



LEADERSHIP IN FAMILY LAW

MEDIA KIT

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FLPA media contact:

Caroline Thurlow – 0414 565 575

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FAMILY LAW PRACTITIONERS ASSOCIATION QLD

Suite 154, 4/16-18 Beenleigh Redland Bay Road,
Loganholme QLD 4129

E – membership@flpa.org.au

W – www.flpa.org.au

P – 07 3077 6650





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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 almost 1,000 members in Queensland and northern New South Wales.
- 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, de facto relationships, financial agreements, adoption, child support, child protection and domestic violence.
- FLPA members are committed to helping families and third parties to resolve family law disputes in Queensland.





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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 Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2).
- The Courts were renamed in September 2021 by the *Federal Circuit and Family Court of Australia Act 2021*, having been previously known as the Family Court of Australia and the Federal Circuit Court of Australia.
- The Federal Circuit and Family Court of Australia (Division 1) which was previously known as the Family Court of Australia deals with family law matters, and has 35 specialist family law judges (5 in Brisbane and 1 in Townsville) hearing both trials and appeals.
- The Federal Circuit and Family Court of Australia (Division 2) which was previously known as the Federal Circuit Court of Australia deals with family law, migration and general federal law matters, and has 76 judges. 55 of those judges hear family law disputes (12 in Brisbane, 1 in Rockhampton, 1 in Cairns and 1 in Townsville) and the remainder deal with disputes in general federal law and migration.
- With a focus on innovation and fair and efficient processes that centre on risk, responsiveness and resolution, the Courts endeavour to allow Australian families the opportunity to resolve their disputes faster through simplified procedures.
- The Federal Circuit and Family Court of Australia (Division 2) is the single entry point for all general federal law matters (including all family law matters). Depending on the matter, it is then allocated to the most appropriate division as early as possible.



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- Historically, the Court now known as the Federal Circuit and Family Court of Australia (Division 1) has dealt with matters relating to:
 - international child abduction
 - international relocation
 - special medical procedures
 - complex parenting case
 - allegations of child sexual or physical abuse
 - complex questions of jurisdiction or law.
- According to the 2021-22 Annual Reports, 97,457 applications for final orders were made nationally in 2021-22¹. In the same period, 50,525 applications for divorce were finalised.

¹ [2021-22 Federal Circuit and Family Court of Australia Annual Reports](#)



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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 parents are 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 Courts can make orders which address these situations.
- In 2021, the Courts 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 child abuse, the Court has implemented a fast-track program called Magellan case management which ensures these cases are heard promptly by experienced judges and 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.
- 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 lawyers work together, via a structured process which identifies aspects of importance to the participants; exchanges information to inform decision-making; identifies impasse; examines settlement options; and documents agreed outcomes; all geared towards making considered decisions for the benefit of the family as a whole.
- 4) **Family Dispute Resolution (FDR)** is now compulsory in Australia for most parents wishing to resolve disputes involving children. Family Dispute Resolution Certificates are usually required if a person wants to apply to the court for a parenting order. The certificate can confirm 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 parties mutually agree to appoint a qualified arbitrator to hear and make a decision about their case. While this process can mirror the litigation process, it can be achieved on a truncated timetable, often with a saving in legal costs. Parties can only arbitrate on disputes about property, spousal maintenance or other financial issues - 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 parties 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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Rebecca Horsley

FLPA President
Barrister



Rebecca Horsley is the President of FLPA, appointed in November 2022.

Rebecca has served on the FLPA Board since 2012 and has previously held the positions of Vice President from 2020 and Secretary from 2018.

Called to the bar in 2014, Rebecca is a barrister, Nationally Accredited Mediator, Accredited Arbitrator, QLS Accredited Specialist in Family Law and Family Dispute Resolution Practitioner.

Rebecca was admitted as a legal practitioner in 2008, practising exclusively in family law as a solicitor until late 2013. She is also a member of the family law committees existing within the Australian Bar Association, and the Bar Association of Queensland.

Rebecca's key areas of practice include family law (first instance and appellate work), alternate dispute resolution and she has a particular interest in child support disputes.

Rebecca is the media spokesperson for the Family Law Practitioners Association in Queensland.

