

FAMILY Flyer



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SEMINAR – TONIGHT!

We still have space available for our 2 hour seminar **TONIGHT!**

30 October, 6pm – 8pm at Redland Bay – "**Family Law Explained**". Covering children and property matters, this is your one stop seminar for vital separation information. **Only \$30** – call (07) 3221 4300 and **book now!**

PUBLIC SEMINARS– BOOK NOW!

For the first time this year, Michael Lynch will be presenting a special 1 hour seminar – "**7 Secrets to Surviving Property Settlement**". This seminar is a must for anyone that is going through a separation and wants to know the best way to navigate a property settlement, and reduce financial pressure.

For **ONLY \$20**, you will receive a 1 hour information session, and have the opportunity to ask questions. Accredited Family Law Specialist, Michael Lynch, presents the seminar in an easy-to-understand way, ensuring you get the most out of the session.

"7 Secrets to Property Settlement"

- [Brisbane City](#): 1:00pm – 2:00pm – Tuesday, 13 November, The Sebel Suites, 95 Charlotte St, Brisbane.
- [Redcliffe](#): 6:00pm – 7:00pm – Wednesday, 14 November, Redcliffe Leagues Club, Cnr Klingner & Ashmole Rd, Redcliffe.

To register, call (07) 3221 4300 or email law@mlynch.com.au. **Book now**, seating is limited!

CONFERENCE OR PROFESSIONAL DEVELOPMENT DAY? NEED A SPEAKER?

If you are looking for a speaker on Family Law matters for your next Conference or Professional Development day, please give us a call!

Our Principal, Michael Lynch, presents over 50 seminars a year to Accounting, Financial Planning and Legal Firms, as well as other groups.

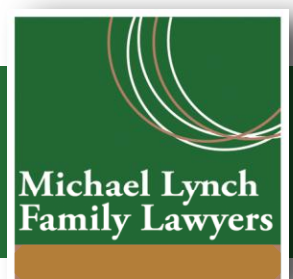
If you want your staff to be better equipped to serve clients (or you would like to offer your clients tips e.g. protecting assets in property settlement) call us on (07) 3221 4300 to organise a **FREE** seminar.

The seminars are generally for 1 hour and include a powerpoint presentation and additional hand-out material. For more information or possible seminar topics, visit our [Seminar Series webpage](#) or phone 3221 4300.

WHO HAS TO ATTEND MEDIATION?

Mediation is an alternative to having a Court decide the outcome in your matter. A mediator's role in Family Law matters is to assist a separated couple to sort through the issues and try and help them come to an agreement themselves regarding either property settlement or parenting arrangements (or both). To find out more about mediation and how to prepare, read our article "[What you need to know about Mediation](#)".

We often see clients confused about when, or if, they should attend mediation. Mediation is not compulsory unless a parent is seeking to obtain a Parenting Order from the Court, in which





case they must attend mediation and obtain a Section 60I Certificate (to find out more, read our article "[What is a Section 60I Certificate](#)"). It is important to keep in mind when booking a mediation that not all mediators can provide these certificates, only Accredited FDR practitioners registered with the Federal Attorney-General can issue a 60I Certificate.

Although mediation is not compulsory prior to filing an Application in Court seeking property settlement orders, it is preferable if parties to a property settlement dispute also attend mediation to try and resolve the matter prior to a final hearing in Court. The Federal Magistrates Court in Brisbane has advised that in financial matters where parties have appropriate financial resources, they will be referred to private mediation. Where parties cannot afford the costs of private mediation, the Court will likely order the parties attend a conciliation conference convened by a Registrar of the Court.

Mediation is a helpful process if you have received appropriate legal advice beforehand and are well prepared. If you have not, the mediation could have a profoundly negative effect on the resolution of issues. It is important to obtain independent legal advice from an experienced family law solicitor prior to attending any mediation in relation to family law matters.

ULTERIOR MOTIVE NOT ENOUGH TO NULLIFY MARRIAGE

A recent Family Court case has considered whether a marriage where one party married the other to gain citizenship could be deemed "void" on the basis of fraud. The husband claimed that the wife had misrepresented her intention to him, and had only married him to get citizenship in Australia.

The husband and wife married in Europe in 2000, following which the husband returned to Australia. He then made various applications for the wife to be granted a visa, which were initially unsuccessful. Finally, in 2005, the wife's visa

was granted and she relocated to Australia. The husband claimed that he had various witnesses who could give evidence that the wife had conversations with them saying that she had only married him for citizenship. These claims were denied by the wife.

The Court found that the marriage was not void. The Court stated that a misrepresentation that the marriage was a genuine marriage of love and commitment does not constitute fraud.

THE COURT ORDERS LUMP SUM CHILD SUPPORT

Under the *Child Support (Assessment) Act* a parent can apply for a Court Order for a lump sum payment to be credited towards a child support assessment. A recent case provides an example of when the Court considers it appropriate to order that a lump sum be credited to an administrative assessment.

- The parties had four children, aged between 4 and 13. Following separation, the Father was incarcerated and the children lived with the Mother. Following his release, the Father was unemployed and had accumulated \$1,000 in child support arrears.
- Whilst the Father was in jail, his property was sold, making a profit of \$35,000 which was held in a solicitors trust account.
- The Mother filed an application seeking that the \$35,000 be credited as lump sum child support.
- The Father alleged that he had debts over \$35,000, including a tax debt, personal loan and money owed to his parents. His parents had made mortgage repayments of \$25,000 during his incarceration.
- The Court was satisfied that the money owed to the Father's parents was legitimate. The Federal Magistrate however, was not persuaded that the tax debt and personal loan should take priority. The Court ordered the balance of funds in the amount of \$10,000 be paid to the Mother as lump sum child support.

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