



# family flyer

Michael Lynch  
Family Lawyers

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## 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:

- Public Seminar Series – Starting Next month!
- Your Rights – CSA Decisions
- “Close-up” Edition
- Different Lifestyles
- Q&A
- Glossary

## PUBLIC SEMINAR SERIES – STARTING NEXT MONTH!

If you are separated (or about to separate) and need easy-to-understand legal information, our new Seminar Series is for you!

Whether it's ‘children’s arrangements or trying to understand how ‘property settlement’ is determined – you have 2 seminar topics to choose from! Don’t miss out!

The 2 seminars – “**Separation & Children**” and “**Separation & Property**” will be presented by Family Law Specialist and renowned speaker, Michael Lynch.

Go to our website – [www.mlfl.com.au](http://www.mlfl.com.au) for details on the (7) venues.

Book NOW! (ph. 3221 4300) to secure your seat!

## YOUR RIGHTS – CSA DECISIONS

If you receive an assessment from CSA and you are not happy with it, you can request a Review – but what if you are not satisfied with the outcome of the Review? What can you do then?

If you find yourself in this position, you can lodge an objection against the Review decision. This would be in a situation where the information was either incorrect or, not all the facts were considered or the law was not applied correctly. Review decisions can also be ‘re-considered’ where new information has become available after the decision was made.

The decisions that you can object to could relate to:

- the level of care provided by each parent;
- the credit or non-credit of a Non-Agency Payment;
- the acceptance or non-acceptance of an estimate of income; or
- a Change of Assessment Application.

There are, however, decisions that are not objectionable – these include:

- a dispute about parentage (this can only be resolved by the Court)
- the collection or enforcement by CSA, and
- Departure Prohibition Order decisions (this also must be resolved by the Court).

If you are not satisfied with a Review decision, you can send a letter or email to the CSA stating the reason for your objection – this must be done 28 days after you are informed of the decision.

## “CLOSE-UP” EDITION

When it comes to quantifying the property pool in a property settlement, hidden expenses can be easily forgotten. Separating couples with businesses and trusts should take special note of whether tax and other costs have been taken into account. What related costs need to be considered? Read “Tax Consequences of Private Company Payments and Asset Transfers”.



## DIFFERENT LIFESTYLES

Separated parents often do not see eye to eye when it comes to deciding on the living arrangements for their children. What happens when parents not only want different arrangements, but also have very different lifestyles?

In a recent case, the Court took a Mother and Father's differing lifestyles into account when making an Order for their 5 year old daughter. The Father had a Sri Lankan background and ran a not-for-profit organisation in Melbourne. He also visited schools as a motivational speaker and actively participated in community work. The Father avoided material gain and advocated the acceptance of difference and diversity and promoted the importance of improving the lives of people less fortunate.

He was concerned about the Mother's lifestyle, particularly the amount of television the daughter was allowed to watch when she was with the Mother and putting the daughter in 'after school care'.

The Father wanted the daughter to be equally exposed to both parent's values and proposed that the daughter should spend 'equal time' with each parent.

The Mother, who was Australian, did not believe the daughter should spend 'equal time' with her Father due to her young age and the parent's different lifestyles. The Mother also said that the daughter was comfortable in her routine of attending circus school, puppy school, ballet and swimming, outside of school hours.

The Court found that the Husband was unable to separate the daughter's needs from his own beliefs

and values. The different lifestyles and the daughter's age resulted in the Court making an Order that the daughter live with the Mother and spend 2 nights a week with the Father.

## Q&A

### Q: What is a Parenting Order?

A: If separated parents are unable to come to an agreement on the arrangements for their child, a parent of the child or any other person concerned with the care or welfare of the child can apply to the Court to make a Parenting Order. The Court will only make such an Order if it is satisfied that it is in the best interests of the child.

A Parenting Order can include:

- Where the child lives;
- Who the child communicates and spends time with; and
- Other matters relating to the child's welfare.

## GLOSSARY

**Flagging Order:** An order that superannuation benefits be split between spouses in a certain way when the payment becomes payable.

**Separation:** the date that a couple ceases to be together. This can be either a physical separation or separation "under the one roof".

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