

FAMILY Flyer

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RELATIONSHIP COUNSELLORS – SEMINAR TONIGHT!

Seats are filling up quickly for our seminar for counsellors tonight. If you haven't registered, call us NOW!

"Family Law – Explained" is on from 6pm -8pm, Tuesday 5 May 2015 at the Broncos Leagues Club, 98 Fulcher Road, Red Hill, Brisbane

Don't miss out. Cost is ONLY \$40 - register now! For more information or to book your seat, please contact our office on 3221 4300 or email law@mlynch.com.au.

DATE CLAIMER – NEW SEMINARS

Our next public seminar series starts on 10 June!

This seminar will provide invaluable information on separation and property settlement. This 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.

FREEZE THE BANK ACCOUNT

A couple separate and one spouse then realises that the other has moved most of the couple's significant bank funds out of a joint account and into an account in one name. As if that was not concerning enough, the funds represent the bulk of the property and the spouse who has moved the funds has previously made threats that the other spouse "is worth nothing!"

This is a classic example of a situation that requires an urgent court injunction to freeze bank accounts. The court recently dealt with such a case

The facts:

- The couple married in 1999 and separated in June 2014. The property consisted of a house valued at \$600,000 and funds in bank accounts (representing the proceeds of investment properties) of \$620,000.
- Over a couple of weeks the husband transferred monies between various accounts by internet banking, this resulted in the majority of the funds moving from joint accounts to accounts in his name which the wife could not access. This was all done without the wife's knowledge.
- The wife filed an urgent "ex parte" (without the husband's knowledge) application in court seeking an injunction freezing the husband's ability to deal with the accounts that held the funds.



- Some of the husband's transactions had been reversed however the wife claimed that there was a real likelihood that if the husband was told of the court application that he might withdraw and dispose of funds that could not then be retrieved.
- The wife's application "without notice to the husband" was unusual and she had to give the court an "undertaking" to pay any damages (financial loss) that the husband may have as a result of the injunction order being made.

Court decision:

- The ex parte application was appropriate. If the husband removed the funds the wife would suffer significant financial loss.
- An injunction freezing the bank accounts be ordered and the husband's internet banking be suspended. The risk to the husband should be minimal as the orders did not interfere with the day to day affairs of the husband's business.
- The injunction Order would bind the bank who was a third party

SHOULD A CHILD HAVE A PHONE?

To have a phone or not to have a phone? It's becoming a common question for separated couples. The answer: there is no rule which applies to all children, it really depends on the circumstances.

In a recent case the Court determined that it would not be in the best interests of a 9 year-old boy to have an iPhone or an iPad, but a MacBook computer was appropriate.

The child lived primarily with his father and spent regular weekend and holiday time with his mother. The mother provided the boy with an iPad, an iPhone, and a MacBook computer. The father disputed the child's need for the devices. The mother knew the father was opposed to the child having devices, yet she persisted in attempting to provide them to him.

The iPad was bought by the mother and was used by the child to play games while in her care. The father believed it was unnecessary for the child to have the device with him in his house, as he also had an iPod Touch which had similar facilities and programmes.

The mother provided an iPhone to the child, with the intention of making it easier for him to contact her. The father said that he considered the child to be too young to have his own phone. The father also said that, based upon his experience with his own iPhone, the phone would have limited reception at his house and that the child would have to make calls standing outside the house. He said that alternative means of communication, including skype and the landline, had been sufficient.

There was already a court order in place that provided for weekly telephone, skype and web cam communication between the child and each parent.

The Judge held that the parties needed certainty in the court order and it was not a matter where it was in the best interests of the child for communication arrangements to be flexible.

It was ordered that due to the child's age and the problems which could arise, it would not be in the child's best interests to have an iPhone or an iPad when in the father's care, however the MacBook computer would be appropriate for the child as it would be useful for him at school

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