

## FAMILY LAW UPDATE — JULY 2010

### THE CHANGING FAMILY—THE GOOD NEWS

by Dino Di Rosa



The Australian Institute of Family Studies recently released figures which show families have changed considerably over the last 30 years since the introduction of the Family Law Act but were still the basic unit caring for each other and raising children. The majority of families with at least one child under 18 in 2006/07 were considered "intact", with no step-children.

Professor Alan Hayes said the long-term study showed the family unit was still intact, albeit in a dramatically altered form.



"In the early eighties some people wondered whether the family would actually survive," he said in a statement. "The marriage rate was declining and more people were living together. The divorce rate had also increased dramatically when the Family Law Act came into force in 1976. Compared with 30 years ago, parenthood today tends to start later in life, couples tend to have fewer children, and both parents are likely to be in paid employment. Despite these changes, the family unit has thrived and continues to play a central role in shaping the health and wellbeing of all immediate family members."

Source: Sydney Morning Herald

### SHARED PARENTAL RESPONSIBILITY—THE BAD NEWS

by Katherine Stavrou



A recent study commissioned by the Commonwealth Attorney's General Department in relation to the effect of the "shared parenting" provisions of the Family Law Act has shown that there is increasing dissatisfaction in the community towards the system introduced by the Howard Government.

The report, "Family Violence and Family Law in Australia", surveyed many families around Australia, revealed that there were many instances where "share parental responsibility" simply did not work and that children had been exposed to violence despite the exceptions under the Act. The report said where family violence occurred, the safety of adult and child victims should be given priority over children's contact with the perpetrator, over shared parental responsibility, and over shared care. The 2006 reforms steered many families from the Courts but left some parents feeling coerced into agreements they did not feel were safe for their children, the report found.

The Report adds yet more voices to the growing chorus of disapproval of the reforms and in particular the manner in which they have been applied by the Courts.



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