

# Australian Journal of Family Law (AJFL)

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(practice bite and articles included in this part are linked to the LexisNexis platform)

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The Federal Circuit and Family Court of Australia: A new system for Australian family law

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The meaning of home for children and parents after parental separation: Recent insights from a qualitative study

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In this article, we draw on our recent study on the meaning of home for children and young people in separated families to offer some insights of relevance to Australian post-separation parenting law and practice. We identify the centrality of relationships, safety, and economic resources in shaping home. Our project findings convey the importance of listening to what children and young people — and their parents — say about home and homemaking after parental separation as a way of shedding light on what is most needed to support their adjustment and encouraging greater child focus when parenting arrangements are made.

The Family Court's approach to the 'circumstances' of a de facto relationship

— *Michelle Fernando and Olivia Rundle*

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This article examines how the Family Court views the circumstances of relationships when deciding whether two people were in a 'de facto relationship' for the purposes of post-separation financial proceedings. The core of the statutory definition of a de facto relationship is 'a couple living together on a genuine domestic basis', to be identified by examining 'all the circumstances' of the relationship. By looking at all of the cases where the Family Court has determined this issue, the authors examined the court's approach to relationship 'circumstances', such as common residence and financial interdependence. The authors found that the court relies heavily on the circumstances listed in the Family Law Act, but that certain circumstances are more indicative of a de facto relationship than others, and there is a lack of clarity about what is required to satisfy some circumstances. The authors make suggestions of how the law might be improved so that parties have greater certainty about how their relationship circumstances may be viewed if they separate.

**'Am I on track?' — Family dispute resolution and the client  
need for guidance in post-separation property matters**

— *Genevieve Heard and Andrew Bickerdike*

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Family Dispute Resolution in Australia has evolved out of facilitative disciplines of mediation that hold strongly to the principles of disputant self-determination and mediator impartiality. In a previous paper based on client interviews, the authors found that clients seeking assistance with post-separation property matters value the affordability of FDR and its potential to mitigate conflict, but that many experience frustration when an impartial mediator cannot advise on a 'reasonable' outcome, or a likely outcome should the case go to court. In this article, they examine the stated need of clients for more direction on settlement outcomes, as expressed in the interviews, in greater depth. They consider whether and how the FDR process could offer more guidance where necessary, and thus better meet the needs of a greater number of clients. They discuss service model elements that may promote the use of alternative dispute resolution for post-separation property matters.