

# Legislation to assist individuals and families

The *Family and Societal Interactions* option draws attention to significant legislation and highlights the role of these laws in assisting families to function effectively. For updates of changes to laws refer to the publication *Hot Topics*, an ongoing series of booklets about recent changes and current debates in the law, explained in plain language. *Hot Topics* is a community legal education initiative of the Legal Information Access Centre. For more information on *Hot Topics* go to <http://www.slnsw.gov.au/liac/>

The following laws are provided in plain language. Explanations of other laws covered in this option may be found in HSC Legal Studies textbooks.

## Protecting children

*Family Provision Act*. 1982. (NSW).

This Act allows for children, regardless of circumstances, to be treated equally in terms of the rights of inheritance.

Source: Brogan, M. et al. (2000). Heinemann Legal Studies Course 2<sup>nd</sup> edition. Port Melbourne: Heinemann

## Being a responsible adult family member

*Family Law Reform Act*. 1995. (Cth).

This Act introduced a new approach to family law, whereby the concepts of parental duties and responsibilities replaced the notion of ownership and the possession of children. The rights that are referred to are those of children, not of parents. Of importance are the rights of contact with both their parents, that parents share duties and responsibilities concerning the care, welfare and development of their children and that the parents should agree about the future parenting of their children.

Parenting plans are developed to address these issues.

Source: Brogan, M. et al. (2000). Heinemann Legal Studies Course 2<sup>nd</sup> edition. Port Melbourne: Heinemann

*De Facto Relationship Act*. 1984. (NSW).

When a relationship breaks down, there can be disputes about division of property, and couples who are unable to reach agreement as to how to divide their shared property need a procedure to assist them. The *Family Law Act* 1975 provides a framework for the resolution of property disputes on the breakdown of a marriage. Since 1984 in NSW, the *De Facto Relationships Act* 1984 has provided heterosexual couples who have lived together for more than two years with a forum for division of property on relationship breakdown. Under amendments introduced with the *Property (Relationships) Legislation Amendment Act* 1999, the *De Facto Relationships Act* has been renamed the

*Property (Relationships) Act 1984* and now provides a forum for property division between people who are in a domestic relationship, including gay men and lesbians, and, in some instances, other kinds of close personal relationships. All de facto couples are also now exempt from stamp duty when transferring the ownership of property.

Source: Hot Topics. (1999). *Hot Topics 24: Relationships*. Issue 24 October 1999. NSW. Law Foundation of NSW and State Library of NSW

*Marriage Act. 1961. (Cth).*

The legal requirements for a marriage contract to be valid are: a heterosexual relationship, monogamous, voluntarily entered into, it should be for life, couple must both be over 18, cannot be blood related, must give notice of intention of at least one month and not more than six months prior, the marriage must be carried out by an authorised celebrant and must be witnessed by two legal adults.

Source: Brogan, M. et al. (2000). *Heinemann Legal Studies Course 2<sup>nd</sup> edition*. Port Melbourne: Heinemann

*Crimes (Domestic Violence) Amendment Act. 1982. (NSW).*

This Act is concerned with Apprehended Violence Orders (AVO's).

Source: Brogan, M. et al. (1996). *Legal Studies HSC 2 Unit Course*. Port Melbourne: Heinemann

## **Acknowledging and supporting the aged**

*Aged Care Act, 1997. (Cth).*

The law is concerned with residential care services (nursing homes and hostels). This can include: health and personal care services (bathing, dressing, meals, medication), physical environment (maintenance, furnishings, cleaning, laundry) and resident lifestyle (daily activities, social interaction, financial management).

Source: Brogan, M. et al. (1996). *Legal Studies HSC 2 Unit Course*. Port Melbourne: Heinemann

*Anti-discrimination Act, 1977. (Cth).*

The laws dealing with discrimination help to give everyone an equal opportunity or a "fair go". It is unlawful to discriminate against a person on the grounds of race, sex, age, marital status, homosexuality or disability. The Act refers to discrimination that occurs in a person's public life in any one of the following areas – employment, the provision of goods and services, education, accommodation, entry to registered clubs or access to specific places or vehicles.

Source: Brogan, M. et al. (2000). *Heinemann Legal Studies Course 2<sup>nd</sup> edition*. Port Melbourne: Heinemann