

The response provides a comprehensive and detailed analysis of the effectiveness of family law in achieving justice for parties involved in relationship breakdowns. There is sophisticated analysis, showing a depth of understanding of the breadth of the issues. Criteria to evaluate the effectiveness of the law are explicitly integrated, as is the use of statistics and sources to support the arguments made. More critical argument about the limitation of the law and a strong concluding statement would enhance the response.

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Divorce is the intractable breakdown of a marriage as defined by the Family Law Act 1975 (1975), which introduced the 'no fault' concept of separation, ~~where~~ neither party needs to be at fault through adultery or so on for the divorce to proceed. ~~Therefore~~ For the divorce to happen, there only needs to be one consenting party ~~who~~ who wants the separation to go ahead. This is particularly important in achieving justice as it prevents these abusive relationships from being constrained to that relationship. Several steps must be taken at the breakdown of a relationship such as dispute resolution or arbitration and concern the two main issues of property and children matters. ~~Therefore~~ The law aims to achieve justice for all parties involved through these processes to increase rates of compliance, decrease hostility between parties and ~~most~~ importantly achieve the 'best interests of the child' for matters involving children.

Property, under the Family Law Act 1975 has a broad definition ~~under the~~ including house, company or any material possessions required while in the marriage. This is a major factor contributing to hostility between parties, and <sup>the</sup> law has responded to achieve justice for <sup>both</sup> parties in the matter. Pre-nuptial and post-nuptial contracts are now recognised by law, and allow individuals to come to their own agreements regarding the separation of property. However, if the parties are unable to resolve the conflict of separation, the matter will be arbitrated by the ~~Federal~~ Family Court or Federal Magistrates ~~Board~~ Court, which share concurrent jurisdiction. The court will take

into account financial and non-financial matters, ~~which~~ <sup>which party</sup> will be taking care of children under 18 years and so on. The <sup>consideration</sup> non-financial contributions to marriage are effective in achieving justice especially ~~for~~ for women who <sup>on average</sup> perform the bulk of domestic chores and who may have been unable to contribute financially due to taking care of the children and so on. ~~Law~~ The law now also ~~is~~ includes superannuation as property, which again achieves justice for women who statistically will have half the superannuation of a male due to a broken working-life\*. Therefore law is evolved to represent changing community standards and thus achieve justice for parties regarding property division at the breakdown of a ~~marriage~~ relationship.

\* The <sup>inclusion</sup> recognition of de facto ~~relationships~~ <sup>(including homo-sexual)</sup> relationships, A751 customary marriages and ~~the~~ polygamous marriages performed <sup>overseas</sup> ~~overseas~~ at the breakdown of a marriage ~~which~~ concerning property matters has contributed to the achieving of justice for parties as it is widely inclusive of the whole community.

The second ~~matter~~ and possibly the most important factor regarding the breakdown of a marriage is the issue of custody of any child or children of the relationship. Matters concerning children ~~are also treated in the~~ of de facto relationships, A751 customary marriages and <sup>overseas</sup> polygamous marriages are also dealt with in the same ~~way~~ ~~the~~ the breakdown of a marriage is dealt with. This, again is effective in achieving justice for both parties. Under the principles of UROC 1989, the Shared Responsibility Act 2006

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States that any decision made regarding children must be made in the 'best interest' of the child, and that the child has a right to a meaningful relationship with both parents and to be protected from harm. Although ~~the~~ parenting plans are encouraged to be made through Family Relationship Centres and so on, if the parties are unable to come to a mutual agreement, matters will be taken before court. The principles of <sup>the</sup> Shared <sup>Parental</sup> Responsibility Act 2006, for the welfare of the child, location of the home and so on will be considered by ~~the judge~~ the judge in determining the custody of the child. Although with the introduction of the Act, there was a trend towards granting 50/50 custody, it is a notion misconceived by ~~society~~ the public as it is not 'shared custody' but 'shared responsibility'. ~~It~~ Studies have shown that it is psychologically and <sup>more</sup> emotionally stable for a child to have a 'base' home ~~and~~ while still being able to see the other parent. Therefore by acknowledging the importance of a child to have a relationship with both parents, the law has achieved to the best of its ability, justice for ~~both parties~~.

|| The notion of shared responsibility however, may not always be appropriate in matters where violence or abuse within the relationship are reported. The courts in this case will strive to uphold the provisions of the Shared Parental Responsibility Act 2006 which protect the child from harm. Issues ~~are~~ arise with ~~these~~ reports of violence and abuse however, and also highlight the inappropriateness of the ~~adversary~~ adversary system of law regarding family law, as one party may try to stop the other from maintaining contact with the child for personal reasons and so on with false allegations. ~~These~~ These false allegations could ~~not~~ result in extreme actions by the ~~other party~~ other party as evident with the

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of with the incident of the father on Lantana-bridges and the murder of children ~~of~~ <sup>the</sup> relationship and former spouses. Therefore, the law needs to ~~be very~~ <sup>care</sup> must thoroughly investigate such allegations to achieve a fair and just outcome for all involved.

Incidents regarding domestic violence are dealt with by a three-tiered system under both criminal law, Criminal Act 1900 (NSW) and family law. These sanctions include court convictions, <sup>domestic</sup> Apprehended Violence orders and family court injunctions may be implemented to punish or prevent family violence. ~~However~~ However, AVOs have been specifically proven not to work with breaches common. Therefore, law must focus on compliance and strict policing to achieve justice for all parties.

Violence against children is also another issue that may arise ~~of~~ from the Shared parental responsibilities Act 2006, where children may be forced to spend time with abusive parents, recently highlighted by the case involving the sexual assault of a girl by her step-father. To combat these issues law requires mandatory reporting by those ~~in~~ <sup>profession</sup> working in professions involving children such as teachers and so on if there is significant concern. Reports may be lodged and investigated by the Incident Response ~~team~~ team, and courts ~~with~~ <sup>may</sup> place the child into the care of other relatives or with community services. Although incidences of child abuse and violence are

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A significant issue in the community, the law aims to adequately deal with these issues. With the cooperation of community services to improve child protection, justice will be achieved for all parties involved.

A final criticism that can be made about the legal system in achieving justice for parties involved in relationship breakdown is the adversarial nature of the court system, as it encourages hostility between parties, as highlighted by Justice Alton in Nicholson's trial of the LAT (Less Adversarial Trial System) regarding family law. Therefore <sup>the</sup> law may need to be reformed to create a more inquisitorial system for family law to achieve justice for all parties involved at the breakdown of a relationship.