

# FAMILY Flyer



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## NEW SEMINAR – “FAMILY LAW EXPLAINED”

Our next public Seminar Series will be starting at the end of this month. If you want practical information on Family Law without the confusing legal jargon – Don’t miss these seminars!

The “Family Law Explained” seminar will run for 2 hours and provide you with a wealth of information and the opportunity to ask questions. These seminars have previously been well received and are great value at ONLY \$30, payable on the night (valued at over \$800). There is also a [Special Offer](#) only available to attendees!

For “**Family Law Explained**”, see the dates below:

- [Eight Mile Plains](#): Tuesday, 25<sup>th</sup> October, 6-8pm – Michael’s Oriental Restaurant, 223 Padstow Road;
- [Redland Bay](#): Thursday, 27<sup>th</sup> October, 6-8pm – Redland Bay Golf Club, North Street.

## NEW SEMINAR – “7 SECRETS TO PROTECTING PROPERTY”

Interested in understanding and surviving property settlement? Don’t miss this 1 hour seminar that will simply explain the process and identify the common traps that should be avoided.

This is the last seminar for the year – and only 2 dates have been allocated. ONLY \$20 – payable at the door (valued at over \$500).

Choose from 2 dates:

- [Brisbane City](#): Tuesday, 8<sup>th</sup> November, 1-2pm – Sebel Hotel, Charlotte Street; or
- [Redcliffe](#): Wednesday, 9<sup>th</sup> November, 6-7pm – Redcliffe Leagues Club, Cnr Klinger & Ashmole Road.

[Book today](#) – limited seats available! Call us on 3221 4300.

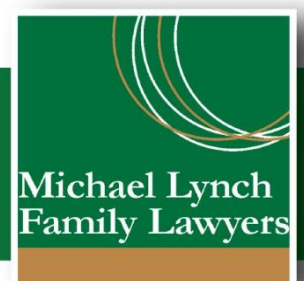
## ‘CLOSE-UP’ EDITION

Is there a significant income difference between your income and your former partner’s income as a result of being a stay at home parent? It is possible you may be able to claim Spouse Maintenance, read more in – [‘Spousal Maintenance while Caring for Children’](#).

## IS A CLANDESTINE RELATIONSHIP DEFACTO?

Following the amendments to the *Family Law Act* in 2009 where the Family Court was given jurisdiction to hear defacto matters, there was hope that this opened the door for the “mistress” cases, that is, for a ‘third party’ to commence property settlement proceedings for a defacto relationship while the other party was still legally married.

A recent case in the Brisbane Family Court has considered whether a 17 year affair should be declared a defacto relationship.



## The Facts:

During 1992 the Applicant (female) commenced employment at a business run by the Respondent (male). Shortly thereafter, they commenced an intimate relationship which continued with some interruptions, until early 2009. The Respondent's Wife was not aware of the relationship until it ended.

During the 17 year relationship the Applicant and Respondent spent time together at various times and in various places and had a physical and loving relationship with each other. It was common ground though, that each of the parties maintained their own house, independent of the time that they spent together.

The Respondent provided financial support for the Applicant several times during the relationship, including a lump sum of \$24,000 in 1997 which she subsequently utilised to purchase a home in her sole name and from early 1999 he made monthly payments of \$2,000, later increased to \$2,500 in 2000 and then to \$3,000.

The parties did not have any joint investments or any joint bank accounts.

## Court Found:

For a Court to be satisfied of the existence of a defacto relationship, two specific elements need to be established, firstly, that the parties were "a couple" (i.e. in a "genuine domestic relationship") and secondly, that the relationship had been in place for at least two years.

The Court found that the parties maintained separate lives, the Respondent living with his Wife and children and the Applicant living in her own residence.

## Court Order:

That no defacto relationship existed. The Property Settlement Application therefore was dismissed.

## STOPPING CHILD SUPPORT

When does Child Support stop?

The *Child Support Act* sets out the few events that will terminate a Child Support assessment, some of them include:

- If the CSA has accepted a Child Support agreement where both parents have agreed that payments should cease on a specified date; or
- If the parents have reconciled for 6 months or more.

If there is an international arrangement in place, where the 'contact' parent lives in another country and pays Child Support, the requirement to make payments may cease if:

- the parent making the payments is a resident of a reciprocating jurisdiction and then ceased to be a resident of Australia or that reciprocating jurisdiction;
- the reciprocating jurisdiction in which the parent making payments resides in becomes an excluded jurisdiction; or
- the parent receiving the payments was a resident of a reciprocating jurisdiction and they cease to be a resident of a reciprocating jurisdiction, or of Australia.

There are many reciprocating jurisdictions, including the UK, USA, Spain, Hong Kong, Germany and Ireland. If the child is an Australian citizen, present in Australia or ordinarily resides in Australia, the requirement to pay Child Support will not be terminated if the carer ceases to be a resident of Australia or a reciprocating jurisdiction.

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