



Family Law
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KEEPING YOU IN TOUCH WITH NEWS & OPPORTUNITIES IN WA FAMILY LAW

APRIL 2020

Greetings from the Chair

by Rod West



Hello from WAFLPN!

I hope everyone is staying healthy and adjusting well to our new normal as we continue dealing with the coronavirus

pandemic and its consequences. As we face this period of great changes and uncertainty, WAFLPN will continue facilitating collaboration and knowledge sharing within the family law sector.

After the success of the 'Flipping the script on the most difficult people during difficult times' webinar with Megan Hunter on 7 and 9 April, FLPNs across Australia are working on a series of free webinars featuring a range of topics and speakers. More details to come soon, so keep an eye on your emails!

In order help everyone stay safe and informed, we have also created a [new section on the WAFLPN website](#) with a collection of coronavirus (COVID-19) resources most relevant to those working with separated and separating families. This includes fact sheets, articles and links to important notices from the Family Court of Western Australia and other organisations whose service delivery is affected by the pandemic. We invite our members to email us with other relevant resources or information for inclusion on our website.

On a more tragic note, WAFLPN is deeply saddened by the untimely passing of former Chief Judge of the Family Court of Western Australia, the Honourable Stephen Thackray.

On behalf of the WAFLPN Steering Committee and members, I would like to acknowledge the significant contribution of Stephen's many years to family law both at State and Federal levels. His open and selfless attitude was greatly admired along with his commitment to community, he will be always missed.

Stephen Thackray was a strong supporter of WAFLPN and we had the immense privilege of having him speak at our 2019 Annual Conference. We thank him for his unwavering support and offer our deepest sympathy to his family and friends at this sad time.

With permission from the author, we have included Stephen Thackray's obituary on the following page.



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Vale the Honourable Stephen Thackray

by Patrick Cornish. Originally published in the West Australian on 29 April 2020. Reprinted with permission.

Wearing a lime green shirt so striking it could have frightened any horses met along the way, Judge Stephen Thackray strode boldly out from the Bell Tower on Perth's river foreshore. He was a man of many missions, but this one was dear to heart and mind.

He was among more than 200 people out of bed early to participate in the inaugural Law Access Walk in May 2016. The 4.4km event ended with breakfast at Annalakshmi restaurant at Elizabeth Quay.

Leading up to the day, Thackray – chief judge of the Family Court of WA – had been posting online, to the amusement of colleagues, about his strenuous training regime. This was all about fun raising and fund raising. Alongside the smiles there was a serious purpose: boosting the cause of making family law accessible to all. Law Access is a not-for-profit organisation coordinating pro bono (free or reduced cost) legal assistance.

Most of the judge's career was in family law. When standing down as chief judge, he was accorded a ceremonial farewell. As someone particularly keen on furthering Aboriginal access to family law, his own speech included thanks to a notable guest from Newman, Devon Cuimara.

"It was my chance meeting with Devon," said the guest of honour, "that provided the spark for our project with the Martu and Nyiyaparli people of the Western Desert. This has sustained and exhilarated me in the final stage of my career and given me the privilege of working with an extraordinarily talented and committed group of people from the Aboriginal Legal Service, Aboriginal Family Law Services, Legal Aid WA and Pilbara Community Legal Centre."

This inclusive touch resonated with the judge's boyhood in Mogumber, near New Norcia, where his family had a farm. Primary school classmates included those who would one day be described as part of the Stolen Generation.

Stephen Ernest Thackray was born in Wongan Hills on 25 January, 1955, the fifth of six children of Mary (nee Vidler) and Richard Thackray. After leaving Mogumber primary, Stephen's first two years of high school were as a boarder at St Patrick's, Geraldton. After the family sold the farm – Coolibah, 7 km east of Mogumber – and moved to Perth, he attended Christian Brothers College, Leederville (now Aranmore Catholic College).

He completed a law degree at the University of Western Australia in 1977, gaining the highest class of honours awarded that year. Taking articles at Lavan and Walsh, he was introduced to family law by the then principal family law partner, Diana Bryant, later to be Chief Justice of the Family Court of Australia. He served as acting Chief Justice of the Family Court of Australia during her absence overseas and upon her retirement.

In 1980 Thackray joined Paterson and Dowding, a specialist family law firm, and became a partner the following year. In 1997 he was appointed Principal Registrar of the Family Court of WA, where he served until retirement in January last year. He became chief judge in 2007. Presidency of the Family Law Practitioners' Association was among his official roles. Many admired his vigorous advocacy against removal of federal funding for Indigenous Family Liaison Officers who worked in the Family Court early in his term as chief judge.

Relationships Australia WA is among the non-profit organisations to have benefited from Thackray's "energy and care", as mentioned in its tribute notice. The chief executive officer, Terri Reilly, adds that "Stephen envisioned a highly skilled system supporting the work and clients of the Family Court. His ability to make this vision a reality resulted in a system operating in the best interests of families experiencing separation. He promoted a non-adversarial approach that built bridges unique in Australia. As a result of his efforts, this collaboration of legal, dispute resolution and other specialist services can bring about outcomes achievable for families, including those with complex needs."

After retirement last year he continued working as a mediator throughout Australia.

One consistent trait was the ability to make speeches that blended information, praise for others, and entertainment stemming from a sense of humour that described himself as a "punsioner (sic) who worried about inflicting further punishment (again sic) on my audiences." His Honour's impartiality allegedly faltered only when the fiercely loyal West Coast Eagles fan saw an umpire pay the opposition a free kick. Love of gardening restored serenity to the household.

Warmth and compassion were hallmarks of a man who as lawyer made many judgments but who, as husband, saw the decision to marry Janet Ashworth as perhaps his best.

Stephen Thackray died from a brain aneurysm on 30 March, survived by Janet, daughter, Amanda, son, James, daughter-in-law, Leandri, and brothers Peter and Gregory.

The breadth of vision that marked the Thackray career extended to personal music preferences. Beethoven and Mahler were favourites, but with 21st-century stars he was also on the case. In one farewell speech he thanked young legal associates "who told me about Madonna, Michael Jackson and Whitney Houston. I also know that U2 and YouTube are two different things, so feel quite confident as I step out into the world beyond this court."

SPOTLIGHT

Spotlight on Alison Muller, WAFLPN Regional Representative for Midwest, Murchison & Gascoyne

In this feature, we shine the spotlight on the amazing people who volunteer their time and skills to WAFLPN. These include members of our Steering Committee, our valued Regional Representatives, and other professionals and organisations who generously donate their services to our Network.

Alison Muller is the Principal Solicitor at Regional Alliance West Inc. (RAW), a position which she has held since 2005. RAW is a non-government organisation that delivers a range of legal, financial, social and community support services to disadvantaged members of the community into a vast area of regional, rural and remote Western Australia throughout the Midwest, Murchison and Gascoyne.

For most of the 15 years that Alison has been employed by RAW, she has been the only solicitor with responsibility for supervising a team of paralegals, advocates and financial counsellors working out of the Geraldton and Carnarvon offices. As well as providing one on one client services, RAW also has a focus on community education and law and policy reform and Alison is active in membership of numerous local, regional and State networks and working groups.

Prior to working at RAW, Alison ran her own legal practice in Geraldton for about 8 years but found the move into community lawyering better suited her passion for social justice. Throughout her career as a lawyer, she has also worked as an independent children's lawyer and family dispute resolution practitioner; "moonlighted" as a university tutor and TAFE lecturer; and has been heavily involved in delivering training to other professionals in professional practices, boundaries and communication and conflict resolution. "I particularly enjoy the opportunity to mentor and train, develop and encourage our staff to become competent, ethical and compassionate professionals. Fortunately, the organisation I work for places a high priority on training and professional development."

Alison has been the WAFLPN Midwest, Murchison and Gascoyne representative since the early days of WAFLPN. In her own words, "as a passionate and sometimes annoying advocate for the needs and concerns of regional people, my role as regional representative gives me an opportunity to be the voice of the region to the Network and to facilitate the delivery of Network activities into the regions I serve."

Other than 5 years in the city in order to obtain her law degree, she has always lived regionally. She grew up and completed all of her primary and secondary

education in Carnarvon and chose to live in Geraldton as soon as she completed university. "Geraldton is a beautiful place to live and work. It has provided me with an enviable lifestyle where it is so much easier to obtain that work/life balance that everyone seems to strive for."



Alison Muller

"When I'm not at work I'm a crazy dog lady; hanging out with my own two dogs and those of my parents and parents in law, plus volunteering with two dog related organisations." Alison is heavily involved with Tracking Dogs Geraldton, where dog and handler teams are trained to search for missing people, and also help out where she can with Geraldton Dog Rescue. In her downtime, she enjoys hiking, Judo, yoga and self-defence classes (when we're not locked down with Covid-19), attending her small home-based church meetings and binge watching movies or tv series. She also loves hanging out with her husband and riding their motorbikes to nearby picturesque rural locations.

RESEARCH & PRACTICE

The latest contributions to evidence-based practice in family law

If you are undertaking research in the field of family law that you think may be of interest to WAFLPN members, please contact us to have it included in our eBulletin.

WA.FamilyPathwayNetwork@relationships.wa.org.au

Children's social-emotional wellbeing: The role of parenting, parents' mental health and health behaviours

This working paper examines the association of mothers' parenting behaviours, parents' mental health and parents' health behaviours (alcohol use and smoking) with social-emotional wellbeing of primary school children using *Growing Up in Australia: The Longitudinal Study of Australian Children*. Children's social-emotional wellbeing was assessed using the Strength and Difficulties Questionnaire over five data collection periods or 'waves'; that is, every two years from when children were aged 4–5 to 12–13 years. Descriptive analysis was used to examine differences in social-emotional wellbeing by parenting behaviours, parents' mental health and parents' health behaviours. Longitudinal analysis was used to investigate trajectories of children's social-emotional difficulties between the ages of 4–5 and 12–13.

[Read full article.](#)

Rioseco, P., Warren, D. & Daraganova, G. (2020). Children's social-emotional wellbeing: the role of parenting, parents' mental health and health behaviours. Australian Institute of Family Studies.

'Our normal is different': autistic adults' experiences of the family courts

This article reports the findings of a small-scale qualitative study exploring the experiences of autistic adults who have had experience of the family justice system. While participants related some positive elements to their experiences, in particular with regard to the willingness of professionals to try to learn more about their clients' needs, the overall picture showed significant concerns. The reports given showed significant misunderstandings about autism, and a system which struggled to make appropriate adjustments which would allow autistic court users to have access to justice on an equivalent basis to non-autistic litigants. This situation stands in contrast to the position regarding other disabilities in the Family Justice System, but also to the relatively greater level of provision for autistic people within the Criminal Justice System. Based on participants' experiences and existing good practice in other areas, this article makes recommendations that could be adopted by the Family Court and practitioners.

[Read abstract or purchase article.](#)

George, R., Crane, L. & Remington, A. (2020). 'Our normal is different': autistic adults' experiences of the family courts. *Journal of Social Welfare and Family Law*. DOI: 10.1080/09649069.2020.1751928

Aboriginal parents' experiences of having their children removed by statutory child protection services

The number of Aboriginal and Torres Strait Islander children living in out-of-home care has more than doubled in the past decade. Research into the experiences of parents who have had their children removed is an emerging area; though very few of these studies are specific to Indigenous children and families. This paper presents a participatory research study that explored the experiences of a group of Aboriginal Australian parents who have had their children removed by child protection authorities in one Australian state, New South Wales. This paper highlights the challenges for Indigenous families navigating the child protection system, specifically the ongoing experience of feeling powerless following the removal of their children, and in creating environments that maintain quality relationships with their children. The paper then offers suggestions for supporting families in light of the findings.

[Read abstract or purchase article.](#)

Newton, B. (2020). Aboriginal parents' experiences of having their children removed by statutory child protection services. *Child & Family Social Work*. 2020; 1–9

NOTICE BOARD

What's happening around town

If you or your organisation has something to announce, pin it on the board! Submit an article for the notice board by emailing:

WA.FamilyPathwayNetwork@relationshipsaustralia.org.au

COVID-19 Isolation Risk for Domestic Violence Victims

Western Australia's leading family and domestic violence services have united to send a clear message to anyone isolated in an abusive or unsafe situation during COVID-19 restrictions: help will be available for you throughout the pandemic.

Anglicare WA, Centrecare, Communicare, Relationships Australia, Stopping Family Violence and the Women's Council for Family and Domestic Violence have launched the joint campaign to let families know they won't be shutting during the pandemic.

With domestic violence set to escalate amid Coronavirus restrictions, there is widespread concern amongst these support services that abusive behaviour will also go unreported as victims assume police and support services won't respond due to the outbreak.

All organisations involved in the campaign have confirmed counselling and intervention programs will continue to be delivered, now via telephone or video conferencing instead of in-person while women's refuges will keep crisis accommodation open.

[Read full media release](#) for more information.

Supporting the community through COVID-19: a message from Relationships Australia WA

Relationships Australia WA acknowledges many people's lives have been disrupted due to the ever changing challenges of the COVID-19 pandemic.

In the face of this, we are continuing to deliver support services for people across Western Australia during this unprecedented and difficult time. While the majority of face-to-face services have been paused until we are safely through the COVID-19 crisis, our staff are providing support services over the telephone, video conferencing or online to clients across the state.

Please call us on 1300 364 277 to let us know how we can support you and your family.

This may be a particularly stressful time for individuals and families, and the importance of healthy relationships has never been greater. We are committed to providing support and connection to the community during this difficult time, particularly those most vulnerable and people who may be feeling isolated.

If you are feeling concerned about yourself, your family or relationships, contact us on 1300 364 277 or browse our [website](#) or [Facebook page](#) which will contain information which may be useful to you.

FEEDBACK

If you have any suggestions on how we could improve this bulletin please email them to sofia.kouznetsova@relationshipsaustralia.org.au

Notice from Ishar Multicultural Women's Health Services - Business as Usual

Given the current situation with COVID19 the safety of our clients and staff is of paramount importance to us and we have put safety measures in place at our office. We also understand our clients need us even more during this time. Hence, this is to inform all our service providers that business is as usual at Ishar Multicultural Women's Health Services. We are still running our clinics with access to doctors, the midwife, the psychologists and the counsellor. The social workers are still available for support in all areas including psycho-social support, Emergency Relief and Domestic Violence.

We are still available to see clients both on- site and remotely.

Please feel free to reach out to us and continue to refer clients to our services. [Our referral form can be found here.](#)

If you have any questions about our services, please email Ruth.buckmaster@ishar.org.au, or check out our website on <https://www.ishar.org.au>.

MORE COVID-19 RESOURCES

Visit wafpln.org.au/resources/covid-19-resources to access a compilation of relevant COVID-19 resources

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