HSC LEGAL STUDIES
Student lectures at
Southern Cross University, Lismore
August 21st, 2015
FAMILY
Presented by
Keith Thomas,
LSA President
Overview

- The Principal focus
- Themes and Challenges
- Learn tos
- Integrating issues
- SAMPLE ESSAY: Integrating learn tos, the principal focus, themes and challenges, learn abouts, issues, media, cases, legislation, reports & international law
- Writing an 1000 word response (including notes from the Marking Centre and candidate answers - 2014 HSC exam)
- Federal Circuit Court – Judge Joe Harman
- Media and recent law amendments, cases, reports (specific cases and issue of domestic violence)
Through the use of contemporary examples, students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.
Themes and challenges to be incorporated throughout this topic:

- the role of the law in encouraging cooperation and resolving conflict in regard to family
- issues of compliance and non-compliance
Themes and challenges to be incorporated throughout this topic:

- changes to family law as a response to changing values in the community
- the role of law reform in achieving just outcomes for family members and society
- the effectiveness of legal and non-legal responses in achieving just outcomes for family members.
• The key to utilising both the Principal Focus and the Themes and Challenges is:

1. IDENTIFYING if the Q (or a part of the Q) derives from either or both of the PF / T&C.

2. INTEGRATING the occasional reference to the PF and one or two relevant T@Cs.
1. **The nature of family law**

- discuss the difficulty of defining ‘family’ and the changing concepts of family
- distinguish between state and federal jurisdiction in family law
- outline the legal requirements of a valid marriage
- explain the legal rights and obligations of parents and children, including those derived from international law
2. Responses to problems in family relationships

- outline the legal processes involved in dealing with problems in family relationships
- evaluate the effectiveness of the law in protecting victims of domestic violence
- examine the role of non-government organisations and the media in relation to family law
- evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdowns
Discuss the difficulty of defining “family” and the changing concepts of family

From Yuji

As our society has changed, so too has the structure of families, reflecting a great diversity in domestic relationships. This has increased the difficulty of defining “family” Many different family arrangements including ATSI customary law marriage, same sex marriage, de facto relationships, single parent families, blended families and extended families have resulted in continued change in the structure of families to extend protection to all members of these alternative family relationships. Such changing concept highlights how family law is a wide ranging are of law governing the behaviour in the context of the family. The Hope & Brown v NIB case forced insurance companies from 1995 to classify a same-sex couple and a child as a family.
Integrating issues

“When writing your essays, I encourage you to think for yourselves while you express what I’d most agree with.”
Deconstructing questions re. incorporating issues

2011 HSC Q:
(a) To what extent have changing values in the community improved the legal rights of parents and children?

OR
(b) Evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdown

NO SPECIFIC mention of issues.

Integrating issues
Specimen paper Q’s:

‘Society moves ahead and the law limps behind.’ Discuss this statement referring to contemporary issues concerning family law.

Specimen paper Q’s:

Compare the legal consequences and responsibilities of marriage with those of ONE alternative family arrangement.

SPECIFIC mention of issues in (a) NOT (b). Plural. At least TWO!

My suggestion: KNOW ONE issue extremely well AND know the other THREE issues in lesser detail. You MUST know ALL 4 issues!!!

Integrating issues
Integrating issues

LSA trial 2011:
The effectiveness of family law is limited by the changing nature and variety of community values.

Discuss this statement. In your response make reference to the changing nature of parental responsibility and recognition of same sex relationships.

OR

Evaluate the effectiveness of legal and non-legal responses to at least one contemporary issue in family law you have studied.
**Integrating issues**

**LSA trial 2011:**
The effectiveness of family law is limited by the changing nature and variety of community values.

Discuss this statement. In your response make reference to the changing nature of parental responsibility and recognition of same sex relationships.

**OR**

Evaluate the effectiveness of legal and non-legal responses to at least one contemporary issue in family law you have studied.
LSA trial (continued...):

SPECIFIC mention of issues in both questions. TWO SPECIFIED Issues in (a) and “AT LEAST ONE” issue in (b). My suggestion stands: KNOW ONE issue extremely well AND know the other THREE issues in lesser detail. That way either question could be selected.
LSA trial 2013

A) Examine issues of compliance and non-compliance in achieving justice for family members.

B) To what extent does family law achieve justice for family members and society?

Now, let’s look at the issues then come back to some more HSC style Family essay Qs.

Integrating issues
3. Contemporary issues concerning family law

Issues that must be studied:
- recognition of same-sex relationships
- the changing nature of parental responsibility
- surrogacy and birth technologies
- care and protection of children.

- identify and investigate these contemporary issues relating to family law and evaluate the effectiveness of legal and non-legal responses to these issues.
Integrating issues
Recognition of Same Sex relationships

Legal responses?

- Defacto Relationships Act NSW 1984 -> Property (Relationships Legislation Amendment) NSW 1999

The greatest legislative change occurred when the Property (Relationships) Legislation Amendment Act 1999 (NSW) was passed. The reforms related to all types of relationship and included giving same-sex couples who had lived in a de facto relationship for 2yrs + access to the District Court to divide property or claim financial maintenance when a relationship breaks down. It also allowed for hospital visiting rights and inheritance rights. Prior to this Act, if one partner in a same-sex relationship died, the only way their surviving partner could claim property rights was to lodge a claim under the Family Provisions Act 1982 (NSW) (now re replaced by the Succession Act 2006 (NSW)) as a dependant.

Integrating issues
Integrating issues

Recognition of Same Sex relationships
Legal responses?

- **Hope and Brown V NIB** 1995 (Supreme Court)
  They successfully argued that NIB Health Fund Ltd had discriminated against them on the basis of their sexual orientation. The fund refused to grant them and their son Jamal (2 yrs age) a family policy. The tribunal found this discriminatory. Precedent case: TWO gay people with a child to be considered as a family, by law, for insurance purposes.

- **Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008** (Cth) Modified 95 pieces of legislation to extend the same rights to same-sex couples as their heterosexual counterparts enjoy.

**Integrating issues**
Recognition of Same Sex relationships
Legal responses?

- **2006 ACT Civil Unions Bill**, now Bill Shorten’s Bill June 1 2015 and discussion even about a Liberal Party conscience vote
- The *Adoption Amendment (Same-Sex Couples) Act 2010 (NSW)* has allowed same-sex couples to adopt children yet they are provided with limited legal recognition as they can still only be registered as a de facto through the *Relationships Register Act 2010 (NSW)*.

Integrating issues
Non-Legal responses?

- The Australian **Human Rights Commission** had held a number of inquiries into areas of discrimination and human rights violation.
- In 2007, Commission’s report *Same-sex: Same Entitlements* recommended amending federal laws that discriminated against same-sex couples and their children in the area of financial and work-related entitlements and benefits.

**Integrating issues**
Legal responses?

- **Australian Marriage Equality** states that the legally recognised institution of marriage should not exclude these couples. However the opposition states that their relationships are of a lesser standard or character and that the people are second-class citizens. Therefore they are not entitled with the recognition of a legal marriage.

- Justice requires the law to be amended to make marriage available to all Australians instead of classifying same-sex couples as de facto or permitting them only to form “civil unions”.

- The **Gay and Lesbian Rights Lobby** has a wide-ranging agenda, including advocacy, lobbying government and the media to address discrimination, hosting consultations, educating the gay and lesbian community on their rights and providing referrals to legal and welfare services.
“The effectiveness of the Australian legal system in recognising same-sex relationships has been gradually improving the equality amongst same-sex couples. Although public opinion has been positive towards the change, there are still some people who do not support equality for homosexuals couples. The response by the government has been slow which has also made it ineffective with dealing with this challenge but with further lobbying and acceptance by society, especially the younger generation, total legal recognition will be possible”. From Navid.

**Integrating issues**
Freedom to marry

SOURCE: http://www.freedomtomarry.org/landscape/entry/c/international

Freedom to marry
The ‘funny’ side of gay marriage!

https://www.youtube.com/watch?v=nNFTPee0AgPc
Maybe it is closer... with Bill Shorten’s bill to change the definition of marriage from the union of a man and a woman ... to a union of two people!

But the Liberal Party won’t allow a conscience vote... so gay marriage isn’t that close after all!
Integrating learn tos, the principal focus, themes and challenges, learn abouts, issues, media, cases, legislation, reports and the question (a sample answer)

View the actual student answer from last year’s HSC. What did he/s he do well? What could they have done better?
HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Law reform has been an essential mechanism that has worked to achieve to a significant just outcomes for individuals in same-sex relationships. In particular many of these reforms have come about in the past 3 decades following the decriminalisation of homosexuality in the Crimes Act 1900 (NSW) in 1984. In particular the extent to which law reform has been able to achieve just outcomes for homosexual couples can be explored in the areas of common law rulings, and achieve properly economic justice, parenting and adoption reforms and the movement towards same-sex marriage.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Following the decriminalisation of homosexuality, the common law system has been used as a means to achieve just outcomes for same-sex couples in several areas of the law. This was seen in cases such as [R v McEwen](https://www.courthousenews.com), which ruled that battered partner syndrome did extend to same-sex couples or the [Hope and Brown v’s NIB Health Fund](https://www.courthousenews.com), which allowed for same-sex couples to apply or healthcare together. Common law acted as a significant driver of achieving just outcomes for same-sex couples before the parliament stepped in to pass statutory laws. Common law was an effective law reform method that was slowly opening the legal system for same-sex relationships and increasing the ability of people in same-sex relationships to actively participate in society and be recognised as a proper relationship and gain outcomes closer to those of heterosexual couples.

**HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?**
Additionally, following several common law cases, legislation was passed that increased the recognition of homosexual relationships. This was seen in the Property (Relationships) Act 1999 (NSW), which significantly increased the recognition of same-sex partners in areas of the concept of the next of kin following death, the ability of partners to arrange burial arrangements to be receive access to inheritance of a deceased partner. This act saw amendments of over 20 pieces of legislation, which increased the rights of homosexual relationships and bringing them closer to the rights and responsibility of a heterosexual couple. Therefore highlighting new law reform could lead to the achievement of just outcomes for these same-sex relationships.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Law reform has also played an integral role in achieving just outcomes in the area of economic equality for same-sex couples. In 2000 a Superannuation Amendment Act 2000 (Cth) was put forward toward the Federal Parliament and was designed to provide for economic equality under Commonwealth laws and ability for those in same-sex relationships to be able to access the superannuation funds of a deceased partner, like heterosexual couples. However, in 2000 and 2003, attempts for economic justice were knocked back by the parliament, undermining the ability of law reform to achieve just outcomes for those in same-sex relationships. However, following growing support of economic justice for those in same-sex relationships reaching 71% in favour, the Same-Sex relationships (Equal Treatment under Commonwealth Laws – Superannuation) Act (Cth) 2008, was passed, giving same-sex couples the same rights as heterosexual couples in the area of economic justice, hence achieving a just outcome for those in same-sex relationships. Therefore this area shows that although law reform can be slow to achieve for those in same-sex relationships and takes several years, it can eventually provide for just outcomes for those in same-sex relationships.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Moreover law reform has to a significant extent been successful in achieving just outcomes for those in same-sex relationships in the area of access to the Family Law Court. Following the R.V. McEwen case, same-sex couples were still unable to gain access to the Family Law Court of Australia, which significantly limited their ability to deal with relationship breakdowns and domestic violence issues, which highlighted the inability of the law to provide just outcomes for same-sex couples. However in 2008 the Family Law Amendment (De Facto Financial Matters and other Measures) Act (Cth) 2008, was passed and clearly included same-sex couples, giving them access to the Family Law Court. This showed an increasing level of recognition of same-sex relationships and also meant that they could now have equal access to the law and be protected in areas of domestic violence and relationship breakdown, hence highlighting how the law was recognising that same-sex relationships were similar to heterosexual relationships and that partner’s needed protection. Therefore again law reform proved how it could achieve just outcomes for those in same-sex relationships, however it also showed that to achieve just outcomes it can take several years.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Moreover, law reform played to a significant extent an important role in achieving just outcomes for those in same-sex relationships in the area of parenting and adoption. Previously the law would only recognise in same sex relationships, one parent as the legal co-parent, which undermined the child’s handling under a host of laws and prevented the child from being able to gain access to child maintenance then the other parent. However, declaring widespread support by the community and then groups such as Anglicare and Catholic Care as well as the emphasis on what was in the best interest of the child, the Adoption Amendment (same-sex couples) Act 2010 was implemented, recognising both parents as legal parents of the child and protecting several rights of the child. This was supported by the Gay and Lesbian Rights Lobby which clearly stated in the report that children raised by same-sex parents were not worse off than children with heterosexual parents. This amendment was integral in ensuring that same-sex couples were recognised as parents, which provided just outcomes for them but able ensured that a just outcomes was achieved for children of same-sex relationships, highlighting how law reform to a significant extent, driven by community support can provide just outcomes for those in same sex relationships.
However, in the area of same-sex marriage, law reform has been limited in the effectiveness to achieve just outcomes for those in same-sex relationships. Several states have implemented to various degrees a way in which same-sex relationships can be recognised, such as the Civil Partnership Act (ACT) 2008 or the Relationships Register in NSW. The Relationship Register was an example of how law reform was limited in its ability to achieve just outcomes for same-sex couples as it provided them with all the same legal rights as heterosexual couples but would not consider them married, undermining its ability to achieve just outcomes.

The area of marriage represents a controversial area in which groups like the Australian Christian Lobby remain opposed to same-sex marriage stating that it “undermines the traditional values of marriage”, however several groups are in opposition to this including the Gay and Lesbian Rights Lobby and Senators Penny Wong who all support same-sex marriage. However despite growing support of same-sex marriage, around 72% support across Australia and support among Christians and nations like New Zealand, Great Britain and France legalising it, Australian law reform has been unable to achieve just outcomes for same-sex relationships, limiting its effectiveness to achieve just outcomes.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
However, Australia has been increased support with a movement towards legalising same-sex marriage. In 2011 the Australian Labor Party allowed its members to have a conscience vote on the issue with the Australian Liberal Party too considering allowing its MP’s to have a conscience vote. Despite this, 3 attempts at marriage equality have not yet succeeded in bringing about just outcomes for same-sex couples. However, in 2013, the ACT legalised gay marriage which was overturned in the High Court (as marriage is a Commonwealth matter). However, in the High Court’s ruling it outlined that marriage did not have to be between a man and a woman, hence opening up the law towards a future legislation towards legalising same-sex marriage. Hence, although law reform has shown a limited effectiveness in achieving just outcomes for same-sex relationships, there is potential in the future for justice to be achieved through law reform.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Therefore, to a significant extent law reform has been successful in achieving just outcomes for those in same-sex relationships. However, it has taken many years to achieve several of the outcomes, showing two significant factors that exist in controversial areas despite growing support for same-sex relationships and their right to be recognised equally, i.e. Heterosexual couples and the right to get married.

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
• Integrating learn tos
• The principal focus
• Themes and challenges
• Learn abouts
• Issues
• Media
• Cases
• Legislation
• Reports
• International law

HSC Q: 2014 Q27(a) - To what extent has law reform achieved just outcomes for those in same sex relationships?
Writing an 1000 word response (including notes from the Marking Centre and candidate answers)
• Writing an 1000 word response (including notes from the Marking Centre and candidate answers).
• What did the senior markers for Family in Legal Studies have to say!?
Section III – Options

Question 28 – Family 2012

- Because Family questions tend to be so broad, the use of an essay plan is strongly advised.

(A) Discuss whether the courts deliver justice for families.

- Notion of justice - candidates need to have an understanding of this key concept to apply in different contexts, not just in this unit but also in criminal law.
- Courts – candidates needed to have an understanding that FLCs role, whilst it is only required in about 5% of family disputes, is one involved with property settlement and determining who the child/ren shall reside in. Candidates needed to examine the Federal Magistrates Service (now the Federal Circuit Court from April 2013).
- Families – wide and varied types of family arrangements and their relationship with the law or treatment under the law could be considered by candidates.
- The integration relevant cases, current media items and legislation (especially amendments to key laws) were used by the better candidates to support their overall approach. Making the link between parliamentary development of the law and judicial interpretation and application of such laws is essential.

Writing an 1000 word response (including notes from the Marking Centre and candidate answers)
(B) **To what extent does the law adequately protect family members in relation to birth technologies and surrogacy?**

- Candidates were required to know this ONE contemporary issue extremely well.
- Wide and varied family members could be discussed.
- Protection (or otherwise) of family members needed to be covered.
- Both surrogacy and birth technologies were required to be covered in a similar amount of detail.
- Contemporary legislative amendments and media were required.
- Judgements were required to be made, as to what level of protection is offered by family law, as the question asked “To what extent...”.

**Writing an 1000 word response (including notes from the Marking Centre and candidate answers)**
To what extent does the law respond to problems in family relationships?

This is the key part of the Legal Studies syllabus that pertains to the question:

2. **Responses to problems in family relationships**
   - divorce
   - legal consequences of separation
   - children
   - property
   - dealing with domestic violence
   - the roles of:
     - courts and dispute resolution
     - methods
     - non-government organisations
     - the media

**SOURCE:**
To what extent does the law respond to problems in family relationships?

- The learn about statements from the syllabus ALL relate to this question:
- outline the legal processes involved in dealing with problems in family relationships
- evaluate the effectiveness of the law in protecting victims of domestic violence
- examine the role of non-government organisations and the media in relation to family law
- evaluate the effectiveness of the law in achieving justice for parties involved in relationship

**SOURCE:**
To what extent does the law respond to problems in family relationships?

- It would also make sense to extract some relevant examples of problems in family relationships from the contemporary issues, such as:
  - recognition of same-sex relationships
  - the changing nature of parental responsibility
  - surrogacy and birth technologies
  - care and protection of children.
To what extent does the law respond to problems in family relationships?

- What points would you include in your response?
Evaluate the role of the legal system in ensuring the care and protection of children within the family. This is the key part of the Legal Studies syllabus that pertains to the question:

- **Contemporary issues concerning family law**
- **Issues that must be studied:**
  - Care and protection of children.
  - The learn about statement from the syllabus relates to this question:
  - identify and investigate these contemporary issues relating to family law and evaluate the effectiveness of legal and non-legal responses to these issues

**SOURCE:**
Evaluate the role of the legal system in ensuring the care and protection of children within the family.

Thus, it would appear, a legal response and non-legal response approach to answering this question is suggested. Perhaps, the legal aspects are considered in an evaluation of the legal system. Then the non-legal responses could be quoted as needing to fill the void / shortfall of the legal system NOT working as effectively as it could.
Evaluate the role of the legal system in ensuring the care and protection of children within the family.

What points would you include in your response?

✓ -
✓ -
✓ -
✓ -
✓ -
✓ -
✓ -
✓ -
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law. Issues may include:

- The recognition of same-sex relationships
- The changing nature of parental responsibility
- Surrogacy and birth technologies
- Care and protection of children
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law.

### Students learn about:

1. The nature of family law
   - the concept of family law
   - legal requirements of marriage
   - alternative family relationships
   - legal rights and obligations of parents and children
   - adoption

### Students learn to:

- discuss the difficulty of defining ‘family’ and the changing concepts of family
- distinguish between state and federal jurisdiction in family law
- outline the legal requirements of a valid marriage
- explain the legal rights and obligations of parents and children, including those derived from international law
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law.

Clearly, TWO contemporary issues are to be covered. Both LEGAL and NON-LEGAL responses MUST be covered.

Contemporary family law issues:
1. **Same-sex relationships**: gay marriage debate
2. **The changing nature of parental responsibility**: responsibility of parents and rights of children
3. **Surrogacy and birth technologies**: rights of all sorts of couples to utilise such technology, altruistic v commercial surrogacy debate
4. **Care & protection of children**: family violence, ADVO’s
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law.

- Describe the various legal responses to the issue
- Discuss any recent law reforms
- Discuss the role of the Family Court and other relevant courts in resolving the issue
- Discuss the different roles of state and federal jurisdictions
- Discuss remedies available
- Consider how the law is applied and how effectively it responds to the issue. Are the measures discussed adequate? Do they meet the interests of all parties concerned? Have recent changes been successful or do they need to go further?
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to two contemporary issues in family law.

- Describe some of the non-legal responses to the issue.
- Discuss the role of community support groups or other government agencies that offer support, counselling or mediation.
- What role do NGO’s play in providing support or lobbying for changes and reforms.
- What role do the media play in exposing the issues to the community and in bringing about reforms or changes?

How effective have the non-legal responses been to the issue? Are they any more or less effective than the legal responses? Have they helped to bring about positive change?
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law.

Conclusion

Outline the **positives** of any legal and non-legal responses you have mentioned. List any areas that **need improvement**. Make a statement about whether or not the current system in dealing with the issue is adequate in achieving justice for all parties concerned.
Discuss the nature of family law and evaluate the effectiveness of legal and non-legal responses to TWO contemporary issues in family law.

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>MARKS</th>
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<tbody>
<tr>
<td>Demonstrates extensive knowledge of the nature of family law</td>
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<tr>
<td>Accurately evaluates the effectiveness of the legal system and non-legal measures in responding to TWO contemporary family law issues</td>
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<tr>
<td>Accurately integrates relevant examples (legislation, cases, media, international instruments and/or documents)</td>
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<tr>
<td>Communicates effectively using relevant legal terminology and concepts</td>
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<tr>
<td>Presents a sustained, logical and cohesive response using relevant legal terminology and concepts</td>
<td>21-25</td>
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NOT SURE IF ESSAY IS BRILLIANT
OR ABSOLUTELY HORRIBLE
An introduction (by Laura):
“The nature of family law is very broad and includes legal requirements of marriage, parental obligations to children, adoption and alternative relationships and changes to family overtime. The effectiveness of legal and non-legal responses in relation to changing parental responsibility and care and protection of children are quite high because they aim to protect all family members, but mainly children who may be too young {and vulnerable} to really care for themselves”.

Introduction
A linking paragraph (by Vincent):

“Another issue that exists within family law today is the care and protection of children. This is a significant issue as children are often the most vulnerable individuals within society and as such our society should aim to ensure their protection. There have been several legal and non-legal responses to this issue which aim to achieve this”.

• A conclusion(by Dana):

“It can be seen how the law achieves utilitarianism for same-sex couples and parents & children of surrogacy arrangements and birth technologies. Although the law is reactive and not very proactive, measures have gotten better for both affected groups of people.”

Conclusion
2014 HSC Legal Studies essays:
Q27 (a) To what extent has law reform achieved just outcomes for those in same sex relationships? (This was the sample we viewed earlier!)
OR
Q27 (b) Evaluate the roles of the law and the media in responding to issues affecting family members.
Q27 (a) To what extent has law reform achieved just outcomes for those in same sex relationships?

MARKING CRITERIA

- Demonstrates extensive knowledge of issues in same sex relationships
- Makes an informed judgement (explicitly or implicitly) about the extent to which law reform has achieved just outcomes for same sex relationships
- Integrates relevant examples such as legislation, cases, media, international instruments and documents
- Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts
Q27 (a) To what extent has law reform achieved just outcomes for those in same sex relationships?

NOTES FROM THE MARKING CENTRE

Candidates showed **strength** in these areas:
• demonstrating a good grasp of the issues relating to those in same sex relationships and an understanding of the relevant legislation
• knowledge of same sex couple adoption and the laws within the Australian Capital Territory
• providing an informed judgement.

Candidates **need to improve** in these areas:
• planning a cohesive response
• making balanced judgements about law reform
• using criteria to support their judgements.
Q27 (a) To what extent has law reform achieved just outcomes for those in same sex relationships?

ADDITIONAL NOTES

- THE QUESTION ASKED ABOUT same sex relationships NOT JUST SAME SEX MARRIAGES.
- Most candidates covered adoption changes well as well as the ACT civil unions bills, but many were confused about why the law was still invalid.
- The better responses had a sophisticated understanding of state v Commonwealth powers and the constitutional division of powers.
- Phrasing such as: “Law reform has achieved just outcomes for same sex relationships but can still improve in certain areas, such as same sex marriage” are a good way of getting the point across!
- Most candidates had a good grasp of same sex relationships and understood / expressed the right legislation.
- Far more candidates could have utilised CRITERIA to SUPPORT their JUDGEMENTS!
Q27 (b) Evaluate the roles of the law and the media in responding to issues affecting family members.

MARKING CRITERIA

- Demonstrates extensive knowledge of issues affecting family members
- Makes an informed judgement (explicitly or implicitly) about the roles of the law and the media in responding to issues affecting family members
- Integrates relevant examples such as legislation, cases, media, international instruments and documents
- Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts
Q27 (b) Evaluate the roles of the law and the media in responding to issues affecting family members.

NOTES FROM THE MARKING CENTRE

Candidates showed strength in these areas:
- demonstrating understanding of the role of media as a driver of law reform
- identifying which issues were relevant to their analysis of the role of the law and the media.

Candidates need to improve in these areas:
- planning a cohesive response
- discussing the role of the media, not just listing media cases
- highlighting the positives and negatives of mainstream and social media
- using criteria to support their judgements.
Q27 (b) Evaluate the roles of the law and the media in responding to issues affecting family members.

ADDITIONAL NOTES

- Many students misunderstood that the question was about the role of media, not simply media items / cases.
- There was an over emphasis on ADVOs and detail along the criminal path without focussing on the FAMILY elements.
- Whilst most candidates commented that the media did a good job, very few highlighted the negatives of the media (hidden agendas, bias towards one side).
- Some scripts were based purely on the role of the law OR the role of the media, whereas the Q asked for both: Evaluate the roles of the law AND the media in responding to issues affecting family members.

Continued next slide....
Q27 (b) Evaluate the roles of the law and the media in responding to issues affecting family members.

ADDITIONAL NOTES
Continued ....

- Too many candidates focused purely on domestic / family violence, without branching out to other areas / issues. Less of a criminal perspective required.
- It was good to see any candidates stress law reform.
- This was a really good question which really allowed the candidates to “strut their stuff” and demonstrate their depth of understanding. Those who realised that the media was a driver of law reform and a mechanism to reveal problems was a very important one and integrated this really well with the role of law in accommodating the values expressed whether they drove or reflected community values produced excellent responses.
- However, others demonstrated limited evaluation.
OVERALL – both questions.

ADDITIONAL NOTES

• **Stick to the Q.** Too many candidates started Q27 (A) and ran out of info then went onto Q 27 (B) and made a combined response. Extensive knowledge and informed judgement in ONE question is what was required.

• Q27 (A) – **Same Sex relationships** – NOT other issues is what was required

• Q27 (B) **Law AND media** – both were required. NOT one or the other. The question didn’t require equal treatment, but required treatment of both!
Plan first!

Here’s a question:

“Family law does not provide adequate protection for family members”. Discuss this statement.

How to quantitatively evaluate from your plan!!!
• Plan first!

BRAINSTORM!

Protections:

• CROC
• DV (ADVOs / APVOs)
• Property NOT 50/50 split, non-financial contributions considered
• DOCS / FACS / Child Well Being Unit
• SS family protection
• Child & spousal maintenance

How to quantitatively evaluate from your plan!!!
• Plan first!
ADD IN SUPPORT!

Protections:
• CROC  *FLA 2006* BIoC
• DV Jean Madjawali (1996), Andrea Patrick (1993), Rosie Batty
• (ADVOs / APVOs)
• Property NOT 50/50 split, non-financial contributions considered
• DOCS / FACS / Child Well Being Unit
*Shillingsworth, Abrahams cases; “Keep them safe” report*
• SS family protection *Hope & Brown v NIB 1995*
*FLA (Defacto and other financial measures) 2008*
• Child & spousal maintenance *Eliades v Eliades*
• Plan first!
WORK OUT QUANTITATIVE JUDGEMENTS
• Use a simple system such as:
  • S = significantly effective
  • M = moderately effective
  • L = limited effectiveness

How to quantitatively evaluate from your plan!!!
Plan first!
ADD IN QUALITATIVE JUDGEMENTS
Protections:
- CROC FLA 2006 BIoC
- DV Jean Madjawali (1996), Andrea Patrick (1993), Rosie Batty (ADVOs / APVOs)
- Property NOT 50/50 split, non-financial contributions considered
- DOCS / FACS / Child Well Being Unit Shillingsworth, Abrahams cases; “Keep them safe” report
- SS family protection Hope & Brown v NIB 1995 FLA (Defacto and other financial measures) 2008
- Child & spousal maintenance Eliades v Eliades

How to quantitatively evaluate from your plan!!!
Plan first!
RANK the protections in order!!!

Protections:
- CROC *FLA 2006 Bioc*
- DV *Jean Madjawali (1996), Andrea Patrick (1993), Rosie Batty*
- ADVOs / APVOs
- Property NOT 50/50 split, non-financial contributions considered
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- Child & spousal maintenance *Eliades v Eliades*

How to quantitatively evaluate from your plan!!!
Family law significantly protects family members when it comes to property settlement and same sex family protection. Regarding the best interests of the child (CROC), ADVOs and maintenance the legal system offers moderate protection to family members. Members of families, though, experience limited protection in areas of family law such as domestic violence and child protection issues.

Was that 5 minutes of proper planning worth it???
3% of family matters go to the Federal Circuit Court.
Registry – registrars will endeavour to resolve matters before they go to court.
Judge Joe Harman said: “This is a glimpse into people’s lives when their lives are probably at their worst”.

Family is the fundamental unit of society as per the UNHDR in 1948.
Federal Circuit Court (85% of family law done here in under 4 day hearings) Other jurisdiction: migration, terrorism, copyright, etc.

Changed from the 2000 Federal Magistrate’s Service (FMS) to Federal Magistrate’s Court (FMC) to Federal Circuit Court in April 2013 due to the confusion over the term “magistrate”. Historically, the term referred to the King’s representative (judge, jury, executioner) and indigenous people know that magistrate’s lock them up.

The Federal Circuit Court as told by FCC Judge Joe Harman
The Federal Circuit Court
as told by FCC Judge Joe Harman

- Family counselling S 60 I Certificate or exemption
- Family Dispute Resolution
- Checklist – FDR, family counselling
- Family consultants (social work background)
- Decrease blockages
- Increase communication
- Community services (Family Relationship Centres)
- **Best Interests of the child (FCC)**
- Parents may agree and get on with the BI of their C. Sometimes they want a **parenting plan** written.
- If they can’t agree, **parenting orders** are written.
- The Children’s Court will look at there is a need for protection of a child.
- It is unlikely that the FCC judge will meet the child/ren. A Family consultant will meet with the child and prepare a report or the Independent Children’s Lawyer will represent the child in court in 30% of matters. Why don’t the children appear? Due process – views (from 12 yrs of age only relevant in CC NOT FCC or FCA), conflict, reliability, time constraints (640 matters).

*The Federal Circuit Court as told by FCC Judge Joe Harman*
• **Best Interests of the child (FCC)**
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The Federal Circuit Court as told by FCC Judge Joe Harman

- Property settlement
- No presumption for a 50/50 split.
- Property settlement is based on:
  - an assessment of the asset pool being made
  - weighting to contributions made
  - a judgement of future needs / child and spousal maintenance
The Federal Circuit Court as told by FCC Judge Joe Harman

- The FCC is very effective given the number of matters resolved, within budget and time delays.
- Risk factors from clinical depression for a child is based on sponsored separation.
- Only 30% of separations have their matters finalised in courts.
- **Evaluating the FCC and FCA**: Judge Harmon said in March 2014: “Time delays can be beneficial, especially when parents first separate”. Canada and England family courts often have 6 year delays. “Our Family law Act has been replicated in England and in most US states as world best practice”.

The Federal Circuit Court as told by FCC Judge Joe Harman
Media and recent law amendments
Comments by an unidentified case worker:
✓ “Serious child abuse cases and neglect are falling through the cracks”.
✓ “Case workers are working longer hours, their weekends and evenings”.
• 16 fulltime positions around Ballina have been left unfilled for two years.
• Pru Goward, the FACS Minister denies this.
• Linda Burney, Opposition spokesperson called for her resignation.
The Family Law Legislation Amendment (Family Violence and Other measures) Act 2011 (Cth), also known as the “Family Violence Act”, had amended the Family Law Act 1975 (Cth), which has been amended many times. This amendment aims to improve protection for children and families at risk of abuse and other forms of violence.

Media and recent law amendments
Why was the law reformed?
Theme and challenge: Changes to family law as a response to changing values in the community!

- Inadequate protection of children and other family members by the Family Law Act 1975 (Cth) as shown in several investigations / reports after the Family Law Amendment (Equal Shared Parenting Act 2006 (Cth)). 26% of mothers and 17% of fathers reported being physically hurt by partners.
What is the focus of this new legislation?

- Prioritise children’s safety and weight protection greater in determining the “best interests of the child”
- Requiring family counsellors, dispute resolution practitioners and legal practitioners to priorities child safety
- Improving reporting requirements so that courts better gain info. about family violence and abuse
- Encourage and make it easier for authorities to participate in FCA proceedings

Media and recent law amendments
How will courts be better advised?

- Common Risk Identification framework developed by the Commonwealth attorney General’s Dept. and AVERT: Family Violence – a package on collaborative responses to family violence.
So many Family law cases and changes

- Kiesha Abrahams
- DadsLink
- Dean Shillingsworth
- Keep them safe report
- Relationships Australia
  http://www.relationships.org.au/
- Same-sex couples and adoption

The Adoption Amendment (Same Sex Couples) Bill 2010 has been passed by the NSW Parliament after considerable debate. This Bill allows same-sex couples the right to adopt a child. However, it was amended so that couples relinquishing their child for adoption can indicate whether they are prepared to have a same-sex couple adopt their child. (Source: http://guides.sl.nsw.gov.au/content.php?pid=316240&sid=2590785)
Kristi Abrahams jailed for at least 16 years for murder of 6yo daughter Kiesha Weippeart

A Sydney woman who murdered her six-year-old daughter after years of physically abusing the child will spend up to 22-and-a-half years in prison.

Abrahams showed no emotion as she was sentenced to a non-parole period of 16 years for murder and interfering with a corpse.

But Justice Harrison also said Kiesha deserved to be protected and had done nothing wrong.

Her partner, Robert Smith, has already been jailed for at least 12 years over his role in the child's death.
Abrahams did not seek medical help for her daughter and agreed facts previously released by the court state that she and Smith put the child's body in a suitcase then buried her in bushland at Shalvey.

The Department of Community Services (DOCS), which is now called the Department of Family and Community Services, put Kiesha into foster care after Abrahams bit her on the shoulder at the age of 15 months. But the child was given back to Abrahams, who had anger-management counselling.

When she was three, Kiesha told a DOCS worker her mother had burnt her with a cigarette.

DOCS received various reports of injuries to Kiesha from neighbours and family members. Education officials went to Abrahams's home several times because Kiesha only attended school four times in her life.

School teachers and other witnesses had reported bruises on her face and head.

YMCA DadsLink program helps Emad Abouzid build relationship with children and links with other fathers

- *By Laura Armitage (Heidelberg Leader)*
- September 04, 2014
- After two long years, the Abouzid family was reunited and a social worker referred the family to the YMCA support program DadsLinks.
Dean Shillingsworth was doomed to die a dreadful death

• By Lisa Davies, Janet Fife-Yeomans and Chelsea White
• The Daily Telegraph 19/8/2009

RACHEL Pfitzner was ordered to address her anger management problem exactly a year before she murdered her toddler son.

A judge handed her a suspended jail term so she could get the help she needed - and look after her children.

Twelve months later her two-year-old son Dean Shillingsworth was dead, his tiny body shoved into a suitcase and tossed in a duck pond.

Pfitzner, 27, yesterday pleaded guilty to murder, the Crown rejecting her claim it was an accidental death. She now admits she murdered him - and meant to end his sad, short life.
The death of Dean Shillingsworth: Critical challenges in the context of reforms to the child protection system

A special report to Parliament under section 31 of the *Ombudsman Act 1974*.

December 2009


**May 2007**

In early May, Dean’s grandmother sought an order from the Family Court. She wanted the boy to live with her, and to have contact with his mother and father on the conditions that they did not to consume alcohol in the boy’s presence and the mother have monthly urinalysis. Records show that DoCS received a subpoena to produce relevant documents to the Family Court. DoCS declined on the basis that the only documents held by the department contained risk of harm reports, for which production cannot be compelled.
June 2007: In early June, a local court issued interim orders in the Family law matter concerning Dean. By consent it was agreed that Dean would live with his grandmother and that, providing the mother was not using drugs, the boy would spend time with her. The order also provided for regular phone contact. Around this time, as arranged, the mother had contact with Dean for the first time since May 2006.

During June, records show reduced agency contact with the family. Probation and Parole spoke only once with the mother by phone. The baby health clinic saw the mother and her baby once. The family support service recorded two home visits. The baby’s father was present during the first visit. The mother told the family support worker that contact with her son went well and that she was looking forward to his next visit.
October 2007
The mother did not keep her counselling appointment for early October. She told the worker who had organised the counselling appointment that she had decided to return Dean to his grandmother ‘because [the boy’s] father had been released from prison’. She said she would like to attend counselling sometime in the future. On the same day, the family support worker visited the mother. She found the mother stressed after ‘ringing the Court to see when someone was going to come and get Dean … They have told her it goes back to court on the 18th October. The mother doesn’t want to go back to court she just wants her son picked up by police and taken back to his grandmother. My observation is the sooner the better … There was also tension with the mother who was very stressed when [Dean] came near her. She just can’t stand him. The mother just wanted him gone as soon as possible. Suggestions by the mother were to just take him to DoCS and leave him there …’
Police records indicate that Dean died on 11 October 2007 although his body was not found until 17 October.

On 15 October, the family support worker met with her supervisor. The worker raised the concerns she had identified in her contact with the mother almost two weeks prior. The supervisor instructed the worker to contact the mother and visit her immediately. She instructed the worker to take Dean to DoCS if he was still with the mother.

The family support worker rang the mother. The worker recorded in a file note that the mother told her that she had decided to 'wait for the court processes' for arrangements to be put in place for Dean to be returned to his grandmother. She also did not wish to proceed with the parenting course. The worker recorded the mother said that her son had been good; she wasn’t as stressed as she had been; and she was managing. The worker arranged to visit the mother on 22 October.

On 20 October, the mother was charged with the murder of her son.
The main components of reform outlined in the NSW Government’s *Keep them Safe* report include:

- **A change to the mandatory reporting threshold,** with mandatory reports to DoCS required only where there is a ‘risk of significant harm’.

- **Relevant agencies** – NSW Health; Department of Education and Training; NSW Police Force; and the Department of Human Services (covering Juvenile Justice, Housing and Ageing, Disability and Home Care) – will establish ‘Child Wellbeing Units’. The Units will provide advice to mandatory reporters regarding whether concerns constitute ‘significant harm’ and should be reported to DoCS and possible service responses where there is risk but not one of significant harm. In the latter cases, agencies will be responsible for referral of families and children to appropriate support services, or for providing assistance to them directly or in conjunction with another agency or agencies. Child Wellbeing Units will be established in October 2009, and will become fully operational on the first school day of 2010.

- **Family Referral Services** managed by non-government organisations, will be established to provide referral services to link children at risk and their families to appropriate services. These services will be trialled in three locations for a 12 month period from January 2010.

So many Family law cases and changes...

- The National Plan to Reduce Violence against Women and their Children 2010 – 2022 (the National Plan)

  Around one-in-three Australian women have experienced physical violence and almost one-in-five have experienced sexual violence since the age of 15. For certain groups, this statistic may be much higher. The National Plan brings together the efforts of governments across the nation to make a real and sustained reduction in the levels of violence against women.


Media and recent law amendments
So many Family law cases and changes...

- **Dealing with domestic violence**
  - Andrea Patrick case – The following bills were put into NSW parliament in 1993 after Andrea Patrick’s death. *Crimes (Domestic Violence) Amendment Bill*; *Bail (Domestic Violence) Amendment Bill*. Both became legislation.
  - Jean Majawali case –
  - ADVO breaches

Media and recent law amendments
So many Family law cases and changes...


✓ Other sources:
✓ *Lifeline by Wayne Gleeson Vol 5 No. 5 2102* article titled: “The ‘Family Violence’ Act 2012 Amendments”.

Media and recent law amendments
So many Family law cases and changes...

- Pre-nuptial agreements
  Couples already married can also have a binding financial agreement, but it is made pursuant to s.90C of the Family Law Act. (Source: http://www.theaustralian.com.au/business/wealth/sign-or-be-sorry/story-e6fragac6-1111113006951)

- Keep them safe (mandatory reporting)

- Magellan Project
  http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Media/Fact_Sheets/FCOA_mc_Magellan_program

- Re Tracey case (2010)
  http://www.abc.net.au/radionational/programs/lawreport/re-tracey/3665536
Articles:-

- Abused children deserted SMH 11/4/14
- Tragedy of children at risk SMH 11/4/14
- Fathers warn of perils and pitfalls of surrogacy SMH 23/3/13
- State register to reveal sperm donor details SMH 12/5/14
- Man marries off daughter 12 in Islamic ceremony DT July 22, 2014
- **De facto couples have differences to married counterparts, judge says The Australian 23/4/14**
Now for comment from an expert, **Professor Jennie Millbank**, UTS.

- She described the legal situation around surrogacy as chaotic and the Australian approach as a "manifest failure".
- About 14 cases had ended in the Family Court of Australia to gain parental responsibility orders. Professor Millbank argued the Family Court gives much less consideration to the matter of the birth mother's informed consent - one of the few safeguards available to ensure the child's welfare.
- "You can have children in any one of a dozen ways; it doesn't determine whether you're going to be an abusive parent," she said. "You only have to look at child abuse figures to see the vast majority of abusers are heterosexual men. It doesn't mean fathers everywhere should go through criminal record checks."

Domestic violence

- A SMH article on 28\textsuperscript{th} June 2014 proposed a national DV order scheme to protect victims who move interstate
- Under the new \textit{Bail Act (NSW) 2013} a history of violence may be considered an “unacceptable risk”
- The \textit{Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011}
- The Attorney general’s website has a DV factsheet: \url{http://www.ag.gov.au/}
Domestic violence

- SMH “Shine a Light” campaign
- View map and view key points!
- Sad statistics: 25500+ ADVOs granted in NSW Local Courts in 2013


Media and recent law amendments
NSW domestic violence deaths: 2 women dead in 7 days
May 3, 2015

- They may have never seen her face but hundreds of strangers will gather in western Sydney on Monday night to remember Linda Locke, another victim in what advocates say is a deepening national domestic violence crisis.
- Two NSW women have allegedly been killed by their partners in the past week, marking one of the worst weeks for domestic violence in the state.
- Experts fear that strong pre-election rhetoric is not yet translating into action, with the state government moving a key agency further away from the Premier's department despite promising to put domestic violence "front and centre".
- Domestic violence survivors and members of the local community will hold a vigil in Blacktown on Monday to remember Ms Locke, 51, and the 33 other female victims of violence in Australia this year.


Media and recent law amendments
Vigil to remember victims of domestic violence held by Labor MP John Robertson in Blacktown

By Andrew Griffits and Antonette Collins
Mon 4 May 2015, 7:52pm

- About 100 people have gathered at a vigil in Sydney's west to remember victims of domestic violence.
- New South Wales Labor MP John Robertson organised the event at Blacktown's Village Green in the hope it will put the issue at the top of the public agenda.
- He said he hoped to increase the media coverage of domestic violence in the wake of the death of a woman in Sydney's west last week.
A Quakers Hill woman died after sustaining serious injuries during an alleged domestic assault, police said.

Four days earlier a man was charged after an 18-year-old woman died in Brewarrina, in western NSW.

"And at the same time we were seeing all this media coverage of those executions in Bali, I thought it was time for some perspective," Mr Robertson said.
Domestic abuse of Indigenous women a 'national crisis'

May 4th 2015 Gail Boserio

Indigenous women are 34 times more likely to be hospitalised as a result of domestic violence than their non-Indigenous counterparts. It’s a situation Indigenous academic Marcia Langton described as a ‘national crisis’ on a recent Late Night Live panel.

Victims of domestic abuse often suffer from shock as well as deep feelings of shame or guilt. Indigenous women face added barriers to reporting, though. Perpetrators can be powerful male leaders within their community and high levels of mistrust exist between the police and Indigenous Australians.

Domestic violence: Government pledges $4m for helpline, considers monitoring offenders using GPS technology.

- The Federal Government has pledged an extra $4 million in funding for the 1800 RESPECT helpline for the victims of domestic and sexual violence.
- Minister Assisting the Prime Minister for Women, Michaelia Cash, said since the appointment of Rosie Batty as Australian of the Year, talk about the issue of domestic violence had increased.
- Ms Batty became a campaigner against family violence after her 11-year-old son Luke was killed by his father at cricket practice last year.
- Ms Cash said the Government was responding to increased awareness of the issue.
- The Government is also considering a plan to monitor domestic violence offenders using GPS technology.
- The plan will be on the agenda when State and Commonwealth Governments gather for the next COAG meeting.
- GPS tracking devices are already used for some sex offenders in New South Wales, Western Australia, South Australia and Queensland.

Domestic violence offenders are being treated far more leniently in the state's courts despite growing pressure to have the 'serious epidemic' taken more seriously, according to a landmark analysis of NSW court data.

On July 17th, a man, who was found guilty in April, was sentenced to 8 years (minimum 6 years) imprisonment for allowing his 12 year old daughter to marry and fall pregnant to a man more than twice her age (who is serving a longer jail sentence himself).

Also on child care and protection, see the next slide from one of Wayne Gleeson’s Legal Studies Lifelines
LSA Info Night 10.8.15
FAMILY VIOLENCE IN A LEGAL CONTEXT
Pip Davis,
Assistant Principal Solicitor
Women’s Legal Services, NSW

And from a recent LSA information night!
Incidence of violence against women

- Approx.. 40% of all homicides in NSW are DV related
- Less than half of all victims of Dv report incidents to police
- NSW police respond to approx. 12000 DV / FV incidents each year
- Family violence costs the Australian economy $14.4bn pa. This includes the cost to agencies, and to service providers, lost productivity and health / medical costs.

And from a recent LSA information night!
What’s been happening in 2015?

- Increased media profile re DV
- Prue Goward = minister for prevention of DV and sexual assault
- Increase in social change campaigns, eg: new DV focus in schools
- Implementation of NSW DV and FV framework: “It stops here!”

And from a recent LSA information night!
Barriers

- Community Legal Centre lawyers allowed in some FRCs to represent clients in FDR sessions. Without lawyers, in DV situation a person in unequal bargaining power found it tough to get anything sorted out in the future.
- Lawyer in some FRC’s involved in some matters OR pay a private mediator and private lawyer.
- Presumption of Equal-Shared Parental Responsibility (ESPR). Real risk for women who’ve experience din the court system. It is very difficult to get NO CONTACT orders.
- Self-represented perpetrators will cross examine victims. No protections at family law from this where a party is unrepresented. If victim is unrepresented, she will have to cross examine the perpetrator. V difficult and intimidating to do in context of violence, fear threats etc.

And from a recent LSA information night!
When police attend a DV scenario- Risk ID tool – 20 Q’s to determine level of risk or threat. If over 12 ticks, deemed serious risk of harm. Local co-ordination points – for women this is the Women’s Domestic Violence Court Advocacy Service - assist with going through the AVO process, reporting to police etc as well as legal referrals and housing and other referrals. Safety Action Meeting (SAM) – people from housing, health and FACs – purpose is to ensure safety of a woman. Where deemed as serious risk a victims consent is not required for her matter to be referred to a SAM. The victims aren’t present in the decision-making about them. FACs may get involved as she may not be seen as a ‘good parent’, mental health or addiction issues may result in certain actions that the victim has no say over. Inherent dangers despite being well intentioned. Changes to DV Act to allow sharing of information.

DV Evidence in Chief (DVEC) – police cams to take evidence on the spot from the victim.

And from a recent LSA information night!
Case studies:

- **Mary** - Orders in place until a child turns 18. Sometimes courts come down strongly on a parent who doesn’t make the child undertake a visit. Imagine a large 14 yo who won’t budge. Contravention orders become very problematic.

- **Rita** - Joint Investigative Response Team (JIRT) that investigates allegations of child sexual assault. Had investigated One of Rita’s two children had been sexually abused by the father. There were no orders in place, but parties had an agreement (informal) re time spent with the father. Police wouldn’t help. Initially, the police wouldn’t give Rita an ADVO, but eventually they did...but didn’t name the children, who also had significant fears. After 18mths, WLS was able to get an ADVO granted for Rita and the children. Property proceedings are underway. Children still not seeing father.

And from a recent LSA information night!
More case studies:

KOORYN
- Rural area woman. Violence from husband. Safety action meeting – application for victim’s support to put security measures in her home. Application was refused as she didn’t have enough detail in her claim about her DV experience. Despite attempted strangulation, use of weapons, killing of family pets and threats to kill - the police wouldn’t take out an ADVO. Recognition payment (compensation) and application for loss of wages as a result of violence. Matter going to hearing in October for an ADVO. But cameras have been installed.
- **Domestic Violence Death Review Team** supposed to investigate all of the evidence and courses of action, system failures, etc. to prevent these sort of failings in the future. But it hasn’t sat for more than a year.

MYRA – acquired brain injury. Her partner was her carer. He had one mark, Myra had two. But the police took the ADVO out against Myra in favour of the partner. WLS argued unjust as Myra had no capacity to understand the effects of the order. 6 months later at the hearing. Only 1 year before the partner had an ADVO taken out against him and he had charges of assault (of Myra) against him. Police withdrew the application. An enormous amount of resources went into a case that shouldn’t have run.

And from a recent LSA information night!
The Child Protection Australia 2012-13 report:
- 135000 children receiving child protection services (investigation, care, protection, out of-home care)
- Emotional abuse and neglect are the most substantiated forms of abuse.
- Over 23000 households in Australia are authorised to provide foster or kinship care
- There is also information in this lifeline about overseas adoption and / or students can view the Commonwealth Government’s website

From Wayne Gleeson’s Legal Studies Lifeline 2014 vol 7 #6
Prepare well, study hard and try your best in the HSC exams!!!

Good luck and best wishes with the rest of your life!!!

Think about taking up teaching as a career – it’s a great job!

The end!!! 😊