

Speaker's notes

# What's the law – Family law

## How to use these notes

**Topic:** Relationship breakdown, separation, divorce, property settlement and parenting arrangements.

**Resources:** *What's the law?* education kit 'Family law', which contains a photo story (on DVD), activity sheets and answer sheets.

These notes provide guidelines for a speaker's script and information on how to use these resources when presenting to a community group. The notes include a story summary, questions and answers, key messages, areas for further discussion and referral information.

## 1. Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation - they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and referral information given in section nine of these notes.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact [communitylegaled@legalaid.qld.gov.au](mailto:communitylegaled@legalaid.qld.gov.au) or 3238 3431.

## 2. Introduce yourself and *What's the law?*

Before you begin the presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid Queensland:

- Legal Aid Queensland helps the community in many different ways if people have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* education kit and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often the same legal problems arise. These problems can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law?* have been made to help you learn about the law on ten different topics.

Begin with some introductory statements and general questions about the topic:

- Today we are going to show you a photo story about a relationship problem and the types of things you need to think about if you want to separate from your partner.
- When couples separate, this means they stop living together. Divorce is sometimes the next step and is the legal end of a marriage.
- A separating couple can try to agree on parenting arrangements for their children and dividing assets (things they own) and debt (money they owe) themselves.
- If a separating couple cannot come to an agreement about separating, they can get legal advice.
- How do a husband and wife separate or divorce in the country of your childhood?

---

### 3. Summarise the photo story

- This story is about Yohani and Maria's relationship problems.
- Yohani and Maria are both unhappy with their relationship for different reasons. They fight often.
- Maria gets advice from family and friends who tell her family law is different in Australia from the country of her childhood. In Australia her husband does not need to agree to a divorce.
- Maria and Yohani see separate lawyers and then participate in mediation to come to an agreement about parenting arrangements for their children.

### 4. Ask questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask the following questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the story, think about the next four questions:

- 1) **Do you need permission from anyone to separate or divorce?**
- 2) **Who gets to make the decisions about dividing property and parenting?**
- 3) **How can Maria and Yohani come to an agreement?**
- 4) **What happens if Maria and Yohani can't agree?**

### 5. Show the photo story



### 6. Answer the questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

#### **Do you need permission from anyone to separate or divorce?**

- Both men and women in Australia can separate or divorce without their partner's permission.
- You do not need your family's permission or the government's permission to separate and you do not need to fill out any forms. You just need to tell your husband or wife of your intention to separate. You do need to fill out forms when you end a marriage legally with a divorce.
- In Australia, you can apply for a divorce 12 months after separating from your husband or wife.

#### **Who gets to make the decisions about dividing property and parenting?**

- Both Maria and Yohani can contribute to the discussion about parenting and dividing property fairly.
- The law will not favour the husband's views over the wife's – the decision-making is equal in Australia.

#### **How can Maria and Yohani come to an agreement?**

- The law says that it is best if separating couples try to agree before going to court.
- They can get help from a lawyer or family dispute resolution centre or they can participate in mediation. Mediation is what we have seen Yohani and Maria do. The mediator is an independent person who can help resolve a dispute between two people. They do not favour either side. They help the two people come to an agreement.

#### **What happens if Maria and Yohani can't agree?**

- If Maria and Yohani still can't decide on how to separate assets and debt and agree on the best parenting arrangements for the children, a court can make these decisions.
- A court can make orders about the fair division of assets and about parenting arrangements.
- You should get legal advice if your legal issue goes to court.

---

## 7. Emphasise key messages

- If you are having relationships problems, there are free support services available.
- The decision to separate is a personal decision. You do not need permission to separate.
- Both parties have rights when separating.
- Call **Legal Aid Queensland** or your **community legal centre** if you have legal problems or have to go to court.

## 8. Further questions and discussion

- Does anyone have any questions?

You are not expected to be a lawyer to use this resource. Many teachers and community workers use this resource successfully. If a participant raises personal legal issues, you can provide referral information. If you are not a lawyer, legal assessment or advice should be referred to **Legal Aid Queensland** on **1300 65 11 88** or the closest **community legal centre**.

## 9. Possible discussion points and referral information

### Impact on immigration status

- Separation and divorce will not always affect your visa status.
- For more information call Legal Aid Queensland: 1300 65 11 88

### Overseas divorce and parties living overseas

- To divorce, one party must be an Australian citizen, live in Australia or usually live in Australia and has done so for the past 12 months prior to filing the divorce application.
- For more information call Legal Aid Queensland: 1300 65 11 88

### Family Relationship Centres

- Family Relationship Centres provide information and confidential assistance for families at all stages in their lives.
- Centres focus on providing family dispute resolution (mediation) to help separating families achieve workable parenting arrangements without going to court.
- Whether you are going through separation, starting a relationship, want to make your relationship stronger, or having relationship difficulties, the centres can help [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au)

### Family law in Australia fact sheets

- These fact sheets explain aspects of family law in Australia.
  - [Need help to sort out a family law problem?](#) (this factsheet is also available in Arabic, Simplified Chinese, Spanish and Vietnamese in the [translated resources](#) section of the Legal Aid Queensland website)
  - [Having trouble dividing your property after a separation or divorce?](#)
  - [You and family law – a short guide](#)