



Family Law Practitioners' Association of Queensland

www.flpa.org.au

Media contacts:

Merrett Pye – 0422 096 049 or Caroline Thurlow – 0414 565 575



Leadership in family law



Family Law Practitioners' Association of Queensland Ltd

Factsheet

About FLPA

- FLPA is Queensland's leading professional body representing those practising in family law - solicitors, barristers, social workers, psychologists, members of the judiciary and associated fields.
- FLPA members range from large full service legal firms to small individual family law operators, to government funded providers to the industry and law students.
- A non-profit organisation, FLPA has more than 750 members in Queensland, northern New South Wales and the Northern Territory.
- FLPA aims to provide its metropolitan and regional members with leadership, education and practical resources to assist them in their day-to-day family law practice.
- FLPA monitors and promotes reform of family law which serves the needs and concerns of families.
- FLPA members can offer advice on matters including separation, divorce, childcare issues, cohabitation, defacto relationships, pre-nuptial agreements, adoption, gay and lesbian rights, child hearings, child protection and domestic violence.
- FLPA members are committed to resolving family disputes in Queensland.

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About family law

- Family law is the area of law that deals with particular family issues including separation and divorce, child support, property settlements, and domestic and family violence.
- In Australia, family law issues covering areas such as divorce; spousal and de facto maintenance; property disputes; and parenting orders including those providing for where a child lives, who a child spends time and communicates with, maintenance or specific issues are dealt with under the federal law – the Family Law Act 1975.
- These family law issues are dealt with in the Family Law Courts which comprise the Family Court of Australia and the Federal Magistrates Court of Australia. Both courts have jurisdiction in family law issues in Queensland. The courts are independent, but cooperate to provide streamlined access to the federal family law system.
- Generally, the Family Court of Australia is a superior court of record and deals with more complex issues. The Federal Magistrates Court deals with less complex issues that are likely to be decided quickly.
- Child protection and domestic and family violence are dealt with under separate state legislation. These issues are dealt with in the Magistrates Court, the first level of the Queensland Courts system.
- According to the recent Federal Magistrates Court Annual Report 2010-11, family law applications have grown from 76,881 to 2006-2007 to 84,094 in 2010-11, an increase nationally of 9.3 per cent.
- In 2010-11, more than 20 applications a day were made to the Family Court of Australia.
- Brisbane has 11 federal magistrates and is regarded as one of the busiest Federal Magistrates Court registries in Australia.



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About the Family Law Amendments

- On 22 May 2006, Australia passed amendments to its *Family Law Act 1975*, named the *Family Law Amendment (Shared Parental Responsibility) Act 2006*, which applies to any court matters involving children that were in court on or after 1 July 2006.
- The amendment aims to ensure that the best interests of children are met by ensuring that "children have the benefit of both their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child."
- The *Family Law Act* is administered by the Family Court of Australia and the Federal Magistrates Court.

About the Domestic and Family Violence Protection Act

- The *Domestic and Family Violence Protection Act 2012* was the last legislative Act of the Bligh Government and was passed with the support of the then LNP Opposition.
- Under the new laws, domestic violence is defined as behaviour that is physically or sexually abusive, emotionally, psychologically or economically abusive, threatening or coercive, or behavior that controls through fear.
- In its submission on the proposed Act in 2008, FLPA made a number of recommendations that have been included in the legislation including the changing of consent orders.

About the Civil Partnerships Act

- The Civil Partnerships Act 2011 was passed by the Queensland Parliament in late 2011.
- Under the Act, couples, regardless of sex can enter into a civil partnership, subject to eligibility requirements.
- Importantly the Act amends other areas of law including (but not limited to) property law, taxation, personal injuries, guardianship matters, succession law and the status of children.



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Family law fast facts

Marriage

- The **number of marriages** for every 1,000 people has generally fallen in the last 40 years (9.3 in 1970, 7.4 in 1980, 5.3 in 2001, 5.5 in 2008, 5.1 in 2013).
- **Cohabitation before marriage** has increased significantly in the last 40 years. In 1975, only 16 per cent of those married lived together beforehand, increasing to 23 per cent in 1979. . By 2008, however, 78 per cent of those married lived together beforehand.
- The **number of Queenslanders marrying is increasing**, but marriage rates have been outstripped by divorces, de facto relationships and people choosing to remain single. From 2006 to 2011, there was a nine per cent increase in the number of Queenslanders marrying but divorces increased by 12 per cent.
- The **median age for married Queenslanders** is 50. The median age for those in de facto relationships is 34 and 25 for singles.
- **Queensland and Tasmania** recorded the highest proportion of couples living together prior to marriage (both 86 per cent).

Divorce

- The **number of divorces** for every 1,000 people more than doubled between 1975 and 1976 (from 1.8 to 4.6) when the Family Law Act 1975 came into force.
- The number of divorces for every 1,000 people has steadily declined in the last 30 years (2.7 in 1980, 2.8 in 1999, 2.2 in 2008, 2.1 in 2013)
- In 2013, divorces involving children represented 47.4 per cent of all divorces. The median age of males and females at divorce was 44.8 and 42.2 years respectively.
- The **divorce rate from second marriages** is a little higher than that from first marriages.
- In 2008, **Australia ranked highly internationally** with a divorce rate of 2.2 per 1,000 people. The USA rated higher at 3.7 (2006), Latvia at 3.6, Denmark at 2.8 and the United Kingdom at 2.4.



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Family law fast facts cont'd

- **Growth of divorces and separations in Queensland** is almost two per cent higher than the national figure. Queensland ranks second behind Western Australia in the growth rate of divorces and separations (12.57 per cent compared to 12.4 per cent).

Domestic and Family Violence

- **Reporting of domestic violence** has increased. Thirty-six per cent of women who experienced physical assault by a male perpetrator reported it to the police in 2005 compared to 19 per cent in 1996, and that 19 per cent of women who experienced sexual assault reported it to the police in 2005 compared to 15 per cent in 1996.
- In 2009-10 the Queensland Police recorded 49,372 domestic and family violence incidents (an increase of 11.5 per cent on the previous year) and laid 8,033 charges for breach of a domestic violence order.
- In the same period, the courts received 22,754 applications for domestic violence orders (an increase of eight per cent on the previous year).

Parenting arrangements

- **Contact arrangements for separated parents has changed.** The proportion of children who rarely had contact with their natural parent living elsewhere (less than once per year or never) has declined (30 per cent in 1997, 26 per cent in 2003, 28 per cent in 2006-07 and 24 per cent in 2009-10).

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Clarissa Rayward

FLPA president

Director, Brisbane Family Law Centre



Clarissa Rayward has practised exclusively in family law for more than 11 years.

An accredited family law specialist, she was appointed president of the Family Law Practitioners Association of Queensland (FLPA) in October 2014 after two years as vice president. Clarissa was elected to the FLPA board in 2008.

Establishing Brisbane Family Law Centre in 2008, Clarissa is an accomplished family lawyer, presenter, author and businesswoman. A past board member of Queensland Collaborative Law, she is passionate about using her knowledge and skill in family law to change the way families experience separation.

Clarissa is the author of the successful 'Happy Family Lawyer' blog providing weekly commentary on issues relating to divorce as well as a new book 'Splitsville – How to separate, stay out of court and stay friends'. She is also a regular contributor to various online publications.

Clarissa was a finalist in the Brisbane Young Entrepreneur of the Year Awards during 2014, 2013 and 2012. In 2014, Clarissa was also named among the leading family lawyers in Queensland by the Doyle's Guide to the Australian Legal Profession.

In addition to her membership with FLPA and Queensland Collaborative Law, Clarissa is a member of the Family Law Section of the Law Council of Australia, as well as the International Academy of Collaborative Professionals.

Clarissa is the media spokesperson for the Family Law Practitioners Association in Queensland and is able to make comment on a number of family law issues:

- Separation and divorce
- Collaborative law
- Child care agreements
- Same sex relationships and rights
- Surrogacy
- The Family Law Act
- Domestic violence
- Child protection
- The Hague Convention