

# SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

## BUDGET ESTIMATES 2017

### Family Court of Australia

#### Question No. BE17-185

#### **Senator Pratt, Louise asked the following question on 28 August 2017:**

When did you first hear of the idea for Parenting Management Hearings?

Who did you hear about it from?

Was it a proposal you had ever seen before?

Had any of you ever put it forward as an idea or proposal yourself to government? If not, why not?

Was the court consulted by the Department or the Minister? Or was the court only briefed by Professor Patrick Parkinson?

Did you find it strange that the court would be briefed on a government policy proposal by an external stakeholder?

How much input did the court have into the proposal before its details were decided in the budget?

#### **The response to the honourable Senator's question is as follows:**

##### Family Court of Australia

1. 25 April 2017.
2. Professor Patrick Parkinson.
3. No.
4. No. Policy development is a matter for Government.
5. The Court received a briefing from the Department on 28 April 2017. Professor Parkinson provided advance information only and not a 'briefing'.
6. Not applicable.
7. None. The development of the policy proposal was a matter for Government.

##### Federal Court of Australia

1. The Federal Court first heard of the idea for Parenting Management Hearings on Thursday 27 April 2017.
2. The Court heard about this proposal during a telephone meeting with officers of the Attorney-General's Department.
3. The Court had not seen this proposal prior to that telephone meeting.

4. The Court has never put forward to government any idea or proposal similar to Parenting Management Hearings. The Court does not believe that it is appropriate for it to be making suggestions or proposals to government outside of its usual jurisdictional responsibilities.
5. As noted in the response to question 2, the Court was consulted by the Department.
6. In view of the response to questions 2 and 5, it is not necessary to respond to question 6.
7. The Court was consulted about the proposal but otherwise had no input into it before its details were decided in the budget.

#### Federal Circuit Court of Australia

1. The Chief Judge first heard about the idea for Parenting Management Hearings on Friday 28 April 2017.
2. The Court heard about the Parenting Management Hearing initiative via a telephone conference call with Officers of the Family Law Branch of the Attorney-General's Department.
3. The Court had never seen the Parenting Management Hearing proposal before.
4. No, the Court has never put forward an idea such as the Parenting Management Hearing initiative to Government. The Parenting Management Hearing initiative is a Government policy decision. It is inappropriate for the Court to propose policy shifts or initiatives outside its own administration.
5. The Court was not consulted by the Department or Professor Parkinson in the development of the Parenting Management Hearing initiative.
6. See Response 2. and 5.
7. See Response 3. and 5.