

The response demonstrates extensive knowledge and understanding of the legal system and its operations. It includes sound evaluation using well-supported arguments. A range of legislation is cited but more explicit reference to the cases and media would enhance the response. Greater cohesion between the arguments is also required.

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The law has been fairly effective in catering to all parties involved in the ~~dissolution~~ break down of a relationship in a ~~just~~ fair, equal and accessible manner. Although equality for all family types has been slow to develop, the current status of family law - through ~~the~~ foundational ~~the~~ legislation such as the 1975 Family Law Act (FLA) - has been effective in achieving justice to all members. Dissolution of marriage and children, property, ~~as~~ ~~has~~ been dealt with along with domestic violence, have all been dealt with. The court has been effective in encouraging cooperation outside court to raise efficiency.

With regards to the issue of divorce, Hyde v Hyde ~~was~~ originally defined marriage as a union "for life", hindering the ability to seek divorce. Eventually the 1959 Matrimonial Causes Act (MCA) created 14 grounds for divorce, still not very accessible - but ~~was~~ an improvement on previous law. The 1975 FLA, reduced this to just one ground; "irretrievable breakdown of marriage" - where one ~~or~~ year separation <sup>and accessibility</sup> is necessary. This increased equality as either party

could seek divorce. As a result according to ABS, crude divorce rates tripled temporarily, reflecting the Family Court effectively clearing the ~~long~~ backlog of cases. The s50 "kiss and make ~~up~~ clause," allows for a 3 month pause time in separation period, encouraging couples to cooperate, possibly resolving the breakdown, saving court resources. The Federal ~~law~~ has been efficient, creating the magistrates court in 1999 to increase accessibility and enforceability of the Law. The 2003 parliamentary inquiry on child custody agreements suggested compulsory mediation for those ~~seeking~~ seeking divorce; this was accounted for in s60I of the FLA 1975, as relationships less ~~than~~ than 2 yrs old, or with children must seek counselling before court. This greatly ~~increases~~ increases efficiency of resource allocation in the court as ~~more~~ more than 90% of cases are settled out of court. Overall the law has effectively ~~achieved~~ achieved justice for both parties in divorce.

However children in divorce is another aspect of the breakdown. The decree absolute can only be ~~issued~~ issued if the parenting plan

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or order has been figured out, stress the importance of protecting children. Assuming that the parents know better, courts only intervene with an order if a plan cannot be agreed upon. The 1995 FLA ~~an~~ amendment ratified the convention on the rights of the child, changing terminology to imply that children are a responsibility, not a right. This fair treatment is reiterated in the 2006 FLA amendment, as requests by ~~for~~ children are a primary concern. The 2006 amendment however, also caused issues as it was misinterpreted for shared care, exposing kids to abusive parents. This is evident in the ~~2009~~ Rosa v Rosa 2009 case as the mother standard of living deteriorated ~~to her~~ <sup>for his work</sup> as she travelled with the ex-husband to be near the child to make shared care possible. The ~~high~~ high court ruled that shared care was impractical, possibly leaving all ~~the~~ shared care orders invalid, according ~~to~~ to the Sydney Morning Herald article "High court ruling leaves ~~parenting~~ parenting orders in doubt." This would highlight that the law has been ineffective in dealing with parental orders.

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Property is another area of a relationship breakdown that ~~must~~ <sup>has</sup> been catered to, with moderate effectiveness. ss 75/79 of the FLA detail ~~is~~ all considerations when dealing with property, such as earning capacity and future needs, allowing for fair treatment to both parties. The 2008 amendment of FLA included de facto couples - 23% of family types - , and same sex, greatly increasing the equality and efficiency of law. It is more efficient due to the fact that previously these family types had to go to state court for ~~for~~ property disputes under the property relations act 1984 (1999 amendment included same sex) while going to family courts for ~~to~~ children (the 1987 amendment allowed for ex-~~temp~~ nuptials to be heard in family court). The two court attendances were costly and time consuming.

The 2000 FLA amendment created cohabitation and prenuptial agreements, making court processes more efficient as the conflict is resolved out of court.

With regards to domestic violence, the state law has been given jurisdiction under the Crimes (personal and domestic) violence act 2007 NSW, allowing them to issue 12 standard Apprehended Domestic Violence Orders (ADVOs) to protect individuals from harm.

These are much more effective than ~~repare~~ injunctions provided by Federal courts, and in 2009, 43500 ADVO's were issued. Breaching an ADVO can lead up to \$5000 fine and 2yrs imprisonment, allowing for them to be enforceable and protect ~~younger~~ vulnerable members. The ~~Children~~ and young persons (care and protection) Act ~~1998~~<sup>2007</sup>, requires public sector workers such as nurses and teachers to report to Department of Community Service (DOCS) if they suspect a child is ~~being~~ abused. As a result, in 2009, there was ~~20~~ 25000 kids on care and protection orders, up 88% since 2000, highlighting the increased protection. However in breakdown of marriage, it is up to the applicant of a contact order to ~~notify~~ notify the court ~~to~~ that the spouse has an ADVO against them. This lack of synchronisation between federal and state law ~~could~~ could be ineffective as ~~the~~ it distorts the fairness of the family court decision making on contact orders.

Overall Family Law has been pretty effective in ~~as~~ achieving justice for parties involved in a relationship

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breakdown, through constant referrals of the FLA, it has ~~accurately~~ ~~not~~ countered most issues, and as of how equally treats alternative family structures.

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