991 |
| 649 | Mr R Woodman | 8 October 1991 |
| 650 | Australian Association of Social Workers Ltd | 8 October 1991 |
| 651 | Mr C Williamson | 8 October 1991 |
| 652 | Ms D de Gier | 8 October 1991 |
| 653 | Mr R Todd | 8 October 1991 |
| 654 | Ms C Danes | 8 October 1991 |
| 655 | Mr C McCudden | 8 October 1991 |
| 656 | Mr T Passfield | 8 October 1991 |
| 657 | Mr J Crowe | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 658 | Ms J Davie | 8 October 1991 |
| 659 | Name withheld | 8 October 1991 |
| 660 | Mrs J Spring | 8 October 1991 |
| 661 | Mr P Hartigan | 8 October 1991 |
| 662 | Mr G Stepanoff | 8 October 1991 |
| 663 | Mr R Dean | 8 October 1991 |
| 664 | Office of Women's Interests, Govt of WA | 8 October 1991 |
| 665 | Ms E Clunn | 8 October 1991 |
| 666 | Mr M Badcock | 8 October 1991 |
| 667 | Mr P Giles | 8 October 1991 |
| 668 | Tasmanian Women's Consultative Council | 8 October 1991 |
| 669 | Domestic Violence & Incest Resource Centre Inc | 8 October 1991 |
| 670 | Name withheld | 8 October 1991 |
| 671 | Mr B Potts | 8 October 1991 |
| 672 | Campaign Against Domestic Violence | 8 October 1991 |
| 673 | Mrs V Bell | 8 October 1991 |
| 674 | Ms E Broad | 8 October 1991 |
| 675 | Mr & Mrs A J Brown | 8 October 1991 |
| 676 | Women's Christian Temperance Union of NSW Inc | 8 October 1991 |
| 677 | Ms V Fletcher-Parriott | 8 October 1991 |
| 678 | Ms Y Cullen | 8 October 1991 |
| 679 | Ms R Saraswati | 8 October 1991 |
| 680 | Mr R Johnston | 8 October 1991 |
| 681 | Mr S Lenson | 8 October 1991 |
| 682 | Women's Legal Service | 8 October 1991 |
| 683 | Mr P Scannell | 8 October 1991 |
| 684 | Men Against Patriarchy | 8 October 1991 |
| 685 | Bar Association of Queensland | 8 October 1991 |
| 686 | Ms K McKean | 8 October 1991 |
| 687 | Ms J Beer | 8 October 1991 |
| 688 | Ms L Seddon, RECOVR | 8 October 1991 |
| 689 | Ms P Harrower | 8 October 1991 |
| 690 | Dr C Dow | 8 October 1991 |
| 691 | Ms D Howard | 8 October 1991 |
| 692 | Executive Council of Australian Jewry | 8 October 1991 |
| 693 | Ms D Svarc | 8 October 1991 |
| 694 | Adelaide Central Mission Inc, Counselling Services | 8 October 1991 |
| 695 | Parents Without Partners (Australia) Inc | 8 October 1991 |
| 696 | Mr B Haddon | 8 October 1991 |
| 697 | Mr D O'Brien | 8 October 1991 |
| 698 | Mr G Crawford | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 699 | Women & Grandparents Treated Unfairly by Family Law | 8 October 1991 |
| 700 | Miss S Higson | 8 October 1991 |
| 701 | Name withheld | 8 October 1991 |
| 702 | Ms S Dunkley | 8 October 1991 |
| 703 | Mr J Muratone | 8 October 1991 |
| 704 | Women's Policy Committee, ALP, SA | 8 October 1991 |
| 705 | Anglican Marriage Guidance Council | 8 October 1991 |
| 706 | Mr C Williamson | 8 October 1991 |
| 707 | Name withheld | 8 October 1991 |
| 708 | Mr K D Phongsavan | 8 October 1991 |
| 709 | Ms C Daniels | 8 October 1991 |
| 710 | Professor R Bailey-Harris | 8 October 1991 |
| 711 | Adelaide Children's Hospital Child Protection Services | 8 October 1991 |
| 712 | Women's Emergency Shelter Inc | 8 October 1991 |
| 713 | Mr A Tomasovic | 8 October 1991 |
| 714 | Mr E Sales | 8 October 1991 |
| 715 | Mr G Mailath | 8 October 1991 |
| 716 | Rev M Jazyschyn | 8 October 1991 |
| 717 | Name withheld | 8 October 1991 |
| 718 | Ms A Latham | 8 October 1991 |
| 719 | Name withheld | 8 October 1991 |
| 720 | Mr G Byrnes | 8 October 1991 |
| 721 | Name withheld | 8 October 1991 |
| 722 | People Against Child Sexual Abuse | 8 October 1991 |
| 723 | Mr H A Finlay (supplementary) | 8 October 1991 |
| 724 | Mr D Edwards | 8 October 1991 |
| 725 | Mrs B Fisher | 8 October 1991 |
| 726 | Mr H L Eakins | 8 October 1991 |
| 727 | Mr C Dawson (supplementary) | 8 October 1991 |
| 728 | Mr & Mrs R J Pawson | 8 October 1991 |
| 729 | Ms K McInnes | 8 October 1991 |
| 730 | Name withheld | 8 October 1991 |
| 731 | Name withheld | 8 October 1991 |
| 732 | Name withheld | 8 October 1991 |
| 733 | Name withheld | 8 October 1991 |
| 734 | Name withheld | 8 October 1991 |
| 735 | Mr P Gildea | 8 October 1991 |
| 736 | Name withheld | 8 October 1991 |
| 737 | Solo Support Group | 8 October 1991 |
| 738 | Ms E Lightfoot | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 739 | Name withheld | 8 October 1991 |
| 740 | Mr P Green | 8 October 1991 |
| 741 | Ms A Muir | 8 October 1991 |
| 742 | Mr M McWatt | 8 October 1991 |
| 743 | Mr P Johnson | 8 October 1991 |
| 744 | Mr D Bowman | 8 October 1991 |
| 745 | Name withheld | 8 October 1991 |
| 746 | Mr E Harris | 8 October 1991 |
| 747 | Mr D Wilson | 8 October 1991 |
| 748 | Mr J Heatherington | 8 October 1991 |
| 749 | Mrs I Buckley | 8 October 1991 |
| 750 | Association of Superannuation Funds of Australia Ltd | 8 October 1991 |
| 751 | Mrs J Burton | 8 October 1991 |
| 752 | Ms C Gargan | 8 October 1991 |
| 753 | Children's Interests Bureau | 8 October 1991 |
| 754 | Government of South Australia | 8 October 1991 |
| 755 | R W Hinds | 8 October 1991 |
| 756 | Mr P Jordan | 8 October 1991 |
| 757 | Mrs M Carlyon | 8 October 1991 |
| 758 | Valerie House Wimmins Collective | 8 October 1991 |
| 759 | RSL, New South Wales Branch | 8 October 1991 |
| 760 | Associate Professor R Chisholm & Dr O Jessep | 8 October 1991 |
| 761 | Mr S Vruthan | 8 October 1991 |
| 762 | Dr J See & Mrs M See | 8 October 1991 |
| 763 | Family Counsellors' Association Inc | 8 October 1991 |
| 764 | National Children's Bureau of Australia Inc | 8 October 1991 |
| 765 | Marriage Guidance Australian Inc | 8 October 1991 |
| 766 | Shop, Distributive and Allied Employees' Assn | 8 October 1991 |
| 767 | Legal Aid Commission of Victoria | 8 October 1991 |
| 768 | Women's Information and Referral Exchange | 8 October 1991 |
| 769 | Noble Park Family Mediation Centre | 8 October 1991 |
| 770 | Department of Social Security | 8 October 1991 |
| 771 | Marriage Guidance WA Inc | 8 October 1991 |
| 772 | Italian Association of Assistance | 8 October 1991 |
| 773 | Catholic Women's League of Australia | 8 October 1991 |
| 774 | Mr K Thompson, MLA | 8 October 1991 |
| 775 | Forensic Science Centre | 8 October 1991 |
| 776 | National Committee on Violence Against Women Office of the Status of Women | 8 October 1991 |
| 777 | Australian Institute of Family Studies | 8 October 1991 |
| 778 | Police Commissioners' Policy Advisory Group | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 779 | Family Law Reform Group (Manly-Warringah Division) | 8 October 1991 |
| 780 | Mr J A Friend | 8 October 1991 |
| 781 | Executive Committee, Lone Fathers Association of Australia | 8 October 1991 |
| 782 | Ms S Ritchie | 8 October 1991 |
| 783 | Mr M R Dennerley | 8 October 1991 |
| 784 | Mrs M Hanigan | 8 October 1991 |
| 785 | Mr K P Sungalia | 8 October 1991 |
| 786 | Name withheld | 8 October 1991 |
| 787 | A Matheson | 8 October 1991 |
| 788 | Mr M Austin | 8 October 1991 |
| 789 | Mr J Coutts | 8 October 1991 |
| 790 | Mr & Mrs J Coutts | 8 October 1991 |
| 791 | Mr R Donahay | 8 October 1991 |
| 792 | Mrs L Pearce | 8 October 1991 |
| 793 | Mr L Petrie | 8 October 1991 |
| 794 | Ms A Gunter | 8 October 1991 |
| 795 | Mr & Mrs P Fitzgerald | 8 October 1991 |
| 796 | Mr R Pullen | 8 October 1991 |
| 797 | Mr T Wright | 8 October 1991 |
| 798 | Mr T Nevell | 8 October 1991 |
| 799 | Mrs J Fowler | 8 October 1991 |
| 800 | Ms D Field | 8 October 1991 |
| 801 | Ms M Balgue | 8 October 1991 |
| 802 | Hervey Bay Womens' Health Centre | 8 October 1991 |
| 803 | Mr I C Harris | 8 October 1991 |
| 804 | Mr R I Hamilton | 8 October 1991 |
| 805 | Mr K N Wardley | 8 October 1991 |
| 806 | Mr G McCorriston | 8 October 1991 |
| 807 | Ms L Mattick | 8 October 1991 |
| 808 | Dr H B Bernard | 8 October 1991 |
| 809 | Mr P McNamara | 8 October 1991 |
| 810 | Mr J F Buchanan | 8 October 1991 |
| 811 | Mr S Haddinett | 8 October 1991 |
| 812 | Mr P A Stephens | 8 October 1991 |
| 813 | Mr M Mitchell | 8 October 1991 |
| 814 | Mrs L Hornburkee | 8 October 1991 |
| 815 | Mr W J Farnham | 8 October 1991 |
| 816 | Mr L Wagner | 8 October 1991 |
| 817 | Mr W Fairhall | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|--|---------------------------------|
| 818 | Australian Association of Social Workers (NT Branch) | 8 October 1991 |
| 819 | Ms A M Crompton | 8 October 1991 |
| 820 | Mr J Leidreiter | 8 October 1991 |
| 821 | Ms P Carpenter | 8 October 1991 |
| 822 | Mrs J M Mackell | 8 October 1991 |
| 823 | Mr S Lomasney | 8 October 1991 |
| 824 | Citizens Advice Bureau of WA (Inc) | 8 October 1991 |
| 825 | Ms M Campbell-Smith | 8 October 1991 |
| 826 | Name withheld | 8 October 1991 |
| 827 | Mr J Benton | 8 October 1991 |
| 828 | Ms J Steer | 8 October 1991 |
| 829 | Canberra Mediation Service | 8 October 1991 |
| 830 | Mr D Anderson | 8 October 1991 |
| 831 | C W Robertson | 8 October 1991 |
| 832 | Ms W Backhaus | 8 October 1991 |
| 833 | Name withheld | 8 October 1991 |
| 834 | Mr V P Caruana | 8 October 1991 |
| 835 | Mr B Jacka | 8 October 1991 |
| 836 | Mr G Prestney | 8 October 1991 |
| 837 | Name withheld | 8 October 1991 |
| 838 | Mr A Vella | 8 October 1991 |
| 839 | Mr R Currie | 8 October 1991 |
| 840 | Dr R Munro | 8 October 1991 |
| 841 | R S Alderton | 8 October 1991 |
| 842 | Mr G H Schorel | 8 October 1991 |
| 843 | The Danish Club Ltd | 8 October 1991 |
| 844 | SUM Fellowship | 8 October 1991 |
| 845 | Name withheld | 8 October 1991 |
| 846 | Western Australian Farmers Federation (Inc) | 8 October 1991 |
| 847 | Ms Sue Owens | 8 October 1991 |
| 848 | Women in Support of a Better Deal for Mothers (WISDM) | 8 October 1991 |
| 849 | Mrs G Pitt | 8 October 1991 |
| 850 | Parents (Non-Custodial) and Children Without Rights | 8 October 1991 |
| 851 | Name withheld | 8 October 1991 |
| 852 | Dr M Lamond | 8 October 1991 |
| 853 | Jewish Community Services | 8 October 1991 |
| 854 | Mr H J Proctor | 8 October 1991 |
| 855 | Mr G J Heuzinkveld | 8 October 1991 |
| 856 | Name withheld | 8 October 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 857 | Name withheld | 8 October 1991 |
| 858 | Mr H Seinfeld | 8 October 1991 |
| 859 | Name withheld | 8 October 1991 |
| 860 | Name withheld | 8 October 1991 |
| 861 | Italian Catholic Federation | 8 October 1991 |
| 862 | Baltic Women's Association | 8 October 1991 |
| 863 | Mrs O Gunn | 8 October 1991 |
| 864 | Name withheld | 8 October 1991 |
| 865 | Mrs P Rule | 8 October 1991 |
| 866 | Name withheld | 8 October 1991 |
| 867 | Mr R McCorquodale | 8 October 1991 |
| 868 | Ms S Mitchell | 8 October 1991 |
| 869 | Mr J Mason | 8 October 1991 |
| 870 | Queensland Domestic Violence Council | 8 October 1991 |
| 871 | Mr B H Dale | 8 October 1991 |
| 872 | Ms M Wilson | 8 October 1991 |
| 873 | National Women's Consultative Council | 8 October 1991 |
| 874 | Name withheld | 12 November 1991 |
| 875 | Mr E R Edge | 12 November 1991 |
| 876 | Senator W O'Chee | 12 November 1991 |
| 877 | De Facto Law Reform Lobby | 12 November 1991 |
| 878 | Australian Association for Marriage Education | 12 November 1991 |
| 879 | Mr S R Box | 12 November 1991 |
| 880 | Ms E C Mayer | 12 November 1991 |
| 881 | Name withheld | 12 November 1991 |
| 882 | Mr G Cartmel | 12 November 1991 |
| 883 | Name withheld | 12 November 1991 |
| 884 | Ms H Hall | 12 November 1991 |
| 885 | Ms D Hollister, MHA | 12 November 1991 |
| 886 | Ms L Wilson | 12 November 1991 |
| 887 | Mr P Filing, MP | 12 November 1991 |
| 888 | Mr P Shack, MP | 12 November 1991 |
| 889 | Government of Queensland | 12 November 1991 |
| 890 | Name withheld | 12 November 1991 |
| 891 | Mr D S Chance | 12 November 1991 |
| 892 | Australian Teachers' Christian Fellowship | 12 November 1991 |
| 893 | Australian Broadcasting Corporation | 12 November 1991 |
| 894 | Counsellors of the Family Court, Parramatta | 12 November 1991 |
| 895 | Law Institute of Victoria | 12 November 1991 |
| 896 | Returned & Services League of Australia Ltd | 12 November 1991 |
| 897 | Legal Aid Commission of Western Australia | 12 November 1991 |
| 898 | Law Reform Commission of Western Australia | 12 November 1991 |

| Submission Number | Author | Date Authorised for Publication |
|-------------------|---|---------------------------------|
| 899 | Welfare Rights Centre | 23 October 1991 |
| 900 | Adelaide Children's Hospital, Child Protection Services | 23 October 1991 |
| 901 | Name withheld | 12 November 1991 |
| 902 | Mr Barry Thomas | 12 November 1991 |
| 903 | Mr G Zancanaro | 12 November 1991 |
| 904 | Name withheld | 12 November 1991 |
| 905 | Mr M D Stiles | 12 November 1991 |
| 906 | Mr J Broomhead | 12 November 1991 |
| 907 | Western Area Domestic Violence Action Group | 23 October 1991 |
| 908 | Ms C Willenberg | 26 November 1991 |
| 909 | Mr D Dawson | 26 November 1991 |
| 910 | Ms N Caffin | 26 November 1991 |
| 911 | Women's Legal Resources Centre | 26 November 1991 |
| 912 | Name withheld | 26 November 1991 |
| 913 | Mr C Cole | 26 November 1991 |
| 914 | Elrington Boardman Allport, Solicitors | 26 November 1991 |
| 915 | Mr D Anderson | 26 November 1991 |
| 916 | Dr Clair Isbister | 26 November 1991 |
| 917 | Sutherland Shire Family Support Service | 26 November 1991 |
| 918 | La Valette Social Centre Inc | 26 November 1991 |
| 919 | Name withheld | 15 September 1992 |
| 920 | Mrs A Boak | 15 September 1992 |
| 921 | Name withheld | 15 September 1992 |
| 922 | Name withheld | 15 September 1992 |
| 923 | Name withheld | 15 September 1992 |
| 924 | Green Valley Family Support Service | 15 September 1992 |
| 925 | Mr A Whelan | 15 September 1992 |
| 926 | Caringbah Women's Health Information Centre | 25 February 1992 |
| 927 | Government of Victoria | 25 February 1992 |
| 928 | Mr G Owen | 25 February 1992 |
| 929 | Mr P Briggs | 25 February 1992 |
| 930 | Mr R J Jones | 25 February 1992 |
| 931 | ACT Women's Consultative Council | 25 February 1992 |
| 932 | NSW Association of Sephardism | 25 February 1992 |
| 933 | Attorney-General of Western Australia | 25 February 1992 |
| 934 | Dr J A Seymour | 25 February 1992 |
| 935 | Hon Justice D R Anderson | 15 September 1992 |
| 936 | Legal Aid Commission of Western Australia | 15 September 1992 |
| 937 | Mr G E Stott | 15 September 1992 |
| 938 | Mrs M Linkenbagh | 15 September 1992 |
| 939 | Mr K Seppanen | 26 May 1992 |

| Submission Number | Author | Date Authorised for Publication |
|----------------------|---------------------------|------------------------------------|
| 940 | Family Court of Australia | 26 May 1992 |
| 941 | Australian Federal Police | 15 September 1992 |
| 942 | Mr R Payne | 15 September 1992 |
| 943 | Name withheld | 15 September 1992 |

PROGRAM OF PUBLIC HEARINGS

15 August 1991 at Canberra

Attorney-General's Department (Canberra)
Mr Stephen Skehill, Deputy Secretary
Mr Richard Morgan, Assistant Secretary Family & Administrative
Law Branch

23 August 1991 at Canberra

Conflict Resolution Service Inc
Mr David Syme, Co-ordinator

Domestic Violence Crisis Service
Ms Dennise Simpson, Co-ordinator
Ms Toni McInnes, Crisis Worker

Individual witnesses
Dr Keith Butler
Mrs Maria Linkenbagh
Mr Ian Windsor
Mr Barry Williams

29 August 1991 at Sydney

Council of Social Welfare Ministers
Ms Tricia Harper

Dads Against Discrimination
Mr Paul Pallister, President
Mr William Aston
Mrs Christine Howland

Family Law Council
Hon Mr Henry Emery, QC, Chairperson

Family Life Movement of Australia
Mrs Gerlinde Spencer, Clinical Services Manager

National Council of Jewish Women of Australia
Mrs Lynne Davies, President
Ms Carole Hildebrand, Chairperson
Mrs Malvina Malinek, Past President

Individual witness
Professor Brent Waters

24 September 1991 at Sydney

Anglican Church, Diocese of Sydney
Associate Professor Michael Horsburgh, Member,
Social Issues Committee

Australian Council of Marriage Counselling Organisations
Mr Philip Dart, Executive Officer
Reverend Eric Stevenson

Australian Family Association
Ms Susan Bastick, State Secretary

Australian Federation of Islamic Councils Inc
Mr Salahuddin Ahmed, Chairman, Law Reforms Sub-Committee

Australian Press Council
Professor David Flint, Chairman

Family Law Reform Association NSW Inc
Mr Darren Slattery, President
Mrs Norma Dawson, Treasurer
Mrs M. Geraldine Fennell, Assistant Secretary
Mr Paul Hutchinson
Dr Maxwell King

Individual witnesses
Mrs Lynette Crandon
Justice Elizabeth Evatt

22 October 1991 at Adelaide

Children's Interests Bureau

Mrs Sally Castell-McGregor, Executive Officer
Ms Ustinia Dolgopol, Member, Advisory Board
Mrs Joan Thompson

Family Court of Australia (South Australia)

Mr Leonard Glare, Chief Executive Officer
Mr Ian Loughnan, Principal Registrar
Mr Russell McMahon, Acting Registrar
Mr Algis Radzevicius, Acting Regional Registrar, Southern Region
Mr Arnold Rudzitis, Acting Director of Counselling
Mrs Lilia Szarski, Deputy Director, Casework Supervisor

Legal Services Commission of South Australia

Mr James Hartnett, Director
Mr Graham Russell, Senior Solicitor

Marriage Guidance Council of South Australia

Ms Geraldine Slattery, Assistant Director (Clinical)

Women's Emergency Shelter Inc

Ms Ele Wilde, Administrator

23 October 1991 at Adelaide

Adelaide Central Mission

Ms Suzanne Park, Director of Counselling
Ms Judith Cross, Former Director of Counselling

Child Protection Services, Adelaide Children's Hospital

Ms Mary Hood, Assessment Team Leader
Ms Donnie Martin, Chief Social Worker
Ms Jayne Mogridge, Senior Social Worker, Assessment

Family Law Action and Support Group

Mr Dennis Brown, President

South Australian Dispute Resolution Association

Ms Dale Bagshaw, Chairperson

Welfare Rights Centre, University of South Australia

Ms Valerie McMahon

Western Area Domestic Violence Action Group Inc
Ms Elvin Herbert
Ms Alison Newton

Women's Policy Committee, Australian Labor Party (SA)
Ms Kay Bennetts, Convenor
Ms Penelope Wong

Individual witnesses
Professor Rebecca Bailey-Harris
Mr Gregory Kessell
Ms Ann Lee

20 November 1991 at Brisbane

Coalition Against Domestic Violence
Ms Catherine Miller, Chairperson
Ms Christina D'Aquino
Ms Pamela Godsell
Ms Heather Nancarrow

Lone Fathers Association, Rockhampton Branch
Mr Cameron Smyth, President

Parents Without Partners
Ms Lynette Cook
Mrs Joan Lamb

Individual witnesses
Mrs Mary-Jane Carlyon
Mr Doug Edwards
Mr Michael McMahon
Mr Peter McManus
Ms Robin Purvis

21 November 1991 at Brisbane

Bar Association of Queensland
Mr Graeme Page, Convenor, Family Law Panel

Migrant Women's Emergency Support Service
Ms Henrica De Hue, Co-Ordinator

Queensland Domestic Violence Council

Ms Zoe Rathus, Chairperson

Mrs Marlena Lambert

Mr Graham Quinlivan

Government of Queensland

Mrs Bernene Allen, Legal Adviser, Attorney-General's Department

Mr Peter Byrnes, Senior Legal Officer, Justice Department

Mr Dominic McGann, Principal Policy Officer, Office of the Cabinet

Ms Christine Nolan, Assistant Director, Community Justice Program

Mrs Carol Peltola, Assistant Divisional Head of Protective Services,

Department of Family Services & Aboriginal and Islander Affairs

Acting Inspector John Sybenga, Legal and Policy Section, Queensland

Police Service

Royal Childrens Hospital, Brisbane

Dr Maria Hanger, Member, Faculty of Child Psychiatry,
and Fellow of the Australian and New Zealand College of
Psychiatrists

Women's Legal Service

Ms Jennifer Batts, President

Ms Bernadette Dalton, Solicitor

Ms Toni Dick

Individual witness

Mr Peter Jordan

6 February 1992 at Hobart

Family Law Practitioners Association (Tasmania)

Mr Henry Brookman, President

Individual witnesses

Mr Leonard Field

Dr Henry Finlay

Mr Malcolm McWatt

Mrs Susan Portlock

Ms Rebecca Wade

Dr Brian Wilson

7 February 1992 at Launceston

Individual witnesses

Mr Michael Badcock
Mrs Mollie Campbell-Smith
Mr Robert Dalglish
Mrs Margaret Stott
Mr George Stott

20 February 1992 at Perth

Citizens Advice Bureau of Western Australia

Mrs Hazel Butorac, Director
Mr Anthony Campbell, Consultant Staff Solicitor

Community Mediation Service

Miss Diana James
Ms Anne Stielow

Country Women's Association of Western Australia Inc

Mrs Elva Hansen

De Facto Relationships Law Reform Lobby

Ms Susan Hartley, Convenor
Ms Alannah MacTiernan, Co-Convenor

Family Court of Western Australia

Ms Carolyn Martin, Registrar

Legal Aid Commission of Western Australia

Mr David Garnsworthy, Consultant, Legal Costs

Lone Fathers Association, Western Australia

Mr Dennis Chance, Branch Secretary
Mr Paul Augustson
Mr Alexander Cokic
Mr Jimmy Howell

Western Australian Farmers Federation

Mr Jack Flanigan

Individual witnesses

Mr Brett Allison
Dr Peter Jackson

13 March 1992 at Canberra

Family Law Council

Hon Mr Henry Emery, QC, Chairperson
Ms Myolene Carrick, Member of Council
Mr John Faulks, Member of Council
Ms Jan Williams, Member of Council
Mr R William Hughes, Director of Research

27 March 1992 at Canberra

Attorney-General's Department (Canberra)

Mr John Broome, First Assistant Secretary, Civil Law Division
Mr Richard Morgan, Assistant Secretary, Family & Administrative
Law Branch
Ms Di Sansom, Principal Psychologist, Office of Legal Aid and
Family Studies

The Brethren

Mr Richard Grimshaw
Mr Bruce Hales
Mr Graeme Sealey
Mr Gordon Stevens
Dr Edward Teiffel
Mr Allan Wallis

Law Council of Australia

Mr Rodney Burr, Chairman, Family Law Section
Mr Christopher Crowley, Treasurer, Family Law Section
Mr Stuart Fowler, Immediate Past Chairman, Family Law Section
Mr Michael Taussig, Deputy Chairman, Family Law Section

Legal Aid Office (ACT)

Mr Christopher Staniforth, Chief Executive Officer
Ms Lee Galloway, Principal Legal Officer (Family Law Section)

National Committee on Violence Against Women

Ms Dianne Lucas, Community Member
Ms Doreen Muirhead, Community Member

National Women's Consultative Council
Ms Kaye Loder, Convenor

Individual witness
Mrs Helen Armstrong

8 April 1992 at Darwin

Australian Association of Social Workers, NT Branch
Ms Lesley Merrett, Executive Committee Member

Individual witnesses
Mr James Arthur
Mr Edward Ellis
Mr Stephen Peters
Mr John Rickard
Ms Christine Tyzack

22 April 1992 at Melbourne

Australian Institute of Family Studies
Dr Donald Edgar, Director
Dr Peter McDonald, Deputy Director
Ms Kathleen Funder, Fellow
Mrs Ilene Wolcott, Fellow

Centacare Australia
Ms Patricia Moroney, National Project Officer
Mr Chris Pearson, Member, National Executive

Grandparents' Support Group
Mrs Leila Friedman, Convenor

Marriage Guidance Australia
Dr Warwick Hartin, National Director

National Children's Bureau of Australia
Mr John Edwards, Executive Director
Mr Neville Turner, President

Police Commissioners Policy Advisory Group
Mr John Frigo, Victorian Delegate

Women's Information and Referral Exchange
Ms Jane Karslake, Community Awareness Worker
Ms Inez Van Polanen, Community Development Worker

Individual witnesses
Mr Trevor Graham
Mr Robert Styles

23 April 1992 at Melbourne

Domestic Violence and Incest Resource Centre
Ms Ariel Couchman, Community Legal Worker
Ms Margot Scott, Member

Family Counsellors Association
Mr George Williams, Executive Member
Mrs Coleen Crutchfield, Member

Legal Aid Commission of Victoria
Mr Andrew Crockett, Director
Mr Malcolm Bennett, Deputy Director, Family Law Division

Noble Park Family Mediation Centre
Ms Lyn Winzer, Co-Ordinator
Mr David Gorrie, Community Legal Worker

Parent Without Rights
Mr Patrick Heffernan, Chairman

Valerie House Wimmins Collective
Ms Fahna Ammett, Member
Ms Yolanda Cuberes, Community Worker

Individual witnesses
Dr Kenneth Byrne
Dr Maartje Irvine
Mr Martin Stark

1 May 1992 at Albury-Wodonga

Individual witnesses

Mrs Beryl Byrne
Mr Terence Corlett
Mr Stanley Feuerherdt
Mr Bruce Jacka
Mr Denis Mulqueeney
Mr Peter Norman
Mr Gary Poyntz
Mr Allan Wheeler

29 May 1992 at Canberra

Family Court of Australia

Justice Alastair Nicholson, Chief Justice
Justice Alan Barblett, Deputy Chief Justice
Justice Neil Buckley, Judge Administrator Northern Region
Mr Leonard Glare, Chief Executive Officer

ADVERTISING OF THE INQUIRY

The inquiry was advertised in the following newspapers and magazines in May 1991:

| | |
|------------------------------|-----------------------------------|
| The Australian | Dubbo Liberal |
| Sydney Morning Herald | Albury Border Mail |
| Melbourne Age | Mildura Sunraysia |
| Adelaide Advertiser | Bendigo Advertiser |
| Hobart Mercury | Ballarat Courier |
| West Australian | Geelong Advertiser |
| Northern Territory News | Port Pirie Flinders News |
| Brisbane Courier Mail | Port Augusta Transcontinental |
| The Canberra Times | Whyalla Spencer Gulf Pictorial |
| Newcastle Herald | Alice Springs Centralian |
| Illawarra Mercury | Kalgoorlie Miner |
| Northern Daily Leader | Albany Advertiser |
| Broken Hill Barrier Truth | Port Hedland North West Telegraph |
| Moruya Examiner | Geraldton Guardian |
| Nowra South Coast Register | Carnarvon North Guardian |
| Bourke Western Herald | Launceston Examiner |
| Orange Central Western Daily | Australian Society |
| Lithgow Mercury | New Idea |

The inquiry was also advertised in the following newspapers in June 1991:

| | |
|-----------------------------|--------------------------|
| Charters Towers North Miner | Bundaberg News |
| Longreach Leader | Mt Isa North West Star |
| Cairns Post | Lismore Northern Star |
| Townsville Bulletin | Toowoomba Chronical |
| Rockhampton Bulletin | Ipswich Queensland Times |
| McKay Daily Mercury | The Land |

10/10/2020

10/10/2020

LIST OF RECOMMENDATIONS
JOINT SELECT COMMITTEE ON THE FAMILY LAW ACT 1980

On the Constitutional Limitations of the Jurisdiction of the Family Law Act.

- 1 The proposed reference of powers from the States to the Commonwealth in the outstanding areas of children and property be proceeded with as a matter of urgency. The Commonwealth should proceed to enact legislation in this regard on the recommendation of a majority of States if agreement of all States proves impossible to procure.
- 2 Independent of any reference of powers by the States, the Commonwealth move to amend the *Family Law Act* to exploit to the fullest extent its legislative powers with respect to children; the rights of third parties and re-introduction of the original definition of 'child of the marriage'.
- 3 The Commonwealth move to amend the *Family Law Act* by relating the jurisdiction with respect of matrimonial property disputes to the marriage power. It is proposed that the property jurisdiction be limited to require:
 - (i) the proceedings to be between the parties to the marriage;
 - (ii) that the dispute relates to the property or proprietary claims of either party;
 - (iii) that the claim arises out of the marital relationship, or arises by reason of the fact that the parties are married;

The committee believes such legislation would survive testing of its validity in the High Court.

- 4 The Government of the States and the Commonwealth examine the possibility of issuing State Commissions to federal Family Court judges and Federal Commissions to selected State judges to enable the exercise of a unified jurisdiction in family law matters throughout Australia.

On Dissolution and Nullity of Marriage

- 5 Those considering matrimony should be appraised of the responsibility involved in that state and the consequences that will result from marriage breakdown. As a means of highlighting this approach the Committee recommends that the Marriage Act and the present *Family Law Act* be consolidated.
- 6 There should be no change to the provisions of the Act relating to grounds for divorce.

On Children: Custody and Welfare

- 7 The Institute of Family Studies should undertake research with a view both to assess the value of the procedures under s.63(1) of the *Family Law Act*, relating to the approval by the court of arrangements reached by the parties to a marriage regarding the welfare of children of the marriage and to examine alternative methods of supervising placement arrangements by couples upon separation. The study should make recommendations as to the extent of involvement of Commonwealth and State welfare departments, voluntary agencies and the court counselling services.
- 8 The *Family Law Act* and other legislation of the Commonwealth and the States should be examined by the appropriate authorities to ensure a consistent use of terms such as guardianship, care and control and custody. Where necessary, terms should be defined so that the nature of the relationship between a child and the person standing in a relationship towards the child are precisely expressed. The Commonwealth Attorney-General and the Minister for Social Security should take this matter up with their State counterparts with a view to achieving a uniform approach to the use of these terms. This Committee is of the view that the terms 'guardianship' and 'custody' and 'care and control' should be defined with some care in the *Family Law Act* itself and, more particularly, that the terms 'guardianship' and 'care and control' should be carried through into other provisions and Part VII of the Act which are relevant e.g. s.62(4), s.64 sub-sections (2), (3), (4), (9), s.67(1), s.68, s.69, s.70.
- 9 The *Family Law Act* be amended to insert into section 61 of the Act, a provision that would empower the Family Court to exercise the prerogative of declaring children within its jurisdiction to be wards of court.
- 10 The *Family Law Act* be amended to provide that the court may request a designated official (i.e. an officer responsible for administering child welfare laws in the State or Territory) to intervene in proceedings before the court where the court considers it appropriate so to request in relation to a child of a marriage whose welfare is under consideration in proceedings before the court.

- 11 In relation to the extent that the wishes of a child should be taken into account in custody proceedings that the specific reference to the age of 14 should be removed from the legislation and not replaced by any reference to a specific age.
- 12 In order to reduce as far as possible unnecessary bitter and prolonged custody and access proceedings, a new s.70A should be inserted in the Act providing that in proceedings with respect to the custody and guardianship of a child of a marriage, the court shall, as far as practicable make such orders as will avoid further proceedings.
- 13 In order to facilitate the more immediate settlement of disputes over custody s.64(1) should be drafted to state criteria that the court must consider. It should be provided that -
 - (a) The court shall regard the welfare of the child as the paramount consideration.
 - (b) The court shall take the following matters into account:
 - (i) the relevant conduct, as parents of the parents of the child;
 - (ii) the relevant conduct of any step-parents or persons sharing the care, control and guardianship of the child with the custodian;
 - (iii) the wishes of the child's parent or parents as to his custody;
 - (iv) the wishes of the child;
 - (v) the desirability of, and the effect of, any change in the present care and control of the child;
 - (vi) if there is more than one child under consideration the effect of the separation on the children;
 - (vii) the education and up-bringing of the child;
 - (viii) any other fact or circumstance which, in the opinion of the court, the justice of the case requires to be taken into account.
 - (c) Subject to paragraphs (a) and (b), the court may make such order in respect of those matters as it thinks proper, including an order until further order.
- 14 Except in cases of urgent necessity no custody case should be listed for determination by a judge until the parties have attempted to resolve the dispute in pre-trial conferences with court counsellors and registrars.
- 15 Except in cases of urgent necessity no court should entertain an application for interim custody before pre-trial conferences have been conducted. The application for such an interim order should not be made in the absence of a report from a registrar on the outcome of the pre-trial conference.
- 16 Except in cases of urgent necessity (i) no interim custody order should be granted unless the other spouse has been served with notice of the proceedings, (ii) no court should grant such an order in the absence of a report from a court officer

who has interviewed the respondent and advised that person of the implications of the order.

- 17 Section 64(4) of the *Family Law Act* be amended to provide that upon the death of a person awarded sole custody of a child, the child should become a ward of court pending the further order of the court. It is further recommended that the Act be amended to the fullest extent possible within the jurisdictional limits of the powers of the Commonwealth to ensure that the Family Court has jurisdiction in all matters affecting custody, guardianship and access to a child.
- 18 Some means be employed to formalise the use of State police forces to assist in the enforcement of custody and access orders. The Committee therefore considers that steps should be taken for the necessary arrangements to be made with State police forces as envisaged by s.112 of the *Family Law Act*.
- 19 A marshall of the court as provided for in s.37(4) should be appointed to the Family Court in each State to liaise with State and Commonwealth police. Deputy marshalls should be appointed to registries in the States. Further, the Commonwealth should fund the States in respect of the cost of their police.
- 20 It should be clearly provided in legislation that in circumstances where a custody order cannot be enforced because a child's whereabouts are not known it shall be incumbent on Commonwealth Departments of State having information concerning the whereabouts of the child to provide an authorised officer of the court with such information as he may require to enforce the orders and processes of the court.
- 21 A party absconding with a child should be required to reimburse the Government for any costs associated with the recovery of such a child. Therefore s.117 of the *Family Law Act* should be amended to put beyond doubt that the court has power to make an order directing the reimbursement of the Government for its expenses in assisting a party to regain custody of a child taken interstate or out of Australia.

On the Financial Consequences to the Parties of Divorce

- 22 Section 72 concerning the right of a spouse to maintenance be amended to read:
 - (i) A party to a marriage is liable to maintain the other party to the extent that the first party is reasonably able to do so, if, and only if, that other party is unable to support herself or himself adequately whether:
 - (a) by reason of having the care and control of a child of the marriage who has not attained the age of 18 years, or
 - (b) by reason of age or physical or mental incapacity for appropriate gainful employment, or

- (c) for any other adequate reason.
 - (ii) In considering whether a party to a marriage is unable to support himself or herself adequately by reasons of the matters contained in paras (a), (b) and (c) of subsection (1) the court shall have regard to any relevant matter referred to it in s.75(2).
- 23 The *Social Services Act 1947* be amended to delete provisions requiring Social Security applicants to take maintenance proceedings (ss. 62(3) and 83AAD) with a new provision to be inserted that would have the effect that:
 - (1) the Department of Social Security will assess the means of the liable relative and determine what it is proper for him to pay to the Department in or towards satisfaction of the money it has paid out;
 - (2) the Department will be entitled to order the liable relative to pay the Department the amount so assessed. For the purposes of exposition we shall call such an order by the Department an 'administrative order';
 - (3) subject to rights of review and appeal, the administrative order will be legally binding on the liable relative and enforceable against him;
 - (4) the amount of the administrative order will in no case exceed the amount of the applicant's entitlement to social service benefits. Within this limit the amount will be within the Department's discretion. In exercising this discretion the Department will act in accordance with published criteria for assessment, framed so as to produce a fair result in the normal run of cases; but the discretion will always be available to allow for individual circumstances;
 - (5) the Department will never be in a position of having to pass judgment on matrimonial conduct.
- 24 The *Social Services Act 1947* be amended to extend eligibility for Class A and Class B widows pensions to all separated wives rather than just to 'deserted wives' as at present. For statistical purposes the Committee believes it is desirable that a record be maintained of payments to separated wives and supporting parents as *distinct from widows*.
- 25 Section 75(2)(f) be amended to read: The eligibility of either party for a pension, allowance or benefit under any superannuation fund or scheme, or the rate of any such pension, allowance or benefit being paid to either party.
- 26 Section 75(2)(1) be amended to read: The need to protect the position and reasonable expectations of a party to a marriage who had contributed to the

welfare of the family during the marriage and that, but for the dissolution of the marriage, such party would have continued so to contribute.

- 27 Section &5(2)(o) be repealed and the following provision inserted: any fact or circumstance including any conduct of the applicant for maintenance towards the respondent and relevant to the matrimonial relationship, which, in the opinion of the court, the justice of the case requires to be taken into account.
- 28 The Regulations prescribe the various amounts payable in respect of children's maintenance using criteria supplied by the Commonwealth Statistician. Furthermore, the Committee recommends that the amount payable to children should be subject to automatic adjustment. Accordingly, it is recommended that the Commonwealth Statistician regularly determine variations in the amount based on the relative cost of bringing up children.
- 29 The Treasurer refer the matter of the tax deductibility of maintenance for consideration by an inter-departmental committee after canvassing the views of organisations interested in the matter to have regard to the effect of such a proposal on the ability to pay maintenance.
- 30 The Government review the arrangements for the collection and enforcement of maintenance with a view to establishing a consistent administrative approach. An agency should be created, modelled on the systems developed by the Department of Community Services in South Australia and the Collector of Maintenance in Western Australia. In view of the withdrawal of some States and the prospective withdrawal of other States from the responsibility of providing grants under the *States Grants (Deserted Wives) Act*, it is considered that this agency should be established in and administered by the Department of Social Security in close liaison with the Family Court and courts of summary jurisdiction under the *Family Law Act*.
- 31 Procedures for enforcement of Maintenance should be improved and in particular it is recommended that:
 - (a) maintenance proceedings be undertaken by specialist Family Court magistrates in designated courts specialising in family law work;
 - (b) the regulations be amended to ensure the attendance, wherever possible, of both parties when maintenance matters are dealt with in the court.
 - (c) the regulations be amended to ensure that upon default by a respondent to a maintenance order the order is reviewed by the court, or the defaulter examined as to his means, to ensure that the order reflects the capacity of the defaulter to pay;

- (d) steps be taken to improve the capacity of courts of summary jurisdiction exercising jurisdiction under the Act to perform these functions adequately;
- (e) the agency established in accordance with recommendation 30 be equipped to provide credit counselling facilities and conciliation services to assist parties involved in maintenance proceedings;
- (f) section 40(3) of the *Bankruptcy Act* be amended by the addition of a further sub-paragraph to deem a maintenance order to be a final order for the purpose of founding procedures in bankruptcy.
- (g) the *Family Law Act* should be amended to place beyond doubt the court's power to imprison for contempt in the face of the court in proceedings relating to maintenance;
- (h) amendment to the *Family Law Act* to effect that those amendments to the Act and Regulations proposed by the Family Law Council in its Working Paper (no. 4) on the Enforcement of Maintenance be made, namely: Amendment of regulations 136, 139(4), 144 and 145 to enable the Collector, Deputy Collector or Assistant Collector of Maintenance in South Australia and Western Australia to apply for sequestration (Reg. 136) and to transfer an order interstate;
- (i) a provision be included in the Regulations to issue a warrant in the first instance where an application is lodged under Regulation 133(2) but the whereabouts of the payer is unknown;
- (j) amendments to Regulation 133 be made to authorise withdrawal of a warrant;
- (k) amendment to the Regulations relating to sequestration be made to include the power to sell specific real estate; alternatively that the enforcement regulations be amended to empower the court to make an order for the sale of a particular item of the respondent's real property in satisfaction of an unsatisfied order;
- (l) the *Family Law Act* be amended to permit the registration of lump sum maintenance orders in State courts and to permit the enforcement of such orders in the State Courts (c.f. s.104(1) of *Matrimonial Causes Act 1959*).

32 Section 79A of the *Family Law Act* dealing with the setting aside of orders altering property interests be repealed and a new section be inserted in its stead to provide that:

- (a) on the application of a person affected by an order made under s.79 of the *Family Law Act* or s.86 of the *Matrimonial Causes Act*, the court may if it is satisfied that there is just cause for so doing, set aside that order, and if it thinks fit, make another order under and subject to the terms of s.79 of the Act in substitution for the order so set aside;
 - (b) in the exercise of this power to set aside an order made under s.79 of the *Family Law Act* or s.86 of the *Matrimonial Causes Act* the court shall have regard to the interests of, and shall make any order property for the protection of, a *bona fide* purchaser or other persons interested;
 - (c) proceedings for the setting aside of an order made under s.79 of the *Family Law Act* or s.86 of the *Matrimonial Causes Act* shall not be instituted until leave has been obtained from the court in which the proceedings are to be instituted;
 - (d) the court shall not grant such leave unless it is satisfied that hardship would be caused to a party to a marriage or to a child of the marriage if leave were not granted.
- 33 The *Family Law Act* be amended to give a discretionary power to the court to defer the making of a final order in property proceedings until superannuation benefits have been received, and where necessary to make an interim order.
- 34 The *Family Law Act* be amended to prevent the abatement of a maintenance or property application on the death of the respondent.
- 35 To ensure that the contribution of a spouse to be considered is his or her contribution to the welfare of the family there be an amendment to s.79(4) in relation to alterations of property interests to remove any possibility of an interpretation requiring a nexus between the spouse's contributions to and a specific item of property.
- 36 Arrangements for the introduction of a full Matrimonial Property Regime should be preceded by:
- (a) a survey to establish community attitudes to the proposal;
 - (b) a full study carried out by the Law Reform Commission (Cwlth) of the legal implications of the introduction of such a scheme;
 - (c) the assessment of the experience of the New Zealand and various Canadian schemes.

- 37 The *Family Law Act* be amended to provide that during the subsistence of a marriage and on the breakup of a marriage, the parties to the marriage will be presumed to own the matrimonial home in equal shares.

On injunctions

- 38 While there is no immediate need for an amendment of the Act to clarify the power of the court to grant an injunction to preserve a prospective right to a property under s.78 or 79 where no application for dissolution or nullity has been filed, such an amendment to ensure that this power is available would be necessary, should doubt be cast on the principle that once a marriage has broken down the court's power to grant an injunction under s.114(1) can be used to protect the incipient or inchoate right to seek a property order under s.79.

- 39 Section 114 of the *Family Law Act* be amended to give a judge a discretion to attach a power of arrest to an order or injunction where the judge:

- (i) makes an order or grants an injunction containing a provision relating to the personal protection of the applicant or a child of the marriage, or makes an exclusion order;
- (ii) is satisfied that the other party to the marriage has caused actual bodily harm to the applicant or the child; and
- (iii) considers that the other party is likely to do so again.

Both the Federal and State police should have the powers of arrest in cases where there is reasonable cause for suspecting a breach of the order or injunction by reason of violence or entry into the excluded premises or area. They should be required to bring the person so arrested before any judge or magistrate exercising jurisdiction under the Act within 24 hours and to seek the directions of the court as to the time and place at which the arrested person is to be brought before the court.

On the Organisation of the Family Court and its Conduct of Proceedings

- 40 There be a pool of 10 judges from which judges are drawn to constitute Full Court Benches. Six of these judges would be permanent members. The remaining 4 positions would rotate being filled by other judges on the basis of seniority from time to time.
- 41 The Attorney-General pursuant to s.22(2A) of the *Family Law Act* grant federal commissions to the judges of the Family Court of Western Australia.

- 42 Interpreter services be made available to parties who so require it. Any such interpreter should have full accreditation.
- 43 The Family Court recruit people with a sensitivity and experience in working with ethnic communities residing in the area where the court is located.
- 44 A wider range of explanatory documents in the major language groupings be prepared in all areas of the courts' operations, particularly on counselling and specific areas of the Act such as custody, maintenance and property. It is further recommended that wider publicity is given in the major languages, to the services provided by voluntary marriage guidance organisations.
- 45 (i) pre-trial proceedings should be mandatory in all disputed cases involving child custody or access or financial relationship other than those of urgent necessity and(ii) that the Department of the Attorney-General in association with the Principal Court Registrar undertake immediate studies to determine the number of deputy registrars that would be required to ensure that pre-trial proceedings are available in respect of every disputed matter involving either child custody or financial relationships and that the Public Service Board facilitate these appointments as a matter of urgency.
- 46 Studies be undertaken with a view to establishing branch registries consisting of deputy registrars and court counsellors in rural areas and areas of large population not adequately served by the existing registries of the court and that the Government make the necessary resources available as a matter of urgency. These studies should also investigate the extent to which a re-allocation of resources within or between existing registries may alleviate some of the present staffing shortages.
- 47 Branch registries be permanently located in centres visited by the Family Court on circuit so that the work of the court can continue in a regular way, pending the periodic visits of the judges.
- 48 The necessary amendments to procedures be made to enable parties who wish to do so to file joint applications for dissolution.
- 49 The government should take steps to foster organisations like citizens' advice bureaux in Australia.
- 50 Simplified procedures in the cases of undefended dissolution be introduced in Australia to provide for affidavit evidence without the necessity for parties to appear unless the court otherwise decrees.

51 The Committee support the recommendations of the Family Law Council in relation to the body charged with the making of rules and regulations and accordingly recommends that:

- (a) the rule making power under the *Family Law Act* should reside in a body of judges of the Family Court of Australia and the Family Court of Western Australia with provision for the rules to apply to other courts exercising jurisdiction under the Act;
- (b) matters such as costs and fees be excluded from the rule-making power;
- (c) a committee responsible for the body of judges should continue to have the responsibility for receiving and considering proposals for the amendment of the regulations, for consulting with the legal profession and other interested groups and for making recommendations to the judges;
- (d) the committee should have representation from the legal profession, the registrars of the court, the Attorney-General's Department and courts of summary jurisdiction and should consult widely before reaching its conclusion.

52 The Regulations be amended to empower the Principal Registrar at the direction of the Chief Judge to issue directions binding on all registries and staff of the Family Court.

53 The membership of the Family Law Council be extended to include representation of federal parliament. This representation should be drawn from the Senate and the House of Representatives. There should also be representation of magistrates on the Council.

On the Conduct of Proceedings by State and Territory Courts

54 The Family Court of the A.C.T. should be invested with as broad a jurisdiction in family law matters under s.31(1)(c) of the *Family Law Act* as is possible.

55 Branch registries comprising a deputy registrar and court counsellor be established in Darwin and Alice Springs to provide services to the Courts in the Territory exercising jurisdiction under the *Family Law Act*.

56 Steps be taken to obtain better statistical information concerning the work of the courts of summary jurisdiction under the *Family Law Act*.

- 57 Every effort should be made to ensure that all courts of summary jurisdiction exercising jurisdiction under the *Family Law Act* or likely to exercise such jurisdiction, should be supported by the provision of services to enable them to provide the legal services under the Act that they are expected to provide. Conciliation services such as counselling and pre-trial procedures should be available from these courts. In this connection our recommendation 46 that branch registries staffed by counsellors and deputy registrars of the Family Court in remote regions should be noted. The services of these officers should be available to local courts of summary jurisdiction as well as to the Family Court on circuit.
- 58 The *Family Law Act* be amended to provide that the federal jurisdiction of courts of summary jurisdiction be exercised in each State by magistrates (specifically named) specially authorised by the Governor-General to exercise such jurisdiction. It is envisaged that the Governor-General would only authorise the exercise of jurisdiction by magistrates considered by his advisers to be appropriately qualified to exercise the jurisdiction. The Act should be amended to empower the Governor-General by Proclamation to confer jurisdiction on identified State courts and in respect of identified elements of the jurisdiction in family law matters.

Open and Closed Courts

- 59 The Family Court be open to the public provided that the judge retains a discretion to exclude persons from the court of its own motion or on the application of a party. In the case of closed proceedings, the court should have a discretion to permit persons to enter.
- 60 The publication of the details of proceedings under the Act should be permitted and that steps be taken to relax the restrictions on publication contained in s.121 of the *Family Law Act*, provided that the names of the parties and any other identifying information is prohibited from disclosure. Severe penalties should be provided for infringement.

Family Court Counselling and Voluntary Marriage Guidance Organisations

- 61 Marriage Counselling be defined under the *Family Law Act* to encompass pre-marital counselling, marital counselling, pre-divorce supportive counselling during divorce and post-divorce counselling. The Committee further recommends that education for marriage and family life be further supported either by incorporating provisions in the *Family Law Act* or by reinforcing those in the Marriage Act.

- 62 Steps be taken to amend the *Family Law Act* to discourage the practice of ordering reportable conferences under s.62 and to preserve the original intention that where a counselling conference is ordered under s.62(1) it should be confidential.
- 63 Section 16(2) of the *Family Law Act* which states: 'A party to a marriage may seek the assistance of the counselling facilities of the Family Court or of a Family Court of a State, and the Principal Director of Court Counselling of the Family Court or an appropriate officer of the Family Court of that State as the case may be, shall, as far as practicable make those facilities available' be amended by adding after the words 'A party to', the words 'or a child of'. This would allow a child to seek the intervention of a counsellor where necessary and gives recognition to the right of a child to initiate proceedings.

On the Cost of Proceedings under the Act

- 64 The settlement of ancillary matters, that is custody, access, injunctions and property settlement matters, should be encouraged as far as possible.
- 65 The Family Court of Australia be allowed a wider discretion to order costs in proceedings under the *Family Law Act*.
- 66 All factors listed in the amendments to s.117(1) and (2) of the *Family Law Act*, as proposed by the Law Council of Australia to the Williams Inquiry, should be included in the Act as factors to be taken into account when an order for costs is being considered by the court.
- 67 The Act and Regulations be amended to provide specifically for the concept of a proposal for settlement and that where such an offer to settle has been made it should be a factor to be taken into account in the exercise of the discretion to order costs.
- 68 The fee for filing an application for a degree of dissolution or nullity should not be abolished but should be reduced and that steps should be taken to amend the Regulations to broaden the circumstances in which the exemption can be claimed.
- 69 The Regulations be amended to provide for the refunding of the filing fee to a party making such a request in circumstances where that party has filed a dissolution application without being aware that the other party to the marriage has already filed an application at an earlier date.
- 70 Action be taken to establish an appeal cost fund in the federal area as such, including the Family Court of Australia.

- 71 The Court's conciliation service to be developed where necessary to encourage parties to bargain and negotiate and settle out of court.
- 72 The right to taxation of solicitors costs be more widely drawn to the public's attention and be included in material published by the court for the information of the public.

APPENDIX 5

LETTER TO THE ATTORNEY-GENERAL FROM THE CHAIRMAN OF THE COMMITTEE, DATED 15 SEPTEMBER 1992



PARLIAMENT OF AUSTRALIA
JOINT SELECT COMMITTEE ON CERTAIN ASPECTS OF THE OPERATION
AND INTERPRETATION OF THE FAMILY LAW ACT

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (06) 277 4129
FAX: (06) 277 2288

The Hon Michael Duffy, MP
Attorney-General
Parliament House
CANBERRA 2600

Dear Attorney-General

On behalf of the Joint Select Committee on certain aspects of the operation and interpretation of the Family Law Act I am writing to you to request the referral of a further reference to the Committee. This reference relates to concerns the Committee has in relation to the funding, management and operations of the Family Court, given its persistent requests for additional funding.

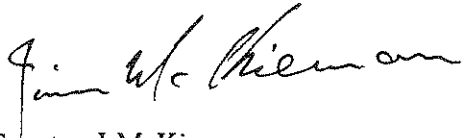
The Family Court made a detailed submission to the Committee and, at the Committee's request, followed that submission up with a letter costing the recommendations made by the Court in its submission. In all documents before the Committee, and in the public documents produced by the Court, are contained references to the inadequacy of the Court's funding. If this is indeed the case, ie that the Court is not receiving sufficient funds to carry out its statutory responsibilities, then that has an obvious impact on the services provided by the Family Court to the people of Australia. I also note the concerns expressed by you in your letter of 2 September 1992 and the letter from the Chief Justice of the Family Court dated 10 September 1992 to you.

The Committee considers the funding issue in its report and, during the course of its discussions on the draft report, came to the conclusion that the whole issue of the Family Court's administration and operations, and the funding implications thereof, required further detailed consideration. The Committee has not pursued inquiries along these lines to date as they are outside the Committee's terms of reference. Suggested terms of reference are shown in the attachment to this letter. It will be important to confine the inquiry to submissions only from those bodies directly concerned with funding and scrutiny of the Family Court. The Committee is very conscious of the limited time available for the completion of this reference.

The Committee originally planned to recommend the further inquiry in its final report. However, that report is now unlikely to be tabled before mid-November. Given the response time of three months for Committee reports, the Committee felt that the matter is of sufficient urgency to warrant an immediate reference, in order that a report may be finalised before the end of the Parliament. The Committee will also require an extension of its life until the end of the present Parliament.

I would appreciate a response to this request at the earliest opportunity and would be pleased to discuss anything in this letter with you.

Yours sincerely,


Senator J McKiernan
Chairman

15 September 1992

ATTACHMENT

The Committee is to examine the administration of the Family Court of Australia with a view to assessing:

- (a) the base level of funding required to enable the Court to undertake its statutory functions at a level that will meet the reasonable expectations of the Parliament; and
- (b) the effectiveness of present expenditure by the Court towards undertaking those functions and meeting those expectations.

15 September 1992

APPENDIX 6

**LETTER TO THE COMMITTEE FROM THE CHIEF EXECUTIVE OFFICER
OF THE FAMILY COURT, DATED 16 JULY 1992**



FAMILY COURT OF AUSTRALIA

Office of the Chief Executive

12th Floor HCF House 403 George Street (64 York Street) Sydney NSW 2000
Telephone (02) 299 1576 Facsimile (02) 290 1051 GPO Box 9991 Sydney 2001 DX 1015

16 July, 1992

Senator J McKiernan
Chairman
Joint Select Committee
on the Family Law Act
Parliament House
CANBERRA ACT 2600



Dear Senator McKiernan

I wrote to you on 1 June 1992 offering at least rough or indicative costings for as many as practicable of the recommendations contained in the Court's formal submission. I also proposed to include a summary of our current budgetary position and an indication of measures already taken by the Court to improve efficiency and get the most out of our budget allocation.

That offer was subsequently accepted on your behalf and this letter addresses the matters mentioned above.

The costings are for the most part indicative because of the time it would take to work them through fully and because many of them would require detailed decisions before they could be costed definitively. The current budget position draws on figures as notified to us by the Department of Finance about two weeks ago. They are not necessarily final figures because refinement continues through the Budget process but they are probably not significantly different from the final figures.

Current Financial Position

I propose to deal only with Running Costs, that is, Salaries and Administrative Expenses. Property Operating Expenses and other specialised funds are important but I do not intend to deal with them here.

In overall terms, we have a reduction in the Running Costs allocation in 1992/93 of 7.3% from actual expenditure in 1991/92. This is made up of a reduction of 3.6% in Salaries and 14.6% in Administrative Expenses. The comparative figures are:-

| Item | 1991/92 | 1992/93 |
|-------------------|-----------|----------------------|
| Salaries | \$32.509m | \$31.333m |
| Admin. | \$16.038m | \$13.692m |
| Revenue from Fees | \$9.315m | \$9.320m (estimated) |

The reduction in allocations comes about for a number of reasons:-

1. Debate with the Department of Finance continued until quite late in the last financial year. When the allocation was finally made at Additional Estimates it was insufficient to fund the level of activity then occurring in the Court and economy measures, including a staffing "freeze", could not pull back the level to that for which we had baseline funding. This meant a compulsory borrowing of \$1.15m against the 1992/93 allocation which has now been deducted.

2. The usual "efficiency" dividend has been deducted.

3. The inflation rate allowed in last year's Budget was 4.6%. The actual rate of inflation turned out to be 2.1% and the difference has been deducted retrospectively from this year's allocation, although the money was spent last year. The amount involved is \$0.632m.

4. A once only amount of \$1.09m was given to us in 1991/92 for unpaid accounts carried over from 1990/91 due to *ex post facto* recognition that our base in 1990/91 was highly inadequate. The \$1.09m has been deducted this year.

The effect of these reductions can readily be seen in terms of staff numbers. At the end of June 1992 we had 735 staff employed. The Salaries allocation for 1992/93 will fund only 661 staff. I doubt whether any member of your Committee, having seen our operations, could identify any activities of the Court which could be dropped to save 74 staff. In any case, the question is academic because natural wastage cannot produce that level of savings and to "package" staff out costs more in the first year, not less.

The only realistic strategy available to us is to reduce staff as much as we reasonably can and to transfer Administrative Expenses funds to Salaries. Such a transfer incurs a penalty of 20% which increases the amount that has to be transferred to have the same dollar effect on Salaries. Given that our Administrative Expenses allocation has been reduced by 14.3% from last year, the scope for transfer is not great without seriously affecting services.

Some strategies which will produce better results in the future need a period of investment which cannot now be afforded without specific funding.

Detailed financial strategies are still being worked out but the outlook is quite obviously bleak.

The Court's contention is that its poor financial position arises fundamentally because:-

1. It has never been adequately funded for an appropriate level of operation in respect of its statutory responsibilities. (This view is also supported by a strong thread of argument running through public submissions to the Committee and by the judgment of Brennan J of the High Court in *Harris v Caladine*). A formula for adjusting operations staff (not other groups) on the basis of changes in workload has now been tentatively agreed with the Department of Finance but it operates on an inadequate base staffing level.

2. The Court did not get adequate funds to assume the extra work which came from the Government's decision, enshrined in 1990 legislation, to make the Court administratively independent. Issues such as the loss of economies of scale were never addressed. The Court has the same obligations and

responsibilities across a wide range of activities as do large Departments but has to carry this overhead from a small staffing base.

3. The appropriate level of funds to meet functions devolved from the Attorney-General's Department has never been provided. The Department of Finance agrees with this view but has not intervened to rectify the situation.

4. There was Government acceptance of the recommendations of the 1990 Review of the Court (Buckley Report) and the Court proceeded to implement those recommendations but the corresponding funds have not been made available. The Review recommendations were costed at the time at \$3.4m but only \$1.2m was made available. Because many of the recommendations were interdependent, it was not feasible to implement only to the extent of funding.

Recent Changes

The following is a brief summary of the more important measures taken over the last two and a half years (since self-administration) or currently being taken to improve the Court's efficiency and effectiveness or to produce savings for persons using the Court. It should be noted that some measures which produce savings to users of the Court involve a greater cost to the Court itself.

1. The major effort was the Buckley Review which made numerous recommendations for efficiency, almost all of which have been implemented. The Committee has the Report so I will not here list the individual recommendations. The significantly interdependent nature of the Review recommendations needs to be appreciated. The Court needed to implement the Review as a whole to achieve the outcomes envisaged by the Review.
2. Professional managers have been recruited to manage the Court at its three organisational levels, Office of the Chief Executive, Regional Offices and Registries.
3. Case Management Guidelines were originally put in place in 1985 but revised and improved Guidelines were brought into being in late 1991. These streamline the Court's operations and provide many benefits to consumers.
4. The Rules of Court are being reviewed with a view to simplification and also to redesign and simplify the forms required to be used. This will benefit both the public and the Court.
5. The level of early intervention conciliation counselling has been raised to 50% of all counselling on the assumption that settlement is cheaper and of more benefit to the parties. (This has been done without funding recognition). Paradoxically, this course of action, while of great benefit to the public, has been an additional cost to the Court overall because some of the people seen this way would not have filed in the Court in any case.
6. A Management Information Unit has been established to provide better control and to allow the most effective deployment of resources.
7. The Blackstone computer system now covers all Registries. It provides a better and more efficient service.
8. The Court moved from affidavits to pleadings in an attempt to reduce the early escalation of disputes caused by the filing of inflammatory material and to reduce the volume of material filed and engender savings to litigants. This

has not proved as successful as was hoped and new short form procedures are being devised as mentioned in the Court's submission.

9. The Court is moving slowly, because of funds limitations, to increase its efficiency through the use of technology.

10. Uniform information sessions for potential litigants and members of the public are being developed to educate people so that less time will be needed in individual sessions and some wasteful litigation can be avoided. Some excellent videos have already been produced which will assist in this process.

11. After hours access procedures have been put in place so that emergency situations, such as child abduction, can be met.

12. Staffing limits are set for each area to keep within budget. In the last quarter of 1991/92 restrictions on recruitment, replacement and temporary staffing were put in place. Vacancies are not filled by higher duties unless absolutely essential. Overtime is severely restricted.

13. Administrative expenditure is the subject of constant attention. A great many economies of various kinds have been put in place. A new travel agent contract has been negotiated directly by the Court to replace the one it had been previously bound to by Government decision. A new transcript contract is almost finalised which will produce some savings for the Court and for litigants. Housekeeping matters such as electricity, telephones and purchases of office equipment and supplies are carefully scrutinised. Travel is being restricted and car hire is receiving close attention.

14. A new national contract for security services is being negotiated which will produce both better protection and some cost savings.

15. Alternative methods of dispute resolution (ie alternatives to litigation) are favoured by the Court and a Mediation Pilot Scheme (described in our submission) has been running despite the lack of funding provision by the Government.

These few examples illustrate that the Court is doing its best, with limited resources, to keep its expenditure within budgetary allocations. It is, however, clear that this cannot be achieved without service cuts to the public. Although we lived above our means in 1991/92 for the reasons mentioned earlier and were forced to borrow, a comparison of our Program Performance Statements for the 1992/93 Budget Papers with the previous year shows that all Registries of the Court fell below the performance levels of the previous year in 1991/92. This can only get worse given the funds available in 1992/93.

Costings of Recommendations

These are mainly indicative rather than refined costings. Some recommendations do not involve significant additional cost and some need to be costed by other bodies. Unless otherwise stated, the costings relate to a full (first) year effect. It should be noted that in many cases the first year effect is higher than the cost in subsequent years because of the need to provide accommodation and furniture for new staff.

Recommendations 1 and 2

No significant cost.

Recommendation 3

The Court be adequately funded to undertake all of the roles envisaged by the Act for the Counselling Service.

Basis of costing: Only the community and education liaison aspects of this recommendation are costed here. Other aspects are found under other recommendations.

Costed to lift the proportion of existing Counsellor time spent on community education and liaison from 0.98% to 5%. Involves the equivalent of six additional counsellors with support staff plus overheads.

Estimate: \$468,750.

Recommendation 4

Estimate should be made by the Attorney-General's Department which has policy responsibility.

Recommendation 5

A matter for Education authorities.

Recommendation 6

Marriage counselling and post separation adjustment counselling within the Court and in the community generally be made more available.

Basis of costing: Allows for the 61% of cases which currently have only one counselling interview to be raised to 2.5 interviews. This means 20,982 additional interviews requiring 48 additional counsellors.

Estimate: \$3,481,730.

Recommendation 7

Particular emphasis be given to early intervention counselling for separated couples.

Basis of costing: An estimate of 12.5% addition to existing counselling resources to cover all early intervention in voluntary cases. Amounts to 17 additional counsellors plus 4 support staff.

Estimate: \$1,316,940.

Recommendation 8

In respect of cases that reach the pre-hearing conference stage there be sufficient capacity and resources for joint Registrar and Counsellor conciliation conferences.

Basis of costing: An estimated 4,922 cases requiring an additional 11 Counsellors and 11 Registrars to undertake joint conciliation conferences.

Estimate: \$2,077,260.

Recommendation 9

The Act be amended to provide for post decision counselling and appropriate resources be provided to enable this to take place.

Basis of costing: An estimate of 1836 cases and an average of 2 interviews each, that is, 8.5 Counsellors.

Estimate: \$636,100.

Recommendation 10.

The Act be amended to enable the Court to initiate counselling for children, where appropriate.

Basis of costing: Assumes that 40% of applications do not involve cross-applications and that 60% of these proceed beyond the first directions hearing. This amounts to 7,227 cases averaging 2.5 interviews per case and requires 3.5 Counsellors. If Recommendation 9 is accepted, one more Counsellor would be required so the estimate below is based on 4.5 Counsellors.

Estimate: \$301,230.

Recommendations 11 and 68

Expansion of research capacity within the Court

Basis of costing: One additional Senior Research Officer, one Graduate Research Assistant, allowance for project costs and administrative overheads.

Estimate: \$129,500.

Recommendation 12

The Court be adequately funded to extend Counselling Service to rapidly growing populations in urban and rural areas.

Basis of costing: To cover the most urgent locations, Gold Coast, Geelong and Coffs Harbour (\$2,778,930) plus a circuit program to Sunshine Coast, Ipswich, Liverpool, Campbelltown, Penrith, Wagga Wagga and Tamworth.

Estimate: \$5,657,975.

Recommendation 13

The minimum size of Counselling units consist of three Court Counsellors as recommended in the Review of the Family Court and that the Court be funded accordingly.

Basis of costing: Estimate based on lifting the staffing at Bendigo, Dubbo, Rockhampton and Cairns to three Counsellors and adjusting the profile at Launceston, Albury and Wollongong, each of which has three positions, to the same level as the other three Counsellors registries.

Estimate: \$345,660.

Recommendation 14

Evaluation of the extent to which the victims of domestic violence make inappropriate agreements or give inappropriate consents.

Basis of costing: An independent external consultant for a medium size project (100 cases) over a period of six months.

Estimate: \$60,000.

Recommendation 15(a)

Government to provide funding for the existing pilot mediation program. (Note: This refers only to what the Court is currently doing, not its earlier proposals for a full-scale pilot scheme).

Basis of costing: The current pilot scheme at Melbourne/Dandenong. One x Director of Mediation; 3 x Legal 2; 3 x Professional Officer Grade 2; 1 x External Consultant for evaluation and administrative overheads.

Estimate: \$514,900.

Recommendation 15(b)

Funding for expansion of the Mediation service as an integral part of the Court's dispute resolution program in all Registries.

Basis for costing: Expansion of the staffing of the pilot scheme as in 15(a) to all Registries plus some supervisory positions. Includes furniture and fitout but excludes additional leasing costs.

Estimate: \$3,398,255.

Recommendation 16

No significant cost.

Recommendation 17

No significant cost.

Recommendation 18

No significant cost.

Recommendation 19

No significant cost.

Recommendation 20

No significant cost.

Recommendation 21

Appropriate steps be taken to educate the community and in particular, separating parents, as to the meaning of guardianship.

Included in Recommendation 63.

Recommendation 22

No significant cost.

Recommendation 23

An appropriate agency be established, or alternatively, the Director of Public Prosecutions be empowered to bring proceedings for contempt and/or enforce the Court's orders in access proceedings.

Appropriate for estimate by Attorney-General's Department.

Recommendation 24

There be greater community emphasis on relationship and parenting education.

Costing a matter for appropriate Department.

Recommendation 25

Consideration be given to increasing the resources of the Court so that appropriate alternatives (therapeutic) to hand-over centres can be developed within the Counselling Service.

Basis of costing: To assist clients with difficult cases would require a minimum of 20 interviews by a counsellor in each case. Based on 206 enforcement cases this would require 9.5 Counsellors.

Estimate: \$725,410.

Recommendations 26 and 28

Children as witnesses and the proper funding and training of separate representatives in appropriate cases.

Estimates a matter for Legal Aid.

Recommendation 27

The Government provide more funding to enable the Court to obtain Reports under s62A of the Act from welfare officers appointed pursuant to regulation 8 of the Family Law Regulations.

Basis of costing: Based on the last full year in which funds were available to obtain Regulation 8 reports on demand (1989/90). Cost of 225 reports at \$725 per report compared with funds available for reports this year.

Estimate: \$92,120.

Recommendation 29

An assessment of cost, if any, for Legal Aid.

Recommendation 30

An assessment of cost is for Legal Aid.

Recommendation 31

An assessment of cost is for Legal Aid.

Recommendation 32

Uniformity of child welfare laws and a unitary courts system to administer all aspects of the law relating to families and children.

Insufficient information available to cost this recommendation. Would require assessment in States and Territories as well as in Commonwealth.

Recommendation 33

No significant cost.

Recommendation 34

No significant cost.

Recommendation 35

No significant cost.

Recommendation 36

No significant cost.

Recommendation 37

No significant cost and some potential savings.

Recommendation 38

The Family Law Act be amended to enable privileged pre-filing conciliation in financial matters.

See Recommendation 39.

Recommendation 39

Provision of adequate numbers of registrar/magistrates, support staff and funding to complete the Jackson Committee reforms, supervise case management and provide for pre-filing services in financial matters.

Basis of costing: Assumes a two tiered Court structure of Judges and Magistrates and replacement of the existing Judicial Registrars and SES Registrars by Magistrates. Includes significant fitout and leasing costs for new Courtrooms. Also assumes that 6 new Registrars would be required to do non-judicial work now performed by SES Registrars.

Estimate: \$4,691,620.

Recommendation 40

Provide funding for a pilot arbitration program.

Basis of costing: One Registry for one year. One retired Judge for 130 days at the judicial consultant's rate plus part-time secretarial support.

Estimate: \$93,400.

Recommendation 41

No significant cost.

Recommendation 42

No significant cost.

Recommendation 43

Appropriate amendments be made to the Family Law Act as will be necessary to facilitate the Court's introduction of a scheme of administrative enforcement of property and maintenance orders.

Basis of costing: Benefits are mainly to the litigants in cost savings. Assumes that the scheme will not involve judicial personnel and will in the main involve Deputy Registrars. Estimates at 3.7 Deputy Registrars, 3 support staff, 5 clerical staff and 1 for supervision and liaison with enforcement agencies.

Estimate: \$660,680.

Recommendation 44

No significant cost.

Recommendation 45

No significant cost.

Recommendation 46

No significant cost.

Recommendation 47

No significant cost.

Recommendation 48

That the Family Law Act be amended to ensure that the Attorney-General and/or the Director of Public Prosecutions are responsible for bringing proceedings for contempt and for the enforcement of the Court's orders in appropriate cases.

Costing a matter for the Attorney-General's Department.

Recommendation 49

No cost.

Recommendation 50

No cost.

Recommendation 51

No cost.

Recommendation 52

No significant cost.

Recommendation 53

The Court be properly funded in its object of establishing a fully integrated conflict management and dispute resolution service.

Costs covered by implementation of all recommendations relating to conciliation, mediation and arbitration.

Recommendation 54

No significant cost.

Recommendation 55

"Family Law" be a core subject in all tertiary law courses.

Cost a matter for education authorities.

Recommendation 56

No significant cost.

Recommendation 57

No cost.

Recommendation 58

The Federal Costs Advisory Committee be disbanded and in substitution therefor a statutory committee be established to fix rather than advise on legal costs.

Costing a matter for the Attorney-General's Department.

Recommendation 59

Government to fund Auscript to provide a copy of the transcript to appellants in certain circumstances.

Basis of costing: Original and required copies for appeal multiplied by Auscript charging rates at average of 3 days per appeal hearing. Applied to the number of appellants who were in receipt of legal aid and those for whom the filing fee was waived by the Court on the grounds of hardship in 1991. Estimated from 1991 figures at 55 appellants @ \$3,240 each.

Estimate: \$178,200.

Recommendation 60

The provision of appropriate funding for legal aid in family law not be affected by the requirements for legal aid in the criminal area.

Costing a matter for Legal Aid.

Recommendation 61

The present practice of Legal Aid Commissions withdrawing legal aid at a late stage in the proceedings be reviewed.

Costing a matter for Legal Aid.

Recommendation 62

No significant cost.

Recommendation 63

The Court be provided with sufficient resources to expand its media liaison activities.

Basis of costing: Additional positions of 1 x Senior Public Affairs Officer Grade 1; 1 x Public Affairs Officer Grade 2 and 1 x ASO 2.

Estimate: \$166,000.

Recommendation 64

The Court be properly funded for the installation of advanced information technology.

Basis of costing: Provides for costs of upgrading central and distributed processors with full UNIX compatibility, upgrading the data communications network with high speed lines and higher capacity switches, installation of basis Local Area Network (LAN) in accordance with the Court's Information

Technology Strategic Plan, inclusion of the Counselling arm of the Court in the Blackstone computer system, development of a LAN based library system and interim installation of a limited electronic mail system pending full development of the LAN.

Estimate: \$2,722,900.

Recommendation 65

In particular, (a) video conferencing facilities be installed throughout the Court, (b) the introduction of electronic filing proceed and (c) touch screen terminals for public information be provided in all major registries.

Basis of costing:

- (a) Based on equipment costs for \$75,000 per location x 21 locations.
- (b) Based on Blackstone modifications but assumes that the upgrading of the Central Processing Unit and the network detailed in Recommendation 64 is in place. Also assumes that practitioners and the public would access the Court's Wide Area Network through AUSTPAC or a similar public packet-switching facility and that transmission costs will be borne by the sender.
- (c) Based on equivalent touch screen system in New South Wales courts.

Estimate:

- (a) \$1,575,000.
- (b) \$218,700.
- (c) \$210,000.

Recommendation 66

Resources be provided to allow the Court to construct a full on-line database of all orders made which would be accessible to the Australian Federal Police on a 24 hour basis.

Basis of costing: Based on the purchase of a low end of the scale UNIX system located on the central LAN and upgraded central processor referred to in Recommendation 64. If that area of Recommendation 64 is not funded this basis does not apply.

Estimate: \$170,000.

Recommendation 67

The Court be appropriately housed in purpose-built premises.

Basis of costing: Based on costs of new buildings at Melbourne and Adelaide. Some other locations are covered elsewhere in the recommendations.

Estimate: \$185,000,000.

Recommendation 69

The jurisdiction of the Court be undertaken by a new two tier judicial structure comprising judges and specialist Family Court magistrates.

Costs covered in recommendation 39.

Recommendation 70

No significant cost.

Recommendation 71

Legal Aid Commissions be adequately funded with a view to reducing the numbers of litigants in person.

Costing a matter for Legal Aid.

Recommendation 72

Legal Aid Commissions on their own behalf and/or in conjunction with professional law associations provide a duty lawyer to attend at Court registries to assist litigants in person.

Costing a matter for Legal Aid.

Recommendation 73

The Court be given sufficient resources to produce more video and other educational material to assist litigants in person and others.

Basis of costing: The production of more pamphlets, videos, posters, information kits and other publications and to ensure their multilingual availability. Additional staff 1 x Public Affairs Officer Grade 3; one Public Affairs Officer Grade 2 and 1 x ASO 2. Includes allowance for translation, production of videos and publishing.

Estimate: \$642,700.

Recommendation 74

The Court be given sufficient resources to properly train its staff to assist litigants in person.

Basis of costing: Training in family law, the Court environment and its processes, communication skills, practice in dealing with most common problems and on the job supervision. Target group 100 staff in 20 sites. Method of training 8 workshops in 4 locations each of two weeks duration. Add development cost of preparing the course.

Estimate: \$125,400 in first year. New starters and refresher training in subsequent years \$20,000.

Recommendation 75

The Family Law Act be amended to establish a small claims jurisdiction within the Family Court, such a jurisdiction to apply in property matters in respect of assets the gross value of which does not exceed \$30,000, and in defined minor access matters. Such a jurisdiction to be exercised by Registrars of the Court and legal representatives will be excluded.

Costings included in Recommendation 39. If that recommendation not accepted, new costings for this item would be required.

Recommendation 76

No significant cost.

Recommendation 77

No significant cost.

Recommendation 78

No significant cost.

Recommendation 79

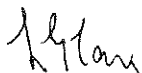
No significant cost.

Recommendation 80

No significant cost.

I would be pleased to answer any queries arising from this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Len Glare', written in a cursive style.

LEN GLARE
Chief Executive Officer

APPENDIX 7

LETTER FROM THE ATTORNEY-GENERAL TO THE CHAIRMAN OF THE COMMITTEE, DATED 2 SEPTEMBER 1992

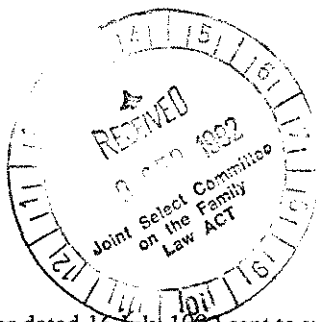


Attorney-General

The Hon. Michael Duffy M.P.
Parliament House
Canberra ACT 2600

2 SEP 1992

Senator J McKiernan
Chairman
Joint Select Committee
on the Family Law Act
Parliament House
CANBERRA ACT 2600



Dear Senator McKiernan

My attention has been drawn to a letter dated 16 July 1992 sent to you in your capacity as Chairman of the Joint Select Committee on the Family Law Act by the Chief Executive Officer of the Family Court of Australia, in which Mr Glare provided a summary of the Court's perspective of its financial position.

There are a number of matters in Mr Glare's letter which cause me concern.

These matters include the assertions that the Court has never been adequately funded to provide an adequate level of operations to meet its statutory obligations; that the Court did not receive adequate funding to assume its separate administration; and that it has received insufficient funds to assume functions devolved from my Department.

On each of these points I have a different view from that espoused by the Court.

I note that the Court received significant increases to its base funding in 1989 and after the 1990 Review of the Court; that it has received adequate funding to assume its separate administration; and that no further function has been devolved to it from my Department without the accompanying level of funds being agreed between the Court and the Department.

However, there is one far more fundamental assertion in Mr Glare's letter which causes me far greater concern. This is the proposition that "There was Government acceptance of the recommendations of the 1990 Review of the Court."

This last assertion is so far removed from the objectively ascertainable facts and so important that I cannot let it pass.

It is quite clear that the Government has not accepted the recommendations of the Review. I note my advice to the Chief Justice in my letter to him of 5 March 1992:

Your letter indicates that you apprehend that the Government has endorsed recommendations made by the working party of the Family Court Review, which propose an expansion of the Family Court's services of the public. That endorsement has not been given by the Government and it cannot be assumed that silence implies Government acceptance of the Working Party's recommendations. Indeed, I believe that I have made the Government's position quite clear: the Court has obtained an adequate level of funding for the services that the Government expects the Court to deliver and will receive additional funding only in response to demonstrated workload increases or a Government decision to increase the Court's resources in order to expand its services or the standards at which they should be provided.

Moreover, the contents of Mr Glare's letter themselves highlight the reasons why the Government has necessarily been unable to accept all the recommendations of the Review, and why it would have difficulty in the current financial climate in funding the more ambitious proposals that the Court has now recommended. His costings as contained in that letter indicate an implementation cost of \$215.3m or, excluding projected major building works, some \$30.3m for the proposals recommended to the Joint Select Committee. I note in passing that the Court itself costed the Review's recommendations in 1990 at about \$3.4m, of which about \$1.2m was provided.

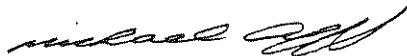
I feel I should draw to your attention the remarks of my predecessor at the very outset of the review when he clearly drew attention to the need for the Review's recommendations to be mindful of cost implications. I understand that, in committing to the Review, he was concerned that it adopt a realistic approach and not be seen as merely an opportunity to present the Government with an idealistic "wish list" for expenditure that could not realistically be funded. Accordingly, in a letter to the Chief Justice on 9 May 1989, Mr Bowen said:

...the terms of reference should require detailed costing of all recommendations. The potential to implement these will be greatly enhanced if the net effect of all recommendations is budget neutral, and thus it may be appropriate for the review to extend also to revenue generated by the Court.

I therefore believe that it is imperative that I now write to you to ensure that the Government's position on this very important issue is not further misunderstood.

The Government is highly supportive of the work of the Family Court, and it concerns me greatly that correspondence between the Court and the Parliamentary Joint Select Committee should give a false impression of the Government's actions in relation to the Review or the resources required for the Family Court to meet its statutory obligations.

Yours sincerely



MICHAEL DUFFY