

FAMILY Flyer



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RELATIONSHIP COUNSELLORS – SEMINAR – SEATS RUNNING OUT!

Seats are filling up quickly for our seminar on the recent changes to family law parenting laws and domestic violence! This seminar is exclusively for relationship counsellors and will provide you with valuable information on the changes!

The seminar ‘Changes to Parenting Laws – What Counsellors need to know’ will be held:

- 6:30pm – 7:30pm – Monday, 18 March at Broncos Leagues Club, 98 Fulcher Road, Red Hill.

Cost: \$30 – payable at the door.

Don’t miss out – register now! For more information, or to book your seat, please contact our office on (07) 3221 4300 or email law@mlynch.com.au.

FINAL PUBLIC SEMINAR – TODAY!

The final public seminar in our current series is on in Brisbane at lunchtime TODAY!

Don’t miss the opportunity to hear Accredited Family Law Specialist, Michael Lynch, explain how property settlements are determined. He will also identify some common traps people encounter and give some tips on how to overcome them. The Seminar ‘Separation and Property’ is being held:

- Brisbane City – Tuesday, 5th March 2013, 1pm-2pm at The Sebel Suites, Cnr Albert & Charlotte Streets, Brisbane.

The seminar is open to everyone and the attendance fee is ONLY \$20.

For more information or to book your seat, contact our office on (07) 3221 4300 or email law@mlynch.com.au.

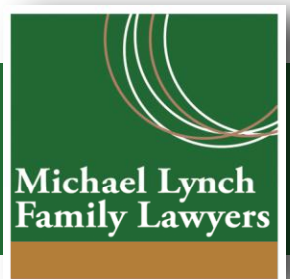
THE CHALLENGE OF “SPECIAL SKILL” IN LARGE PROPERTY SETTLEMENTS

Quite often in large property pool divorce settlements there is an argument over which spouse’s contributions are more significant and more particularly, whether a spouse has “special business skills”.

In a recent case the Court dealt with a 29 year marriage that produced 3 children and an asset pool of approximately \$35 million comprising the parties’ “very successful” construction business and a \$10 million home. It was agreed that the Wife’s primary contributions had been directed to the family and that the Husband’s had been directed to the business.

The Husband sought 70% for his “special” or “out of the ordinary” contributions. The Wife argued that their wealth was “as a result of an economic, domestic and emotional partnership”.

Regarding the contributions the Judge said “*I do not consider one to be more or less important than the other*” noting that “*the parties’ children had been adults for the whole of the 4 year post-separation period*”. The Court went on to say: “*...an analysis of the parties’ contributions points to a greater contribution having been made by the Husband*”.





directly to the business, ... with the design of the buildings the stewardship of the company including the plainly clever strategies and to the financial and other planning that have led to it doing, relatively speaking, remarkably well in very adverse economic conditions. These are important contributions which it is appropriate and just to distinguish between the parties to this lengthy union. I consider that disparity to be particularly evident in the period post-separation."

The parties' contributions were assessed 60% to the Husband and 40% to the Wife.

SHOULD THERE BE A PSYCHIATRIC REPORT?

A Judge has the discretion to order that parties that come before the Court undertake formal psychiatric assessment. Such an Order will usually be for one, or both, of the parents, but occasionally will be for the child. A report of this kind is usually only commissioned following the recommendation of a Family Report Writer.

In a recent case, the Mother objected to a Court Order that the 9 year old child undertake psychiatric assessment. The Mother objected on the basis that the assessment was not in the child's 'best interests'. The Mother's case was that the litigation had a negative impact on the child, and that the child became very anxious prior to seeing experts. The Father and the ICL supported the assessment.

There were previous psychologist's reports before the Court, they were out-dated and gave insufficient evidence. The mother also sought an order that the child spend no time with the father. The Court Ordered that a psychiatric assessment take place, stating that there were new issues which needed to be addressed before trial, including the psychiatric health of the child, the order sought by the

mother and the adverse reactions of the child towards her father.

MOTHER ORDERED TO INSTALL A BREATH-TESTING DEVICE

The Family Court has ordered a Melbourne mother to install a breath-testing device in her home. The woman is involved in a parenting and property dispute, over a \$20m property pool.

The children's father sought an order for an alcohol interlock device to be installed in the mother's car for the safety of the two children, aged 10 and 14 years.

The mother spends time with the eldest child overnight once a week and with the youngest for three hours after school one day a week.

The mother agreed to the order banning her from consuming alcohol 24 hours before spending time with the children and attending random blood and alcohol screening, despite denying the orders were necessary. The mother made no admission about her driving, claiming she had not consumed alcohol for 14 months and had no "alcohol-related driving conviction".

The fathers request that an interlock device be installed on the mother's car was backed by a doctor who said it would provide the children with "an increased sense of confidence and security".

The Court said the interests of the children could be satisfied by having a breath-test machine in the mother's home or garage and she would have to observe a zero alcohol reading before driving the children anywhere within suburban Melbourne.

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