



# Family Matters

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## Introducing you to Heather Cook



Heather is our General Manager and she has managed professional service organisations for over 30 years, including legal, intellectual property, medical and accounting practices. She has a great interest in business development and the development of people in organisations. This has led to her doing a Bachelor of Economics, a Masters in Marketing and various HR related courses over the years.

Heather is a Fellow of the Australian Institute of Management and a member of the Australian Human Resources Institute and the Australasian Legal Practice Managers Association.

Heather commented that "It's very gratifying to see that people I recruited 20 years ago are moving into senior positions in their organisations".

On a personal note Heather enjoys live performance and is a regular subscriber to the MTC, Opera Australia and the Australian Ballet. She also enjoys creative pursuits such as drawing and painting and getting her hands dirty developing new vistas in her garden.



Berry Family Law

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# Say **NO** to Family Violence

2016 is going to be a year of transformation and development for victims of family violence. Family Violence is the most prevalent form of violence in Victoria. While both men and women can be perpetrators and victims of family violence, the overwhelming majority of perpetrators are men, and the majority of victims are women and children.

There are many causes of family violence. The key causes include gender inequality, cultural background and community attitude towards women.

There are also various factors which may cause one to commit family violence and they include alcohol and drug abuse, financial pressures, mental illness, social and economic exclusion.

After 13 months of collating information and evidence, The Royal Commission into Family Violence handed down its final report in March 2016. The report makes 227 recommendations.

The Royal Commission into Family Violence: Report and recommendations for new approaches cover the following:

- *“Support and Safety Hubs in local communities throughout Victoria, to make it easier for victims to find help and gain access to a greater range of services*
- *new laws to ensure that privacy considerations do not trump victims’ safety—with a Central Information Point to funnel information about perpetrators to the Hubs*
- *an immediate funding boost to services that support victims and families, additional resources for Aboriginal community initiatives and a dedicated funding stream for preventing family violence*

- *a ‘blitz’ to rehouse women and children forced to leave their homes, supported by expanded individual funding packages*
- *an expanded investigative capacity for police and mobile technology for front-line police, including a trial of body-worn cameras*
- *more specialist family violence courts that can deal with criminal, civil and family law matters at the same time*
- *stronger perpetrator programs and increased monitoring and oversight by agencies*
- *family violence training for all key workforces—including in hospitals and schools*
- *investment in future generations through expanded respectful relationships education in schools*
- *an independent Family Violence Agency to hold government to account.”*

Berry Family Law can assist victims of Family Violence through the Courts and can also refer them to the necessary Government and Community Organisations for assistance.

## Which Court is right for your family law case?

The Family Court of Australia (FCoA) and the Federal Circuit Court of Australia (FCC) both hear family law cases. Both Courts apply the Family Law Act. Both Courts have Judges with the power to make orders about divorce, parenting and financial issues. So what is the difference between the two Courts?

The purpose of the FCoA, as Australia’s superior court in family law, is to:

- determine cases with the most complex law, facts and parties;
- cover specialised areas in family law; and

- provide national coverage as the appellate court in family law matters.

The FCC tends to hear less complex family law matters. The objective of the FCC is to provide a simpler, more accessible alternative to litigation and relieve the workload of the FCoA. The FCC is directed to operate less formally. It must proceed without undue formality and must endeavour to ensure that proceedings are not protracted.

As a general guide, if any one of the following criteria applies, your family law case should be heard in the FCoA. Otherwise, your family law case should be heard in the FCC:

- Serious allegations of sexual or physical abuse of a child.

- Serious allegations of family violence.
- International child abduction.
- International relocation.
- Disputes as to whether a case should be heard in Australia.
- Special medical procedures (such as gender reassignment and sterilisation).
- Complex questions of jurisdiction or law.

Each Court has different rules and procedures. Each Court has the power to transfer cases to the other Court. It can be costly and time consuming for you if your case is filed in the wrong Court. It is essential that you get legal advice about which Court is right for your family law case.

The lawyers at Berry Family Law can advise you on the appropriate action to take.

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