

The response demonstrates a sound understanding of the parties and issues involved in relationship breakdowns. It provides a coherent and comprehensive response, using sophisticated language and relevant, integrated examples including legislation, media and case law. More sustained depth of analysis would enhance this response.

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PlanDissolution of M.

- Marriage followed UK.
- Divorce laws 1 & ground
- FLA 1975.
  - Parenting Plans

Legal Conseq of Child / Prop.

- FLRA 96.
- FLA (SDP) 06.
- problems.

Legal Rights and Obligations of C / Parents.

- Protect from DV
- NSWCS.
- C (P&P) 2000.
- Medical
- Child Support.

The effectiveness of the law in achieving justice for parties involved in relationship breakdown has varied between different aspects of family law. Generally, however, the law is improving in this area. The current laws ~~under~~ regarding the dissolution of marriage have been quite successful in achieving just outcomes, ~~then~~ however the legal ~~a~~ consequences of children and property has ~~not~~ been ~~as~~ limited in some circumstances. Although the law plays a role to achieve justice, sometimes this can be greatly assisted when ~~for~~ parents comply with their ~~rights~~ legal rights and obligations.

Australia's marriage and divorce law has traditionally ~~followed UK~~ been strongly influenced by UK law. For example, the Matrimonial Causes Act 1959 (Cth) ~~only~~ allowed fourteen grounds for divorce, thirteen which were based on fault, reflecting UK law. However, the need to prove fault led to aggressive ~~poor~~ behaviour between parties. ~~As~~ The Family Law Act ~~was~~ 1975 (Cth) was introduced as a result and this removed all grounds

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For divorce except for the 'irretrievable' breakdown of marriage that meant that no party was at fault. However, as such, the law required in this instance certain other provisions. For example one section of the act allowed for the 'kiss and make up dance' which required that if the two parties had only been married for two years or less, they were encouraged to ~~come~~ overcome their problems with a counsellor before proceeding to court. In some instances this has proved to be quite successful in achieving justice for both parties as they are not ~~ordered~~ given court orders until more passive approaches have been taken during relationship breakdown.

If the parties ~~are~~ have been together for more than two years they are encouraged to enter into a parenting plan under the Family Law Act. Although there is no legal responsibility to do so, parenting plans are quite successful as they are voluntarily entered into and the parents ~~can thus be~~ are thus given a chance to come to an agreement themselves, as court proceedings are generally more costly and distressing.

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~~The~~ The Family Law Act 1975 (cth) has been highly successful in achieving justice for parties involved in relationship breakdown, as older laws ~~to~~ created potential conflict and required one party to prove fault. Now the law allows for the parties to come to agreeable terms themselves were appropriate.

In contrast to this, where there are specific incidents relating to children or property, the law is not as successful, even though there have been numerous attempts to ~~was~~ reform the law. The Family Law ~~R~~ Reform Act 1996 (cth) introduced new terminology such as 'spend time with' rather than 'custody of'. The act thus intended children to have a meaningful relationship with both parents, but it also had provisions to protect them from harm. The act outlined the importance of decisions being made in the 'best interests of the child' and as such the law required minors to be protected from drug abuse and domestic violence. This did not necessarily achieve justice for both parties, but it reflected protected the children above all else



as they are seen as the most vulnerable family members. The significance of maintaining a strong relationship with both parents where available was emphasised in the Family Law (Shared Parental Responsibility) Act 2006, to make sure all the parties had just ~~only~~ outcomes to benefit them all.

However, there have been major criticisms of this act. For example, the presumption of equal shared parental responsibility has been given more weight than warranted, and many parties have believed it to mean '50 / 50 custody of the children', i.e. equal time with parents. The law in this manner needs to be reformed to distinguish more clearly between 'equal time' and 'equal responsibility'.

Property division is also another source that could lead to great conflict in a relationship breakdown. To diminish this, the Property Legislation (Amendment) Act 1998 was introduced to allow ~~paren~~ the two parties to make a property agreement. Such agreements can be created before ~~during~~, or after a marriage under the act. However, to achieve

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just outcomes, the court may intervene where one party feels they have been left with ~~an~~ an unfair result. For instance, in the case of C and M 2006, the wife was left with only 7.5% of the assets. However, on appeal, after taking into account the lack of restriction on the ~~top~~ wife's earning capacity, and the short ~~term~~ time of the marriage, there would be no disparity for adjustment. This successfully achieved justice for the other party as he was entitled to his own assets that he had ~~acc~~ accumulated before the marriage. Although the law has not been too successful when it has come to specific incidents relating to children and property, it ~~has~~ has improved recently, and there remains to be potential improvement. The law is also ~~as~~ benefited in its successfulness when both parties comply with any orders that the court may have given or that may be ~~outlined~~ outlined in legislation. For example, Domestic Violence is regarded as a very serious crime under the Family Law Act 1975 (Cth), and as such, in instances

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of child abuse where the parents have not followed their obligations, the law is required to intervene to provide just outcomes. Relationship breakdown is often a part of relationship breakdown, and NSWCS has a role to provide safe and secure environments for children. However, according to the Submission of the Ombudsman to the Wood Inquiry in 2006, the number of 'risk of harm reports' being made to NSWCS has increased by only 19% in one year, to 286000. Many of these instances are not often serious, but as a result, NSWCS cannot support all these children whose parents have not complied with their obligations. As a result, some children have even died. For example in 2009, 150 died in the hands of their abusive carers. This demonstrates when the law has not achieved just outcomes for the child.

In the instance of the breakdown of a relationship, many parents do not often comply with paying child maintenance. For example in ~~2000~~ 1988 the Child Support Scheme was introduced due to a 70% non-compliance rate of parents

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Failing to provide child maintenance on time. The Scheme today has covered this figure to 50%, which has achieved justice to more broken relationships however, there is still clearly much room for improvement.

Generally, the law has been successful in providing just outcomes in different circumstances. However, as can be seen, effective law reform has improved the outcomes regarding justice for all parties.

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