MA99 EDUCATION

Option: Family: Summary 05

NSW LEGAL STUDIES STAGE 6 SYLLABUS 2009 FOR HSC 2027

Every Act, case and figure is real and current as at October 2026; check for later changes before you quote it. Read it the week before a test, then again the night before the HSC.

1. Family on one page

CONTENT POINT	KEY POINT	EVIDENCE
Concept of family law	Governs forming, recognising and ending family relationships, and the duties inside them; "family" has no single legal definition	ABS 2025: 118,804 marriages, crude rate 5.3 per 1,000 people aged over 16; median age 32.7 (men), 31.2 (women)
Changing concepts	Law follows family forms: de facto, ex-nuptial, same-sex, donor-conceived, kinship	4,636 same or non-binary gender marriages (2025); kinship in "member of the family" from 6 May 2024
State and federal jurisdiction	Commonwealth: marriage, divorce, parenting, property; NSW: child protection, adoption, surrogacy, DV orders	Constitution ss 51(xxi), (xxii), (xxxvii), 109; Commonwealth v ACT [2013] HCA 55
Valid marriage	Age 18 (16 or 17 with court order), not married, not prohibited relationship, real consent, notice, celebrant, witnesses	Marriage Act 1961 (Cth) ss 5, 11, 12, 23B, 42, 44, 45; forced marriage: Criminal Code ss 270.7A, 270.7B
Alternative relationships	De facto (s 4AA; two-year rule s 90SB); registered (NSW); same-sex; blended; kinship	Relationships Register Act 2010 (NSW); FLA Part VIIIAB from 1 March 2009
Parents and children	Parental responsibility is a duty (s 61B); each parent has it (s 61C); mature minors decide more	Gillick (1986); Marion's case (1992); Re Kelvin [2017] FamCAFC 258; CRC arts 3, 9, 12
Adoption	Permanent transfer of parenthood; child's best interests paramount; open adoption; last resort for Aboriginal children	Adoption Act 2000 (NSW) s 8; AIHW: 155 adoptions in 2024-25, 64 by carers; 2013 forced adoption apology
Divorce	No-fault; 12 months' separation; children's arrangements; order effective after one month	FLA ss 48, 49, 50, 55, 55A; 49,158 divorces in 2025 (ABS)
Children after separation	Agreement, FDR certificate, then orders; safety first since 6 May 2024	FLA ss 60CA, 60CC, 60I, 63C, 65DAAA; Family Law Amendment Act 2023
Property	Four steps codified 10 June 2025; family violence, economic abuse, pets, disclosure	FLA ss 79, 79AA, 90SM; Stanford [2012] HCA 52; Thorne v Kennedy [2017] HCA 49
Domestic violence	ADVOs, coercive control, show cause bail, SDAPOs, 25 year SNPP	Crimes Act s 54D (1 July 2024); SDAPOs from 29 Sept 2025; SNPP passed 18 Nov 2025
Courts and dispute resolution	FCFCOA (2021), Local, Children's, Supreme Courts; negotiation, FDR, conciliation, arbitration, litigation	FLA s 60I; Lighthouse risk screening (information protected by FLA Part IIA)
NGOs and media	NGOs advise, support, lobby; media sets agenda but cannot identify parties	Relationships Australia; Women's Legal Service NSW; FLA s 114Q
Same-sex relationships	Formal equality largely achieved; religious exemptions remain	Postal survey 61.6% Yes (2017); marriage equality 9 Dec 2017; Equality Legislation Amendment (LGBTIQA+) Act 2024 (NSW); Census 2026
Parental responsibility	Rights, then equal shared responsibility, then safety first; the state sets more limits	1995, 2006, 2012, 2024 reforms; social media minimum age from 10 Dec 2025

CONTENT POINT	KEY POINT	EVIDENCE
Surrogacy and birth technologies	Altruistic legal, commercial a crime (also overseas); parentage orders; donor register; reform pending	Surrogacy Act 2010 (NSW) ss 8, 11; Masson v Parsons [2019] HCA 21; ALRC report not yet clarified as of October 2026
Care and protection	Safety paramount; least intrusive; placement principles; Aboriginal Child Placement Principle	Care and Protection Act 1998 (NSW) ss 9, 10A, 13, 23, 27; Target 12: 47.3 to 52.2 per 1,000

2. The evidence

Eight numbers worth memorising

118,804 marriages and **49,158** divorces in 2025 (ABS, released 28 July 2026). **4,636** marriages of same or non-binary gender couples (2025). **155** adoptions in Australia in 2024-25, 98 per cent fewer than in 1971-72 (AIHW). **32** women killed by an intimate partner in 2024-25, down from 48 (AIHW). **682** coercive control incidents, **42** charges, **4** proven by June 2026 (BOCSAR). **14 per cent** rise in NSW domestic violence legal actions in two years to June 2026 (NSW Government). **13,500+** children in out-of-home care in NSW (DCJ, March 2026). **47.3 to 52.2** per 1,000 Aboriginal and Torres Strait Islander children in out-of-home care, 2019 to 2025: Target 12 worsening.

Seven reforms from 2024 to 2026

Parenting: Family Law Amendment Act 2023, from 6 May 2024: presumption removed, safety first. **Coercive control:** Crimes Act s 54D, from 1 July 2024. **Property:** Family Law Amendment Act 2024, from 10 June 2025: steps codified, economic abuse, pets. **SDAPOs:** from 29 September 2025. **Intimate partner murder:** 25 year SNPP, passed 18 November 2025. **Social media minimum age:** from 10 December 2025. **NSW out-of-home care overhaul:** announced 1 March 2026; National Commission for Aboriginal and Torres Strait Islander Children and Young People given independent powers, March 2026.

Cases by content area

Jurisdiction: Commonwealth v ACT [2013] HCA 55. **Parents and children:** Gillick (1986); Marion's case (1992); Re Kelvin [2017] FamCAFC 258; Re Imogen (No 6) [2020] FamCA 761. **Children after separation:** Rice v Asplund (1979), now s 65DAAA. **Property:** Stanford v Stanford [2012] HCA 52; Kennon v Kennon (1997); Thorne v Kennedy [2017] HCA 49. **Surrogacy and donors:** Masson v Parsons [2019] HCA 21; Bernieres & Dhopal [2017] FamCAFC 180; Baby Gammy (2014). **Domestic violence:** Molly Ticehurst's killer sentenced to 28 years, 11 September 2026.

MEASURE	Then	Now	What it shows
Adoptions, Australia	9,798 (1971-72)	155 (2024-25)	Adoption is now mostly by carers and step-parents
Marriages, Australia	127,161 (2022)	118,804 (2025)	Fewer, later marriages
Same-gender marriages	0 before 9 Dec 2017	4,636 (2025)	Law reform followed values
Divorces, Australia	47,216 (2024)	49,158 (2025)	Median marriage lasts 9.4 years to separation
First Nations children in care, per 1,000	47.3 (2019)	52.2 (2025)	Target 12 worsening

Figure 1 · Five numbers that show how families and the law have changed. Sources: ABS, Marriages and Divorces, Australia, 2025; AIHW, Adoptions Australia 2024-25; Productivity Commission, Closing the Gap dashboard (July 2026).

3. How to answer the question

Section III: the 25-mark extended response (about 1000 words, 45 minutes)

1. Underline the verb, the measure and any requirement. “To what extent” and “evaluate” need a judgement of degree; “assess” needs a judgement of value; “analyse” needs how and why. “At least ONE contemporary issue” is a requirement.
2. Write the judgement as your first sentence, for each group the question names (children, partners, victim-survivors, society).
3. Name two or three criteria: safety, fairness, accessibility, enforceability, recognition.
4. Plan four or five paragraphs, each on one response or issue, each with an Act and section, a case, and a statistic or report.
5. In each paragraph: point, evidence, effect on the criterion, a limitation, a mini judgement.
6. If a contemporary issue is required, give it a whole paragraph. Bring in a theme by name.
7. Conclude by committing: for whom, and when, the law succeeds.

A paragraph that evaluates (one paragraph, about 180 words)

Point: “The law on domestic violence now recognises abuse that leaves no physical injury.” Evidence: coercive control (s 54D, 1 July 2024); economic abuse in s 4AB (10 June 2025). Effect: victims can seek protection and prosecution earlier. Limitation: four coercive control charges proven in two years (BOCSAR, June 2026). Judgement: “Recognition has outrun enforcement.”

Using a contemporary issue well

Law (the Act and section), change (what reform happened and when), evidence (a case, a statistic, an NGO’s statement, a media example), judgement (how effective, for whom). Example for surrogacy: Surrogacy Act 2010 ss 8, 11; 2024 waiver for the child’s interests; Bernieres (2017) and the ALRC review (2026); partly effective, because commercial surrogacy continues overseas.

4. Common errors

COMMON ERROR	CORRECT STATEMENT
“Family law is federal”	Divorce, parenting and property are federal; child protection, adoption, surrogacy and DV orders are NSW
“Parents have equal rights to their children” (or “equal time”)	Parental responsibility is a duty; there has never been a right to equal time, and the presumption was removed on 6 May 2024
“Property is split 50/50”	No presumption of equal division; four steps, contributions and future needs, just and equitable (Stanford, 2012)
“De facto couples have no rights”	Same property and maintenance regime (s 90SM) if the two-year rule or an exception is met
“Surrogacy is illegal”	Altruistic surrogacy is legal; commercial surrogacy is an offence, including overseas for NSW residents
“A sperm donor is never a parent”	Usually not, but Masson v Parsons (2019) held a known, involved donor was a parent
Calling a breach a limitation	Non-compliance is failing to follow the law (an ADVO breach); a limitation is a weakness in the law (proof of coercive control)
“The Family Court” in 2026	The Federal Circuit and Family Court of Australia, since 1 September 2021
Ignoring Aboriginal and Torres Strait Islander families	Kinship in the definition of family (2024), the placement principle (s 13), Target 12

5. Checklist

- [ ] Explain why family is hard to define, with two 2025 statistics.
- [ ] Split family law between the Commonwealth and NSW, with constitutional sections.
- [ ] Test a marriage against every requirement, and name the void grounds.
- [ ] Compare married, de facto and registered couples.
- [ ] Explain parental responsibility and mature minors' decisions with three cases.
- [ ] Explain divorce, the s 60CC factors and the four property steps with the 2024 and 2025 changes.
- [ ] Evaluate the law on domestic violence with five 2024 to 2026 measures and two statistics.
- [ ] Compare dispute resolution methods and explain the FDR exception for violence.
- [ ] Evaluate each contemporary issue with law, change, evidence and a judgement.
- [ ] Plan a Section III answer in five minutes.

About this resource

MA99 EDUCATION

Scope

NSW Legal Studies, Year 12. Written to the NSW Legal Studies Stage 6 Syllabus 2009, the option Family, for students sitting the HSC in 2027. A new Legal Studies syllabus is first examined in HSC 2028. Written to the 2009 syllabus, examined for the last time in the 2027 HSC. Cases, legislation and reports are real and cited as at October 2026; check for later changes before relying on them.

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