

ROUNDTABLE

WINTER 2020

IN THIS ISSUE

- > MESSAGE FROM THE PRESIDENT
- > A TRIBUTE TO THE HONOURABLE STEPHEN THACKRAY
- > VALE TO THE HONOURABLE WILLIAM (BILL) SIMPSON
- > THE FLPA LIST
- > MAKING SURE FLPA'S VOICE IS HEARD
- > FREE FLPA MEMBERSHIP FOR EXISTING MEMBERS DURING 2020/2021
- > MISSING THE RETREAT ALREADY? WE WILL BE THERE AGAIN IN 2021!
- > THANK YOU TO OUR RETREAT SPONSORS
- > MEMBERSHIP DIRECTORY - UPDATE YOUR DETAILS
- > QUT FACULTY OF LAW CELEBRATES HIGH ACHIEVERS
- > LATEST TWILIGHT WEBINAR REVIEWS
- > UPCOMING FLPA PROFESSIONAL DEVELOPMENT EVENTS



Thank you

**FREE FLPA MEMBERSHIP FOR
EXISTING MEMBERS DURING
2020/2021**

MESSAGE FROM THE PRESIDENT



Dear members

I hope that you have all been keeping well.

It is about this time that many of us would usually be meeting in Noosa for the Family Law Retreat. It was with great disappointment that the Retreat was cancelled by the Board this year. We are excited to announce that the Retreat has been locked in for 2021 and will once again take place in Noosa from 17 to 19 June 2021. I hope to see many of you there.

As outlined in my recent email, the FLPA Board determined that it was inappropriate for members to be charged the usual annual membership fees in the current circumstances and free membership for the 2020/2021 year has been provided to all current members. FLPA would greatly appreciate all members encouraging colleagues to join the organisation and I note that FLPA is offering half price membership to new members for the 2020/2021 year.

Whilst it has been difficult to interact with members in the flesh over recent months, the Board has been busy working to advocate on behalf of members in various ways.

FLPA has continued to work closely with the Family Court of Australia and the Federal Circuit Court of Australia to share information about the many new practices and procedures being implemented in the Courts to ensure the continued access to justice during social distancing times. The Courts have responded quickly to the need for change over recent months and reports from members indicate that the delivery of services has been commendable.

FLPA will continue to work with the Courts as restrictions ease. It is clear that, whilst the recent months have presented many challenges, there have also been some opportunities for change identified and it is likely that some of the practices and procedures of the Court will be altered on a permanent basis.

FLPA's submissions committee has recently made a further submission to the Joint Select Committee on Australia's Family Law system. FLPA has now made two submissions to the Committee and I have appeared before the Committee to answer questions

in relation to our submissions. The Committee is due to release its report on 7 October 2020 and FLPA awaits the outcome of that report.

FLPA has also made submission to the Constitutional Affairs Legislative Committee in relation to the inquiry being undertaken with regard to the Federal Circuit Court and Family Court of Australia Bill 2019. The Committee is due to release its report on 20 November 2020 and FLPA awaits the outcome of that report as well.

FLPA was surprised to recently receive the report from the Legal and Constitutional Affairs Reference Committee in relation to the inquiry it was undertaking with regard to domestic violence. No public hearings were conducted with regard to the inquiry and no calls for submissions were received by FLPA either.

On 4 June 2020, the House Standing Committee on Social Policy and Legal Affairs adopted an inquiry into family, domestic and sexual violence. FLPA will advocate for members in that inquiry as appropriate and we will update members with regards to developments relating to that inquiry as they come to hand.

Finally, vale to The Honourable Stephen Thackray and The Honourable Bill Simpson. I commend the tributes by The Honourable Peter Murphy and The Honourable Brian Jordan to both these gentlemen in this edition of Round Table. The contribution to the Court and to the profession of both men cannot be overstated.

As restrictions ease, it is hoped that we can all see each other in person soon at a FLPA event, but until then I hope you all stay safe. As always, if anyone has any issues that they would like to raise, please feel free to contact me directly.

Warm regards

A handwritten signature in black ink, appearing to read 'James Steel', written over a horizontal line.

James Steel
President

A TRIBUTE TO THE HONOURABLE STEPHEN THACKRAY

*By Hon Peter Murphy SC,
Brisbane, 10 June 2020*

The shock of the Honourable Stephen Thackray's sudden death barely nine weeks ago was felt throughout Australia. The loss continues to be felt daily by those lucky enough to have loved him or known him well.

Many tributes have flowed since Steve's death - all genuine and sincere; all well deserved. The tributes were also hard earned. No judge worked harder.

Those who worked closely with Steve saw the endless nights away from Perth spent writing judgments and preparing assiduously for the appeals to be heard.

Many in the eastern States familiar with Steve's work on the Full Court may not have known of, or appreciated fully, his caseload in Perth as well as the administrative burden of being the WA Family Court's Chief Judge.

Steve was a Chief Judge, Judge of Appeal and Judge whose only interest was to make the Family Court the best Court it could be. He was not a limelight-seeking talker, but a doer.

Steve respected the court's history and its pre-eminent place among courts exercising similar jurisdiction. He resisted fervently the "dumbing down" of family law, particularly by those ignorant of it.

Steve understood that leadership – administratively and jurisprudentially - was best done by example. It is why he insisted on sitting in difficult trials and interlocutory applications with his fellow West Australian judges as well as sitting on, and writing the judgments in, difficult appeals. Each involved a significant burden; together the load was enormous.

Steve was always meticulously well prepared, fastidiously across the detail, and he burned with a desire to get the right answer for the right reasons. Counsel and litigants appearing before him knew it and his colleagues knew it too.

The Family Court of Western Australia's Chief Judge Sutherland said: "Stephen led the court by quiet



STEPHEN THACKRAY

example, inspiring us to do our best because we respected him, and liked him, and didn't want to let him down".

Steve's close friend, and all too brief colleague, Justice O'Brien, said in his tribute, "a great judge has personal and professional qualities which engender universal respect, and in the rarest of cases, affection". Steve engendered both. He was a great judge.

Janet has lost her loyal, loving husband of 44 years, and her best friend. Amanda and James have lost a loving, devoted father who adored them. Their loss is profound.

As I said in a different and happier context, Steve's friendship, wisdom and professional companionship were as valuable to me as his integrity, leadership and legal abilities were to the Court he served with distinction. I feel lucky to have known Steve and privileged to have served with him. I miss him.

Australia's family lawyers should feel lucky that they had Steve's leadership and that they continue to have his judgments. I hope they honour his memory by following his example of passion, hard work and integrity in seeking to be the best family lawyers they can be.



VALE THE HONOURABLE WILLIAM (BILL) SIMPSON

By The Honourable Brian Jordan
3 April, 2020

The Honourable Bill Simpson passed away on Sunday 22 March this year. He was 93.

Mr Simpson was one of the founding Judges of the Family Court of Australia being appointed as a Judge in June of 1976, the first year of the Court's operation. He assumed the role of Judge Administrator of the Northern Region upon the retirement of The Honourable Alan Demack and was subsequently appointed as a Judge of the Appeal Division. After 16 years of distinguished service, Bill Simpson retired on 19 October 1991.

Leading to his appointment, Bill was a senior partner at one of Brisbane's premier law firms, Morris Fletcher and Cross. He became a shining example of the merits of the Government's move towards drawing upon both branches of the profession to secure the best available candidates for Judicial appointment.

Those of us lucky enough to have had the opportunity to appear before and sit with Bill as a colleague, are well placed to speak of his abilities. On the Bench, he had a sharp mind and a unique ability and determination to strip matters back to what was necessary, get to the point and provide



BILL SIMPSON

a prompt decision expressed in language well suited to his prime audience, the parties. On the Full Court, Bill Simpson played his role in producing some of the leading judgements of his time but made an equally valuable contribution in the lead he took in disposing of the many appeals lacking merit. He did so expeditiously but always without rancour.

As a colleague, Bill was an outstanding mentor to those newly appointed. He was a warm man of considerable wisdom, good grace and great humour. It was a pleasure to have had the opportunity to learn from him and to spend time with him. It was an immense privilege to have worked with the Honourable Bill Simpson. He leaves a lasting impression.

THE FLPA LIST

Social distancing restrictions have left many of us feeling isolated – many are working from home and not attending Court or any of FLPA's great social and professional development functions.

To help members stay in contact with other colleagues, FLPA has developed The FLPA List – a register of members who are open to receiving communications from other members during this period of social distancing.

Whether you're a sole practitioner, regional practitioner, city practitioner, or new to the family law profession, if you're keen to 'chat' to other members, please register your name on The FLPA List by emailing membership@flpa.org.au.

Once registered, you'll receive the FLPA List of other members who'd also like to communicate. There are no structured meetings or arrangements made by FLPA, you just reach out and make contact with others on the list in a method of your choice – either by telephone, email, or video conferencing.

All members are welcome to register. We would particularly encourage any members craving the usual chit chat which goes hand in hand with seeing a familiar face at Court, or the catch ups that occur at a FLPA social event or twilight, to be involved.



MAKING SURE FLPA'S VOICE IS HEARD

FLPA's Submissions Committee – comprised of Rebecca Horsley, Dearne Firth, Clare Dart, Stephanie Wilkinson and Dan Bottrell – has certainly been busy during these past six months.

In December 2019, FLPA submitted a Response to the Terms of Reference for Joint Select Committee's Review of Australia's Family Law System, with Rebecca Horsley and Dan Bottrell preparing the draft responses to the Terms of Reference.

In March 2020, President James Steel, appeared at the Townsville hearings of the Joint Select Committee on Australia's Family Law System, and took some questions on notice. Dearne Firth found time around her busy practice to draft the President's responses, and they were settled by the Committee in March, for submission by the April deadline.

In January 2020, Dearne Firth drafted FLPA's submission to the Legal Affairs and Community Safety Committee on the scope of proposed Section 229BC (229BC Failure to report belief of child sexual offence committed in relation to child) of the *Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019*, with that submission ultimately being finalised with input from Rebecca Horsley and Dan Bottrell.

Meanwhile, it was round two of the consideration of the 'merger' of the Family Court of Australia and Federal Circuit Court of Australia, when FLPA took up the Senate Legal and Constitutional Affairs Legislation Committee's invitation to submit feedback on the *Federal Circuit and Family Court of Australia Bill 2019 and Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019*.



Clare Dart took on the gargantuan task of digesting the 150 page plus Bills, and working up a draft of FLPA's submission, with the Committee then dividing responsibility for the settling of the various parts of that submission to each of the Submissions Committee members.

At the time of writing, Dearne Firth is poised to review the recently announced House Standing Committee on Social Policy and Legal Affairs inquiry into family, domestic and sexual violence, so it won't be long before the Submissions Subcommittee moves ahead with its next task!

On each occasion, the President and Committee met by phone link to resolve upon FLPA's messaging and approach, and then reconvened to review the comprehensive drafts, with the final versions involving amendments suggested by each Committee member.

Deadlines are usually tight, so FLPA has only been able to digest these bills, and prepare comprehensive submissions, through the volunteering of time resources from all Committee members, who have given up nights and weekends to read the Bills (some of which are heavy going to read!), and draft, review and refine FLPA's submissions.

It has not always been easy, but the Submissions Committee has felt it important that FLPA's voice is heard on these important subjects.



FREE FLPA MEMBERSHIP FOR EXISTING MEMBERS DURING 2020/2021

In these continually changing and uncertain times, the FLPA Board has taken the initiative to support our existing members by providing complimentary membership for the upcoming 2020/2021 year.

For all existing members, you will continue to receive access to FLPA's great membership benefits:

- Regular **twilight seminars/webinars** on topical and practical issues affecting family law
- **Day conference** and **workshop** professional development events (online if required)
- **Social networking** including being part of the new FLPA List and our annual Christmas celebration
- **Mentoring events** for early career and experienced practitioners
- **Webinar shop** to purchase past webinar events
- The annual **Family Law Retreat in 2021**, a bespoke residential style conference with specialist content curated by FLPA.

Any **new** members for the 2020/2021 year can also join for half price at \$49.50, so if you know anyone who may be considering becoming a member, please encourage them to join FLPA.

Announced to members in early June, FLPA has received some great feedback from members who have greatly appreciated this supportive gesture. Here are just a few of the emails we received from happy FLPA members.



"A heartfelt THANK YOU for the complimentary membership. The support of FLPA in these troubled times of constant change is appreciated greatly."

"A huge THANK YOU !!! This is such a kind and generous offer to extend the membership and I am very, very grateful."

"Thank you for the generous response to these difficult COVID19 impacts to business. I am keen to build connections and welcome your initiatives to support family lawyers."

"Please convey to the executive management team my thanks for this, which hopefully we can all make up at some stage in the future."

"Thank you. Your kindness and support to the FLPA members of our chambers is very much appreciated."

"Thank you for the financial relief it is greatly appreciated."

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 >>

MISSING THE RETREAT ALREADY? WE WILL BE THERE AGAIN IN 2021!

We could dwell on what could have been this month at the 2020 Family Law Retreat, or instead look forward to the future of a 2021 Retreat and many more FLPA social and professional development events.

FLPA is pleased to announce that the Family Law Retreat has been locked in for 2021 and will take place in at the Peppers Noosa Resort and Villas from 17 to 19 June 2021.

The FLPA professional development committee are also acutely aware that practitioners will be seeking events to fulfil their CLE points for the year. We are busy planning some face-to-face professional development events for later in the year. Stay tuned to announcements through email and Facebook of many more twilights and possibly a one-day conference (COVID restrictions permitting, of course).

THANK YOU TO OUR RETREAT SPONSORS – SEE YOU NEXT YEAR!

FLPA members were not the only ones disappointed that this year's Retreat did not take place. As most of the preparation for this year's Retreat had already been completed before it was cancelled, our very supportive sponsors have also been left in the lurch.

We'd like extend our gratitude for our sponsors' ongoing support for the Family Law Retreat. Many have already pledged their support for the 2021 Retreat.

If you can, please support our 2020 sponsors who were ready to go for this year's Retreat. We look forward to seeing them again next year:

- Pilot Partners
- Acumentis
- Lander and Rogers
- Nexia Australia
- Sherer Doyle Law
- BGM Family Lawyers
- Wolter Kluwer
- Preston and Associates
- Sarah Cleeland Mediations
- Ratesetter
- Grant Thornton
- Mills Oakley
- Phillips Family Law
- Vincents
- Daykin Family Law
- On Your Own Two Feet
- The College of Law
- JLL
- Herron Todd White
- Morgans Financial
- Private Mediations



MEMBERSHIP DIRECTORY – UPDATE YOUR DETAILS

Recently, the Honourable Chief Justice Alstergren was compiling lists of practising arbitrators and mediators. FLPA referred the Court to our “Find a Member” directory on the FLPA website as a register of arbitrators and mediators.

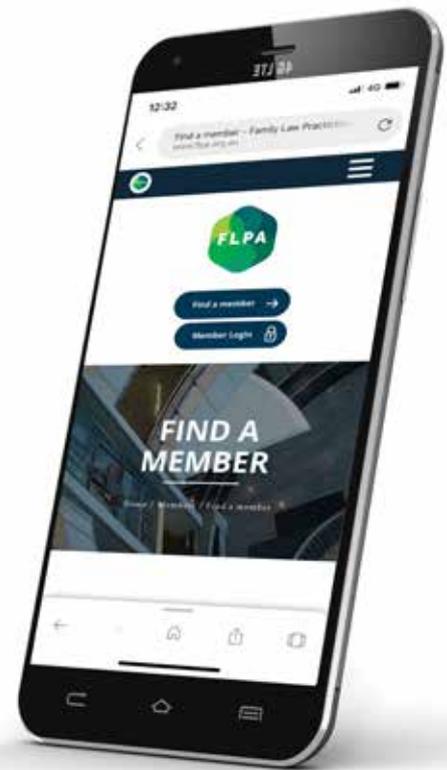
We encourage you to ensure your profile on the website is up to date and complete.

To check your details, first check if you are listed at <https://www.flpa.org.au/members/find-a-member/>.

With membership free for the 2020/2021 year, now is a good time to check your details are correct.

To add your details to the directory or change your details, please follow the instructions below, paying particular attention to step no. 8 if you would like your profile to be shown in the FLPA member directory:

1. Click on **Member Login** (top right) using your email address
2. You may need to click **Forgot Password** to be emailed with a link to create a new password.
3. If requested, accept the **Terms of Use** by ticking the box (once only).
4. Once logged in, go to **Manage your Profile** under the **Members**.
5. Under **My Profile**, click on **Edit profile**.
6. Check your details. Add as much information as possible should be included. Most information has come across from the old website database. Please make sure you check you have filled out your **REGION**. Note too that if you would like your address to be shown on the members directory, you will need to provide an address in the **ADDRESS** field, not just the POSTAL ADDRESS field (as this will not be displayed).



7. Upload a profile picture and a company logo.
8. **IMPORTANT:** If you would like your profile to be shown in the FLPA member directory on the website, you must click into the **Privacy tab** and click **Edit Profile**, then tick '**Show profile to others**'. Make sure you check down the list of your details and ensure all the information you want to show is appropriately selected '**Anybody**', '**Members**', or '**No access**'. If all your details are selected with 'No access' but you tick '**Show profile to others**', your profile will not display correctly. **Click Save**.
9. On **My Profile**, click **Save**.

QUT FACULTY OF LAW CELEBRATES HIGH ACHIEVERS

FLPA once again sponsored QUT's Faculty of Law Prizes for 2020. Despite not having a presentation evening this year, the Federal Magistrate Keith Slack Memorial Prize was virtually presented by FLPA to Peter Greig, the top student in LLB243 Family Law.

Peter has completed a Bachelor of Business / Bachelor of Laws (Honours) and was honoured to receive the prize.

See all the Faculty of Law prize winners on a [video here](#).

I am very pleased to once again be a part of QUT Faculty of Law's Awards for 2020. FLPA is proud to encourage QUT's law students with this prize. We are also proud to introduce QUT students to the rewarding career of family law and the collegial body that is FLPA. Congratulations to all of this year's prize winners.

James Steel
President, Family Law Practitioners' Association Queensland

I am honoured to receive the 2019 Federal Magistrate Keith Slack Memorial Prize. Family law is an area of the legal profession which has a distinct focus on achieving a mutually beneficial outcome for all parties. This is what inspired me to work so hard. I would like to thank QUT teaching staff and the Family Law Practitioners' Association Queensland for their support.

Peter Greig, Top student in LLB243 Family Law
Bachelor of Business/Bachelor of Laws (Honours)

FLPA QUT Law

LATEST TWILIGHT WEBINAR REVIEWS

FLPA has already held a number of webinars through 2020 and we have many more planned. If you missed either of these recent webinars and would like to view them, check out the [Webinar Shop](#) to purchase any previous Twilight Webinars and Lunchtime Webinars.

TWILIGHT WEBINAR OVERVIEW – SOCIAL MEDIA SAFETY & S121

In May, social media specialist **Tricia Munn** from Eyes Open Social Media Safety presented a webinar on what social media posts might be caught in s121.

Together with barrister Clare Dart, this webinar covered managing privacy and security for devices and social media, gave tips for clients on how to separate devices and accounts to reduce conflict following separation and shared how to create child-focused agreements/contracts for device use and social media that can be applied for both homes.



TWILIGHT WEBINAR OVERVIEW – PROPERTY SETTLEMENTS AND TAX

Last week, well-known barrister **Craig Coulsen** presented "What family lawyers need to know about *Ellison v Sandini Pty Ltd*". He explained how the full Federal Court came to its conclusion and identified the consequences for everyday practice when dealing with property adjustment orders.

Craig appears across many jurisdictions but is best known as an insolvency and corporations law specialist. He is also well known to many in the Family Law jurisdiction, often appearing in property matters involving complex business or trust structures.



UPCOMING FLPA

PROFESSIONAL DEVELOPMENT & OTHER EVENTS

COVID RESTRICTIONS OR NOT, FLPA CONTINUES TO DEVELOP FUN AND RELEVANT PROFESSIONAL DEVELOPMENT EVENTS. BELOW ARE UPCOMING FLPA AND OTHER EVENTS. KEEP AN EYE OUT ON EMAIL AND FACEBOOK FOR OTHER EVENTS PLANNED.

FLPA EARLY CAREERS 2020 SERIES

FLPA TWILIGHT SEMINAR AND WEBINAR - DAIQUIRIS AND DRAFTING



Join **Deborah Awyzio** and **Lisa Foley** of DA Family Lawyers who will share their insights about the dos and don'ts of legal drafting. They will provide practical examples about how to draft affidavits that are concise and convincing, and discuss their top tips for drafting Orders, Financial Agreements and Binding Child Support Agreements.

If the thought of discussing drafting wasn't exciting enough, delicious daiquiri recipes will be provided while you listen and learn.

NOTE: Due to COVID restrictions, this in person Seminar is SOLD OUT. Only webinar participation remains via ZOOM.

WHEN: Thursday, 25 June 2020 from 5.30pm

COST: FLPA Member: \$20 Non-Member: \$30

RSVP: Please **click here** for the online form and make payment by Wednesday 17 June 2020.

FLPA LUNCHTIME WEBINAR

MEDIATING IN A PANDEMIC. DOES THE ONLINE RESPONSE REPRESENT A NEW WAY FOR FAMILY LAW PRACTITIONERS?



COVID-19 has changed many aspects of what we as family lawyers and practitioners do. We had to adapt. One example was how we changed how we mediate. Some of us scrambled to understand how to connect, where to place the camera and how to get more than one person in an online room. For others it represented an easier way and perhaps an earlier transition into the future of family law and alternative dispute resolution.

Join mediator, arbitrator and barrister **Bruce Thiele** to discuss how his mediation practice adapted to COVID -19. He will share his learnings about videoconferencing generally. Bruce will offer practical guidance and support about zoom mediations and other online platforms, weighing up the advantages and disadvantages. He will discuss building rapport in an online world and managing the usual client expectations and concerns. He will share his insights about the future of mediation online.

WHEN: Thursday, 23 July 2020 from 12.00pm

COST: FLPA Member: \$20 Non-Member: \$30

RSVP: Please **click here** for the online form

FLPA EARLY CAREERS 2020 SERIES

The Early Careers 2020 series is designed to be relaxed and interactive. FLPA encourages all Early Career Lawyers to participate and ask as many questions as you can think of. We will try and make it fun, as fun as lawyers can make it.....

Keep an eye out for the following upcoming events for Early Career Lawyers:

- Soon, an interactive session about how to read and interpret Financial Statements in the context of a family law dispute;
- Later in the year, an informative session about managing high conflict parenting matters aimed at helping early career lawyers identify the relevant issues; structure the best strategy to properly run your client's case; and alternatives to litigation for high conflict families.

WLA CONNECT

Women & Leadership Australia (WLA) has launched a new networking and learning hub called WLA Connect.

The platform is designed for women to gather, network, share and learn about being a female leader in today's working environment. Members are able to access events, learning materials and forums where they can collaborate with women from the legal sector and beyond.

Features of WLA Connect include:

- A curated learning laboratory filled with leadership development content
- Expert masterclasses on leadership theory and practice
- Face-to-face and online networking events
- Member led contributions and recommendations
- Peer coaching, executive coaching and mentoring opportunities.

Find out more: <https://www.wlaconnect.com.au/>



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



Queensland
Government

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 FLPA'S FACEBOOK

FLPA is now on Facebook! **Follow us** for information, news, professional development information and competitions.

FOLLOW US...



JOIN FLPA'S LINKEDIN GROUP

If you're on LinkedIn, don't forget to follow FLPA's group. It's a closed group, open only to FLPA members. **Click here to find the group.**

www.flpa.org.au

FLPA