

Family Law News

8th National Family Law Conference Hobart, 24 - 28 October 1998 *A Special Invitation*

"The 8th Family Law Conference is much more than just a wonderful chance to visit or revisit the island which many regard as Australia's unique and most precious asset.

It is also an opportunity to find out why it has now become so successful since its 1984 inauguration and why it has now become the largest legal conference in Australia.

We think the conference owes its success to its content: leading Australian and international speakers in thought provoking discussion about the practical issues that matter most in family law.

This time we have changed the format of the conference in order to compress it and so make it more appealing to both busy practitioners and those who want a Tasmanian holiday.

The Tasmanian organising committee has been working hard for over a year and they promise an unforgettable experience.

So please, give some serious consideration to being among those who, on October 24, will arrive in Hobart to a warm Tasmanian welcome."

Michael Taussig QC
Chairman
FLS

Michael Foster
Chairman
Organising Committee

Information on the conference can be obtained on the World Wide Web at <http://www/familylawsection.org.au> or from Mures Convention Management tel: 03 6234 1424, fax; 03 6234 4464, e-mail: conventions@mures.com.au

Superannuation and Family Law – Position Paper

Federal Treasurer, Peter Costello and Attorney-General, Daryl Williams have released a joint paper covering the preferred position in dealing with superannuation issues in marriage breakdown.

Inadequacies in the current regime have been recognised by the government, in particular, the lack of certainty as to how superannuation is treated under the *Family Law Act*. There are difficulties in valuing superannuation interests and limits on the choices available to separated couples to deal with their superannuation interests and reach an agreement that best meets their needs and wishes.

The government has recognised that provision of greater choice in the division of superannuation on marriage breakdown is required.

The paper covers a range of issues, among them, a proposal to establish a regime to enable superannuation interests to be divided. This option is currently not available to separating parties,

nor to the Family Court.

Legislative amendments are proposed to overcome this. Superannuation, during its accumulation phase will not be assessed as part of income, but will be subject to its own scheme and the two processes – property settlement and superannuation settlement – will proceed in tandem.

Under the government's proposed model, parties will be encouraged to make their own arrangements to deal with superannuation interests, but in the event of a lack of agreement, they will be able to apply to the Family Court to determine an outcome. A presumption will apply that a superannuation interest referable to the period of cohabitation held by one party will be divided equally. The Family Law Act will define how the Court will apply the presumption.

Tax issues applying to division of superannuation interests are also covered

The Law Society holds a copy of the Positions Paper.

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