

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FAMILY COURT OF AUSTRALIA/FEDERAL CIRCUIT COURT OF AUSTRALIA

Question No. AE16/067

Senator Waters asked the following question at the hearing on 9 February 2016:

1. Are you able to paint a rough picture of the breakdown of the Court's caseload between family report writers employed directly by the Court, those employed by Legal Aid, and those in private practice?
2. Are the caseloads broadly the same, or are they skewed one way or another?
3. Is that breakdown similar for more complex cases, such as those including allegations of DV and child abuse?
4. In response to a question from Senator Waters about whether the Court has ever considered accrediting family report writers, the court stated "The Principal of the Court's Child Dispute Services is responsible for the quality and standard of reports provided to the Court, prepared by internally-employed family-consultant report writers" and then discussed recruitment, induction, professional development, and evaluation to support that objective. What about reports written by report writers who are not "internally-employed"?
5. The Court's answer also discussed "professional directions for Family Consultants" which set out certain procedures in relation to family violence – do those apply only to "internally employed staff"? Or to external experts as well?
6. Does the same apply to the Australian Standards of Practice for Family Assessment and Reporting released by the Chief Justice of the Family Court and the Chief Judges of the Federal Circuit Court and Family Court of Western Australia, and the Family Violence Best Practice Principles? I.e. what is the status of those documents? Are they on all family report writers?
7. Are you familiar with the reporting in The Monthly and ABC's Background Briefing by Jess Hill from last year that called into question the practices of some prominent family report writers operating in private practice?
8. Are you satisfied that the concerns raised in those reports have been adequately addressed?

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

1. The Court is unable to provide a breakdown of the Court's caseload between family report writers employed directly by the Court, those employed by Legal Aid, and those in private practice as the Court does not record the numbers of reports provided by report writers engaged privately or by legal aid commissions in the States and Territories.
2. See the response to Question 1.
3. See the response to Question 1.
4. Those Family Consultants appointed by the Court under the terms of Regulation 7 are subject to rigorous recruitment and assessment processes prior to appointment by the CEO. The applicant must demonstrate appropriate qualifications and experience. As Regulation 7 report

writers are not “employees” of the Court’s administration, their professional development and their maintenance of standards in professional practice is a matter for each of them independent of the Principal of Child Dispute Services and the Court’s administration. Other Family Report Writers; for example, those engaged by Legal Aid Commissions or otherwise independently and privately engaged by parties, are not under the oversight of the Principal Child Dispute Services and are not employed or appointed by the CEO of the Court.

The qualifications and experience of any report writer (employed by the court or otherwise) may be raised in the context of the court proceedings and their evidence weighed in the light of their qualifications and experience and the rules of evidence.

5. Professional directions which are issued to internally employed Family Consultants are also issued where relevant, to Report Writers appointed by the CEO under Regulation 7, Family Law Act. These Professional Directions are not presently issued to other report writers as they are not accountable to the Courts’ Principal Child Dispute Services and are independently responsible for maintaining their professional standards and development in accordance with their professional bodies.
6. The *Australian Standards of Practice for Family Assessment and Reporting* released by the Chief Justice of the Family Court and the Chief Judges of the Federal Circuit Court and Family Court of Western Australia, and the *Family Violence Best Practice Principles* are available to anyone concerned with family law including family report writers, legal aid commissions, professional bodies, independent children’s lawyers, lawyers and Judges, litigants or anyone else who may have an interest. They are recommended as best practice and are not issued as mandatory standards.
7. Yes.
8. The response which the Court provided to Senator Heffernan’s question is the only proper response that can reasonably be offered.