

FAMILY Flyer



THIS ISSUE -

No. 186

- Final Seminars– Today and Tomorrow!
- "Close-Up" Edition
- Seminar for Accountants – Book Now!

- 10 Quick Tips Brochure -Free to Order
- Skype as Evidence
- Domestic Violence Changes – Part 1
- Do you have a Consent Order – Or Don't You?

FINAL SEMINARS– TODAY AND TOMORROW! DON'T MISS OUT!

Our final 2 public seminars of the year are on today and tomorrow – "**7 Secrets to Surviving Property Settlement**". This seminar is a must for anyone going through a separation and looking for 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 Klinger & Ashmole Rd, Redcliffe.

There has been a huge response to these final 2 seminars – a few seats remaining! **Call now** to register - (07) 3221 4300 or email law@mlynch.com.au.

"CLOSE-UP" EDITION

For most people, Christmas is a happy time – for separated families where the children's arrangements are in dispute,

Christmas can be a time of disappointment and disagreement.

In the lead up to the Christmas holiday period, this edition's "close-up" article is entitled "[Coping with Christmas – Timely Tips for Separated Mums and Dads](#)". On-forward it to anyone you feel would benefit from it!

SEMINAR FOR ACCOUNTANTS – BOOK NOW!

We have recently received a number of requests from some accounting firms for us to provide a seminar to their staff on the challenges of asset protection in family law.


Clare McCormack, Associate at our office, has prepared an excellent presentation and presented it to a number of audiences recently and received great responses!

If any accounting firms are interested in having Clare present a **FREE** seminar focussing on the Family Courts treatment of trusts in the context of property settlements, please contact Jess on (07) 3221 4300.

10 QUICK TIPS BROCHURE – FREE TO ORDER!

If you work in the accounting, legal or counselling industry, it is likely that you have had someone who is separated ask you for advice.

Did you know what to say? Quite right, you're not meant to – but wouldn't it be great if you could help?



To help you in these situations, we have developed a brochure you will find useful – "[10 Quick Tips on Family Law](#)".

This brochure has proved to be very popular and has now been re-printed – if you would like a bundle of the "10 Quick Tips" brochure for your reception, call us now – ph: 3221 4300 or email law@mlynch.com.au.

SKYPE AS EVIDENCE?

The increasing use of social media and other forms of telecommunication including Skype have slowly been creeping into family law cases over recent years. This has raised the question, "What can be used as evidence?".

In a recent case, the Court was required to make a ruling as to the admissibility of evidence of a Skype conversation.

The Wife in that case had recorded a Skype conversation between the Husband and another person. It was conceded that in doing so, she had committed an offence against the *Telecommunications (Interception and Access) Act*.

The question the Court had to decide was whether transcripts of the conversation were potentially admissible under the Commonwealth *Evidence Act*.

Ultimately, the Court ruled that the evidence was inadmissible. In doing so, it relied on the Telecommunications Act which states that a person shall not make use of, or give evidence in a proceeding of, intercepted information. The Court ruled that the Telecommunications Act prevailed over a section in the Evidence Act which provided a discretion to the Court when dealing with illegally obtained evidence.

DOMESTIC VIOLENCE CHANGES – PART 1

In September this year, the Queensland domestic violence legislation was given a major overhaul – see our recent article "[Alert – New Domestic Violence Laws – Qld](#)". Over the coming weeks we will provide a brief- 3 part series- exploring some of these changes in more detail.

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Police Protection Notice: This is an 'on-the-spot' notice that Police can issue. The introduction of this "short-term" notice means that Police can provide immediate safety to a victim. This notice then acts as an application to the Court for a protection order.

The 'protection notice' also has an optional 24 hour "cool down" condition. This condition excludes the perpetrator from a stated address for 24 hours, and means they cannot contact or approach the victim during that time.

DO YOU HAVE A CONSENT ORDER – OR DON'T YOU?

You are trying to resolve property settlement, you have attended the Court ordered Conciliation Conference and after a lot of effort, a property settlement has been agreed and the Registrar has approved it – but the next day the other party changes their mind! Is there anything to discuss? Can they actually do anything?

The Court recently considered such a case where the Wife made an Application to the Court to have Consent Orders discharged. The Consent Order was made by a Registrar of the Court and accordingly, either party was entitled to apply to the Court for a review of the exercised of power by the Registrar.

The Court Rules provide that a review of a Registrar's decisions is not a consideration of the appropriateness of the decision like other appeal processes, but was an entirely new hearing. The question before the judge was therefore whether the Consent Order should have been made at the time of the rehearing. Given the Wife had made an Application for Review of the Consent Orders, it was clear that the Wife no longer gave her consent, and therefore the Consent Orders could not be made. The Orders were discharged and the Judge referred the parties to another Conciliation Conference.

Principal: Michael Lynch*
*Queensland Law Society
Accredited Family Law Specialist



CONTACT:
Telephone: 07 3221 4300
Address: Level 6, 193 North Quay
Brisbane QLD 4000
Website: www.mlfl.com.au

