

PROJECT AGREEMENT FOR FAMILY ADVOCACY AND SUPPORT SERVICES

An agreement between:

n the Commonwealth of Australia; and

n the States and Territories of

t New South Wales

t Victoria

t Queensland

t Western Australia

t South Australia

t Tasmania

t the Australian Capital Territory

t the Northern Territory.

The output of this project will be the establishment and operation of Family Advocacy and Support Services by legal aid commissions at selected family law court registries and other locations across Australia.

Project Agreement for Family Advocacy and Support Services

OVERVIEW

1. This Project Agreement (the Agreement) is created subject to the provisions of the Intergovernmental Agreement on Federal Financial Relations (IGA FFR) and should be read in conjunction with that Agreement and its Schedules, which provide information in relation to performance reporting and payment arrangements under the IGA FFR.

Purpose

2. This Agreement will support the delivery of Family Advocacy and Support Services by legal aid commissions in each state and territory, and is additional to the funding and services provided under the *National Partnership Agreement on Legal Assistance Services 2015-2020*.

Reporting Arrangements

3. The States will report annually against the agreed milestones during the operation of this Agreement, as set out in Part 4 – Project Milestones, Reporting and Payments.

Financial Arrangements

4. The Commonwealth will provide an estimated total financial contribution to the States of \$18.190 million in respect of this Agreement, as set out in Part 5 – Financial Arrangements.

PART 1 – FORMALITIES

5. This Agreement constitutes the entire agreement for this project.

Parties to this Agreement

6. This Agreement is between the Commonwealth of Australia (the Commonwealth) and the States and Territories (the States).

Term of the Agreement

7. This Agreement will commence as soon as the Commonwealth and one other Party sign it and will expire on 30 June 2019, including final performance reporting and processing of final payments against milestones, unless terminated earlier or extended as agreed in writing by the Parties.

PART 2 – PROJECT OUTPUT

Output

8. The output of this Agreement is the establishment and operation of Family Advocacy and Support Services (additional to the funding and services provided under the *National Partnership Agreement on Legal Assistance Services 2015-2020*) at the agreed family law court registries and other locations set out in Table 1.

9. Family Advocacy and Support Services will be based, and wherever possible, primarily delivered, at the locations in Table 1. This does not preclude elements of the services from being delivered at other locations, such as the offices of legal aid commissions or partner organisations.
10. Family Advocacy and Support Services will provide integrated duty lawyer and family violence support services including:
 - (a) support for families affected by family violence with matters before the family law courts;
 - (b) legal advice and support to assist clients to engage with family law court processes safely;
 - (c) preparing notices of risk and applications to assist the court to make evidence-based and safe decisions;
 - (d) trauma-informed and high quality social support services delivered by appropriately qualified personnel, so that clients' non-legal issues, particularly where they elevate the risk of family violence, are identified and responded to alongside legal issues;
 - (e) assisting families to transition between, and manage matters across, the Commonwealth family law, state family violence and state child protection jurisdictions; and
 - (f) unless it is not possible, partnering with established providers of specialist domestic violence services to deliver the social support services.

Table 1: Agreed locations for the Family Advocacy and Support Services

Jurisdiction	Service locations
NSW	Sydney Family Law Courts Registry Parramatta Family Law Courts Registry Newcastle Family Law Courts Registry Wollongong Family Law Courts Registry
Victoria	Melbourne Family Law Courts Registry Dandenong Family Law Courts Registry
Queensland	Brisbane Family Law Courts Registry Cairns Family Law Courts Registry Townsville Family Law Courts Registry
Western Australia	Family Law Court of Western Australia, Perth Family Law Court of Western Australia – Albany, Broome, Bunbury, Geraldton and Kalgoorlie country circuits
South Australia	Adelaide Family Law Courts Registry Family Law Courts – Mount Gambier circuit
Tasmania	Hobart Family Law Courts Registry Launceston Family Law Courts Registry Family Law Courts – Burnie circuit
Australian Capital Territory	Canberra Family Law Courts Registry
Northern Territory	Northern Territory Local Court in Katherine and Darwin

PART 3 – ROLES AND RESPONSIBILITIES OF EACH PARTY

Role of the Commonwealth

11. The Commonwealth will be responsible for:
 - (a) monitoring and assessing achievement against milestones in the delivery of the Family Advocacy and Support Services under this Agreement to ensure that the output is being delivered within the agreed timeframe;
 - (b) providing a financial contribution to the States to support the delivery of the Family Advocacy and Support Services under this Agreement;
 - (c) planning and financing an independent final evaluation of the Family Advocacy and Support Services delivered under this Agreement; and
 - (d) consulting the States and legal aid commissions in the planning of the final evaluation of the Family Advocacy and Support Services delivered under this Agreement.
12. Separate to this Agreement, the Commonwealth will administer funding for the development of community legal education materials to support the operation of the Family Advocacy and Support Services.

Role of the States and Territories

13. The States will be responsible for:
 - (a) administering Commonwealth funding for the delivery of the project output set out in Part 2 of this Agreement by legal aid commissions;
 - (b) monitoring and assessing the delivery of the Family Advocacy and Support Services by legal aid commissions under this Agreement;
 - (c) reporting to the Commonwealth on the delivery of output as set out in Part 4 – Project Milestones, Reporting and Payments; and
 - (d) participating in the planning and conduct of the final evaluation of the Family Advocacy and Support Services delivered under this Agreement.

Shared roles

14. The Parties share the following roles and responsibilities:
 - (a) meeting biannually on a bilateral basis to discuss the operation of this Agreement. These meetings will take place concurrently with those required under clause 15(d) of the *National Partnership Agreement on Legal Assistance Services 2015-2020*; and
 - (b) meeting the requirements of Schedule E, Clause 26 of the IGA FFR, by ensuring that prior agreement is reached on the nature and content of any events, announcements, promotional material or publicity relating to activities under this Agreement, and that the roles of both Parties will be acknowledged and recognised appropriately.

PART 4 – PROJECT MILESTONES, REPORTING AND PAYMENTS

15. Table 2 summarises the milestones for the project, their relationship to the outputs, expected completion dates, relevant reporting dates and expected payments to be made. The

Commonwealth will make payments subject to the annual performance report demonstrating the relevant milestone has been met.

Table 2: Performance requirements, reporting and payment summary

Output	Milestones	Report due	Payment
The establishment and operation of Family Advocacy and Support Services by legal aid commissions at agreed family law court registries and other locations	Establishment of the Family Advocacy and Support Services at the agreed non-circuit service locations	31 March 2017	100 per cent of State's 2016-17 allocation
	Operation of the Family Advocacy and Support Services from 1 July 2017 to 31 December 2017	31 March 2018	100 per cent of State's 2017-18 allocation
	Operation of the Family Advocacy and Support Services from 1 January 2018 to 31 December 2018	31 March 2019	100 per cent of State's 2018-19 allocation

16. If a milestone is met in advance of the due date, where the relevant performance report demonstrates that the milestone has been met, the Commonwealth may make the associated payment earlier than scheduled provided it falls within the same financial year as the original milestone date.

Reporting arrangements

17. The States will provide performance reports in accordance with Table 2 during the operation of the Agreement.
18. The performance report relating to the establishment of the Family Advocacy and Support Services is to contain the following information:
- confirmation that the Family Advocacy and Support Services have been established at each of the agreed non-circuit service locations;
 - a description of the service approach being employed by the legal aid commission for the operation of the integrated duty lawyer and family violence support services, including how family violence support services will be delivered alongside legal assistance; and
 - information about collaborative arrangements entered into for the purpose of establishing the Family Advocacy and Support Services, including with family law court registries and other service providers. Copies of relevant Memoranda of Understanding should be provided if possible.
19. The performance reports relating to the operation of the Family Advocacy and Support Services for the prescribed reporting periods are to contain the following information:
- an update on the status of the Family Advocacy and Support Services, including any changes to the service approach being employed by the legal aid commission or to any collaborative arrangements;
 - the number of duty lawyer services delivered at each agreed service location, during the relevant reporting period;

- (c) the number of non-legal support services delivered by the Family Advocacy and Support Services by service location during the relevant reporting period; and
 - (d) one de-identified case study that demonstrates the outcomes achieved by the Family Advocacy and Support Services for a client or family affected by family violence.
20. A final performance report relating to the operation of the Family Advocacy and Support Services for the 1 January to 30 June 2019 period will be provided by 30 September 2019.
21. Performance reporting under this Agreement may be submitted by States together with the reporting required under Part 4 of the *National Partnership Agreement on Legal Assistance Services 2015-2020*.

PART 5 – FINANCIAL ARRANGEMENTS

22. The Commonwealth will provide an estimated total financial contribution to the States of \$18.190 million in respect of this Agreement. All payments are GST exclusive.
23. The Commonwealth's funding contribution will not be reduced where the States secure funding from other activity partners.
24. The Commonwealth's estimated financial contributions to the operation of this Agreement, including through National Partnership payments to the States paid in accordance with *Schedule D – Payment Arrangements* of the IGA FFR, are shown in Table 3.

Table 3: Estimated financial contributions

(\$ million)	2016-17	2017-18	2018-19	Total
Estimated total budget	4.235	6.978	6.978	18.190
New South Wales	1.022	1.665	1.665	4.352
Victoria	0.746	1.240	1.240	3.226
Queensland	0.681	1.110	1.110	2.901
Western Australia	0.391	0.655	0.655	1.701
South Australia	0.371	0.610	0.610	1.591
Tasmania	0.366	0.605	0.605	1.576
Australian Capital Territory	0.341	0.555	0.555	1.451
Northern Territory	0.319	0.538	0.538	1.394
Less estimated national Partnership payments	4.235	6.978	6.978	18.190
Balance of non-Commonwealth contributions	0.000	0.000	0.000	0.000

^(a) Figures may not add due to rounding.

25. Having regard to the agreed estimated costs of projects specified in this Agreement, a State or Territory will not be required to pay a refund to the Commonwealth if the actual cost of the project is less than the agreed estimated cost of the project. Similarly, the States bear all risk should the costs of a project exceed the agreed estimated costs. The Parties acknowledge that this arrangement provides the maximum incentive for the States to deliver projects cost effectively and efficiently.

PART 6 – GOVERNANCE ARRANGEMENTS

Enforceability of the Agreement

26. The Parties do not intend any of the provisions of this Agreement to be legally enforceable. However, that does not lessen the Parties' commitment to this Agreement.

Variation of the Agreement

27. The Agreement may be amended at any time by agreement in writing by all the Parties.
28. Table 1 may be amended at any time by agreement in writing by the relevant Parties.
29. A Party to the Agreement may terminate their participation in the Agreement at any time by notifying all other Parties in writing.

Delegations

30. The Commonwealth Attorney-General may delegate the assessment of performance against milestones and the authorisation of related project payments to senior Commonwealth officials, having regard to the financial and policy risks associated with those payments.

Dispute resolution

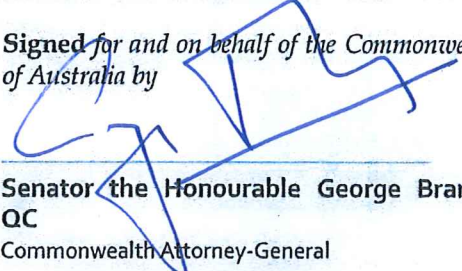
31. Any Party may give notice to other Parties of a dispute under this Agreement.
32. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
33. If a dispute cannot be resolved by officials, it may be escalated to the relevant Ministers.

Interpretation

34. For the purposes of this Agreement:
 - (a) *Duty lawyer services* means legal services provided by a lawyer to a user, or potential user, of the Family Court, Federal Circuit Court or Family Law Court of Western Australia. Duty lawyer services may be provided at the court or at another location near to the court.

The Parties have confirmed their commitment to this agreement as follows:

*Signed for and on behalf of the Commonwealth
of Australia by*



Senator the Honourable George Brandis
QC
Commonwealth Attorney-General

[Day] [Month] [Year]

30/1/2017

*Signed for and on behalf of the
State of New South Wales by*

The Honourable Gabrielle Upton MP
Attorney General of New South Wales

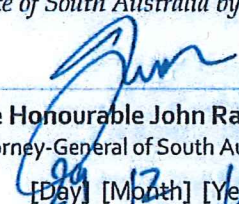
[Day] [Month] [Year]

*Signed for and on behalf of the
State of Queensland by*

The Honourable Yvette D'Ath MP
Attorney-General of Queensland

[Day] [Month] [Year]

*Signed for and on behalf of the
State of South Australia by*



The Honourable John Rau MP
Attorney-General of South Australia

29/12/16
[Day] [Month] [Year]

*Signed for and on behalf of the Australian
Capital Territory by*

Gordon Ramsay MLA
Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Victoria by*

The Honourable Martin Pakula MP
Attorney-General of Victoria

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Western Australia by*

The Honourable Michael Mischin MLC
Attorney General of Western Australia

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Tasmania by*

The Honourable Vanessa Goodwin MLC
Attorney-General of Tasmania

[Day] [Month] [Year]

*Signed for and on behalf of the Northern
Territory by*

The Honourable Natasha Fyles MLA
Attorney-General of the Northern Territory

[Day] [Month] [Year]

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*Signed for and on behalf of the Commonwealth
of Australia by*

**Senator the Honourable George Brandis
QC**

Commonwealth Attorney-General

[Day] [Month] [Year]

*Signed for and on behalf of the
State of New South Wales by*



The Honourable Mark Speakman MP
Attorney General of New South Wales

[Day] [Month] [Year]

31-03-2017

*Signed for and on behalf of the
State of Victoria by*

The Honourable Martin Pakula MP
Attorney-General of Victoria

[Day] [Month] [Year]

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The Honourable Vanessa Goodwin MLC
Attorney-General of Tasmania

[Day] [Month] [Year]

*Signed for and on behalf of the Australian
Capital Territory by*

Gordon Ramsay MLA
Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the Northern
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The Honourable Natasha Fyles MLA
Attorney-General of the Northern Territory

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Attorney General of New South Wales

[Day] [Month] [Year]

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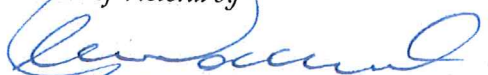
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Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Victoria by*



The Honourable Martin Pakula MP

Attorney-General of Victoria

[Day] [Month] [Year]

12.1.17

*Signed for and on behalf of the
State of Western Australia by*

The Honourable Michael Mischin MLC

Attorney General of Western Australia

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Tasmania by*

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Attorney-General of Tasmania

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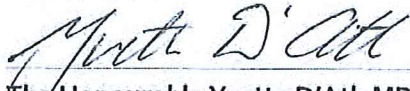
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The Honourable Martin Pakula MP
Attorney-General of Victoria

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Queensland by*


The Honourable Yvette D'Ath MP
Attorney-General of Queensland

[Day] [Month] [Year]

02 March 2017

*Signed for and on behalf of the
State of Western Australia by*

The Honourable Michael Mischin MLC
Attorney General of Western Australia

[Day] [Month] [Year]

*Signed for and on behalf of the
State of South Australia by*

The Honourable John Rau MP
Attorney-General of South Australia

[Day] [Month] [Year]

*Signed for and on behalf of the
State of Tasmania by*

The Honourable Vanessa Goodwin MLC
Attorney-General of Tasmania

[Day] [Month] [Year]

*Signed for and on behalf of the Australian
Capital Territory by*

Gordon Ramsay MLA
Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the Northern
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The Honourable Natasha Fyles MLA
Attorney-General of the Northern Territory

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COPY

Project Agreement for Family Advocacy and Support Services

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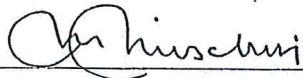
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[Day] [Month] [Year]

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The Honourable Michael Mischin MLC
Attorney General of Western Australia
11 January 2017
[Day] [Month] [Year]

*Signed for and on behalf of the
State of South Australia by*

The Honourable John Rau MP
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[Day] [Month] [Year]

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Attorney-General of Tasmania

[Day] [Month] [Year]

22 Feb 2017

*Signed for and on behalf of the Australian
Capital Territory by*

Gordon Ramsay MLA
Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the Northern
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The Honourable Natasha Fyles MLA
Attorney-General of the Northern Territory

[Day] [Month] [Year]

23 JAN 2017

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**Senator the Honourable George Brandis
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Capital Territory by*

Gordon Ramsay MLA

Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]

*Signed for and on behalf of the Northern
Territory by*

Natasha

The Honourable Natasha Fyles MLA

Attorney-General of the Northern Territory

[Day] [Month] [Year]

10 JAN 2017