Build a Strong case (Part 1) Comprehensive guide to the Rules of Evidence in Family Law proceedings

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The Evidence Act 1995 ("EA") provides in s 4(1) that the Act applies all proceedings in a Federal Court as defined in the Dictionary as the High Court or "any other court created by the Parliament" which therefore includes the Federal Circuit and Family Court of Australia ("FCFCOA").

If litigation is the art of persuasion, then the Rules of Evidence are a basic tool for proving your case. Although under sec 102NL(1) of the FLA many of the rules of evidence have been waived in parenting and now in some financial cases, the proper preparation and the presentation of your material to the Court with a view to the rules of evidence will not only make it more potent, the presiding judicial officer is bound to find it much more probative.

This paper serves as a practical guide to understanding the most important and useful provisions in the EA relevant to Family Law proceedings.

Less Adversarial proceedings [1]

A less adversarial trial in family law parenting cases, prioritizes the best interests of children, fostering a more informal atmosphere compared to traditional trials. Some of the rules of evidence do not apply which now includes some financial cases. This approach, it is claimed, promotes more flexibility to address the unique needs of each case. Additionally, it aims to be more cost-effective and time-efficient; (something that, unfortunately, I have observed is often the exception than the rule).

With the amendments which commenced on 10 June, 2025, the following types of proceedings can be conducted as a Less Adversarial Trial ("LAT") if:-

a. They are conducted entirely under the Family Law Act 1975 ("FLA");
b. If they are conducted entirely under Part VII of the FLA (Parenting) a less adversarial trial will apply;

[1] See Potential & Possibility for development of LATS (2010) 35 UWA Law Review

c. If they involve both Part VII and non-Part VII matters, the LAT will apply for the parenting part of the proceedings and the non-parenting proceedings can be conducted as a LAT with the consent of the parties or per the Court's discretion;
d. Even if there are no parenting proceedings involved, the case also may be conducted as a LAT but only with the consent of the parties or per the Court's discretion.

However it is important to note that:

e. Other than in LAT cases, the rules of evidence will continue to apply;
f. If conducted as a LAT sec 102NL(2) permits the Court to give such weight to the evidence admitted under sec 102NL(1) as it thinks fit; and
g. Sec 102NL(3) permits the Court to reimpose the rules of evidence in exceptional circumstances; which are discussed later.
h. As consent to conduct wholly or partly financial proceedings as a LAT requires consent of both parties you should ask your opponent about their attitude to this well ahead of a trial and get it confirmed in writing because the way you present your case will be different.

Exclusion of some of the Rules of Evidence in a LAT

Contrary to popular belief sec 102NL(1) does not state that the rules of evidence wholly "do not apply" in LAT proceedings. Only some of those rules are waived and can be reimposed. Sec 102NM relating to the admission of evidence of children is in similar terms.

In Part 2 of this paper I will discuss in detail which of the Rules of Evidence are waived. In summary however, the exclusions include general rules about giving evidence, examination in chief, re-examination and cross-examination, examination of a person without subpoena or other process and improper questions. It also includes parts which deal with documents and other evidence including demonstrations, experiments and inspections. Finally rules which deal with hearsay, opinion, admissions, evidence of judgments and convictions, tendency and coincidence, credibility and character are all excluded.

It is important to remember that 102NL(2) permits the court may give such weight (if any) as it thinks fit to evidence admitted as a consequence of a provision of the EA not applying due to subsection (1). Secondly sec 56 of the EA, still applies and makes only relevant evidence admissible. It provides that:

> *(1) Except as otherwise provided by this Act, evidence that is relevant in a proceeding is admissible in the proceeding.*
>
> *(2) Evidence that is not relevant in the proceeding is not admissible.*

An example of the operation of sec 102NL(1) is the Full Court's decision of **Amador & Amador (2009) 43 Fam LR 268** wherein their Honours considered how much weight ought to be given to evidence admitted under the previously equivalent sections; [being 69ZT(1) and 69ZT(2)], being evidence which would not otherwise have been admitted:

> *[66] It seems to us to follow from the provisions of section 69ZT (1) and 69ZT(2) that if a document is admitted to evidence which would otherwise not have been admitted, had all of the parts and divisions of the Evidence Act 1995 (Cth) ("the Evidence Act") been applicable to the case, it is incumbent on the trial judge to specify what weight, if any, has been given to the subject document and why.*[2]

Their Honours opined that if the evidence is presented consistently with the rules of evidence rather just relying sec 102NL(1) it is far more likely to be more probative.

Here is an example of the type of evidence where sec 102NL(1) was applied to allow its admission. The affidavit of the husband said:

> *I was speaking with my neighbour Jack Smith about a week ago. He told me that the wife was driving at high speed down Jones Street, Granville that day. Jack saw her car speed by but then turned around and spoke to another man who happened to be standing nearby. The man told Jack that in his opinion the wife drove through a red light about 30 km an hour over the limit. Jack told me that he had his back facing away from the street when he turned and spoke to the man who witnessed the wife driving through the red light. Jack said though he did not actually see the wife driving through it he was sure she did it based on what he was told by the man.*[3]

A passage like that would inevitably either be rejected under sec 56 of the EA and/or given no weight under sec 102NL(2) of the FLA. Practitioners should be aware therefore that including a passage like this will amount to nothing. Unfortunately I have seen passages like this in many LAT cases.

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[2] Emphasis added
[3] Taken from an actual affidavit with names changed

Sec 102NL(3) also permits the Court to reimpose the rules of evidence in certain exceptional circumstances namely if:

> (a) the court is satisfied that the circumstances are exceptional; and
> (b) the court has taken into account (in addition to any other matters the court thinks relevant):
> (i) the importance of the evidence in the proceedings; and
> (ii) the nature of the subject matter of the proceedings; and
> (iii) the probative value of the evidence; and
> (iv) the powers of the court (if any) to adjourn the hearing, to make another order or to give a direction in relation to the evidence.

Browne v. Dunne – how the Rule applies in Family Law

The rule simply put is that if you intend on later impeaching a witness with contradictory evidence, that evidence, in fairness, ought to be put to the witness first.

The rule is not as strictly applied in Family Law as in other jurisdictions as the evidence in chief in Family Law proceedings is based on affidavits. In **LC v. TC (1998) FLC ¶ 92-803** the Full Court explained application of the Rule to FLA proceedings in this way:

"The rule in Browne v Dunn provides that unless notice has already clearly been given of a cross-examiner's intention to rely upon such matters it is necessary to put to an opponent's witness in cross-examination the nature of the case upon which it is proposed to rely in contradiction of the witness's evidence. It does not apply where the witness is on notice that the witness's version of events is in contest, that notice may come from the pleadings or the other side's evidence or opening. Here both parties filed extensive affidavits in the course of the proceedings, each knew what the other's case was and what allegations of fact were being made in support of them. Neither party was caught by surprise and in any event the husband, pursuant to procedural orders of the trial Judge, could have filed affidavit material in response to that of the wife had he chosen to do so." [4]

Exceptions to the rule against Hearsay

The following are some sections in the EA by which the Rule against hearsay is overcome as opposed to sec 102NL(2) of the FLA (ie: in not-LAT proceedings)

Business records

Sec 69(1) of the EA provides that to be admissible as a "**business record**" a document must:

[4] Emphasis added

i. *form part of the records belonging to a person, body or organisation in the course of or for the purposes of a business; or*

ii. *at any time formed part of such records and contains a previous representation made or recorded in the course of or for the purposes of a business.*

Importantly sec 69(3): excludes documents prepared for or in contemplation of legal proceedings or an investigation relating to or leading to criminal proceedings, for example a record of interview.

This is an important (but not well known) exception and it means that in non-LAT proceedings documents produced by the police generally are not admissible as business records.

Non-business records

[admissible by the Court dispensing with notice –see EA sec 67(4) below]

Documents – table about tendering and proving authenticity

Sec 48(1)	How to prove the contents of documents etc.
Sec 58:	Allows a Court to examine a document and draw inferences as to its relevance. This would include signatures.
Sec 183:	Allows a Court to examine a document and draw reasonable inferences generally.
Sec 147:	Makes admissible copies of business records.
Secs 149-155:	Provides presumptions relating to attestation of documents, seals and signatories, gazettes and other government documents.
Secs 166-169:	Procedures to allow a party to call the person who made the representation or person who produced or maintained the records and for the evidence to be excluded if such request is not complied with except with reasonable cause.

Documents - calling for documents in Court

EA Sect 35: A party is not required to tender a document only because they called for it to be produced and then inspected it. The party producing the document is not entitled to tender it simply because the other party failed to do so. This reverses an earlier common law rule of evidence predating the current legislation.

Documents - evidence of contents

EA sec 48(1): If the original of a document is not available, evidence of the contents of a document can be adduced by either tendering any of the following:

a) adducing evidence of an admission made by another party to the proceedings as to the contents of the document;
b) tendering a copy of the document produced by a device that copies documents;
c) tendering a transcript of words recorded as sound or in a code (eg: shorthand);
d) if in the form of electronic data, tendering the output of that data as produced by a computer;
e) tendering a document forming part of a business record which is or purports to be a summary or copy;
f) if it is a public document - tendering an authorised re- print. (eg: legislation)

Section 48(3): Limits reliance on the admission to the party making the admission or who adduced the admission.

Section 48(4): If a document is not available or its contents are not in issue, evidence may also adduced by tendering a copy or summary or adducing oral evidence of its contents.

Documents - Summaries and charts

Section 29 (4): Permits evidence to be given in the form of summaries, charts etc if the Court considers it would aid its comprehension of other material. It does not do away with the need to tender the documents themselves, but does however provide a means of tendering summaries as well as a kind of roadmap for the Court to comprehend the documents.

Documents - Voluminous and/or complex

Section 50: Provides a procedure to adduce evidence of the contents of two or more documents by tendering a summary in place of those documents, which summary need not be prepared by an expert. This is in contrast to section 29.

The party seeking to rely on the summary must however:

a. serve on each other party a copy of the summary that discloses the name and address of the person who prepared the summary; and
b. give each other party a reasonable opportunity to examine or copy the documents in question.

This means that they ought to be served on the other side well in advance of the trial.

Exclusion of evidence – general criteria

The EA nominates some general criteria for the exclusion of evidence, or limitation on the use to be made of evidence, in a number of places; including:

Section 135: The Court may exclude evidence if its probative value is substantially outweighed by the danger that it might:

(a) be unfairly prejudicial;
(b) be misleading or confusing; or
(c) unduly waste the court's time.

Section 136: The court may also limit the use to be made of evidence if there is a danger that a particular use of the evidence might:

a. be unfairly prejudicial to a party; or
b. be misleading or confusing

Section 192: requires a court to take into account, when granting leave pursuant to various provisions the EA, the extent to which to grant leave would be unfair to a party or a witness. Both sections leave to the judge's discretion the admissibility of that evidence.

Facts that are agreed

A lot of energy is often expended by fruitless objections to facts that ought to be agreed; sometimes because they are obvious and often because they are undeniable. sec 191 of the EA provides a mechanism to bypass this. To paraphrase the section:

In 191(1) ***"agreed fact"*** *means a fact that the parties to a proceeding have agreed is not, for the purposes of the proceeding, to be disputed.*

191(2) [Evidence proving or contradicting agreed facts]
In a proceeding:
(a) evidence is not required to prove the existence of an agreed fact; and
(b) evidence may not be adduced to contradict or qualify an agreed fact;
unless the court gives leave.

191(3) [Statement of agreed fact]
Subsection (2) does not apply unless the agreed fact:
(a) is stated in an agreement in writing signed by the parties or by lawyers representing the parties and adduced in evidence in the proceeding; or
(b) with the leave of the court, is stated by a party before the court with the agreement of all other parties.

The Rule against Hearsay more generally

Section 59: Defines the rule against hearsay. A simplified definition is:

Evidence of a previous representation made by a person is not admissible to prove the existence of a fact that it can reasonably be supposed that the person intended to assert by the representation.

Hearsay rule - main exceptions

a. Section 102NL(1) FLA.
b. Section 60: evidence relevant for a non hearsay purpose. (eg: to prove the time an event occurred or the weather conditions at that time)
c. Section 63: in civil proceedings, first hand hearsay if the maker is not available.
d. Section 64: in civil proceedings, first hand hearsay if the maker is available.
e. Section 67: requires reasonable notice in a specified form to be given in writing to the other party of the intention to adduce hearsay evidence. This requirement is often overlooked.
f. Section 68: provides the method of objecting to notice of an intention to adduce hearsay evidence.
g. Section 69: business records (see above)
h. Section 70: tags and labels.
i. Section 71: telecommunications and electronic mail.
j. Section 72: contemporaneous statements about a person's health.
k. Section 73: marriage, family history or relationships.
l. Section 74: public or general rights.
m. Section 75: interlocutory proceedings.

n. Section 78: lay opinions of what a person saw, heard or otherwise perceived which is necessary to obtain an adequate understanding of their perception.
o. Section 81: admissions.
p. Section 87(2): representations about employment or authority.
q. Section 91: sets out a general rule to exclude evidence of a decision or finding of fact in prior proceedings. This evidence is not admissible to prove a fact that was in issue in those proceedings.
r. Section 92(3): creates exceptions relating to evidence of some judgments (eg: grants of probate) or convictions in civil proceedings.
s. Section 93: creates further exceptions as to defamation, a judgment in rem, res judicata or issue estoppel.

Hearsay - exception in civil proceedings if maker not available

63(1) [Application of section]

This section applies in a civil proceeding if a person who made a previous representation is not available to give evidence about an asserted fact.

63(2) [Application of hearsay rule]

The hearsay rule does not apply to:

(a) evidence of the representation that is given by a person who saw, heard or otherwise perceived the representation being made; or

(b) a document so far as it contains the representation, or another representation to which it is reasonably necessary to refer in order to understand the representation.

Hearsay - giving notice of intention to rely upon hearsay

67(1) [Requirement of reasonable notice] The exceptions in subsections 63(2) , 64(2) and 65(2) , (3) and (8) do not apply to evidence adduced by a party unless that party has given reasonable notice in writing to each other party of the party's intention to adduce the evidence.

67(2) [Manner of giving notice] Notices given under subsection (1) are to be given in accordance with any regulations or rules of Court made for the purposes of this section.

67(3) [Contents of notice] **But the notice must state:**

a. the particular provisions of this Division on which the party intends to rely in arguing that the hearsay rule does not apply to the evidence; and

b. if subsection 64(2) is such a provision - the grounds, specified in that provision, on which the party intends to rely.

Hearsay - notice can be dispensed with by the Court

67(4) [Exception: giving notice can be dispensed with by direction of Court]

Despite subsection (1), even if notice has not been given, the court may, on the application of a party, direct that one or more of those subsections is to apply despite the party's failure to give notice.

67(5) [Conditions of direction] The direction to dispense with Notice:

a) is subject to such conditions (if any) as the court thinks fit; and

b) in particular, may provide that, in relation to specified evidence, the subsection or subsections concerned apply with such modifications as the court specifies.

Privilege

Section 118: Provides for the exclusion of evidence if, on objection by a client, the Court finds that there would be disclosure of any of the following for the dominant purpose of the lawyer or lawyers providing legal advice to the client;

a) confidential communications between a lawyer and client;
b) confidential communications between 2 or more lawyers acting for the client;
c) contents of a confidential document prepared by lawyers providing legal advice (even if not delivered);

Section 119: Provides for privilege relating to the provision of professional legal services to litigation and extends the privilege to confidential communications between client, lawyers and certain third parties and includes anticipated proceedings.

Section 120: Provides for unrepresented parties to claim privilege relating to documents prepared by another person for the dominant purpose of preparing for or conducting those proceedings

Section 121: Provides for the admissibility of the intentions or competence in law of a client or party who has died.

Privilege - waiver of

Section 122: Privilege can be waived if a client or party has voluntarily disclosed to another person the substance of evidence which was not made:

a. involving the course of making or preparing a confidential communication or document;
b. as a result of duress or deception;
c. under the compulsion of law;
d. between a Minister of Religion and a client who is of a body established by or holding office under an Australian law.

Section 124: Joint clients in civil proceedings may waive privilege in relation to themselves.

Section 125: Privilege does not attach to communications or documents made in furtherance of a fraud, an offence or acts liable to civil penalties or deliberate abuse of statutory power.

Section 126: Makes admissible other documents related to those admitted where privilege is lost and which are necessary for the proper understanding of those documents.

Privilege - against self incrimination

Section 128: Witnesses may object to giving evidence if it would tend to prove that they:

a. have committed an offence against the law or Australia or a foreign country; or
b. are liable to a civil penalty.

There are 3 situations where a witness may give self incriminating evidence despite making an objection:

i. Evidence is given willingly after being informed that the Court will issue a certificate under sec 128(2);

ii. Their objection is overruled but later found to have been taken on reasonable grounds; or

iii. The offence incurs only a civil penalty under Australian Law and the Court requires the evidence in the interests of justice. (This appears to override the traditional "right to silence" of a respondent to an application for Contravention under sec 112AD of the Family Law Act.)

In each case the witness will receive a certificate the effect of which generally will be to provide immunity from prosecution over the offence related to the subject matter of the evidence.

Privilege - negotiations

Section 131: Provides for a general exclusion of evidence of settlement negotiations with exceptions including for example:

a. 131(2)(f): Evidence of an agreement to settle when proceedings are brought to enforce that agreement.
b. 131(2)(h): Communications relevant to cost applications;
c. 131(2)(j): Communications in furtherance of fraud or another criminal or civil offence.

Privilege – overriding

131(1) Evidence is not to be adduced of:

a. communications made between persons in dispute, or between one or more persons in dispute and a third party, in connection with an attempt to negotiate a settlement of the dispute; or

b. a document (whether delivered or not) that has been prepared in connection with an attempt to negotiate a settlement of a dispute.

BUT sec 131(1) does not apply if:

131(2) (g) evidence that has been adduced in the proceeding, or an inference from evidence that has been adduced in the proceeding, is likely to mislead the court unless evidence of the communication or document is adduced to contradict or to qualify that evidence;

See also **Hutchings v Clarke** (1993) FLC ¶ 92-373 where the Full Court said:

Evidence of settlement negotiations involving property and children was admitted as it was inconsistent with his application and suggested an ulterior motive. There was a greater public interest embodied in sec 64(1)(a) of the Family Law Act which in this case overrode the usual privilege from disclosure; followed in ***Benson v Hughes*** *(1994) FLC ¶92-483.*

Relevance – very important sections of the EA

55(1) [Rule for determining relevance]

The evidence that is relevant in a proceeding is evidence that, if it were accepted, could rationally affect (directly or indirectly) the assessment of the probability of the existence of a fact in issue in the proceeding.

55(2) [Particular circumstances]

In particular, evidence is not taken to be irrelevant only because it relates only to:

a) the credibility of a witness; or

b) the admissibility of other evidence; or

c) a failure to adduce evidence.

56(1) [Admissible evidence]

Except as otherwise provided by the Evidence Act, evidence that is relevant in a proceeding is admissible in the proceeding.

56(2) [Inadmissible evidence]

Evidence that is not relevant in the proceeding is not admissible.

Objections to Affidavits

What are the main grounds upon which you can object to oral or written evidence:

Objection	What and when
Relevance	Does not address the factual or legal issues and/or secs 55 & 56 above.
sec 135	See reference to this section of the Act above.
Hearsay	See "Exceptions to the hearsay rule" above.
Opinion	Usually means the witness is not qualified to give an opinion because they lack the relevant expertise. Opinion evidence refers to direct evidence outlining what the expert witness, believes, or infers in regard to facts, as distinguished from personal knowledge of the facts themselves.[5]
Argumentative	Reads more like submissions than reciting facts.
Conclusion	Substitutes facts with an interpretation about what those facts might mean. Witnesses are not there to reach the conclusions left to the judge.
Self serving	Evidence that appears to be designed or was "engineered" to bolster the witnesses' case.

Expert opinion evidence

Apart from Chapter 7 of the FCFCOA Rules regulating the use of experts in proceedings there are some Common Law rules you can use to attack the efficacy of an Expert's Report.

Expert Reports are not sacrosanct. They are not immune from criticism and certainly are not immune from objection. In *Makita (Australia) Pty Ltd v Sprowles* (2001) 52 NSWLR 705 at [85], Heydon JA stated the requirements of admissibility relation to expert opinion evidence under the Evidence Act to be as follows:

> *In short, if evidence tendered as expert opinion evidence is to be admissible, it must be agreed or demonstrated that there is a field of "specialised knowledge"; there must be an identified aspect of that field in which the witness demonstrates that by reason of specified training, study or experience, the witness has become an expert; the opinion proffered must be "wholly or substantially based on the witness's expert knowledge"; so far as the opinion is based on facts "observed" by the expert, they must be identified and admissibly proved by the expert, and so far as the opinion is based on "assumed" or "accepted" facts, they must be*

[5] Dasreef Pty Ltd v Hawchar [2011] HCA 21; (2011) 243 CLR 588

> *identified and proved in some other way; it must be established that the facts on which the opinion is based form a proper foundation for it; and the opinion of an expert requires demonstration or examination of the scientific or other intellectual basis of the conclusions reached: that is, the expert's evidence must explain how the field of "specialised knowledge" in which the witness is expert by reason of "training, study or experience", and on which the opinion is "wholly or substantially based", applies to the facts assumed or observed so as to produce the opinion propounded. If all these matters are not made explicit, it is not possible to be sure whether the opinion is based wholly or substantially on the expert's specialised knowledge. If the court cannot be sure of that, the evidence is strictly speaking not admissible, and, so far as it is admissible, of diminished weight.*

In the same vein, Einstein J said in *Idoport Pty Ltd v National Australia Bank Ltd* [2001] NSWSC 123 at [83]:

> *It seems plain that for example where there is a failure to demonstrate a relevant reasoning process then the Court simply cannot follow the opinion or be satisfied as to how the opinion was reached and in particular as to whether or not the witness has demonstrated that the opinion is wholly or substantially based on any specialised knowledge said to be a held.*

In *Arnotts Ltd v Trade Practices Commission* (1985) 24 FCR 313, 350, the Full Court of the Federal Court cited with approval the following passage from Eggleston, *Evidence, Proof & Probability* (2nd ed) at 148:

> *As to the material on which the expert opinion can be based, just as the non-expert who is allowed to express an opinion does so on the basis of experience, so can the expert base his opinion on his experience, without having to prove by admissible evidence all the facts on which the opinion is based. Accordingly, a valuer can base his opinion on comparable sales of property, without having to call witnesses to prove the facts relating to the sales. An experienced valuer will in the course of a lifetime accumulate a mass of material about sales, from his own practice, from journals, from newspaper reports, and from discussion with his fellow practitioners, much of which he will be unable to recall, but which enables him to express an opinion more accurately than one who has examined only the facts regarding the sales in the area. But if he wishes to cite a particular instance to the Court, for example, where there is an adjoining property that has recently been sold, evidence must be given by someone who can swear to the facts relating to the sale.*

To summarise the so-called Makita principle (and combine it with the requirements of the FCFCOA Rules) the following applies:

i. *The opinions proffered by the expert::*

- *Must be within of the terms of reference of his or her reports.*
- *Must be wholly or substantially based on the witness's expert knowledge.*

ii. *There must be a proper foundation for the "facts" on which the opinions are said to be based.*

iii. *The expert must have explained how the field of "specialised knowledge" in which they are expert by reason of "training, study or experience", and on which the opinion is "wholly or substantially based", applies to the facts assumed or observed so as to produce the opinion propounded.*

iv. *So far as the opinion is based on "assumed" or "accepted" facts, they have to be properly identified.*

v. *So far as the opinion is based on facts "observed" by the expert, they have to be identified and admissibly proved by the expert.*

vi. *Instructions have to be annexed to report(s).*

vii. *The author must indicate he or she has read and is bound by the expert's code (in Family Law cases as required in Part 15 of the Family Law Rules).*

Note however that the Makita Principle itself has been criticised in in *Sydneywide Distributors Pty Ltd v Red Bull Australia Pty Ltd*, [6] Branson J stated that the approach in *Makita* should be understood as a 'counsel of perfection' and that, in the context of an actual trial, it is sufficient for admissibility that the judge be satisfied that the expert has drawn his or her opinion from known or assumed facts by reference to his or her specialised knowledge. [7] The *Makita* criteria, it was said, should commonly be regarded as going to weight rather than admissibility.

These conflicting approaches were discussed by the Full Court in Carpenter and Lunn (2008) FLC ¶ 93-377 at p. 82,717.

END OF PART 1

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[6] Sydneywide Distributors Pty Ltd v Red Bull Australia Pty Ltd [2002] FCAFC 157.
[7] Ibid, [7], [16].

About the Author

Richard Maurice holds degrees in Law and Economics from Sydney University. He works as a Barrister & Mediator in Family Law financial and parenting matters.

He was admitted in 1984 and worked in private practice as an employed solicitor in a general practice and later for the Federal Attorney General's Office representing disadvantaged clients and as a duty solicitor in the Family Court, in NSW State Children's Courts and in many NSW Local Courts.

In 1988, he was called to the private bar. Since then he practiced mainly in the areas of Family Law, De facto relationships and Child Support, together with Wills and Probate.

He has appeared in a number of significant Family Law cases including seminal cases on Family Law and De Facto property division like Pierce and Pierce (1999) FLC 92-844 and Black v. Black (1991) DFC ¶ 95-113 and Jonah & White [2011] FamCA 221 and more recently Sand & Sand [2012] FamCAFC 179 and Vega and Riggs [2015] FamCA 797.

He completed the LEADR mediation course on 2006 (taught by Sir Lawrence Street) and a refresher course at the Resolution Institute in 2024. He is a member of the Family Law Section of the Law Council of Australia, is registered with the Civil Mediation Council (UK) and member of the International Society of Family Law. He is an Australian NMAS Accredited Mediator.

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