

to empower the Attorney-General to give approval to marriage guidance agencies and also to make grants from public funds to support them. The agencies themselves, however, remain private bodies. No governmental guidance organization has been established. The sum appropriated for the current year to subsidize marriage guidance agencies is A\$183,000 (that is about \$200,000 in Canadian funds).

While the agencies remain independent, to secure approval they must report to the Attorney-General on their activities and the government has encouraged the agencies to co-ordinate their activities and, in consultation with university social welfare departments, to set up courses for the training of marriage guidance personnel. The work of marriage guidance organizations has improved and increased substantially since the introduction of the Act.

Furthermore, by the procedural rules established by the Act, solicitors cannot proceed with a matrimonial petition until they have drawn the attention of the parties to the procedures in the Act relating to reconciliation and until they have brought to their notice the approved marriage guidance agencies that are available. Additionally the solicitor must discuss with his clients the possibilities of reconciliation. There is some evidence that members of the Australian Bar are taking these obligations seriously.

The Australian law now requires, by section 14 of the Act, the judge, in those cases where there is reason to believe that reconciliation is possible, to adjourn the case to give the parties the opportunity to become reconciled. Additionally, he may attempt reconciliation himself, or nominate either a marriage guidance agency or some other suitable person to attempt to act as a conciliator. The most recent information available on this provision, however, would indicate that it has achieved little. By the time the case gets to court, at least one of the parties is usually determined to terminate the relationship, and judges have seldom instituted reconciliation attempts and there is little evidence that those instituted have been successful. (Selby, *M.L.R.*, 1966 p. 487).

Marriage guidance counsellors have received protection from forced disclosure of any information they might acquire in the course of their duties. They are required to take an oath of secrecy and they cannot be compelled to disclose to the court any communication made to them in their capacity as marriage guidance counsellors. This has given them greater opportunity to fully gain the confidence of their clients and render more effective help.

The Act has also attempted to "draw the teeth of the bogey of collusion". The Rules provide that before a defended suit can be set down for trial, a conference must be held between the petitioner and respondent, so that they may make a *bona fide* endeavour to reach agreement on matters of maintenance of a party, property and care, maintenance and custody of children. Similarly, section 40 of the Act no longer provides an absolute bar of collusion but requires "collusion with intent to cause a perversion of justice".

An amendment to the 1959 Act, passed in 1965, has adopted the English restrictions on the bar of condonation, whereby a period of cohabitation for not more than three months with reconciliation as its object is not considered as condonation. Analogous provisions are also made which prevent the interruption of the statutory two year period of desertion and five year period of separation.