

# What's the law?

Australian law for new arrivals

Answer sheet 9: **Family law**

November 2013

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

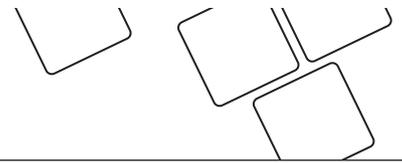
- |            |             |              |                |            |
|------------|-------------|--------------|----------------|------------|
| 1. parents | 2. children | 3. mediation | 4. interpreter | 5. writing |
|------------|-------------|--------------|----------------|------------|

### 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.