



# Whistleblower | Psionic Community

”Cultivating Justice in Australia”

FAMILY LAW LEGISLATION

Article

## FAMILY LAW LEGISLATION

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### Chapter 4 Family Rights and Family Law

#### Preface

Australia is a country that maintains strict legislation and regulations regarding the workplace. It therefore has enacted a number of Acts and uses Common Law. And whilst the Statutory requirements and rules regulate employment, the relationship is still fundamentally a common law contract relationship. A Whistleblower within this context is a person who provides information and exposes people, events, and actions, that are deemed illegal, immoral, illicit, unsafe corrupt or fraudulent conduct within a private or public sector organization in the hope of prevention and cessation. And in this section we will briefly discuss the Legislation and Common Law precedents that govern how our workplaces should function for the good of all.

#### Main Topics:

- **Introduction**
- **Historical Context**
- **Parenting Arrangements**
- **Property Division**
- **Challenges in Family Law**
- **Conclusion**

#### Introduction

Family law in Australia governs the legal responsibilities and rights of individuals within a familial relationship. This body of law is crucial as it impacts the lives of many Australians, addressing crucial matters such as marriage, divorce, parenting arrangements, property settlements, and domestic violence. Established to promote fairness and protect the welfare of



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children, Australia's family law framework has evolved over decades, reflecting societal changes and the complexities of modern family life.

### Keys:

#### Historical Context

The origins of family law in Australia can be traced back to the early 20th century, reflecting traditional societal attitudes towards marriage and family. Before the Family Law Act 1975, which marked a significant turning point, most family-related legal matters were addressed through state laws, leading to inconsistencies across jurisdictions. The introduction of the Family Law Act 1975 sought to create a uniform framework for family law across Australia, moving away from the adversarial nature of earlier legal practices and focusing more on the welfare of children and responsibilities of parents.

#### Key Legislation

1. **Family Law Act 1975** The Family Law Act 1975 is the cornerstone of family law in Australia. It established the Federal Family Court and outlined the legal processes for divorce, property division, and child custody arrangements. The Act emphasizes the best interests of the child as the primary consideration in parenting disputes, which has significantly influenced legal judgments over the years.
2. **Child Support (Assessment) Act 1989** This legislation facilitates the financial support parents provide for their children following separation or divorce. It establishes a scheme for assessing, collecting, and managing child support payments, ensuring that financial responsibilities toward children are met.
3. **Family Violence Protection Legislation** Various states and territories have enacted laws to protect individuals from domestic violence. The National Domestic Violence Order Scheme, established in 2017, allows protection orders to be recognized across Australia, streamlining legal processes for victims who move between jurisdictions.
4. **Amendments and Modern Reforms** The Family Law Act has undergone numerous amendments since its inception, reflecting changing societal norms and values. For instance, significant reforms in 2006 strengthened the emphasis on shared parental responsibility and introduced measures to address family violence. In recent years, discussions around further reforms have gained traction, particularly regarding



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provisions for family law in the context of same-sex relationships and the increasingly diverse nature of Australian families.

### **Parenting Arrangements**

One of the primary focuses of family law is the determination of parenting arrangements after separation or divorce. Courts prioritize the best interests of the child, which includes ensuring a child has meaningful relationships with both parents, provided that it is safe and appropriate. Parenting orders can include decisions about where the child will live, how much time they will spend with each parent, and how major decisions regarding their education, health, and welfare will be made.

### **Property Division**

Property settlement can often be one of the most contentious areas of family law. The Family Law Act outlines how assets and liabilities are to be divided between parties upon separation or divorce. The assets include not only property and financial accounts but also superannuation and any debts incurred jointly or individually during the relationship. The court aims for a fair distribution based on contributions made by both parties, taking into account both financial and non-financial contributions.

### **Challenges in Family Law**

Family law in Australia is not without its challenges. The complexity of cases involving domestic violence, parental alienation, and the intersection with immigration law are just a few issues legal professionals encounter. The court system can be daunting for individuals unfamiliar with legal processes, leading to calls for more accessible resources and support services.

Additionally, there are ongoing debates about the adequacy of existing laws to address contemporary family dynamics. The rise of non-traditional families, blended families, and diverse cultural backgrounds necessitates continuous reevaluation of how the law can best serve the interests of all Australians.

### **Conclusion:**

Family law legislation in Australia represents a dynamic and evolving framework aimed at ensuring stability, fairness, and protection within family relationships. With the ongoing discussions about necessary reforms, it is clear that family law will continue to adapt to



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reflect the ever-changing landscape of Australian society. As families evolve, so too must the legal structures that serve to protect their welfare and rights. The ongoing commitment to uphold the best interests of children and to provide equitable solutions for parents remains at the heart of Australian family law.

### **CRITICAL EVALUATION:**

**Strengths:** Brief general analysis, relevant practical outline of structures and instruments of Family Law.

**Weaknesses:** Limited attention to examples of Family Law in Action.

#### **Biases or Assumptions:**

- Emphasis on legal/layperson approaches, possibly underrepresenting alternative methods.

#### **Contribution to the Field:**

- Significant contribution to for target demographic.

#### **Comparison with Other Works on the Topic:**

- Consistent with existing research and information, but doesn't offer a deeper analysis of efficiency improvement methods.

### **PERSONAL RESPONSE:**

The article was informative and useful for understanding the limitations and possibilities of Family Law and its legislative Acts. It was meant to give the reader a basic understanding of the principles underpinning the Law of Separation of Relationships. The major scopes include: law relating to divorce (legal separation), separation (formal and informal departure of relating parties), children (human capital produced during the relationship), parenting arrangements (formal and informal ordering of the children), property (involves the division of assets, debts, and financial resources between former partners after ending a marriage or de facto partnerships). and financial matters. (a set of orders made by the Court or by mediation agreement relating to the division of property or money and can include orders for payment of spouse or de facto partner maintenance.)



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## Useful Links

1. [Family Law Act 1975](#)
2. [Child Support \(Assessment\) Act 1989](#)
3. [Family Violence Protection Legislation](#)
4. [Amendments and Modern Reforms](#)

*Thank you for Reading!*

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