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Family Law Practitioners' Association of Queensland

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Message from the FLPA president



As we approach the end of the year, we often like to reflect on what we have achieved.

For FLPA, 2011 has seen some big changes including a revamped website, new logo/branding, added resources including a **member information kit** and the initiation of a public media campaign to tackle issues affecting our industry. But perhaps our biggest initiative has been **recording FLPA's twilight seminars** for regional members to view through the new website in an attempt to be more inclusive of regional practitioners.

As Queensland's leading professional body of family law practitioners, FLPA has the luxury of focusing only on family law: hosting seminars, events and preparing legislative proposals to raise awareness of issues such as domestic violence, international parental child abduction laws and family law legislation amendments is FLPA's core purpose. In doing this, FLPA provides members with valuable opportunities to connect with other professionals and mentors and inspires the next generation of family law practitioners. I am pleased to say this year, we have realised an increase in membership numbers to more than 600 and we look forward to another busy year ahead.

As many of you are aware, FLPA held a very successful two-day conference in September - the *26th annual Calabro SV Consulting **Family Law Residential*** in association with the Queensland Law Society. This is our flagship event for the year and attracted a record 467 registrations. Included in this newsletter are some photographs of the event which was held at the Royal Pines Resort and Spa on the Gold Coast. Thank you everyone who worked diligently and enthusiastically to provide an innovative and quality event programme for our members.

On behalf of the executive I would encourage you all to attend FLPA's final social event for the year – the **annual Christmas Party** - on 1 December. Held at the Queensland Terrace, State Library of Queensland from 5pm, what better way to kick start the festive season than to celebrate with fellow practitioners and network for the last time this year.

Finally I would like to remind you that our annual general meeting is scheduled for 24 November, 2011. The meeting will elect our executive committee board members for 2012 and farewell current board member and past-president **Jennifer McArdle** whose contribution to this association spans more than 10 years. FLPA thanks you Jennifer for your enormous contribution and acknowledges your ongoing support over many years. I would also like to take this opportunity to thank all FLPA's executive committee members for their efforts in 2011.

No matter how you celebrate this time of year, I wish you all the very best for the season and on behalf of the executive committee, we wish you happiness in the New Year.

If you have any contributions, please email us on roundtable@flpa.org.au.

Deborah Awyzio
FLPA President

Family Law Residential snapshots



(left) Rebecca Parry and Kirstie Day enjoy the FLR dinner as do (right) Federal Magistrate Demack, Federal Magistrate Altobelli and Federal Magistrate Cassidy.



(left) FLPA's new image exhibition stand and (right) Debra Effeney, Kara Cook, Jennifer Rice, Caitlin Chemeris and Nicole Berg enjoy the dinner.



FLPA welcomes Justice Kent SC

A large FLPA crowd gathered on 11 August at the Queensland Law Society to welcome our newest Justice Michael Kent SC. Welcomed by FLPA president Deborah Awyzio, barrister and long-standing friend Michael Drysdale gave an entertaining speech before Justice Kent responded with some charming wit of his own.

To hear the speeches, logon to the **Members Only** section at www.flpa.org.au and go to **Seminar Videos**. If you are unsure of your password to logon, please contact membership@flpa.org.au.

Australia's international parental child abduction laws to tighten

FLPA has welcomed the Federal Government's recent announcement to introduce new measures to tighten Australia's international parental child abduction laws.

In a recent media release, FLPA supported the changes to the Family Law Act which would increase the protection of children across international borders.

Several of FLPA's members are dealing with cases of children having been taken to countries that are not signatories to the Hague Convention on the Civil Aspects of International Child Abduction.

To view the full media release, please go to the news tab at the FLPA website <http://www.qldflpa.org.au/Latest-media-releases.html>

Support for Domestic Violence Bill

The Domestic Violence Bill 2011 currently before State Parliament should be passed to give children and families at risk greater protection according to FLPA.

Earlier last month, FLPA president Deborah Awyzio appeared before the Community Affairs Committee's public hearing on the Domestic and Family Violence Protection Bill 2011. FLPA prepared a media statement supporting the proposed changes.

The Bill gives a broader definition of domestic violence to reflect all forms of abuse, including financial abuse.

FLPA supports an increase in penalties for breaching domestic violence orders, proposed under the changes.

In a submission on the proposed Act in 2008, FLPA made a number of recommendations that have been included in the Bill including changing the onus for consent orders.

The Bill acknowledges FLPA's recommendations that arrangements for domestic violence orders be made by consent without the court having to make a finding that domestic violence has occurred.

Domestic violence legislation was first introduced to Queensland in 1989 and this Bill is an important step in updating the law to protect individuals who are at risk.

To view the full media release, please go to the news tab at the FLPA website <http://www.qldflpa.org.au/Latest-media-releases.html>

Heads up



The following appeared in *The Australian* newspaper recently ... interesting!

A FEDERAL magistrate is undertaking "judicial education" and "counselling" and has agreed to be restricted to "non-sitting" duties after a recent appeal judgment prompted an immediate meeting to discuss his behaviour on the bench.

Sydney-based magistrate Joseph Harman was appointed only in June last year, but in three recent appeals orders have been made that proceedings continue before a different federal magistrate. A former lawyer who specialised in family law, Mr Harman is an experienced lawyer who was admitted to practice in 1986.

In one case he charged and imprisoned an elderly man for contempt without a fair hearing, threatened to arrest the managing director of a major bank, and said he would invite the media into an otherwise confidential family court hearing.

In a more recent case, he refused to hear argument on an application to disqualify himself, in a situation where he had an acrimonious falling-out and prior personal relationship with a lawyer due to appear before him.

Mr Harman's actions have prompted a stinging judgment from Chief Justice of the Family Court, Diana Bryant, who said: "The wider interests of public confidence in the administration of justice and expectation that judicial officers will not act arbitrarily has caused me to take the unusual step of commenting on the process adopted by his Honour (Harman) in relation to the contempt charge against the husband, absent an appeal against his orders."

"It is apparent from the transcript that his Honour failed to comply in almost all respects with the Federal Magistrates Court Rules and with the well established authorities in relation to the manner in which contempt in the face of the court is to be conducted."

To read the full article, visit

<http://www.theaustralian.com.au/business/legal-affairs/federal-magistrate-sent-for-judicial-education/story-e6frg97x-1226122421371>

Heads up is exactly that: a 'heads up' on some of these changes. If you have any contributions, please email us on roundtable@flpa.org.au.

Family lawyers get behind Civil Partnerships Bill

Queensland's family lawyers have backed State Government moves for greater rights for same-sex couples.

In a recent media statement, FLPA described the step as a 'huge reform' that would place Queensland at the forefront of acceptance and tolerance for committed relationships.

FLPA commends the Government's commitment to reducing discrimination against same-sex couples by offering them formal recognition of their relationships through an official union.

Currently, people in these relationships are able to access the same rights for property settlement, parenting arrangements, maintenance and child support as married couples.

The only difference remains the lack of ability to formalise their relationship through a process like marriage.

To view the full media release, please go to the news tab at the FLPA website <http://www.qldflpa.org.au/Latest-media-releases.html>

Upcoming FLPA events



Here's FLPA's events for the coming months. For more information, please visit www.flpa.org.au.

FLPA Annual General Meeting - Thursday 24 November

5.30pm - 8.30pm

Vincents Chartered Accountants, Level 33, Santos Place, 32 Turbot St, Brisbane

Drinks and savouries will be served after the meeting.

FLPA Christmas Party - Thursday 1 December

5pm till late

Queensland Terrace, State Library of Queensland

\$40 members and \$50 non-members

2012 Family Law Residential - Friday 17 – Saturday 18 August 2012

Royal Pines Resort

Ladies in law lunch

More than 20 Toowoomba-based female family law practitioners met in October for a local get-together - **Keeping it in the family: ladies in law long luncheon.**

Sponsored by FLPA, the inaugural event was held at Gips Restaurant, Toowoomba, on October 14 and was organised by local lawyers Rebecca Durkin and Sarah Adam (Murdoch Lawyers) and Rebecca Harding and Stephanie Wilkinson (Best Wilson Family Law).

Four report writers attended (Valma Johnson, Denise Britton, Sue Waterman and Diana Russell) and gave their insight and input on a number of issues that arise for family law practitioners during the course of a matter.

Kendall Hawdon (Forest Glen Lawyers) also spoke about the Child Protection Practitioners' Association of Queensland and provided some in-depth information about child protection matters and the association's objectives.

More regional events are planned next year.

Twilight seminar – Child Protection in Queensland - Is it a comedy act or a tragedy?



Child protection experts barristers Robin Slade Jones and John Selfridge gave FLPA members a useful insight into the ambiguous and confusing world of Queensland's Child Protection Act at a twilight seminar on 20 October.

Comparing Queensland's legislation with the more mature jurisdictions of England and Scotland, the entertaining speakers outlined the flaws of the Queensland system such as the court's lack the power to order investigations into the care of children if there is one parent who is abusive.

"The Queensland Child Protection Act is a horrible piece of legislation that

is poorly drafted and little is being done to improve it," said Mr Slade Jones at the seminar.

To see this twilight seminar, logon to the Members Only section at www.flpa.org.au and go to **Seminar Videos**. If you are unsure of your password to logon, please contact membership@flpa.org.au.

FLPA's new website



FLPA's new [website](http://www.flpa.org.au) is up and running! Check out all the new information about membership, FLPA in the news, useful links, and great resources in the member only section.

Videos of twilight seminars are also now online in the member only section. If you haven't been able to make the last two twilight seminars, you can see them online now!

If you have any comments or queries about the website, please contact membership@flpa.org.au.

Case Watch call

FLPA is looking for a keen member to prepare *Case Watch*.

Case Watch provides FLPA members with a brief insight into significant

recent cases. Ideally, the member would be familiar with recent cases.

If you would like to know more information about taking on this small but vital role, please contact FLPA president Deborah Awyzio at deborah@dafamilylawyers.com.au.

Family Court news

Family Court refurbishments

The subpoena viewing area on Level 1 of the Family Court will soon undergo refurbishment. Completed by mid December, the changes will improve the viewing area, staff working area and storage area for subpoena material. These works will provide an improved cubicle style viewing area along with contemporary fit out and seating facilities.

The audio-visual facilities will be also improved with access to a paid photocopying machine.

During the refurbishment, services will move to the ground floor. Subpoena material will be stored in the ground floor conference room with viewing desks stationed in the wing facing North Quay. This area can be accessed by turning right after going through the security check point on Tank Street.

No more photocopying of Court files and subpoena material

The Family Court is seeking the assistance and cooperation of the profession to move away from copying Court files and subpoena material on the appointment of an ICL. Family Court regional registry manager James Cotta said this practice is not sustainable.

"The resource previously allocated for this purpose is no longer available due to the Court's budgetary position," Mr Cotta said.

"We will provide copies of the Court file covers to enable the ICL to identify documents required. On request by the ICL we will provide a copy of the initiating application and response and supporting affidavits filed.

"Any additional material required can be copied by the availability of a paid photo copying machine."

Court portal presentations and training

The Family Court Registry is keen to conduct further training sessions for the profession on the Portal. While Queensland is leading the way in its registration and efilings, there are still many firms not registered and missing out on the benefits of this service.

If you are interested in your firm receiving online training via your office, please contact Ron Jarrett Business Systems Development Officer on 07 3248 2248 so bookings can be arranged. This invitation is extended to both city and country-based firms.

Bookmark the CSA estimators



The following link takes you to the Child Support Agency's Care Estimator and Child Support/FTB Estimator. Bookmark it for easy access and reference. <http://www.csa.gov.au/estimators/>

Bookmark the Titles office website

The following link takes you to the Titles Office for industry professionals <http://www.derm.qld.gov.au/property/titles/industry.html>. It includes:

- the [Land Titles Practice Manual](#) which details how to complete and lodge land registry forms,
- the [fee calculator](#) calculates the lodgement fees payable on commonly lodged land registry forms, and
- the latest land registry forms.

As these things change regularly, you can also register your details for an [automatic update](#).