

FAMILY Flyer



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RELATIONSHIP COUNSELLORS - A SEMINAR FOR YOU

We have prepared a new and comprehensive presentation specific to the needs of relationship counsellors. This is a refresher for experienced counsellors and a MUST SEE practical guide for new practitioners.

Family law is constantly changing and it is important that you are aware of the changes and the obligations on you! This seminar will cover the essentials of family law, including children's arrangements, property settlement, domestic violence and some of the practical challenges of confidentiality.

For ONLY \$40 you will receive a 2 HOUR information session, valued at over \$800! Accredited Family Law Specialist Michael Lynch presents the seminar in an easy-to-understand way. You will also have the opportunity to ask questions.

ONLY for Health Professionals – Details:

"Family Law – Explained", 6pm – 8pm, Tuesday, 5 May 2015
Broncos Leagues Club, 98 Fulcher Road, Red Hill.

We will post out a letter of invitation to "Relationship Counsellors" over the next week.

Attendance is by registration and seating is limited!

To Book – ph.: (07) 3221 4300 or email us on law@mlynch.com.au.

Attendance: \$40 (payable at the door)

DATE CLAIMER – NEW SEMINARS

Our next public seminar series starts on 10 June!

This seminar will provide invaluable information on separation and property settlement. The topic is one of our most popular and it will be presented by our Principal, Accredited Family Law Specialist, Michael Lynch. You will have 2 dates to choose from.

Upcoming dates are:

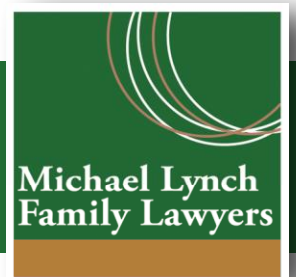
- 10 June – Sunnybank (evening)
- 16 June – Brisbane (lunch time)


Mark your diary now and keep an eye out for the next e-Flyer, for more details.

DETERMINING A CARS VALUE – IS REDBOOK ENOUGH?

How do you value a car?

In a recent property division case the husband and wife both owned a car which had been in their possession for many years. The husband determined by using a Redbook valuation, which he obtained from the internet that the wife's car was worth \$6,000 whilst his car was worth \$1,200. The wife claimed that her car was worth \$5,000 and the husband's \$3,000. Neither party provided any expert valuation report.





The wife sought that the motor vehicles be simply taken out of the property pool and each of them retain their own without regard to their respective value.

The husband opposed this and contended that in the absence of expert evidence his “red book” evidence was the best available to the Court.

The Judge recognised that the problem with sites such as “red book” were that they provided for only generic information and not specific information relevant to the actual car however his Honour accepted that in the absence of expert evidence it was the best evidence available and the court adopted the red book value as asserted by the husband.

CHILDREN DON'T DO AFFIDAVITS

You may wonder why the Court in parenting matters does not accept evidence directly from children involved in the dispute. To most parents it would be clear that it would be too damaging to a child to be involved in their parent's dispute to that degree.

However in a recent parenting matter, one of the parents had no such reservations.

Facts:

- The father had the 15 year old child swear an affidavit.
- He sought to rely on that affidavit in his parenting matter in court.
- The father sought an order that the child live with him and not be returned to the care of his mother.
- The father made allegations of child abuse against the mother.

Court Order:

- The Court found that the father had breached the Family Law Act, where it states that a child must not swear an affidavit in proceedings or be called as a witness in proceedings without a court order.

- The Court stated its concern that the father was trying to rely on the child's affidavit.
- The Court ordered that the Affidavit of the child would not be read or accepted in the hearing.

CAN I ACCESS HER EMAILS?

You've got the password, but can you access your spouse's emails? The court recently considered this question.

The Facts

- The Husband wanted to provide to the court emails from the wife's email account between her and a friend whom he said illustrated that she had provided false evidence to the court. .
- The wife objected to the emails being relied upon as she alleged that they were obtained improperly.
- The husband came across the emails when he believed that his wife was having an affair and sought to investigate the matter. The husband's position was that the wife gave him her password to her account and that there was a mutual understanding that they both had free access to each other's computers and email accounts.

Court Found

- The Judge accepted the husband's evidence that the wife provided him with her password, that it was their practice to each have full use of the other's computer and email and that the wife never told him that his access was restricted.

Court Held

- The emails could be relied upon by the Husband.

Editor's note: Don't misconstrue this as a 'green light' to the access of emails in any situation. Each case is different and before you do anything you should get legal advice. For a 'fixed-cost' initial appointment call us on 3221 4300.

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