



**AIFLAM – Chair’s Report
2021 AGM
29 November 2021**

AIFLAM Board and Secretariat

The AIFLAM Board has met on 4 occasions since the last AGM.

Specialist Board committees (established in 2020 for Arbitration, Mediation and Members Services together with an Executive Committee comprising the Chair, Deputy Chair, Treasurer and Executive Director) have also met on numerous occasions throughout 2021.

Our Board and Secretariat structure consisting of an Executive Director, supported by a Member Services and Events Coordinator, enables us to quickly respond and support members in their family law practices. Further improvements are planned in 2022 for the EventsAIR platform that supports our website and management of our courses.

2021 AIFLAM Board election

Pursuant to the AIFLAM Constitution an election for members of the Board was held during October and early November 2021.

I would like to take this opportunity to record our sincere gratitude and appreciation to the following Board members whose terms on the Board have ended for various reasons:

- The Hon Justice Strickland – his Honour has been the Family Court of Australia appointee to the AIFLAM Board since 1999 and was the Family Law Section appointee in 1998. With his retirement from the Court on 20 November 2021, his appointment to the Board also ceased on that date. His Honour has made a tremendous contribution to AIFLAM during his lengthy time on the Board, including as a regular presenter in our arbitration courses, and more recently as Chair of the Arbitration Committee. We are very grateful to his Honour for agreeing to stay on as Chair of the Arbitration Committee post his retirement from the Court.
- Judge Turnbull – Marcus Turnbull SC, formerly AIFLAM Treasurer, retired from the Board on his appointment as a Judge of Federal Circuit Court of Australia, now the Federal Circuit and Family Court of Australia, in May 2021. Judge Turnbull was the elected Tasmanian representative from 2014 and also represented the Family Law Section of the Law Council of Australia. Judge Turnbull continues to provide valuable support to AIFLAM, and will assist with facilitation of the specialised mediation training in Hobart in 2022.

- Julie Redman – Julie did not seek re-election to the Board on the expiry of her current term. Julie has been the SA representative on the AIFLAM Board since 2017 and Deputy Chair for the past 2 years. She has also been Chair of the Member Services Committee.
- Philip Looney QC – Philip has been the Queensland representative on the AIFLAM Board since 2019 and did not seek re-election in 2021. Philip has also been a member of the Arbitration Committee and will continue to provide assistance to that committee in 2022 as further steps are taken to establish a specialist arbitration training course.
- Dianne Orr – Dianne has been the appointee of the Attorney-General since 2019 and has provided helpful input and support to our issues of policy, law reform and the new complaints procedures. Dianne has taken on a new role within the A-G's Department and we wish her all the very best for the future.

The commitment to a role on the AIFLAM Board is significant and I very much appreciate the support provided by those retiring members.

I thank the WA members for their ongoing support in returning me as their elected representative.

I congratulate the following elected representatives for the other states and territories:

- Emma Swart (Victoria)
- Bruce Tilley (NSW)
- Claire Naidu (ACT)
- Hon. Colin Forrest SC (Queensland)
- Fiona Besir (SA)
- Kate Mooney SC (Tasmania)

I also welcome the following appointments to the Board:

- The Hon Justice Josh Wilson and Judge Kemp as appointees of the Federal Circuit and Family Court of Australia.
- Jamie Burreket and Nicola Watts as appointees of the Family Law Section of the Law Council of Australia
- Kathleen Denley Assistant Secretary of the Family Law Branch of the Attorney General's Department as appointee of the Attorney General.

The new AIFLAM Board will next meet in December 2021.

Mediation and Arbitration Training Courses

The ongoing impact of COVID-19 on our profession generally continues to be significant, however the take-up by the profession in the use of virtual technology in dealing with their family law practice and interaction with us remains strong.



In 2021 AIFLAM has been able to continue to fulfil our role as a provider in the areas of mediation and arbitration training with the successful delivery of many courses using virtual technology.

We are very fortunate to have access to highly skilled trainers for our various programs. Our regular trainers in our arbitration course include:

- The Honourable Steven Strickland QC
- Martin Bartfeld AM QC
- Dr Jacoba Brasch QC
- Andrew Davies

We have the continued support of the University of WA Mediation Clinic in the delivery of our various mediation programs, in particular Associate Professor Jill Howieson together with senior family law barrister Belle Lane of the Victorian Bar.

I am also very grateful for the commitment and dedication of other board members and senior AIFLAM practitioner members who assist with delivery of our courses. This enables us to provide the best family law focused arbitration and mediation training in Australia.

Training programs delivered in 2021 online via Zoom included:

27-31 January – Mediation Training Course (NMAA Accreditation)

17 March - NMAA Re-accreditation Day

29 April – Arbitration for the Profession (jointly with WA Family Law Practitioners' Association)

30 April – 1 May - Arbitration Training Course

23 – 30 June - Mediation Training Course (NMAA Accreditation)

10-11 September - Arbitration Training Course

3 November - NMAA Re-accreditation Day

22-26 November - Mediation Training Course (NMAA Accreditation)

We have also held state based local CPD events combined with Christmas celebrations and networking in WA and SA.

We are still finalizing our program of courses for 2022 and hope to offer a combination of face to face and zoom delivery options.

At this stage, the next Arbitration Training Course will be held immediately prior to the Family Law Section National Family Law Conference in Adelaide and is open for registration. The course will run on 25-26 March 2022.



Other courses proposed, but not yet scheduled for 2022 include:

- Specialist mediation training in the child protection jurisdiction to be held in Hobart.
- Both face to face and online NMAS Mediation Training Courses.
- Arbitration Training Course to be held on the Gold Coast, most likely in September / October.

We also propose shorter CPD options and workshops to include:

- Arbitration for Family Lawyers
- Preparing for a Mediation
- Electronic support for Arbitration
- Advanced award writing

Dates have not yet been scheduled, so please keep an eye on our website for details.

Representing the Family Law Profession in Arbitration and Mediation

Review of the National Mediation Accreditation System (NMAS)

A review of the NMAS was commenced at the end of 2020 and has continued throughout 2021. Resolution Resources were engaged by the Mediator Standards Board to facilitate the review. AIFLAM has participated in all aspects of the review to date, including workshops and reference groups. I will keep members updated as to the progress of the review via our regular newsletters.

AIFLAM Complaints Process

Early in 2021 the complaints process provided by AIFLAM to our members was updated and approved by the Attorney-General's Department. The complaints process also extends to all our members who are FDR practitioners, enabling them to comply with the requirement of the Attorney-General's Department to nominate a complaints handling body, to maintain their registration as an FDRP.

Support for Arbitrators and Mediators in the Courts

The Institute has continued to support the courts with the provision of lists of our members who are NMAS Accredited Mediators, and Regulation 67B Arbitrators. We are very grateful for the support of the Hon William Alstergren, Chief Justice of the Federal Circuit and Family Court of Australia for his ongoing preparedness to collaborate with AIFLAM in relation to mediation and arbitration as a means of resolving family law disputes.

As the holder of the national list of trained and qualified Regulation 67B family law arbitrators in Australia, AIFLAM is well placed to assist and support members in their practice as an arbitrator, or as a practitioner referring matters to arbitration. In addition to the List of Arbitrators, our website also provides a range of valuable resources including the



Arbitration Standards and Guidelines and a kit with background information, agreements and orders. If agreement cannot be reached about who should be appointed to arbitrate, I am able, in my capacity as Chair of AIFLAM, to either nominate a suitable Arbitrator or pick one from a list submitted by the parties.

AIFLAM Website and Member Portal

The AIFLAM website provides access to practitioners and members of the community generally, who are searching for a mediator, arbitrator, or family dispute resolution practitioner. The search is geographically based and includes the option to search for a fixed fee mediator. We have recently further upgraded the home page of the website to ensure that the search facility is easy to locate and use.

It is therefore important that your details are kept up to date in the member portal, and I strongly encourage you to login and check. In particular, please ensure that you have confirmed your NMAS accreditation, so that you can be included on the lists provided to the courts, and on our website. There is also the option in the member portal to indicate whether you are prepared to accept instructions for fixed fee mediations in family dispute matters with a low asset pool, and to indicate if AIFLAM is your nominated complaints body for FDRP.

AIFLAM Membership - Categories of Membership

In 2021 the AIFLAM Board resolved to introduce some additional categories of membership:

- Student membership is now available free of charge.
- Junior membership is now available at a reduced rate for practitioners with 0-4 years PAE. Practitioners working in legal aid, community legal centres and not for profit organisations are also able to access this reduced rate.

The Board also resolved to appoint Life Members and award annual Honorary Memberships, as it is able to do pursuant to the AIFLAM Constitution, as updated in 2020. As such, I am pleased to announce the following Life Members who have rendered services to AIFLAM in an exemplary and long standing manner, providing special expertise and knowledge:

- Philip Theobald
- Martin Bartfeld AM QC
- The Hon Steven Strickland QC

Honorary Memberships are awarded to those who individuals who make a significant contribution or who otherwise donate their time to AIFLAM. The following Honorary Memberships are awarded, extending to the 2022-23 membership year:



- Associate Professor Jill Howieson
- Dr Jacoba Brasch QC
- The AIFLAM Board as at 1 January 2022

Law Council of Australia, Family Law Section

AIFLAM continues to receive strong support from the Family Law Section. The Section assists in the promotion of our courses, via FLS News and their website. We are fortunate to have two Family Law Section Delegates on our board being, Jamie Burreket (replacing Judge Turnbull) and Nicola Watts. We very much appreciate this ongoing support.

Finally thank to all our members who have continued to support the Institute over the last 12 months. The feedback, suggestions, constructive comments and ideas have been very welcome.

Here's to a return to the "new normal" in 2022.

ANDREW DAVIES
Chair