

# LAWS50047 Family Law

Credit Points:	12.50																							
Level:	5 (Graduate/Postgraduate)																							
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. Seminars.																							
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																							
Prerequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr><tr><td>LAWS50024 Principles of Public Law</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50025 Torts</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50026 Obligations</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50027 Dispute Resolution</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50031 Legal Theory</td><td>November, Semester 2</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50031 Legal Theory	November, Semester 2	12.50
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Corequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50030 Property</td><td>Not offered 2012</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50030 Property	Not offered 2012	12.50															
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Recommended Background Knowledge:	None.																							
Non Allowed Subjects:	None.																							
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																							
Coordinator:	Prof Belinda Fehlberg																							
Contact:	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> )																							

	Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This subject aims to encourage a broad and sophisticated understanding of, and critical thinking about, contemporary Australian family law, by drawing on recent debate, research, and legal and policy developments in the area, focusing on parenting and financial disputes on relationship breakdown. A key goal is to consider legislation and case law in the context of empirical and other research literature from Australia and overseas to explore law in action. This is a particularly important goal given the importance of social sciences knowledge and professional skill in family law practice, research, policy and reform. Students will also have the opportunity to discuss and explore significant policy debates and theoretical perspectives.</p> <p>Family law is a rapidly changing area of law. Specific areas of emphasis throughout the subject will be influenced by contemporary developments. However, in broad terms the topics covered will include:</p> <ul style="list-style-type: none"> <li># Relationship recognition and flow-on impacts of this in family law;</li> <li># Post-separation parenting law and process: content, interpretation and impact of 2006 changes aimed at encouraging shared post-separation parenting and resolution of parenting disputes without court involvement;</li> <li># Family violence and family law: the relevance of family violence to both process and the substantive law (parenting and financial disputes);</li> <li># Child support: recent changes to the Child Support Scheme and their impacts on family members;</li> <li># Property division on marriage and de facto relationship breakdown: recent developments in relation to contributions assessment; superannuation splitting; binding financial agreements (including pre-nuptial agreements); third parties and matrimonial property disputes; and</li> <li># The future of spouse/partner maintenance.</li> </ul> <p>Classes will comprise a mix of overview, class discussion and input from speakers invited to discuss with us their work in areas directly relevant to the material covered.</p>
<b>Objectives:</b>	<p>On completion of the subject, students will have:</p> <ul style="list-style-type: none"> <li># An advanced and integrated understanding of the complex legal framework and processes and professional skills now relevant to determining post-separation rights and responsibilities of family members in Australia on relationship breakdown;</li> <li># A sophisticated appreciation of the relevance and contribution of social sciences knowledge to family law practice, research and reform;</li> <li># A sophisticated appreciation of, and ability to engage in, the complex policy debates taking place in Australia and internationally in relation to family law and policy, particularly regarding parenting and financial disputes on relationship breakdown;</li> <li># A nuanced understanding of the differences that may exist between family law 'in books' (that is, in legislation and case law) and family law 'in action' (that is, as it is practiced and as it is experienced by family members); and</li> <li># A capacity to critically and independently analyse, reflect on and evaluate recent family law reform initiatives and proposals.</li> </ul>
<b>Assessment:</b>	6,000 word independent research essay (100%). Students who choose this assessment option will be required to prepare an independent research essay on a topic developed or approved by the Subject Coordinator. OR Final three-hour exam (100%).
<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	On completion of the subject, students will have developed the specialist skills required to independently synthesise, analyse, apply (to advise a hypothetical client) and critically reflect on and evaluate the complex web of legislation, case law, research, policy positions and reform initiatives relevant to understanding key issues arising in Australian family law and practice, focusing on post-separation parenting and financial disputes.

Students who successfully complete this subject will also have developed and demonstrated intercultural sensitivity and understanding, as well as sensitivity and understanding of issues confronting families affected by violence.