

Family Law Pathways Network Brisbane

Newsletter October 2018

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Pathways Officer Update

Jane Aitken has been meeting with a range of community and government representatives to develop better understandings of the roles, responsibilities and services provided for families and individuals navigating the family law system.

At a Child Safety Week event in Ipswich, Jane presented information for new Australians who may be facing challenges that are impacted by the family law system, including family violence, separation, parenting and immigration. Having recently met with professionals from the Departments of Home Affairs and Social Services, she was able to share information on a range of services and supports available to new Australian families.

Jane had the privilege of meeting with Judge Jarrett of the Federal Circuit Court. His Honour noted the importance of an integrated family law system in which families are able to access relevant support services as quickly and seamlessly as possible, in particular parenting programs, post-separation counselling and mediation services. It is the intention of the Family Law Pathways Network to support the courts, lawyers, mediators, counsellors and other services to help achieve the best possible outcomes for separating families.

Brisbane FLPN have created a Directory of Post-Separation Counselling Services which can be accessed on the website: [Counselling Directory](#). If you have or know of a service that provides post-separation counselling to Brisbane families, please contact pathwaysprogram@raq.org.au to ensure the details are included in future editions.

Email your questions and comments to the [Pathways Program](#)

And remember to follow us on **LinkedIn**

Join
Now

We have made it even easier to join the Family Law Pathways Network.

Just follow the link and complete your details:

[Brisbane Pathways Membership](#)



Australian Government



Family Law
PATHWAYS
NETWORK

GREATER
BRISBANE

Family Law Pathways Network Survey

The objective of the Family Law Pathways Network is to foster strong links with locally based providers who operate as part of, or alongside, the family law system, to enhance collaboration and improve overall assistance to separated and separating families.

This is done through community engagement, promoting awareness of services and conducting cross-sectoral training.

We are currently seeking feedback via a national online survey. The independent survey is being conducted by the University of Southern Queensland's School of Law and Justice.

We would appreciate readers taking the time to complete the survey so that we can identify how best to fulfil our objectives.

[FLPN](#)
[National](#)
[Survey](#)

Sperm Donor is Not Dad: Family Court

By Stephen Page

A known sperm donor to a single woman is not a parent of the child, irrespective of biology and intention, according to the Full Court of the Family Court.

The court in *Parsons and Masson* [2018] FamCAFC 115 upheld the appeal by the mother against the ruling by the trial judge that the man was a parent.

The court held that where federal laws were silent, the court was bound to apply the relevant state laws, in accordance with section 79 of the Judiciary Act 1903 (Cth), and that to do otherwise was "constitutional heresy".

The NSW Status of Children Act made plain that the man was not a parent. Therefore he was not a parent under the Family Law Act.

The case overturns a line of cases that said who was a parent under the Family Law Act was an open category,

The man, who said that he wanted to be the father, and that there was a co-parenting agreement in place, has applied for special leave from the High Court. Special leave is likely to be determined next year.

(You can access the full Judgment here: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCAFC//2018/115.html>)



Visit the Courts

We are facilitating visits to observe the the Family and Federal Circuit Courts. November visits are fully booked but you can register your interest now to join us in February 2019. pathwaysprogram@raq.org.au

Who is a Parent?

Discussion,
Drinks &
Canapés

Wednesday
14 November 2018
6pm-8.30pm

State Library
South Brisbane Qld 4101

Tickets
\$20 Early Bird or Group
Book trybooking.com/yvgm



Family Law Specialist, Stephen Page, will lead a discussion dealing with the legal and social issues arising from the question, "Who is a Parent?"

Food and beverage by:

Ab.Fab.
catering

Review of the Family Law System

The Australian Law Reform Commission (ALRC) has released a discussion paper, Review of the Family Law System (DP86) as part of its review of the family law system. The paper focuses on:

- support for children in the family law system
- improving public understanding of the family law system
- accessible and coordinated service delivery
- oversight of the family law system and its workforce.

Submissions are invited in response to the questions and proposals raised in the discussion paper, and are due by email to familylaw@alrc.gov.au by **13 November 2018**.

Family Law Volunteers needed!

Caxton Legal Centre needs more family law solicitors to volunteer for Thursday evening family law advice sessions. Find more information, including the necessary qualifications, position description and more, at <https://caxton.org.au/support-caxton/volunteer-lawyers/>.

Wait List Times

for Post-Separation Services, including
Parenting Orders Programs & Child
Contact Services

[Click Here](#)

Attorney-General's Department News

Tougher Penalties for International Parental Child Abductions

Last week legislation was passed which applies to a child being unlawfully retained overseas without parental consent or a court order. Commencing in the first quarter of 2019, the new legislation will criminalise the unauthorised retention of children overseas, even though their departure from Australia may not have been illegal. Offenders may be pursued and prosecuted, with the unauthorised retention of children overseas being punishable by up to 3 years imprisonment. There will be a defence available where the removal or retention was to escape family violence.

The Government previously announced that it will provide a further \$2.4 million over the next three years for dedicated legal, counselling and support services for families impacted by parental child abduction.

New Domestic Violence Services for Caboolture

This month, Senator Amanda Stoker, officially launched the new Women's Legal Service Queensland Caboolture high risk Domestic Violence Unit and Health Justice Partnership, on behalf of Attorney-General, Christian Porter.

The Attorney-General said the new service would deliver much needed specialist legal and social support to people in need in the region.

The new unit will operate with a high intensity caseload to support women with extremely complex needs who are experiencing severe domestic violence.

The integrated unit will consist of a Specialist Casework Lawyer, Social Worker, Paralegal and Health Justice Partnership Lawyer to see clients at the Caboolture and Redcliffe hospitals.

Free legal information for women in Queensland with domestic violence, complex family law and sexual assault counselling notes matters is available through the Women's Legal Service Queensland State-wide Helpline 1800 957 957.

Appointments of Chief Justice and Deputy Chief Justice of the Family Court

On 27 September 2018, the Attorney-General announced the appointment of the new Chief Justice and Deputy Chief Justice of the Family Court of Australia.

Commencing 10 December 2018, the new Chief Justice of the Family Court will be the Honourable William Alstergren, the current Chief Judge of the Federal Circuit Court of Australia and Deputy Chief Justice of the Family Court. Chief Judge Alstergren will retain his commission as Chief Judge of the Federal Circuit Court.

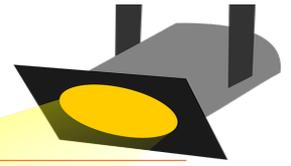
With Chief Judge Alstergren's elevation, the Honourable Justice Robert McClelland will become the new Deputy Chief Justice of the Family Court.

Retiring Chief Justice of the Family Court, the Honourable John Pascoe AC CVO, was acknowledged by the Attorney-General for his long and distinguished contribution to the law and Australian public life.

Attorney-General's Speech at the Opening Plenary Session, The State of the Nation 18th Biennial National Family Law Conference, Wednesday, 3 October 2018

<https://www.attorneygeneral.gov.au/Media/Pages/speech-at-the-opening-plenary-session-the-state-of-the-nation-18th-biennial-national-family-law-conference-3-October-2018.aspx>

Spotlight on a Service



Name of Service: Men Choosing Change Moreton Bay

Service Activity: Men's behaviour change group and court support

Days/Hours of Service: Mon - Fri 9am - 5pm

Phone: 5428 4200

Email: eisadmin.metronorth@ucommunity.org.au

Website: <https://ucommunity.org.au/>

Funding Provider: CSYW

Are there prerequisites to gaining access to your service?

Needs to be assessed as suitable during Intake process.

What are waitlist times like?

At the moment, 2 weeks.

Are there any restrictions, such as age or financial means?

No.

Is there a cost?

No.

What areas does your service cover?

Caboolture, Redcliffe and Pine Rivers.

How do we refer to your service?

Ring Intake on 07 5428 4200.

What services do you provide?

The program provides a group for males over the age of 17 years with domestic and family violence in their intimate relationships. The program runs for approximately 20 weeks and includes 2-3 sessions to assess suitability, 16 week 2 hour group sessions then an exit interview after completion of the group sessions. It operates out of three locations including Caboolture, Redcliffe and Lawnton.

What should we tell our clients about your service?

The aim of the program is to help men develop and maintain respectful attitudes and behaviours within their families and provides the opportunity for men to take responsibility for their use of abusive behaviours in intimate and family relationships. Change can be challenging and confronting and in this program we support and guide men on a path to effective change.

The program addresses topics including:

- The problem with my behaviour and the path of change
- Conflict resolution
- How my brain works and how I can change it
- The cycle of violence and the dynamics of Domestic & Family Violence
- Exploring beliefs and messages about 'being a man' received from family/friends/society
- Understanding anger and other emotions
- Parenting - What do your children need from you to feel safe and protected?
- Ways of calming your emotions such as 'time out', breathing and exercise
- The impact of domestic violence on children and their bond with you as a parent
- The problem with minimisation, denial and blame
- The impact of domestic violence on intimate partner relationships
- Safe and respectful communication
- What makes healthy relationships
- The journey of accountability
- Exploring roles in the family

Does your service provide written reports for court - e.g. certificate of completion?

Yes a Certificate of Attendance. If Court ordered we provide a Notice of Completion.

Does your organisation provide other services to support separating families?

UnitingCare provides a broad range of services that support families and their children.