

Family Law

Thursday 15 August 2024

Session 6 – 4:00pm - 5:00pm

Panel: The redefinition of 'family member' under the Family Law Act 1975, kinship care, and the impact on First Nations communities

This session will highlight the importance of appropriate cultural support for children in family separation matters and explore the potential benefits of the recent changes to s60CC of the *Family Law Act 1975* (Cth). The panellists will discuss the jurisdictional crossover that exists between the family and the care jurisdictions, demonstrating how the former may offer a better option for keeping children safe. They will also provide guidelines for best practice for Independent Children's Lawyers acting in the family separation context, and point to the intersection between matters seen on the Specialist Indigenous List and many other matters in which the Aboriginal Legal Service NSW/ACT and Legal Aid acts – for children who are both Aboriginal and non-Aboriginal.

Meet the speakers

Bianca Dufty, Solicitor in Charge, Family Law Service for Aboriginal Communities, Legal Aid NSW (moderator)

Ngemba and Gamilaraay woman Bianca heads the legal team at FamAC, an Aboriginal-led service of Legal Aid NSW comprising lawyers and allied professionals assisting Aboriginal and Torres Strait Islander families and children in family law and care & protection matters. Her previous legal roles include Legal Officer (Specialist Reserve) in the Royal Australian Air Force, and family law solicitor and senior solicitor. Bianca has been a Director of Ngalaya Aboriginal Corporation, the NSW association for Indigenous legal practitioners, law graduates, legal support workers and law students. Her work has included appearances in the Children's Court, Federal Circuit Court and Family Court, child representation in care & protection and family law matters, early intervention family dispute resolution, ongoing casework, Aboriginal community outreach, advice clinic work, and supervision of solicitors. Bianca has been a member of the Law Society's Indigenous Issues Committee since 2018.

The Honourable Judge Elizabeth Boyle, Federal Circuit and Family Court of Australia

The Honourable Judge Boyle graduated with a Bachelor of Arts and Bachelor of Laws from the University of Sydney in 1988. She worked as a solicitor with the Legal Aid Commission of New South Wales in its Family Litigation Section from 1990 to 1999 and was a solicitor advocate for four years. In 1999 she was appointed as a Senior Registrar of the Family Court of Australia. In 2001, she commenced practice as a barrister at Frederick Jordan Chambers, specialising in family law and children's care and protection. She was appointed as a Judge of the Federal Circuit Court of Australia on 29 February 2016.

Louise Coady, Principal Solicitor, Aboriginal Legal Service Ltd NSW/ACT

Louise Coady was admitted in 2005 as a solicitor, and has worked since then both in private practice and the government legal sector. Since she first completed her law degree at the University of Sydney, she has focused her practice on family law and child protection, and on increasing access to justice for multicultural communities. Her most recent roles were with Western Sydney Community Legal Centre, as Principal Solicitor and then as Chief Executive Officer. Louise's earlier positions include Family Law and Care and Protection Solicitor at Aboriginal Legal Service Limited NSW/ACT; Care and Protection and Family Law Solicitor at the Legal Aid Commission in Penrith; and sole practitioner at Louise Coady Family Lawyers. Trained in Independent Children's Lawyer representation and in practical advocacy, Louise also has dispute resolution skills.

Rachael Ward, Director, Child Law, DCJ Legal, Law Reform & Legal Services, Communities and Justice

Rachael Ward completed her Bachelor of Law degree at Western Sydney University in 2001 and was admitted as a solicitor in 2003. As Director of Child Law within the NSW Department of Communities and Justice (DCJ), she leads the Child Protection practice team responsible for a wide range of work relating to the care and protection of children, including litigation, advocacy and advice in care and protection matters, and statutory interpretation and advice. Prior to her current role, she worked for Legal Aid NSW and JPM Legal and as Litigation Manager at the DCJ. In 2022, Rachael provided the NSW State Parliament with a statement offering evidence for the Inquiry into the Child Protection and Social Services System, clarifying the intersections between child protection services provided by the NSW Government and family law proceedings governed by the Commonwealth. Rachael is a member of the Children's Legal Issues Committee of the Law Society of NSW.