**Practice Questions**

**Knowledge**

1 Which of the following is permitted by Australian Law?

1. polygamy
2. bigamy
3. monogamy
4. polyandry

2 A person who has a powerful urge to become a member of the opposite sex to the fullest extent possible is known as a:

1. transsexual
2. transvestite
3. hermaphrodite
4. bigamist

3 Which is a ground for divorce in Australia:

1. habitual cruelty by either party
2. living separately and apart for 24 months
3. the marriage has broken down irretrievably
4. adultery by either party

4 Which of the following situations would not be classed as duress under the definition of a valid marriage

1. Threats by a woman to shoot a man’s parents if he did not marry her
2. Threats by a man that he would hang himself if a woman did not marry him
3. Threats by a father that he would disinherit his daughter and send her back to her home country if she did not marry the man her father had arranged for her to marry
4. Threats that a man would harm her, if she did not marry him

5 In the case of Corbett v Corbett it was determined that

1. Marriage was between one man and one woman
2. An annulment is where a marriage is ended by a judge who has decided that a true marriage did not take place
3. The sexual constitution of an individual is determined at birth
4. Any person who being married, goes through the form of marriage with any other person during the life of his or her husband is guilty of bigamy.

6 To show that there has been an ‘irretrievable breakdown’ in the marriage, the parties must:

1. Show fault
2. Prove that one spouse has committed adultery
3. Live apart for 12 months
4. Separate for at least two years

**TRUE OR FALSE**

Indicate whether each of the following statements is True of False by circling your response on the answer column

|  |  |  |
| --- | --- | --- |
| 1. The Family Law Act repealed the Matrimonial Causes Act | True | False |
| 1. Annulment of marriage and divorce are the same thing | True | False |
| 1. “Prenuptial Agreements” are required under marriage law in Australia. | True | False |
| 1. Engagement or betrothal is an essential legal requirement before marriage | True | False |
| 1. In Australia girls may marry at 16 and boys at 18 | True | False |

**Short Response**

1. List the Four (4) factors that make up the definition of 'marriage'.
2. Give clear explanations to show your understanding of the important differences in meaning of the following terms/concepts.
3. annulment of marriage/dissolution of marriage
4. decree nisi/decree absolute
5. Explain each of the following terms:
6. prohibited relationships
7. bigamy
8. Explain the **purpose** of the **resumption of cohabitation** rule in regards to divorce and in each of the following situations explain when each couple can divorce.
   1. Couple A – separated September 2008
   2. Couple B – separated July 2008, resumed relationship September 2008, separated again in November 2008.
   3. Couple C – separated August 2008, resumed relationship September 2008, separated again January 2009.
   4. Couple D – separated October 2008, resumed relationship December 2008, separated again February 2009, resumed relationship April 2009, separated again May 2009.

**Investigation**

1. Paul Rigby, a Pharmacist with assets of $108 000, married Sally, a shop assistant who had assets of $13 000 at that time. The marriage lasted 10 years. Both Sally and Paul worked however Sally earned much less than Paul. Her earnings were used to pay all the weekly expenses and Paul’s income paid the mortgage. Paul had paid a $60 000 deposit on their house. They have no children.

They now own a house which is worth $530 000.

After the divorce, they went to the Family Court for a property settlement as they were unable to work this out amongst themselves.

Paul thinks that Sally shouldn’t get much as she will probably remarry in the future

**In 200 words, you are required to:**

* **identify and define the legal issue/s in this case**
* **outline the factors the court would consider in determining an outcome**
* **apply the legal principles to the case and give your opinion of each proposal presented with reasons**
* **resolve the case by suggesting how property should be divided**

1. The Family Law Amendment (shared Parental Responsibility) Act 2006 aims to have a shared care arrangement of children after divorce. Does this mean that the parenting must be shared equally? Explain your answer.
2. Look up the following cases
   1. R v R Childrens wishes [200] Fam CA 43
   2. In the marrage of C and JA Doyle (1992) 15 Fam LR 274

* What is the case about?
* Was the wishes of hte child taken into account?
* What was the outcome of the case? Do you agree? Why/why not?

# **Evaluation**

1. "The Family Law Act 1975 was designed to bring about certain important changes to divorce law. Society has generally reacted positively to these changes."

**Analyse** and **identify** the effect these changes have had on society generally. **Critically evaluate** the **advantages** and **disadvantages** that this Act has had on the family unit in Australia and decide if this was a positive change for society.

1. *"*Opponents to the case of Kevin and Jennifer v Attorney-General for the Commonwealth – [2001] Fam CA 1074, saw the decision as a direct attack on the historical context of marriage. There was much concern about the trial judge’s consideration of social acceptance, evidence of community attitudes and Kevin’s acceptance into in-vitro programs by the medical profession as evidence of the meaning of ‘man’ in today’s society.

In light of the above statement, examine the social implications of this case in relation to the *Marriage* and *Family Law Acts.* Outline the advantagesand disadvantages that these changes will have on the family unit in Australia. Consider whether such changes will have wider implications on society and whether other legislative changes will be necessary to ensure that all members of society are treated fairly?