



key word worksheets

Summaries of family law
and culture in Australia



**family
peace**

Learning Law + Language



Where the law comes from

- Australia's first law is that of the Indigenous or Aboriginal and Torres Strait peoples.
- In 1788 British took over the land without Aboriginal consent.
- Australian law comes from Christian and Western European traditions
- In 1901 the colonies agreed to come together to form a federal system.
- The Federal and State Constitutions give power to make laws in different areas.
- The federal government has power to make laws about marriage, divorce, and the children and property of a marriage.
- State governments also have powers to make laws which affect families, such as domestic violence, child protection, education etc.
- Australian law and culture has changed over time. Many laws are now based on international standards.
- As long as you don't break Australian Law, everyone has the right to follow their culture and beliefs. They must also respect the right of others to follow their culture.

traditions

federation

constitution

federal law

state law

law and culture changes

right to culture

NOTES:

Marriage

- A man and woman over 18 can legally marry if they both agree.
- People aged 16-18 need parents and court consent to marry.
- It is a crime to have sex under age 16.
- The consent of parents or elders to a marriage is not needed, but it is wise to include parents and family where possible.
- A dowry is not required in Australian law. However gifts are often given to the new couple by family and friends. Usually the married couple and their families share in the costs of the wedding.
- A marriage between one man and one woman which is legal overseas is accepted in Australia if it would have been a proper legal marriage if held in Australia
- You cannot marry your natural or adopted: sibling (brother, sister); half-sibling (siblings who share only one parent with you); parent; grandparent; child or grandchild.
- Many couples live in marriage-like relationships (de facto relationships). This gives legal rights and responsibilities towards children and property similar to a legal marriage.

marriage age

consent

share marriage costs

legal marriage

cannot marry within family

de facto relationship

NOTES:

Family types

- Different family relationships are accepted in Australia.
- Most common family in Australia is mother, father and children, married or de-facto.
- There are many single-parent families in Australia.
- Most people do not live with their extended family
- Same-sex, or gay and lesbian, relationships between consenting adults are not illegal.
- Such relationships are accepted by many Australians.
- The law treats them much like defacto relationships, and partners have similar rights. Gay marriage is not yet legal.
- Australia's law and culture tries to make sure people who are different are accepted and respected.
- Where people have to hide their identities because of fear, this can be damaging.
- It is unlawful to treat people badly because of their sex or sexual preference and a human rights complaint may be made (see 'Key Contacts' list).

mother, father, children

single parent

extended family

gay and lesbian relationships

accepting difference

discrimination complaint

NOTES:



Raising children

- You can raise your children in the way you want as long as it doesn't harm them or break Australian law.
- The law says parents and guardians must:
 - Make sure their children have necessities like food, clothing, housing, medical treatment.
 - Make sure their children go to school at least until 15.
 - Guide and develop their children in a safe and supportive way.
- Parents are responsible for child discipline.
- Discipline is not physical punishment. Using violence teaches children that violence is the way to solve problems. It can also injure the child.
- It's against the law to discipline your child in a way that causes injury.
- Children who have been abused often have more problems with school, self-control, confidence and making friends.
- Discipline should be fair and consistent. It can be: 'time out'; 'grounding'; withdrawing favourite things; giving praise to encourage your child and build their confidence and good behaviour.
- Conflict is normal in all families and parents need patience and self-control.

parents' responsibilities

discipline

fair and consistent

self-control

NOTES:



Child protection

- Child abuse includes:

Physical abuse is using too much force and causing injury. Things like hitting with a fist, stick or belt, roughly shaking,

Emotional abuse is repeated acts which stops the child developing properly. Threatening or saying negative things many times which make the child lose confidence and self-worth. It can be emotional abuse if a child sees domestic violence in the home.

Sexual abuse is any sexual contact with a child.

- **Neglect** is not providing proper housing, food, clothes, hygiene, supervision.

- Government Child Protection authorities will check on families where they have been told there may be abuse or neglect.

- The authorities can speak with the child in private and without the parents consent. They must tell the parents about this and give parents a chance to have a say. Officers must show their identification and say why they are there. Keep notes of all contact with authorities.

- Often the authorities will talk to the family about ways to improve care. In very bad cases the child may be taken from their parents. A court order is needed for this.

- See a lawyer if Child Protection authorities get involved. Children may be given a separate lawyer. Decisions can be appealed to a Tribunal or Court

- Parents who abuse their children may be charged for a crime.

physical
emotional
sexual
abuse

neglect

child
protection
authorities

parent rights

legal advice

charge

NOTES:

Building relationships with children

- In Australia, good parenting is about talking, understanding and negotiating. It is guiding children to be responsible and to make wise decisions for themselves.
- Set reasonable rules and boundaries, and be consistent when making sure they are followed.
- Give children your time and attention. Listen to them and try to understand their feelings
- Give children praise for trying. It helps build their confidence
- Make sure your child goes to school and keep in contact with the child's teachers and school.
- It is best if there is strong support from the father or other male, as well as the mother.

As Your Children get Older

- Have family meetings to talk about rules and build respect. Allowing children to question and express ideas.
- Build child's independence and responsibility.
- Respect the child's personal belongings and privacy as much as possible.
- Friends are important for all. Encourage good safe friendships.

build relationships

set boundaries

give time and attention

encourage

school

female and male support

family meetings

independence

privacy

friends

NOTES:

Youth rights and responsibilities

- Youth are treated differently by the law
- A child under 10 cannot be charged for any crime. A person 10 to 14 will only be charged by police if they can prove they understood the act was wrong.
- Children are dealt with in the Children's Court until 18 (or 17 in Queensland).
- The law says you are an 'adult' at 18.
- The law gives young people more rights and freedoms as they get older.
- Rights require responsibility. You can't have rights without having the responsibility to respect the rights of others.
- Conflict between teenagers and parents is common and complex.
- Children need love, clear boundaries, consistency, understanding, time and patience from parents/carers.
- Everyone has the right to live in safety, free from physical, emotional and sexual abuse and neglect
- Children can leave home usually after 16 if they can support themselves safely.
- Parents need care also.

child crime

adult at 18

increased freedom

rights require responsibility

parent – child relationship

no abuse or neglect

leaving home

parent care

NOTES:



Partners' roles

- In a new country, people may need to adjust to different family roles.
- In Australia most people believe that within marriage or defacto relationships, men and women are equal.
- Men and women have equal rights to have their own different hobbies and interests, friends, work and study.
- Both partners are expected to share in the care and parenting of children
- A family can agree to what roles each family member plays so long as it does not break any laws.
- Healthy relationships have agreed roles based on equal respect.

family roles

equal

different

sharing

agreed roles

respect

NOTES:



Conflict between partners

- Conflict happens in all relationships. Family violence occurs across all groups.
- In Australia, violence against any family member or their property is unlawful.
- A spouse can leave the relationship where violence happens
- Men are more likely to be violent than women.
- Domestic, or family, violence is police business.
- Abuse can be emotional, economic, social, sexual, spiritual and verbal as well as physical.
- Legal Aid and domestic violence services can give free help. See 'Key Contacts' list.
- Courts can make domestic violence orders to protect against further violence. It is a criminal offence to break these Court orders.
- In marriage, your partner cannot force you to have sex as it is against the law to have sex with a person without their consent.
- Family disputes can be managed peacefully.

conflict

family violence

male violence

police

abuse

services

court orders

consent

peace

NOTES:

Relationship breakdown

- People can freely leave the relationship if it has broken down.
- Couples can get a divorce even if they weren't married in Australia. Divorce requires one year living apart. No-one has to prove fault.
- Some of the reasons people separate are: violence; financial problems; poor communication; lack of support; role conflict.
- Counselling services can help couples trying to save their relationship, or trying to agree about how to deal with children and property after separation.
- Unless there are risks of violence, couples must do counselling if there are children under 18 or where they've been married less than 2 years,
- If parents separate the law says decisions should be based on the "best interests of the children".
- The law aims to give both parents equal responsibility (not necessarily equal time) with children after separation, if it is safe and in their best interests.
- Both parents must support the child, even after separation. A Child Support Agency makes sure payments are made.

divorce

why couples separate

counselling

children's best interests

shared parenting

child support

NOTES:



Building relationships with partners

- A good relationship has agreed roles and rules based on respect.
- Show your love
- Conflict happens in all relationships. It is solved through patience, time and talking.
- Deal with the problem at the right time.
- Good communication. Be quick to listen, slow to speak and slower to become angry
- Control your anger and use it positively.
- Explore and negotiate solutions
- Seek help from others
- Your culture is very important. You can follow it as long as it doesn't break Australian law. It's important to learn the law in Australia. Get legal advice if you need.

agree your roles

conflict

right time

good communication

anger

solutions

seek help

respect culture and law

NOTES: