

## LAWS50047 Family Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	5 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. Seminars.
<b>Time Commitment:</b>	Contact Hours: Intensive, November 2010. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	733-510 Legal Method and Reasoning; 733-511 Principles of Public Law; 733-512 Torts; 733-513 Obligations; 733-514 Dispute Resolution; 733-517 Property; 733-518 Legal Theory.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Dr Richard Ingleby
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This subject introduces students to family law by drawing on recent debate, research, and legal and policy development in relating to parenting and financial disputes on relationship breakdown.</p> <p>Family law is a rapidly changing area of law. Specific areas of emphasis throughout the subject will be influenced by 2009 developments. However, in broad terms the topics covered will include:</p> <ul style="list-style-type: none"> <li># Post-separation parenting law and process: the content and impact of 2006 changes aimed at encouraging shared post-separation parenting time and resolution of parenting disputes without courts 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># Matrimonial property division: 'big money' and 'little money' cases superannuation splitting; binding financial agreements (including pre-nuptial agreements); third parties and matrimonial property disputes;</li> <li># The future of spouse maintenance;</li> <li># Financial disputes between de facto partners: debates and directions.</li> </ul> <p>Classes will comprise a mix of mini lectures, discussion and input from speakers invited to discuss with us their work in areas directly relevant to the material covered.</p>
<b>Objectives:</b>	There are several specific objectives which it is expected that students will achieve by the end of the subject. They should be able to:

	<ul style="list-style-type: none"> <li># Demonstrate an understanding of the legal frameworks that regulate post-separation rights and responsibilities of family members in Australia on relationship breakdown;</li> <li># Apply analytical, critical, theoretical and evaluative skills to legal and social policy issues associated with the family;</li> <li># Apply the relevant case law and legislation to hypothetical problems;</li> <li># Demonstrate an understanding of the application of family law in practice; and</li> <li># Demonstrate an awareness of the factors relevant to the processes of law reform as it applies to the family.</li> </ul>
<b>Assessment:</b>	Research essay of 5,000 words on a topic chosen from a list to be provided, or approved by the lecturer (100%) OR Final three-hour exam (100%).
<b>Prescribed Texts:</b>	Belinda Fehlberg and Juliet Behrens, Australian Family Law: The Contemporary Context (Melbourne OUP, 2007); Belinda Fehlberg and Juliet Behrens, Teaching Materials for Australian Family Law: The Contemporary Context (Melbourne OUP, 2009).
<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>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of information;</li> <li># The capacity to communicate both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># Intercultural sensitivity and understanding;</li> <li># Sensitivity and understanding of issues confronting families affected by violence.</li> </ul> <p>In addition, on completion of this subject students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li># Case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li>- Extract important features from judgements;</li> <li>- Reconcile judgments;</li> <li>- Evaluate the development of legal principles; and</li> <li>- Apply legal principles arising from case law to new situations.</li> </ul> </li> <li># Statutory reading, interpretation and analysis, including an ability to: <ul style="list-style-type: none"> <li>- Extract important features from statutes;</li> <li>- Evaluate the development of statutory rules; and</li> <li>- Use, interpret and apply statutory provisions to new situations.</li> </ul> </li> <li># Hypothetical problem solving, including an ability to: <ul style="list-style-type: none"> <li>- Identify legal issues arising in complex fact situations;</li> <li>- Identify and apply relevant case law and statutory principles; and</li> <li>- Provide advice as to the rights and obligations of the parties.</li> </ul> </li> </ul>