

Legal Studies: Family Law Summary Notes

1. The Nature of Family Law

Concept of family law

- Covered in the **Family Law Act 1975 (Cth)** → legal duties and responsibilities
- Different forms of family arrangements that shape society's concept of what family is
- Family Law comprises of laws that deal with relationships between family members and rights/responsibilities of people in families
- **Marriage Act 1961 (Cth)** → establishes legal requirements for marriage
- Society protects married couples responsible for children by distributing property according to marital and parental relationships → alternate family relations also governed by law
- **Difficult concept as it applies an adversarial system to an area where cooperation and reconciliation are needed**

Definition of family

- Difficult to define family → many different kinds of relationships regarded as family
- **FLA 1975** defines a family as "the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependant children".
- Undergone substantial change over 30 years → traditional consists of wife, husband and children less common
- Family Law governs relationships between people in different types of families
- **C v D (1979)**: C was hermaphrodite never able to consummate marriage with D - decree of nullity granted

Legal requirements of marriage

Legal Characteristics (without this marriage is null and void)

Marriage must be:

1. **Union of man and woman**; same gender is not legally binding in AUS

Hyde v Hyde and Woodmansee (1866): union of man and woman, to the exclusion of others, voluntarily entered into for life

2. **Voluntarily entered**; not legally binding if forced or tricked into

- a. Arranged marriages may also be classified as voluntary as consenting parties organise marriage to be arranged however adults and minor is not accepted

Mehta v Mehta (1945): Ceremony declared valid however was not aware of the marriage due to foreign language was granted decree of nullity

3. **For Life**; intention of marriage rather than actuality

4. **To the exclusion of all others**; two people only → AUS is monogamous society → adultery no longer grounds for divorce → evidence of social values changing

- a. Polygamy is not legal in Australia however other 'wives' considered de facto
- b. As seen with **Marc Glasby** article on SMH where Mr. Glasby's second wife (also a twin) was only considered de facto

5. **Specification of man and woman**; indicates that parties to marriage must be of different sexes

Re Kevin

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N Colangelo



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The Chapman Legal Family Peter Spiller, 1992 The Chapman family was the first of New Zealand's legal dynasties Henry Samuel Chapman was the first puisne judge of the Supreme Court his son Frederick Revans Chapman was the first New Zealand born Supreme Court judge and another son Martin founded one of the country's leading legal firms which still bears his name This book provides a record of the lives and careers of three significant figures in nineteenth and early twentieth century colonial history It casts light on important aspects of society and law at that time notably the characteristics and values of the educated aspirant classes and the development of essentially English institutions and laws in the colonial environment Back cover

Excel HSC Legal Studies Belinda Brassil, 2004

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Revise HSC Legal Studies in a Month Belinda Brassil, 2001

Cambridge HSC Legal Studies Toolkit Paul Milgate, Daryl Le Cornu, Ann Miller, Sarah Robinson, Tim Kelly, Kevin Steed, 2013-06-13 Cambridge Legal Studies HSC Third Edition has been updated to reflect the changing processes of the legal system while meeting the requirements of the current Stage 6 Legal Studies syllabus in NSW The third edition continues to combine the latest information cases and statistics on all aspects of the law in an accessible student friendly resource package that now offers flexible print and digital source options

Family Communication about Genetics Clara L. Gaff, Carma L. Bylund, 2010 Genetics is in all senses a family affair The diagnosis of a genetic condition affects not only the patient and biological family members who may themselves be at risk but also family more generally as support may be sought from those considered kin and who may or may not be at risk themselves It is considered best practice in genetic consultations to explore who will be informed within the family when a genetic condition or risk is diagnosed particularly when the health of other family members is at risk There is little guidance or consensus on how to achieve the implicit goal of informed family members while respecting patient confidentiality however There is a need for practitioners to be aware of the dynamics of family communication and to have guidance about how they may sensitively facilitate communication about genetics within families This handbook facilitates the development of clinical practices relating to family communication about genetics Relevant theories of family communication are summarized and related to a clinical genetics milieu and from this frameworks for practitioners are presented A book of this nature is particularly timely as the completion of the Human Genome Project will result in an unprecedented amount of information about genetic constitution and health risks becoming available to individuals and their families The presence of a potentially genetic condition in a family is not a new phenomenon However the growth in testing for genetic conditions common complex

conditions and variants that may influence health as well as drug metabolism means that a greater number of individuals will face decisions about communicating this information to their relatives Many health professionals in all levels of health care will be confronted with issues of responsibility and practice in family communication about genetic information as they become providers of this testing

Radical Relations Daniel W. Rivers,2013-09-03 In a book based on extensive archival research and 130 interviews conducted nationwide the author looks at lesbian and gay parenthood from the early 1950s through today

Current Law Statutes Annotated Great Britain,1996 A chronological listing of the text of all public general acts issued during the year with notes and annotations Current law statute citator section cumulates with each issue during the year Multi year cumulation available separately as Current law statute citator 1947 1971 and Current law legislation citator 1972

Reports of the United States Tax Court, Volume 136, January 1, 2011, to June 30, 2011 Sheila A. Murphy,2012-07-31 Each volume in this series contains the case abstracts and opinions proffered by the court within a given time period Cases in each volume are listed in the prefatory table

Reports of the United States Tax Court United States. Tax Court,2011

Law and Nursing E-Book Jean McHale,John Tingle,2007-05-29 This title is directed primarily towards health care professionals outside of the United States The new and fully updated edition of this leading textbook places law in the context of nursing practice today Recent developments examined include the Human Tissue Act 2004 which regulates the use of human material for research and transplantation purposes the Mental Capacity Act 2005 which regulates treatment concerning patients lacking mental capacity new developments in patient safety and risk management and the revised NHS patient complaints system Up to date information on The revised NHS patient complaints system Human Tissue Act 2004 Mental Capacity Act 2005 and Developments in patient safety and risk management Accessible up to date account of the law and its application to nursing practice Coverage of controversial subject areas such as assisted suicide Information on nurse prescribingUp to date information on Human Tissue Act 2004 Mental Capacity Act 2005 Developments in patient safety and risk management The revised NHS patient complaints system

Current Law Statutes Great Britain,1996

Legal Aspects of Child Health Care Judith Hendrick,1997 The book outlines the legal system and court structure examines professional practice and finally looks at specialist areas

Crisis Communication and Crisis Management Burton St. John III,Yvette E. Pearson,2016-08-01 Equip your students with a strong understanding of the essential role that communicators play in moments of crisis and the tools they need to conduct ethically sound crisis management

Ethical Dilemmas in International Criminological Research Michael Adorjan,Rosemary Ricciardelli,2023-03-31 Building on the editors previous publication Engaging with Ethics in International Criminological Research this new book brings together a fresh collection of leading international scholars tackling ethical dilemmas in criminological research Contributors address how they have experienced and addressed ethical issues in their research and how they have balanced the benefits and harms of doing such research for both the researcher and the researched Ethical Dilemmas in International Criminological

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