Alternative Family Relationships

In your groups create a class presentation. For each type of relationship include the following

- Definition
- 2-3 points about how the law treats these relationships - including relevant legislation
- A relevant image!
- A thought provoking question
ATSI Customary Law
Single Parent

**Definition** - A single parent is a person who lives with a child or children and who does not have a wife, husband or live-in partner. A single parent may have either sole custody of the child or joint physical custody, where the child lives part-time with each parent.

**Legislation**
- **The Child Support Scheme (CSS) 1988** to enforce the right of children to be supported by both their parents. The legislative basis of the CSS is the Child Support (Registration and Collection) Act and the Child Support (Assessment) Act.

- On July 1, 2006, **Australia's Family Law Amendment (Shared Parental Responsibility) Act 2006** came into force. It dramatically changes Australia's child custody law: It places an increased focus on the rights of children to have a meaningful relationship with both their parents and to be protected from harm.

- When a child is born to an unmarried mother, the father has no legal right to see his child without a court order. This is due to there being no presumption of paternity, if a couple is unwed, the child is not automatically seen as the father’s offspring. This type of situation also prevents an unmarried mother from seeking child support from the child's father, while also preventing the father from being awarded visitation or child custody.

*Is there a bias based on gender when it comes to child custody?*
Blended
**POLYGAMY**

**Definition:** Polygamy is the practice of marrying multiple spouses.

**How the law treats these relationships:**

Polygamous marriages may not be performed in Australia, and a person who marries another person, knowing that the previous marriage is still subsisting, commits an offence of bigamy under section 94 of the Marriage Act 1961, which carries a maximum penalty of 5 years imprisonment.

Whether or not either or both partners were aware of the previous subsisting marriage, the second marriage is void.

On March 4, 2016, the Full Court of the Family Court of Australia ruled that a polygamous marriage is illegal in Australia but a foreign marriage, which is ‘potentially polygamous’ when it is entered into, will be recognised as a valid marriage in Australia.
Definition: marriage between partners of the same sex

Before 2017, same sex marriage was not legal under the Marriage Act 2004 (Cth)

In 2017 a plebiscite was released resulting in roughly 60% of the population for same sex marriage, in which consequently changed the law to the marriage act 2017 (Cth)

Why did it take so long?
Polygamous

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Polygamy - the practice or custom of having more than one wife or husband at the same time

Polygamy is legal in 58 out of nearly 200 sovereign states, the vast majority of them being Muslim-majority countries situated in Africa and Asia.

Marrying a 2nd person when you’re already married is also a crime known as bigamy, but it is not an offence to have multiple simultaneous de facto relationships in Australia.

A marriage will be declared invalid if one of the parties was already married.

Considered an offence under section 94 of the marriage act 1961 and carries a maximum penalty act of 5 years imprisonment.
De Facto – Definition

- A relationship where two people live together on a permanent basis and also share a sexual relationship.
- Basically it’s people living as a married couple without legally being married.
De Facto - Cases

• Ricci v Jones - It is up to the person bringing the case to court to prove that there was a de facto relationship.

• Jonah v White – He was married during a 13-year affair, they never lived together. So adding up time doesn’t count.

• Sinclair v Whittaker – The relationship went for about 6 years but the guy didn’t admit it.
De Facto – The legislation

- Section 4AA of the Family Law Act 1975. This outlines the rights people have when they separate basically like married couples.
De Facto – How it’s treated

The person taking the case has to prove they are De Facto

De facto couples can now access the family court because of the Family law Amendment (De Facto financial matters and other Measures) Act 2008

This means that now when a de facto couple separates the entire separation is resolved through the federal system