

# ROUNDTABLE

SPRING 2019

## [THE FANTAUZZO]

**INTERESTING TIMES -  
MESSAGE FROM THE  
PRESIDENT**

PAGE 2

**CHRISTMAS AT  
FANTAUZZO**

PAGE 9



# IN THIS ISSUE

- > MESSAGE FROM THE PRESIDENT
- > FLPA AGM AND BOARD ELECTIONS
- > POPULAR LUNCHTIME WEBINAR ON COERCIVE AND CONTROLLING ABUSE ON CHILDREN
- > CONFIDENCE RAISED IN THE COURTROOM
- > FLPA COMING TO CAIRNS
- > A FITTING FAREWELL FOR JANICE MAYES
- > A TRIBUTE TO DIANE TURNER
- > TOP TWILIGHT ON TRUSTS
- > HEADS UP – CHRISTMAS COURT CLOSURES
- > HEADS UP – NEW PROCESS FOR ACCESSING CONSENT ORDERS
- > HEADS UP – CASE MANAGEMENT PILOT ENDS
- > FINAL CALL TO RENEW YOUR FLPA MEMBERSHIP
- > UPCOMING FLPA AND OTHER EVENTS FOR 2019
  - TWILIGHT SEMINAR / WEBINAR - DEALING WITH DIFFICULT CLIENTS
  - ANNUAL GENERAL MEETING
  - FLPA IN THE TROPICS CAIRNS
  - FLPA CHRISTMAS PARTY
  - TWILIGHT SEMINAR / WEBINAR – ONLY 10 PAGES

# MESSAGE FROM THE PRESIDENT

Dear Members

We work in interesting times.

I refer to the joint media release of the Honourable Scott Morrison MP, Prime Minister, and the Honourable Christian Porter MP, Attorney General, released on 17 September 2019 announcing the Joint Parliamentary Committee inquiry into family law and child support. The joint media release has confirmed that the Government plans to conduct “a wide-ranging inquiry into the family law system”.

The inquiry is in addition to:

- The already proposed merger of the Family Court of Australia and the Federal Circuit Court (with legislation to be reintroduced before the end of 2019); and
- The Government’s consideration of the recommendations of the Australian Law Reform Commission Report into family law which was released in April this year.

As always, FLPA will take every opportunity to voice the views of our members in the event that the abovementioned inquiry calls for submissions.

In the interim, FLPA continues to work with both the Family Court of Australia and the Federal Circuit Court of Australia to ensure clear communication and understanding between the Courts and the profession with the end goal of helping users of both Courts to finalise their matters as simply, quickly and efficiently as possible.

FLPA welcomed the recent callover in Brisbane by the Federal Circuit Court of Australia of 250 of the matters awaiting hearing before the Honourable Chief Justice Alstergren and His Honour Judge McGuire. FLPA once again supported the Court in this regard by providing pro-bono mediation services to appropriate matters and I would like to thank those members who generously volunteered their time for this cause.

Many of you also attended drinks for the profession hosted by the Court on 24 September 2019. On behalf of members, I would like to extend my sincere thanks to the Court and, in particular, the Chief Justice for the invitation.



On behalf of FLPA, I would like to officially welcome Judge Tonkin to the Brisbane Registry. Whilst Her Honour is not new to the bench, having served on the Newcastle bench of the Federal Circuit Court of Australia for several years, we welcome her to sunny Queensland.

The date for the Annual General Meeting of FLPA has been announced as 6 November 2019 and a call of nominations for election to the Board has been put out to members closing on 9 October 2019. Can I invite any member that might be interested in nominating for the Board to do so please. FLPA always welcomes fresh views and ideas at Board level.

I would sincerely like to thank all of the Board of FLPA for the past year, namely:

- Fiona Caulley – Immediate Past President
- Dan Bottrell – Vice President
- Rebecca Horsley – Secretary
- Peter Haley – Treasurer
- Amalie Grima – Regional Committee Member
- Kate Pateman – Regional Committee Member
- Joseph Box – Committee Member
- Kate Buckley – Committee Member
- Clare Dart – Committee Member
- Shannon Daykin – Committee Member
- Dearne Firth – Committee Member
- Lisa Foley – Committee Member
- Skye Trevanion – Early Career Committee Member

The investment of time by the volunteers of the FLPA Board is large and I think it is appropriate to acknowledge their efforts.

Apart from the AGM, there are various events scheduled for the remainder of the year, two of which I am most excited about, being the the FLPA in the Tropics Cairns conference on 1 November 2019 and the FLPA Christmas Party for 28 November 2019 at the new Fantauzzo Hotel on the rooftop terrace. I look forward to hopefully seeing many of you at those events.

As always, the FLPA Board and I are here to assist all members. Please don't hesitate to pick up the phone, send an email or come and say "Hi" at the next FLPA event if there are any issues you would like us to be aware of.

Thank you. I look forward to seeing you soon.

Warm regards

James Steel, President

 **VINCENTS**

**business & entity valuations?  
superannuation valuations?  
tax advice & structuring?  
our backyard.**

**Your Forensic Accounting Experts - Peter Haley | John Thynne | Ben Gordon**

*Click to find out more >>*

# FLPA AGM AND BOARD ELECTIONS



FLPA's Annual General Meeting will take place on 6 November 2019 and we are once again calling for nominations for election to the Board.

Held at Vincents Chartered Accountants at 5.30pm, the AGM will announce the FLPA Board positions for 2020.

Requests for nominations to be a part of the FLPA Board have been sent to members and will close on 9 October 2019. If you are interested in being a part of this dynamic Board, please complete the nomination form together with a short bio that can be circulated to members.

Positions are available for two regional members, an early career member, officeholders and other general committee members. FLPA always welcomes fresh views and ideas.

Like previous years, voting will take place electronically between 21 October and 3 November.

If you have any queries about Board positions, please feel free to contact one of the Board members or the secretariat on [membership@flpa.org.au](mailto:membership@flpa.org.au).

## POPULAR LUNCHTIME WEBINAR ON COERCIVE AND CONTROLLING ABUSE ON CHILDREN

FLPA's new Lunchtime webinars are quickly becoming popular with numbers increasing and some great topics being discussed.

In September, experienced social worker and Family Report Writer, Leanne Bamford, shared her presentation on the subject of the Impact of Coercive and Controlling Abuse on Children, which she presented in a more in depth session to the Europe Family Law & Mediation Conference in Paris in 2018.

With more than 60 members online, feedback from this webinar was very positive.

Leanne's webinar as well as all other previous Twilight webinars and Lunchtime webinars are available for purchase. If you need to update your learnings or gain your CLE points and you've missed some of the latest FLPA professional development events, take a look online and see what interests you.

<https://www.flpa.org.au/webinar-shop/>



**Through Their Eyes**  
Impact of Coercive & Controlling Abuse on Children

# CONFIDENCE RAISED IN THE COURTROOM

For the second year, FLPA teamed up with Queensland Young Lawyers (QYL) to deliver a sold out full-day workshop in August where early career and graduate lawyers gained first-hand experience in the courtroom and honed their advocacy skills.

This year, after feedback from participants, the workshop held an advance Prep Session panel discussion with experienced professionals who provided “tips and tricks” on how to prepare for Court, combat nerves, and ensure the best outcome for clients.

The workshop gave participants the opportunity to prepare for and appear before a Federal Circuit Court Judge in a mock Federal Circuit Court duty list. After their appearance, participants received feedback from Counsel, senior solicitors and the bench.

Participants were then able to observe a session with Judges of the Family Court of Australia, who



conducted an in depth analysis of how to best prepare for typical interim applications. Following the all-day workshop, participants met Judges, Counsel and senior solicitors over a drink and canapes.

Feedback from participants was overwhelmingly positive. Thank you to all those who generously volunteered their time to organise and facilitate this wonderful event.

---

## FLPA COMING TO CAIRNS



One of the top 2019 FLPA Retreat speakers Dr Cameron McDonald is coming to Cairns on Friday 1 November to speak at the **FLPA in the Tropics** one day conference – a packed day of great information and entertaining speakers.

Speaking about optimising health for better stress management and performance, Dr Cam McDonald will also be joined by a presentation by the Honourable Justice Forrest about the latest and greatest in family law and barrister Joshua Trevino who will start the day with an interesting presentation “When two legal worlds interact and collide - What family lawyers need to know about criminal law”.

The all day conference will begin with registration at 8.30am and conclude with after-conference drinks at Paper Crane at 4.30pm.

If you’re up north, don’t miss this event. Discount registration is available for members who need to fly to the event.

**To see the full program, click here.**

# A FITTING FAREWELL FOR JANICE MAYES

It is with great sorrow and regret that FLPA acknowledges the passing of Townsville barrister Janice Mayes who passed away from ovarian cancer in August. To pay tribute to her, we are pleased to be able to reproduce the speech prepared by her dear friend and colleague Michael Fellows.

*Friends,*

*Shortly before she died, Janice requested that I speak at her wake.*

*Whilst it is a privilege to do so, I am "happy" that this speech is being delivered by someone else. I am overseas on annual leave. It was hard enough to draft this speech; I doubt I could have delivered it with any composure.*

*For myself, my wife Carmel, and on behalf of Janice's fellow barristers at Sir George Kneipp Chambers, I extend our deepest sympathies to her husband Mike and to the members of their families. Especially to you Mike; you have been a marvellous partner to Janice through all that has occurred.*

*Working in the field of family law is fraught with tension and emotion; allegations of violence and misbehaviour; children being moved from pillar to post and sometimes irretrievably damaged. There is much research to show that we lawyers are at risk of suffering vicarious trauma from being exposed to so much conflict.*

*The relationship of barristers can be somewhat unique. We engage in warfare, sophisticated perhaps, but nevertheless warfare when we are in court and representing clients. But in our chambers, we work together collegiately; and we can be the best of friends. I for one could not do this work without friendly relationships with my colleagues.*

*Janice was one of those friends. The best of friends. And over the last year Janice has been absent from our chambers; we missed her, most of the life and the laughter that had existed in our chambers for such a long time was missing. And I miss her still.*

*The Family Law Act has a complex definition of all the factors which can be taken into account in determining whether a de facto relationship exists. But applying it can be difficult; in the modern world the way that people lead their lives can be as variable as life itself.*



*A few years ago, to illustrate how "rubbery" the definition is, in an address to Judge Demack at the end of a trial I said that it could be argued that Janice and I were in a de facto relationship. We had been in a close, almost daily relationship for 10 years; we had a financial relationship; we owned property together; we could be observed socialising at various Townsville restaurants. Sometimes we jumped on planes together and could be observed entering the same hotel in Mackay.*

*By this time Janice was becoming a little nervous - so she jumped to her feet and said she would object if I even dared to mention the word sex. I shall miss that banter.*

*There are two things I want to especially say about Janice.*

*For many years she was a mentor to the younger women lawyers coming into our profession in North Queensland. She made herself available whenever someone needed advice or assistance. She encouraged their careers - and there will be a number of our younger colleagues here today who derived great benefit from her wisdom, her empathy, and her support.*

*And the other thing to say is that Janice was a warrior. In the best sense of that word. Many will know, more than me, of the extent to which she was a warrior for the union movement and for the Labor Party.*

*I saw her being a warrior for her clients; I saw the long hours; the weekend work; the anxiety she felt before a trial; and the anxiety after a trial if she thought she had not done a good enough job.*

*She was a consummate professional. There are many citizens who benefited from this warrior.*

*And in the last year she was an undoubted warrior against her illness. She fought well and intelligently; she kept her spirits up; and made sure that we did too.*

*It is a matter of deep regret that I could not attend the requiem mass for Janice. It has a special meaning*

***"I saw her being a warrior for her clients; I saw the long hours; the weekend work; the anxiety she felt before a trial; and the anxiety after a trial if she thought she had not done a good enough job."***

*for Anglicans such as I and our Catholic sisters and brothers.*

*The word requiem derives from the Latin for "rest" and the requiem mass has inspired some of the best music in the western canon; by composers as diverse as Mozart, Brahms, Verdi, Stravinsky and Andrew Lloyd Webber and many others.*

*Speaking as a church musician, I have always been struck by the way so many composers use the occasion to rage against death and its consequences; and lose sight of that word "requiem" or "rest".*

*In those final days of her life, when I was able to participate in just a small way, it was a privilege to see Janice at peace with what was to occur; to see her "at rest" and to encourage those of us visiting her to be at peace.*

*Mike – I'm sure it is the desire of all of us that you and the family will also be at peace – no doubt it will take a little time.*

*Carmel and I send our best wishes to you all.*

*Michael*

## A TRIBUTE TO DIANE TURNER

Di was known to many practitioners, having practised in Toowoomba, Ipswich, Brisbane and Townsville and having also served as a Legal Officer in the Australian Army Reserves from January 2001 to December 2012, having sat as a Sessional Member of QCAT and having lectured with the College of Law.

What some of you may not know is that Di was, prior to studying law, an officer in the Royal Navy. Di resigned from the Royal Navy to start a family. She then studied law in the United Kingdom whilst bringing up her three children.

Her husband, John, a doctor, then also with the Royal Navy, was offered a position with the Australian Defence Force and so the family moved to Australia in 1995. Di then completed the necessary law subjects here to enable her to complete articles in Toowoomba. She was admitted in 1998 and worked with Kathy Walker and then the Toowoomba Community Legal Service for a number of years. In the latter role, she would often do outreach work to places such as Roma.

Di worked for Legal Aid Queensland in the Ipswich and Townsville offices as well as for the North Queensland Women's Legal Service. Most recently Di was a highly respected Family Dispute Resolution Practitioner in her own practice in Townsville, Diane Turner Mediations.

In addition to her work, Di served as the President of the Townsville Women's Centre for many years as well as being on the Steering Committee of the Family Law Pathways Network. Di volunteered her time generously for not for profit organisations.

In 2011, Di's achievements were recognised when she won the Women Lawyers' Association of Queensland 'Regional QLD Woman Lawyer of the Year' award.



Photo with thanks to the Townsville Bulletin

Di was known to be a wonderful friend and mentor. She had a zest for life and a great sense of humour. She always seemed to find a bright side, whatever life threw at her.

Di was a passionate advocate for her clients and had endless patience with people in mediations, working hard to achieve a result. Despite working so hard, Di somehow managed to find a great work life balance. She always had time for family and was an adored mother and grandmother. Di has been described by many as inspirational and exceptional.

There are no words to describe the loss that is felt by many with Di's passing. It was a privilege to have known Di and to have worked with her over the years.

Clare Dart



# TOP TWILIGHT ON TRUSTS

Experienced and high-profile NSW family lawyers Sheridan Emerson and Paul Doolan flew to Brisbane in September for this outstanding FLPA Twilight seminar, discussing with participants the strategic decisions and practical implications of running a case against or in defence of a trust.

More than 100 participants registered for this Twilight and were entertained by Sheridan and Paul who took the audience on an educational journey through a number of case studies.

Questions such as when and when not to intervene if you're acting for the trustee, when you join the trustee, what your prospects are on subpoenas, and how you should treat the trust on the balance sheet were answered. There was also a particular focus on valuation of the trust interest on the balance sheet: whether you characterise the interest as property or a financial resource, and what value you should put on it.



Unfortunately, technical difficulties caused this session to be unable to be recorded, so this Twilight is not available for purchase in the webinar shop. We again apologise to the participants on the webinar for the technical problems experienced.

## HEADS UP

### CASE MANAGEMENT PILOT ENDS

Following the finalisation of the Federal Circuit Court's recent case management pilot, there will be a return to the docket system, with each Judge being responsible for their own docket matters.

In his message, Federal Circuit Court Judge Steve Middleton said it is anticipated that individual Judges will have their dockets assigned by the end of January 2020.

"There may be a need to arrange adjournments of some matters due to having been previously in another Judge's docket however by the end of January that need will have diminished," Judge Middleton said.

### CHRISTMAS COURT CLOSURES

The Brisbane registry will close on 24 December 2019 and re-open with a skeleton staff on 30 January 2020.

Court sittings will stop on 24 December 2019 and re-open on 7 January 2020.

### NEW PROCESS FOR ACCESSING CONSENT ORDERS

FLPA has been advised that from 16 September 2019, there will be a new process adopted at the Brisbane registry for accessing Consent Orders.

From that date, Consent Orders made by Registrars for the Family Court, will be uploaded to the Commonwealth Courts Portal (CCP) and will no longer be posted to practitioners.

When the Consent Order has been uploaded to the CCP, an email will be sent to practitioners advising that the Consent Order is available in the CCP.

This process has been in place in Sydney, Townsville and Cairns since 1 July 2019.

## FLPA MEMBERSHIP NOW OVERDUE FOR 2019/2020

This is final reminder to members who may have forgotten to pay your FLPA membership. To renew your membership, go to [www.flpa.org.au](http://www.flpa.org.au) and click on Member Login (top right) to log in to your profile using your email and password and follow the prompts on your profile screen. If you do not know your password, click on 'Forgot Password' and you will receive an email with a link to create a new password. If you are having trouble with this login or online renewal, please contact [membership@flpa.org.au](mailto:membership@flpa.org.au) or call the FLPA secretariat on (07) 3077 6650.

# UPCOMING **FLPA EVENTS** & OTHER EVENTS FOR 2019

HERE'S A GLIMPSE OF SOME OF THE FLPA AND OTHER EVENTS TO LOOK FORWARD TO OVER THE COMING MONTHS. KEEP AN EYE ON FLPA'S FACEBOOK PAGE AND YOUR INBOX. DON'T MISS THEM.

## FLPA TWILIGHT SEMINAR / WEBINAR - DEALING WITH DIFFICULT CLIENTS

Join our formidable panel as they discuss dealing with difficult clients, and the challenges facing practitioners on a daily basis. The panel will include Karen Oakley, Tony Phillips, Damien Greer, Deborah Awyzio, Mary-Ann Huth and Joseph Box, with the session to be chaired by Ann-Maree David. They will discuss topics such as:

- How to deal with the vexatious self-represented litigant;
- Dealing with a client who has engaged in criminality;

- Clients who want everything in their affidavit and won't accept advice;
- Dealing with sexual abuse allegations; and
- Dealing with clients' expectations around experts, as well as dealing with experts when self-represented litigants are involved.

**WHEN:** Thursday, 10 October 2019 at 5.30pm

**WHERE:** Grant Thornton or via webinar

Please click [here](#) for more information and to register.

## FLPA IN THE TROPICS - NQ PRACTITIONERS REGISTER NOW!

FLPA in the Tropics, will be held in Cairns on Friday, 1 November 2019.

The event is aimed at family law practitioners in North Queensland but is open to family law practitioners across Queensland.

The one-day conference will be held at Riley, Crystalbrook in Cairns. The wide-ranging program for the day that will include Judges from the Family Court and Federal Circuit Court, along with many other great speakers. There will be a social drinks function that follows directly after the day's sessions.

Discounted registration will be available to regional practitioners located more than 300km from Cairns who are required to travel to the event.

To register or see the full program, [click here](#).

## FLPA TWILIGHT SEMINAR / WEBINAR - JUDGE DEMACK - ONLY 10 PAGES - BUT THERE'S SO MUCH TO TELL

**WHEN:** 5.30pm, Wednesday 16 October 2019

**WHERE:** TBC Regional Qld - Mackay or Bundaberg in person, or by webinar in your own office

**MORE INFORMATION TO COME.**

## FLPA ANNUAL GENERAL MEETING

**WHEN:** 5.30pm, Wednesday 6 November 2019

**WHERE:** Vincents Chartered Accountants, Level 34, Santos Place, 32 Turbot Street, Brisbane

**NO RSVP REQUIRED.**

## SAVE THE DATE

## FLPA CHRISTMAS PARTY



**WHEN:** Thursday 28 November 2019

**WHERE:** Fantauzzo Hotel, under the Story Bridge

**DON'T MISS ONE OF THE BEST NIGHTS ON THE FLPA SOCIAL CALENDAR!**

**MORE INFORMATION TO COME.**

## CHILD SUPPORT CARE ESTIMATOR



Australian Government  
Department of Human Services

### *child support*

The below button takes you to the Child Support Agency's Care Estimator and Child Support/FTB Estimator. Bookmark it for easy access and reference.

[View website](#)

## TITLES OFFICE



The Titles Office website for industry professionals includes: the **Land Titles Practice Manual** (how to complete and lodge land registry forms), **The fee calculator** (calculates the lodgement fees payable on land registry forms), and the latest land registry forms.

FOLLOW US:   

[www.flpa.org.au](http://www.flpa.org.au)

The FLPA logo, consisting of the letters "FLPA" in white, centered within a green hexagonal shape that is part of a larger graphic of overlapping hexagons in various shades of green and yellow.

FLPA