

A day in the life

NQWLS Lawyer

🕒 8.30am



I start my day in the office and have two phone calls to make to women who have called our service first thing this morning seeking advice.

I call Joanne* who has an ongoing parenting matter in the **FEDERAL CIRCUIT AND FAMILY COURT**. There has been a mention in the court and procedural orders have been made, which Joanne does not understand. With Joanne's consent, I log onto the court portal with her credentials and download a copy of the new orders. I go through the orders with Joanne and explain exactly what she is required to do next in the proceedings.

The matter has been listed for a compliance and directions hearing with the judge and this will require Joanne liaising with the other party's lawyer to work out a list of the factual issues in dispute that the court will need to decide at the hearing. Joanne must also be ready to tell the judge at the compliance hearing what evidence there is to support what she is saying is true. Joanne must also be clear on why the arrangements she wants for the children will be in their best interests.

We discuss next steps and what Joanne will put in an email to the other party's lawyer. We also discuss the other documents that the parties have been ordered to file and I send her templates from the court website. I know Joanne is capable of preparing the documents herself and emailing the other party's lawyer. Our service helps many women run their own matters successfully, with some advice and assistance from us as they go through the process. **WE EMPOWER WOMEN TO REPRESENT THEMSELVES.**



naq
women's
legal service



ALL NAMES HAVE BEEN CHANGED TO PROTECT IDENTITIES



🕒 10.15am

I make my next call to a woman, Sharon*, who needs **PROPERTY LAW** advice. Sharon is in her sixties and is considering leaving an abusive husband of forty years. Her adult daughter is supporting her. Sharon is very worried because she and her husband live in their family home, but the title is only in his name. Sharon is concerned that if she tells her husband that she wants to finally separate he will kick her out and she will get nothing.

Sharon's husband has threatened Sharon for years that she will get nothing if she were ever to leave him because she did nothing during the marriage. He says only he 'worked' so all the assets are his. Sharon has always worked at home and has raised their four children and taken care of all the child-raising, housework, cooking and domestic chores over the years. She has no superannuation, and all the valuable assets are in her husband's name.

SHARON IS NERVOUS TO TALK TO ME OVER THE PHONE BECAUSE HER HUSBAND MAY COME HOME FROM GOLF AT ANY TIME. I assure

Sharon what her husband has been telling her all these years is not how the law works. Sharon has made very valuable contributions to the family, which the law recognizes as just as important as her husband's financial contributions. She has entitlements and can do a property settlement. The fact the assets are in his name does not affect her entitlements and her husband cannot 'kick her out' if she tells him she wants to separate.

We talk about whether Sharon will be safe in the home and agree that it may be better for her to stay with her daughter for a while. I assure Sharon if she does leave the home, it will not affect her entitlements in the property settlement at all. I suggest Sharon and her daughter come into our office for a face-to-face appointment to discuss the matter further and we make an appointment time for the following week.

I doubt that Sharon will be able to deal with her husband herself, and depending on how much the property pool is, I may refer Sharon to a local private lawyer who defers fees, or I may undertake to help Sharon myself in negotiations with her husband, and potentially court proceedings if we cannot reach agreement by consent.

🕒 1.00pm

Lunch time!



🕒 2.00pm

After lunch, I meet with my client, Amanda*, an Indian woman who has fled from a violent relationship. Amanda has been coming to see me for about a month. I call the **TELEPHONE INTERPRETING SERVICE** and use a Punjabi interpreter to help us understand each other. Today we are drafting an affidavit for the proceedings in the Domestic Violence Court to support Amanda's application for a protection order. Although she is now living in a different city to her abusive husband he is threatening to come and find her and drag her back to their house 'where she belongs'.



He is also contacting Amanda's relatives in India and telling her what a bad wife she is and to contact Amanda and demand she go back to him. The court has made a temporary protection order with conditions that her husband must not contact her or have anyone other than a lawyer contact her on his behalf. There is also a condition that her husband not enter or approach where Amanda's is currently residing, nor try to locate her. For now, Amanda feels much safer, but her husband is contesting her application for a five-year protection order and that is why we must draft an affidavit today to detail all the abuse Amanda has suffered and what will happen if there is no order in the future to protect her.

It will be confronting for Amanda and there are lots of cultural issues I need to consider. Amanda has been very brave to stand up to her husband but reliving the trauma of the abuse and the shame she is feeling will be hard for her. I make sure I have a box of tissues on my desk and have allowed time for her to tell her story to me. I have asked her to bring her sister-in-law with her for support. I bring our **CLIENT SUPPORT WORKER** into the meeting (who happens to be of Indian descent) and they speak in Punjabi and discuss accommodation options for Amanda and obtaining an emergency payment that Amanda can access because she has been a victim of domestic violence.

The community worker also provides Amanda with a new basic mobile phone and some food vouchers. We finish the affidavit and I witness Amanda's signature on it and put it aside to file tomorrow in the court registry. Before Amanda leaves, we call our **REMOTE MIGRATION LAWYER** and get an update on the progress of Amanda's visa application. Our migration lawyer is helping Amanda apply for a different bridging visa because of the domestic violence Amanda suffered in her relationship. At the moment, Amanda is on a partner visa and her husband has been using this to control her, by threatening to send her back to India if she does not return to the abusive relationship.

Hi!

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Hola!



🕒 3.30pm

Amanda has left so I take a quick tea break. Then I receive a phone call from another client, Lila* who I have helped for many months in her **PROPERTY SETTLEMENT** matter. I first met Lila when I was duty lawyer at the Domestic Violence Court and realized she needed help with property matters. Lila is an Aboriginal woman with five children and an abusive ex-partner who would not leave the family home and would not agree to sell it. Lila is on the title and mortgage and she cannot move on financially whilst she is associated with the mortgage.

Lila also needed to access some funds for a deposit for a new house. I 'went on the record' and represented her in court to seek orders that the house be sold and for her to receive 70% of the net sales funds because of her ongoing full-time care of the parties' five children. We finally negotiated final orders at a conciliation conference, however there are problems with enforcing the orders. Lila's former partner is to be sentenced soon on strangulation charges against Lila and he is vindictive. He has been refusing to sign documents necessary to effect the sale of the house. I have already had to help Lila draft a letter and affidavit to the Registrar of the Court to sign a price change form on the other party's behalf. Now Lila has a contract for sale and the other party has become uncontactable and will not sign the contract he has been sent by email. If he does not sign, Lila may lose the buyers. The other party will soon be sentenced to a period of incarceration and will not be accessible to sign anything. I have Lila booked in for an appointment with me in the morning to draft paperwork to seek the Registrar sign the contract on the other party's behalf. I take the phone call and Lila tells me the other party has signed the contract!

We are both so happy as it has been a long journey for Lila and me to get to this point. As long as the contract does not crash, the house will be sold, the mortgage cleared, and Lila will be able to access some funds to move on in life. I cancel Lila's appointment for the next day. It has been a busy day and tomorrow I will have a day to catch up on my file notes and letters and attend a meeting of the Women's Legal Services Australia (WLSA) committee. Our organization is a member of WLSA, and we are regularly working on **LAW REFORM PROJECTS** where we provide submissions to both state and federal government.

