

What's the law?

Australian law for new arrivals

Answer sheet 9: **Family law**

July 2011

Requirements: A copy of the DVD.

Pre-teaching

Vocabulary: agreement, arrangement, check, complain, debts, decision, enough, mediation, privately, property, relationship, right.

Warmer activity to introduce topic: Discussion: *Is divorce common in countries that you have lived in/countries that you know about?*

Key Messages

1. If you are having relationship problems, there are free services that can help you. Many people get help from their family, professional relationship advisors or community.
2. The law does not decide whether you should or should not separate—this is your decision.
3. If you can't fix your relationship problems and you decide to separate from your partner or spouse, then you should get legal advice.
4. It is usually best if a couple can agree on what to do when separating—for example, about how to divide their assets, their debts, and how much time their children will spend with each parent. A mediator can help spouses negotiate to work out these issues. Each person should get advice from a lawyer as well. Sometimes mediation may not be appropriate, for example, if there is a power imbalance that cannot be addressed. If you can agree on what to do, then you can get help to create a written agreement.
5. You can agree on assets, debts and children before getting divorced.
6. If you can't reach agreement, then you will have to go to the family law courts. In the family law courts a judge or a federal magistrate will make decisions about what happens to your children.
7. You can apply for a divorce after one year of separation. You can apply even if only one person wants to get divorced.
8. In Australia the law does not consider whether anyone caused the relationship to break down. It does not ask if anyone was right or wrong. The law helps people who are separating make arrangements for the future.
9. In deciding which parent the child should live with, the law asks, 'What is in the best interests of the child?' It is almost always in the childrens' best interests for them to have a relationship with both parents, as long as they are safe.
10. Separation or divorce may affect your immigration status. You should get legal advice about this.

Answers

Activity A

- | | | | |
|---|---|--------------------|--------|
| 1. Yohani doesn't give her enough money | 2. Maria doesn't cook the food he likes | 3. go to mediation | 4. yes |
|---|---|--------------------|--------|

Activity B

- | | | |
|------|------|------|
| 1. c | 2. a | 3. b |
|------|------|------|

Activity C

- | | | | | |
|---------|----------|----------|----------|-----------|
| 1. lose | 2. agree | 3. can't | 4. happy | 5. Yohani |
|---------|----------|----------|----------|-----------|

Activity D

- | | | | | |
|----------|---------|---------|---------|----------|
| 1. false | 2. true | 3. true | 4. true | 5. false |
|----------|---------|---------|---------|----------|

Activity E

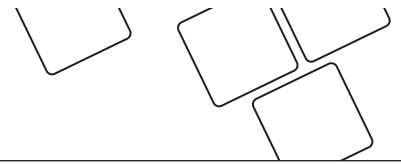
- | | | | | |
|------------|-------------|--------------|----------------|------------|
| 1. parents | 2. children | 3. mediation | 4. interpreter | 5. writing |
|------------|-------------|--------------|----------------|------------|

Activity F

Discussion

Activity G

Check last slide in the DVD for the best place to get free legal help.



Script for Family law story

Yohani	She's always complaining I don't give her enough money.
Maria	He's always complaining I don't cook the food he likes.
1st voice	The children need a loving family.
2nd voice	You should listen to your husband.
3rd voice	You should listen to your wife and help her.
Maria	Sora, it was OK for a while, but now we are always fighting. I don't want to live with him any more. But I'm afraid I'll lose my children. And I won't have enough money.
Sora	I think the law's different here in Australia. You need to talk to a lawyer.
Maria	What happens if I want a divorce?
Lawyer	You must be separated for at least 12 months, and you can get a divorce even if your husband doesn't want one.
Maria	And what will happen to my children?
Lawyer	The law says children have the right to see both parents, as long as they are safe. And both parents should work together to make important decisions about their children.
Maria	What about money? How will we live?
Lawyer	We can talk about that now.
Lawyer	The law is the same for men and women.
Yohani	So what will happen?
Lawyer	The law says children should have a relationship with both parents.
Yohani	OK but what about the car and the furniture? And we owe money to the bank.
Lawyer	I can explain how to sort out your property and your debts. I will write to Maria about the children and see if we can try mediation.
Yohani	What's mediation?
Lawyer	Mediation is when we sit and talk and try to agree on things - for example when you spend time with the children and how much time.
Yohani	Can I get an interpreter?
Lawyer	Of course.
Yohani	What if we can't agree?
Lawyer	Well, then you have to go to court.
Mediator	So, Maria and Yohani, the children will stay with Yohani every Wednesday night and every second weekend. The rest of the time they will live with Maria. Is that OK with both of you?
Maria's lawyer	I just want to talk to Maria about this privately. Is this OK?
Mediator	Yes, of course.
Maria's lawyer	I just wanted to check that you are OK with these times? If you are not OK you do not have to agree and you can let the court decide.
Maria	I like the arrangement; it is a good arrangement for the children and for me.
Yohani	Yes, I am OK with the arrangement.
Mediator	What about you Maria?
Maria	Yes, that's fine.
Mediator	Would it help if we put this agreement into writing so we all know what would happen?
Yohani and Maria	Yes, thank you.