



family flyer

Michael Lynch
Family Lawyers

Issue #120

Introduction

The Family Flyer is a free community service by Michael Lynch Family Lawyers. The publication is designed to be informative and topical and to assist you in understanding the ever-changing field of Family Law.

This edition includes:

- “Close-up” Edition
- The Age of Divorce
- Mediation in the Federal Magistrates Court
- Popular “Close-up” Articles
- Large Initial Contribution

“CLOSE-UP” EDITION

Easter Holidays can be a stressful time for separated families, especially when it comes to arranging the time each parent spends with the children. We recently contributed to a newspaper an article on the subject. To help you through, read [“Tips for Holidays”](#).

THE AGE OF DIVORCE

Over the past 20 years, statistics show that the age for divorce has been steadily increasing.

In 2008, the median age for women to get divorced increased to 41.4 years. For men, the median age also increased, to 44.1 years.

MEDIATION IN THE FEDERAL MAGISTRATES COURT

The Federal Magistrates Court in Brisbane has advised that in financial matters where parties have appropriate financial resources, they will be referred to private mediation.

While conciliation conferences will still be available, the Court highlights that there is an ever-dwindling capacity for Registrars to conduct those conferences.

The Court’s view is that where parties are able to afford the cost of a private mediation, they will be expected to undertake such mediation.

POPULAR “CLOSE-UP” ARTICLES

For over a year, with each edition of the Flyer, we have also provided a closer look at a topical issue in Family and Relationship Law. From the positive and interested feedback we get, these

“Close-up” articles are well received by our (over 5000) readers. The articles are FREE and provide a wealth of information presented in an easy-to-read style.

Below are some recent popular articles:

- [Parenting Laws – What’s Next?](#)
- [Documenting a Property Settlement](#)
- [Can I Move with my Children?](#)
- [What you Need to Know about Mediation](#)

To see any of these articles and more, visit us at www.mlfl.com.au/media/articles

LARGE INITIAL CONTRIBUTION

The determination of a property settlement involves, firstly, calculating the value of the property and then, secondly, considering the contributions each spouse has made.

A recent case considered a significant “initial contribution” by one spouse at the start of a 6 year relationship.

The facts:

- The Wife, 39, had travelled from the Philippines to Australia on a tourist visa and while in Australia she met the Husband, aged 59.
- The couple lived together for 3 months before getting married. The Wife then returned to the Philippines to apply for a spouse visa. The Husband visited her in the Philippines from time to time.



- The Wife was granted a visa and returned 3 years later, the couple then lived together for 7 months before separating.
- The Husband had a business and according to the financial statement it had a weekly income of \$600 and was valued at \$5000. The Husband purchased a house in the Philippines for the Wife's family and her children from a previous relationship.
- The Wife worked part-time and studied part-time. Her income was \$423 per week. The Wife's total debts were approximately \$110,000.
- The Husband had \$47,000 in superannuation while the Wife had \$4,941.
- The property pool was almost \$1.5 million. A substantial amount of that pool included the Husband's 4 properties. Three of the properties were purchased before he met the Wife. The property in the Philippines was purchased during their relationship and was in the Wife's name and considered as matrimonial property.
- The Wife denied that the Husband sent her money while she was in the Philippines.
- The Wife stated that she helped the Husband in his business by doing reception and administrative work.

- She also said that she did most of the domestic work at home. The Husband disputed the Wife's claims about the amount of domestic work she did.
- The Wife made no initial contribution and most of her income went to her living expenses.

Court found:

- The Wife's contribution to the welfare of the relationship was considered small when compared to the Husband's financial contribution. The Court assessed that contribution by her to be 2.5%.
- The Husband was in a better financial position.
- The Wife was unable to receive spouse maintenance as she was sufficiently able to support herself.

Court Order:

- The Wife received 10% of the property pool (and was able to retain her superannuation and the property in the Philippines).

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