



Round Table

Latest News

Family Law Practitioners' Association of Queensland

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August 2011

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Message from the FLPA president



Welcome to the first edition of *Round Table*, a quarterly newsletter for members of the Family Law Practitioners' Association of Queensland (FLPA).

We have begun the year with gusto, introducing a **new corporate image** for FLPA that is filtering through all our marketing materials including a new member brochure, event banners, e-alerts, newsletter, and shortly our website. Thank you to all our members who participated in our recent online survey into current perceptions of FLPA and membership benefits. We are now implementing many new initiatives including filming the twilight seminars to upload to our website for our regional members to access.

Congratulations to FLPA member **Michael Kent SC**, on his appointment as Judge of the Family Court of Australia, based in Brisbane. Justice Kent has been a respected senior counsel and mediator and no doubt our members will look forward to him adjudicating clients' disputes going forward. In honour of Justice Kent's appointment FLPA is hosting drinks on Thursday August 11.

Congratulations must also go to immediate FLPA past president, **Colin Forrest** on his recent appointment as Judge of the Family Court, based in Brisbane. Justice Forrest served as FLPA President from 2009-2010 leaving a legacy of focused leadership and a demonstrated commitment to FLPA.

In this edition, we mark the retirement of **Justice James Barry** from the Family Court after many years on the family bench. We acknowledge the retirement of long-standing FLPA member **Paddy Parker** who has also been a worthy past recipient of the Travis Lindenmeyer Award for his service to family law.

Of course, the highlight of our calendar year in September is the inaugural **Family Law Residential** conference that we present in joint venture with the Queensland Law Society. Our conference provides a platform for new ideas, new thinking and for you to exchange knowledge and information. I look forward to seeing you there.

In the meantime, I hope you enjoy the first edition of *Round Table*. If you have any contributions to the newsletter, please email us on membership@flpa.org.au.

Deborah Awyzio
FLPA president

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Family Violence Best Practice Principles launched

Last month the Family Court of Australia and the Federal Magistrates Court of Australia released the revised version of the *Family Violence Best Practice Principles*: a part of the courts' strategy to manage allegations of family violence in family law disputes that come before the courts.

The courts' overall strategy is committed to protecting children and any person who has a parenting order from harm resulting from family violence and abuse. They also try to reinforce the guiding principles contained in the Family Violence Strategy 2004. 2005.

The principles recognise:

- the harmful effects of family violence and abuse on victims,
- the place accorded to the issue of family violence in the Family Law Act, and
- the principles guiding the Magellan case management system for disposing of cases involving allegations of sexual abuse or serious physical abuse of children.

A full copy of the *Family Violence Best Practice Principles* is available from the Family Courts' website at www.familylawcourts.gov.au.

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Changes to the FMC rules on interim parenting proceedings

A number of amendments have been made to the Federal Magistrates Court rules effective from 11 July 2011. The most significant changes affecting family law proceedings include:

- 1. Document printing:** Documents filed to be printed must be in at least 12 point font and at least 8 mm between the lines of printing.
- 2. Allegations of abuse or family violence:** Parties must advise the court when filing consent parenting orders of allegations of abuse, family violence or other risk factors and, if so, how the consent order attempts to deal with those allegations. This is to ensure that the court is aware of issues which might pose a risk to the child or children. The court will determine whether the proposed arrangements are appropriate in all circumstances and do not expose the child to an unacceptable risk of harm. This is particularly important in high volume and busy lists.
- 3. Subpoena:** Unless a subpoena specifically requires the party to produce an original document or thing, a copy may be produced. A copy of the document or thing may be a photocopy or in PDF or in 'any other electronic form that the issuing party has indicated is acceptable'.
- 4. Electronic signing:** Orders can now be signed electronically.
- 5. Application of order 33:** The application of order 33 can be repealed and mirror enforcement rules and forms can be adopted as currently prescribed under the Family Law Rules (Chapter 20). These forms can also be used in the Federal Magistrates Court

6. Schedule 1 – Costs: These costs have been increased. The increased costs are consistent with recommendations of the Joint Costs Advisory Committee.

The rules and the explanatory statement are available at:
<http://www.comlaw.gov.au>.

Please take note of the **memo** and **notice** to the profession regarding changes to interim parenting proceedings in the Sydney, Newcastle and Canberra registries.

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Insight into Asperger's



Entertaining and often deeply moving, ABC radio presenter Richard Fidler spoke with Professor Tony Attwood, one of the world's leading experts on autism spectrum disorders on June 17.

Many of you may have some experience with clients with children with autism spectrum disorders as it is a common problem involved in marital breakdowns. Update your knowledge on the topic by listening in or downloading the podcast [here](#).

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Heads up – Top tips in court



Often we have round table discussions on some of the nuances of appearing in court – what different federal magistrates expect or little changes that can mean a lot to your day-to-day practise.

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

Don't forget to take your client to court!

A federal magistrate recently reminded a practitioner that clients must appear in court. At a first mention on an application to set aside a financial agreement, the practitioner's client did not attend. The federal magistrate made a costs order against the non-attending client for his failure to appear.

Even if you feel that you are fully instructed and prepared, or the hearing is only procedural in nature, without the leave of the court, here's the HEADS UP. Make sure your client attends! If your client is genuinely unable to attend, be prepared to apply for leave with appropriate evidence.

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Upcoming FLPA events



Here are FLPA's and other family law events. For more information, please visit www.flpa.org.au.

Thursday, 11 August - **Welcome to Justice Michael Kent SC Drinks**
5.30pm . 7.30 pm, The Auditorium, Queensland Law Society
\$35, to book contact membership@flpa.org.au

Friday, 9 September to Saturday, 10 September - **Family Law Residential**
RACV Royal Pines Resort, Gold Coast
Early bird closes 12 August, to register go
to <http://www.qls.com.au/pd/events/110909/day/1>

Tuesday, 13 September to Thursday 15 September . **Vietnam Family Law Conference**
Sofitel Legend Metropole Hanoi
To register, contact info@legalwiseseminars.com.au

Tuesday, 13 September . **Launch of Child Protection Practitioners' Association – Leneen Forde AO address**
5.30pm . 8.30pm, Banco Ceremonial Court, Brisbane Supreme Court, Level 2
\$30, to register or to become a member, contact cppaqld@gmail.com

Friday, 7 October to Monday 10 October . **Fiji Law and Lifestyle Conference**
Shangri-La Resort, Fiji
To register, contact reception@pippacolman.com
[Click here](#) to see the conference brochure

Thursday, 1 December . **FLPA Christmas Party**
Queensland Terrace, State Library of Queensland
Mark it in your diary! Invitation to come

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FLPA's voice on the Family Law Legislation Amendment

FLPA has formally expressed concern about changes to the family violence legislation which would give greater emphasis to the benefit of the child having a meaningful relationship with both parents at the expense of child safety.

In a recent submission to the Senate Legal and Constitutional Affairs Legislation Committee and review of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011, FLPA submits that the meaningful relationship consideration often conflicts with the other primary consideration of the need to protect children from harm.

FLPA vice president Trent Waller, who co-ordinated the submission, said any change would remove the court's ability to assess each individual case's degree of risk, probability, frequency, and intensity in determining the weight given to such risk or harm.

In its submission, FLPA recommended that caution was needed when reviewing the risk of harm and that the legislation does not become too specific, descriptive, prescriptive or presumptive, with respect to the treatment of risk.

The court must retain, and the legislation must allow, effective license in each individual case to properly assess the content and quality of the risk, the probability of

such risks occurring and to be able to deploy measures to mitigate or remove such risks in the orders made, the submission said.

FLPA's submission acknowledges that assessing risk to children is extraordinarily difficult for the courts and warns that the twin pillar approach will continue to upset the balance when making parenting orders which are in the best interests of the child.

For a copy of FLPA's submission to the Committee, please [click here](#).

On Sunday 31 July, FLPA president Deborah Awyzio was interviewed on ABC radio national's Background Briefing program in relation to planned changes to the Family Violence Bill. To listen to the podcast click on the following link:

http://mpegmedia.abc.net.au/rn/podcast/2011/07/bbg_20110731.mp3

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Twilight seminar – Helping families through divorce –video online soon

Clinical psychologist Judith Locke presented a very informative and enjoyable twilight seminar on Thursday 28 July at Vincents Accountants. Focussing on the pros and cons of the modern parenting styles in general, Judith described how divorce and separation impact on these parenting styles.

Practitioners (many of whom are parents!) benefited greatly from hearing how we can rightly and wrongly parent our children and gave tips on building child resilience and reducing the possibility of mental health issues.

For the first time, the seminar was filmed and will soon be uploaded to the member only section of the flpa website . www.flpa.org.au. Keep a look out.

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Inroads made at Pathways Expo



FLPA committee members made inroads into the family law referral industry representing family law practitioners at the Pathways Information Expo in early July 2011.

Organised by the Greater Brisbane Family Law Pathways Network, the expo brought together expertise and knowledge from a variety of government and private organisations who work in family law.

FLPA secretary Rebecca Parry, who attended the expo with other FLPA committee members, said expo participants moved around the exhibits in groups to work through a case scenario.

Most expo participants worked with clients who are experiencing family separation, she said.

The FLPA committee were able to explain to participants how family lawyers could help clients in different situations so they can make appropriate referrals to their clients within the family law system.

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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/>

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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**.

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Do the white thing - Celebrate White Balloon Day – 7 September 2011

The 15th annual White Balloon Day will be held during Child Protection Week 4 . 11 September 2011.

White Balloon Day is a day of recognition, awareness and support for victims of child sexual assault. It is also the major fundraising initiative which enables Bravehearts Inc. to continue its programs and services to protect children.

Visit www.whiteballoonday.com.au to see how you can celebrate the day. Here are just a few ideas:

- **Whiteout your workplace.** Decorate your workplace or community centre with white balloons to show your community that you support the protection of Australia's children.
- **Wear White Wednesday.** Encourage your friends, family and co-workers to

wear white.

- **Fly a white balloon.** Fly a white balloon from your letterbox on 7th September to support those affected by child sexual assault.

- **Host a white morning or afternoon tea.** Invite your family, friends and/or co-workers and collect gold coin donation.

- **Donate.** Donate online at www.whiteballoonday.com.au or by phoning 07 5552 3000.

Order a counter box on consignment and sell White Balloon Day merchandise at your workplace.

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www.flpa.org.au | membership@flpa.org.au