

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FAMILY COURT OF AUSTRALIA

Question No. 74

Senator Fielding asked the following question at the hearing on 23 February 2009:

Please provide the following statistics:

- a) the number of *substantial and significant time* orders issued in adjudicated matters and the average parenting time awarded;
- b) the number of *substantial and significant time* orders issued made by consent;
- c) the numbers of orders specifying that *the child shall live* with the father (i.e. the former residence order);
- d) the numbers of orders specifying that *the child shall live* with the mother (i.e. the former residence order);
- e) the number of orders specifying that *the child spends time* with the father (i.e. the former contact order);
- f) the number of orders specifying that *the child spends time* with the mother (i.e. the former contact order);
- g) the number of cases where alleged family violence or alleged child abuse was an issue; and
- h) the number of substantiated family violence or child abuse matters.

The answer to the honourable senator's question is as follows:

The Family Court is unable to provide the number of orders relating to the 'time spent with/lives with' (a, b, c, d, e and f). The Court has however sampled a significant number of cases finalised during the 2007-08 financial year (1448¹ litigated cases² and 2719³ consent cases⁴) to obtain estimates of the percentage of cases and the approximate amount of time children spend with parents. Statistics regarding the broader categories of 'time' the Court has collected on the cases sampled⁵ are available in the answer to Question on Notice 15.

¹ A sample of 1448 litigated cases were taken from total of 6992 litigated cases finalised in 2007-08

² The term 'litigated cases' includes all Applications for Final Orders finalised, by agreement or judgment, in the Family Court of Australia

³ A sample of 2719 consent cases were taken from a total of 10,575 consent cases finalised in 2007-08

⁴ The term 'consent cases' includes all Applications for Consent Orders finalised in the Family Court of Australia

⁵ These figures do not relate to orders made in the Federal Magistrates Court.

- g) In the 2007-08 financial year, 457 Notices of Child Abuse or Risk of Family Violence forms were filed in the Family Court.

During the period 1 July 2008–28 February 2009, 278 Notices of Child Abuse or Risk of Family Violence forms were filed in the Family Court.

It should be noted that allegations of family violence and/or child abuse can be made in a case without filing a Form 4, therefore this statistic does not capture all allegations of violence in cases filed in the Family Court.

- h) The Court is unable to provide the number of substantiated family violence or child abuse matters. The *Family Law Act 1975* does not provide jurisdiction to the Family Court to make a finding as to actual family violence or child abuse. The Court therefore only makes an assessment as to the ‘risk’ of family violence or child abuse.