

Optional Focus Study 2 - Family

In applying the framework, students learn about the legal nature of the institution of marriage, the rights and obligations of family members and the effectiveness of the law for achieving justice.

Outcomes

The student:

- Applies domestic and international legal vocabulary in appropriate contexts.
- Evaluates the effectiveness of domestic law in responding to global challenges.
- Analyses the interrelationship between the law, justice and society and the changing nature of law.
- Assesses how cultures and values of different groups within society impact on the legal system.
- Evaluates the effectiveness of the processes and mechanisms of change in the legal system.
- Analyses legislation, cases, media reports and opinions to review arguments for change and reform in the law.
- Analyses specific problems encountered in gaining access to the legal system.
- Assesses the effectiveness of dispute resolution mechanisms.
- Explains rights and responsibilities and evaluates the provisions of domestic and international legal systems in addressing these issues.
- Selects and organises relevant legal information from a variety of sources and evaluates information and sources for usefulness, validity and bias.
- Investigates, analyses and synthesises legal information from a variety of perspectives and presents the findings of investigations.
- Communicates through well-structured texts to describe, explain, and argue. Discuss, analyse, evaluate and apply legal information, ideas and issues using appropriate written and oral forms.
- Uses planning and review strategies to manage effectively the competing demands of complex tasks and makes effective use of time and resources.

Content

Students learn about:

Key Legal concepts and Features of the Legal System

- Concepts of a family in law
 - The different functions of a family as dealt with by the law
 - Institution of marriage, including the legal definition of marriage, requirements of a valid marriage, including marriageable age, parental consent, prohibited degrees of relationship, notice of marriage, requirements for a valid marriage ceremony and marriage licence.
 - Legal consequences and responsibilities of marriage, including mutual duties of husband and wife, maintenance, property rights, agency, wills and family provision legislation.

- Legal rights and obligations between parents and children, including care and control, education, medical treatment, autonomy of children and inheritance
- Dissolution of marriage

Legal Issues and Remedies

- Alternative family arrangements, including Aboriginal and Torres Strait Islander peoples' customary law marriages, single parents families, blended families, same sex relationships, polygamous marriages, de facto relationships and all family agreements
- Parents and children, including United Nations Convention on the Rights and the Child, birth technology and surrogacy, ex-nuptial children, adoption and guardianship.
- Problems in family relationships, including cases, legal response to violence between spouses, by and against children, children in trouble, including care and abuse issues
- Children's courts and legal aid
- Dissolution of marriage, including development of family law legislation and the Family Court of Australia
- Counselling, limits of the court's jurisdiction, parental responsibility and parental orders (including residence, contact and child maintenance), property allocation, spousal maintenance and problems of enforcement
- Agreements, including parenting plans, cohabitation agreements and pre-nuptial agreements

Morality, Ethics and Commitment to the Law

- The extent to which the law reflects moral and ethical standards
- Commitment to the law - the issues of compliance and non-compliance

Effectiveness of the Law

- Factors to be considered when evaluating the effectiveness of law in achieving justice:
 - For individuals: equality, accessibility, enforceability, resource efficiency, protection and recognition of individual rights
 - For society: resource efficiency, law as a reflection of community standards and expectations, opportunities for enforcement, appeals and review, balance of individual rights and values and community rights and values

Law Reform

- The agencies of reform and the conditions that give rise to the need for reform
 - Law reform commissions, parliament, courts, changing social values and composition of society, new concepts of justice, failure of existing law, international law and new technology.