

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
FAMILY COURT OF AUSTRALIA

Question No. 16

Senator Kirk asked the following questions at the hearing on 16 February 2004:

Could you provide some information about the reduction in the number of counsellors at the Family Court since 1996?

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

The Family Court now refers to counsellors as mediators.

Full time equivalent mediator numbers in Family Court of Australia 1996 - 2004

Year	Total Mediator FTE
1996 - 1997	152
1997 - 1998	150
1998 - 1999	127
1999 - 2000	113
2000 - 2001	88
2001 - 2002	82
2002 - 2003	86
2003 - 2004	87

- The 1996 to 1998 staffing numbers included the Court's then discreet Mediation service offered at the Melbourne, Sydney, Parramatta and Brisbane Registries. This service operated on a different "model" and included legally qualified mediators.
- In 1998\99 the two services, Counselling and Mediation, were integrated resulting in some staff reductions.
- In 1999\00 the Counselling service undertook a review of its management structure resulting in a significant reduction in clinical supervisory positions. Front line Counselling positions were not impacted.
- In January 2000 all Court primary resolution services previously known as "counselling" were renamed "Mediation Services".
- In 2000\01 mediation staff were reduced further when the Court ceased the provision of pre filing mediation at major metropolitan registries. This was as a result of internal budget pressures and was in line with Government policy to promote the provision of counselling services by community based organisations.
- Subject to normal staffing variations due to leave and resignations, the FTE for Court Mediators has remained stable since 2000.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 17

Senator Kirk asked the following question at the hearing on 16 February 2004:

- a) Are you able to inform the Committee about the status of the process for appointment of a new Chief Justice?
- b) Has there been any consultation between the Family Court and the Minister's Office or the department, or both in relation to this matter?

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

- a) The Attorney-General has the matter of a replacement appointment for Chief Justice Nicholson under consideration.
- b) The Attorney-General has consulted widely in seeking to identify the best possible appointee for this important office, including with the Family Court.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
FAMILY COURT OF AUSTRALIA

Question No. 18

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

Could you make information available on the terms of outcomes or reviews for the Less adversarial project?

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

The Less Adversarial project referred to, now known as the Children's Cases Program, commenced on 1 March 2004. The Program is intended to trial a new way of determining children's cases which is a significant move away from traditional adversarial litigation. During the initial pilot stage this program is to be available only at the Sydney and Parramatta registries of the Family Court of Australia. The pilot will run for 12 months or until 100 cases at each registry have been completed. The experiences of the cases thus conducted will be independently evaluated and the Court will make reports from that evaluation available to the Committee.

For a more detailed description of the project and its objectives see the answer provided to Question on Notice No. 22.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
FAMILY COURT OF AUSTRALIA

Question No. 19

Senator Kirk asked the following questions at the hearing on 16 February 2004:

Could you make available to the Committee the report on self represented litigants phase 1?

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

10 copies of the report *Self represented litigants – A Challenge: December 2000 – December 2002. Project Report* are attached.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.4

Question No. 20

Senator Kirk asked the following question at the hearing on 16 February 2004:

Has there been any discussion about – or has the court formed a view about – potential referral from the states to the Commonwealth in certain areas, in particular of de facto property disputes?

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

The Commonwealth has called for the reference of power to deal with property settlements for de facto couples. A number of States have agreed to refer power and Queensland and NSW have enacted legislation to do this. The Government intends to introduce legislation to allow de facto couples in those States which have referred power to apply under the *Family Law Act 1975* for distribution of property on separation.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
FAMILY COURT OF AUSTRALIA

Question No. 21

Senator Kirk asked the following questions at the hearing on 16 February 2004:

Do you have the results of the national roll-out of Project Magellan pilot to provide to the Committee?

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

The Hansard record of Mr Foster's evidence at the hearing outlines in broad terms the situation with the national roll-out of Project Magellan. As highlighted there, Family Court registries in all states have now commenced management of identified cases involving allegations of serious child abuse according to the Magellan project model, except New South Wales (for the reasons stated at the hearing). Start-up dates have varied from state to state and the numbers of cases are still small, particularly in the late starting locations. It is too early therefore for any results from the national implementation. A stakeholder committee is oversighting the roll-out but has not yet settled the terms of reference for its evaluation.

In the mean time, as requested, 10 copies of the April 2002 evaluation of the original pilot in Victoria are attached.

The key results from the pilot evaluation were:

- ✓ reduced the number of hearings by almost 50% from an average of 5 court events to 3;
- ✓ reduced the time taken by almost 50% from an average of 17 months to 8 months;
- ✓ reduced the number of cases proceeding to a judicial determination from 30% to 13% thereby increasing consent orders accordingly;
- ✓ reduced the breakdown of final orders from 37% to 5%;
- ✓ reduced the number of distressed children from 28% to 4%; and
- ✓ reduced the costs by almost 50% from an average of almost \$22,666 per family to \$13,770.