

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

Question No. 17

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

Please provide the following statistics;

- a) the number of equal shared parental responsibility orders made in adjudicated matters,
- b) the number of equal shared parental responsibility orders made by consent,
- c) the number of equal time orders issued in adjudicated matters, and
- d) the number of equal time orders made by consent.

The answer to the Honourable Senator's question is as follows:

- a) The Family Court is unable to provide the number of equal shared parental responsibility orders made in adjudicated matters as the Court does not have this level of information available.
- b) The Family Court is unable to provide the number of equal shared parental responsibility orders made by consent as the Court does not have this level of information available.
- c) Taken from a sample of 1448¹ litigated cases² finalised in the period of 2007-2008, the Family Court made orders for 50/50³ care between parents in 15% of cases.
- d) Taken from a sample of 2719⁴ early agreement cases⁵ finalised in the period of 2007-2008, parents agreed to a 50/50⁶ care arrangement in 19% of early agreement cases. For further information in relation to shared parenting please refer 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 For data collection purposes 50/50 time was defined as between 45 % and 55% of the time spent with a child or children.

⁴ A sample of 2719 consent cases were taken from a total of 10,575 consent cases finalised in 2007-08

⁵ The term 'consent cases' includes all Applications for Consent Orders finalised in the Family Court of Australia

⁶ For data collection purposes 50/50 time was defined as between 45 % and 55% of the time spent with a child or children.