



LEADERSHIP IN FAMILY LAW

# MEDIA KIT

2021

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Updated: February 2021

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# FACTSHEET

## About FLPA

- FLPA is Queensland's leading professional body representing those practising in family law - solicitors, barristers, social workers, psychologists, and associated fields.
- FLPA members range from large full service legal firms to small individual family law operators, to government funded providers to the industry and law students.
- A non-profit organisation, FLPA has more than 900 members in Queensland, northern New South Wales and the Northern Territory.
- FLPA aims to provide its metropolitan and regional members with leadership, education and practical resources to assist them in their day-to-day family law practice.
- FLPA monitors and promotes reform of family law which serves the needs and concerns of families.
- FLPA members can offer advice on matters including separation, divorce, parenting issues, defacto relationships (including same sex relationships), pre-nuptial agreements, adoption, child support, child protection and domestic violence.
- FLPA members are committed to helping families and couples resolving family law disputes in Queensland.





# FACTSHEET

## About family law

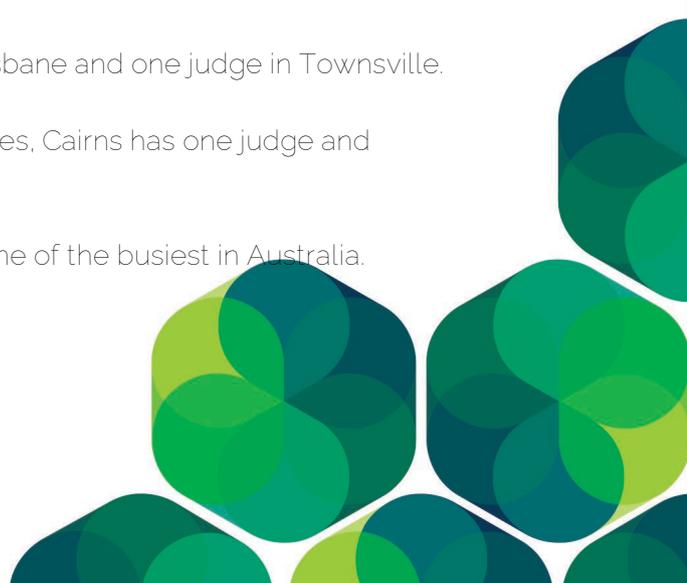
- Family law is the area of law that deals with particular family issues including separation and divorce, parenting arrangements, child support, property settlements, and domestic and family violence.
- In Australia, family law issues covering areas such as divorce; spousal and de facto maintenance; property disputes; and parenting matters including where a child lives, who a child spends time and communicates with, financial support or specific issues; are dealt with under federal legislation – the Family Law Act 1975.
- These family law issues are dealt with in the Family Law Courts which comprise the Family Court of Australia and the Federal Circuit Court of Australia. Both courts have jurisdiction in family law issues in Queensland. The courts are independent, but are part of a model which provides streamlined access to the family law system.
- The Courts have a protocol so that cases are heard in the most appropriate court. Generally, the Family Court of Australia deals with matters relating to:
  - international child abduction,
  - international relocation,
  - special medical procedures,
  - complex parenting cases that have been transferred from the Federal Circuit Court,
  - allegations of child sexual or physical abuse; and
  - complex questions of jurisdiction or law.

The Federal Circuit Court generally deals with cases which involve the allocation of fewer resources.

- According to the 2019-20 Family Court of Australia Annual Report, 21,054 applications were made to the Family Court of Australia nationally in 2019-20 – the highest number in five years<sup>1</sup>.
- The Family Court of Australia has four judges in Brisbane and one judge in Townsville.
- Brisbane's Federal Circuit Court registry has 12 judges, Cairns has one judge and Rockhampton has one judge.
- The Brisbane Registry of the Court is regarded as one of the busiest in Australia.

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<sup>1</sup> [2019-20 Family Court of Australia Annual Report](#)





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## About child protection

- Child protection matters are dealt with under state legislation - *Child Protection Act 1999 (Qld)* - not the Family Law Act. Child protection issues are dealt with in the Children's Court of Queensland, the focus of which is to protect a child from harm.
- The main principle of the Child Protection Act is that the safety, wellbeing and best interests of the child are paramount. It compels the State to intervene to protect children if their parent is not willing or able to do so.
- The Department of Children, Youth Justice and Multicultural Affairs is responsible for investigating reports of alleged harm or risk of alleged harm to any child under 18.
- Family lawyers work on behalf of parents or on behalf of the children involved in the allegations of abuse.

## About domestic and family violence

- The *Domestic and Family Violence Protection Act 2012* is Queensland state law. Under these laws, Domestic and family violence behaviour is when a person you are in a relationship with is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates, causing you to fear for your safety or wellbeing or that of someone else.
- When child abuse or family violence is present in family law cases, the Family Court can make orders which address these situations. In 2012, the definition of what constitutes family violence was amended to more broadly define acts that fall under the reasoning for filing a *Notice of Child Abuse, Family Violence or Risk of Family Violence*. This change significantly increased the number of such applications being filed in the Family Court.
- In 2021 the Court has introduced the Lighthouse Project, deploying tools to identify cases involving family violence, and managing them via the allocations of those cases to Judges allocated to the Project, with the objective of maintaining oversight of the safety of parents and children during the lifespan of Court proceedings, and beyond.
- For family law cases involving serious allegations of physical or sexual child abuse, the Family Court has implemented a fast-track program called Magellan case management which ensures these cases are heard promptly by experienced judges with close liaison with all organisations involved.



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## About dispute resolution options

To resolve family law disputes, family lawyers use a number of different approaches and help their clients choose the best approach depending on their needs. Going to court (litigation) is usually the last option family lawyers recommend to resolve disputes. Below is a brief description of each:

- 1) **Negotiation** is the process where a lawyer will engage in a dialogue between case participants (correspondence, and in person meetings) to attempt to secure a resolution between case participants. Clients generally meet privately with their lawyer during this process.
- 2) **Mediation** is an approach where separating couples agree to appoint a qualified mediator who is a neutral family law professional to help the couple define issues, workshop possible outcomes, and reach an agreement. The mediator does not make decisions for the couple but instead helps them make their own decisions that are in their and their family's best interest.
- 3) **Collaborative law** is a form of dispute resolution where each partner works with a collaboratively-trained lawyer to co-operatively resolve their legal, financial and relationship/inter-personal issues. The collaborative lawyers work together, via a structured process which is designed to identify aspects of importance to the participants; exchange information to inform decision-making; identify impasse; examine settlement options; and document agreed outcomes; all with a view to making considered decisions for the benefit of the family as a whole.
- 4) **Family Dispute Resolution (FDR)** is now compulsory in Australia for couples wishing to resolve disputes involving children. Family Dispute Resolution Certificates are required if couples want to apply to the court for a parenting order. The certificate confirms that a genuine attempt at Family Dispute Resolution was made. Family Dispute Resolution Practitioners provide clients with support to agree on parenting outcomes for the children, offering input and guidance to help in the development of durable solutions for families.
- 5) **Arbitration** is a process similar to court but where the couple mutually agree to appoint a qualified arbitrator to hear and make a final decision about their case. While this process can mirror the litigation process, it can be achieved on a truncated timetable, often at a saving in legal costs for couples and families. Couples can only arbitrate on disputes about property, spousal maintenance or other financial issues, but not parenting disputes.
- 6) **Litigation** is resolving disputes through the court system, ultimately having a Judge render a decision. While family lawyers do not routinely recommend litigation as it can be extremely costly, time-consuming, and emotionally draining for the entire family, in cases involving urgent or intractable issues, it is the means by which conflict is resolved through the imposition on the family of a binding decision.



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## About the Hague Convention

- The *Hague Convention on the Civil Aspects of International Child Abduction* is the main international agreement that covers international parental child abduction. It provides a process through which a parent can seek to have their child returned to the country from which they were removed.
- The Hague Convention also deals with issues of international child access. When a parent or guardian lives in a different country to the home country of their child, it may be hard to work out how parenting time might occur – the Convention provides a framework to manage the challenge of continuing parent-child relationships across international borders.

- The Hague Convention on the Civil Aspects of International Child Abduction is in force between Australia and the following countries:

Albania	Greece	Republic of Korea
Argentina	Guatemala	Romania
Armenia	Honduras	Saint Kitts and Nevis
Austria	Hong Kong (China)	San Marino
Bahamas	Hungary	Serbia
Belarus	Iceland	Singapore
Belgium	Ireland	Slovakia
Belize	Israel	Slovenia
Bosnia and Herzegovina	Italy	South Africa
Brazil	Japan	Spain
Bulgaria	Latvia	Sri Lanka
Burkina Faso	Lithuania	Sweden
Canada	Luxembourg	Switzerland
Chile	Macau (China)	Thailand
Colombia	Malta	The Former Yugoslav Republic of Macedonia (FYROM)
Costa Rica	Mauritius	Trinidad and Tobago
Croatia	Mexico	Turkey
Cyprus	Moldova, Republic of	Turkmenistan
Czech Republic	Monaco	Ukraine
Denmark	Montenegro	United Kingdom
Dominican Republic	Netherlands	United States of America
Ecuador	New Zealand	Uruguay
El Salvador	Nicaragua	Uzbekistan
Estonia	Norway	Venezuela
Fiji	Panama	Zimbabwe
Finland	Paraguay	
France	Peru	
Georgia	Poland	
Germany	Portugal	



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## Dan Bottrell

FLPA president  
Director, BGM



Dan Bottrell is the President of FLPA after serving as Vice President from 2018, and Secretary from 2016. He is also on the committee of the Queensland Law Society (QLS) Specialist Accreditation Board, a director at BGM Family Lawyers on the Gold Coast and a Queensland Law Society Accredited Family Law Specialist.

Dan has practiced exclusively in family law since he began his legal career as an articled clerk in 2000. He is an accomplished speaker at seminars on family law issues and publishes his blog on the family law issues his clients face on [www.danbottrell.com](http://www.danbottrell.com).

Dan specialises in advising both married and de-facto couples on:

- complex property cases, including matters involving a large number of corporate entities and trusts
- financial agreements, including prenuptial agreements
- parenting disputes
- spousal maintenance
- child support matters.

Dan has the honour of nomination as a *Doyle's Guide* 'pre-eminent' family lawyer on the Gold Coast in 2016, 2017, 2018, 2019 and 2020, and as a 'leading' lawyer in high value and complex property cases for Regional Queensland in 2019 and 2020.

Dan is the media spokesperson for the Family Law Practitioners Association in Queensland and is able to make comment on a number of family law issues:

- Separation and divorce
- Collaborative law
- Parenting arrangements
- Same sex relationships and rights
- The Family Law Act
- Domestic violence
- Child protection
- The Hague Convention

