A SEMINAR ON RELOCATION IN FAMILYLAW

by

William Keough, Barrister & Solicitor

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Introduction

An increasingly frequent scenario following the breakdown of a marriage/relationship is the desire of the primary carer of the children of such marriage/relationship to move away from the other party. The move may be intrametropolitan, intrastate, interstate or overseas. This decision may be due to new employment opportunities, a more desired lifestyle, a new relationship, or the need to escape and abusive one. Such a relocation of a child's residence will invariably involve removing the child from their school, their peers, possible extended family members and, fundamentally, the other party.

The purpose of this presentation is to provide a description of how relocation is dealt with under Australian family law.

An On-Going Problem

Parkinson, Cashmore and Single[1] state the obvious when they say that the problem with relocation disputes is a growing one. They identify four major factors that contribute to the growth in the number of relocation disputes:

1. While rates of marriage have remained fairly stable over the last few years, the number of de facto relationships have increased exponentially, and these relationships (devoid of the formalities associated with divorce)

[1] P Parkinson, J Cashmore & J Single, "The Need for Reality Testing in Relocation Cases" [2010] Vol 44, No 1, *Family Law Quarterly*, 1

breakdown at a much greater rate than de juré marriages. Many of these relationships involve children;

2. An increase in international mobility. According to the ABS, the proportion of the Australian population that was born overseas has increased from 10% in 1947 to 24% in the year 2000.[2] At present the Australian population has a net gain of one international migrant every two minutes;
3. Australia is a big country. From Sydney to Perth is more that 4,000 kilometers by road and it is 3,000 kilometers from Adelaide to Darwin – even further if you factor in a move from Hobart to either Darwin or far north Queensland. In this respect Australia is not very different to the United States. Even within one state (say NSW or QLD), travelling between two towns may involve the equivalent of crossing several European countries. Similarly. there is a lot of mobility within Australia – the ABS report that between 2001 and 2006, 1.9 million Australians moved to a different city or region; and
4. Changes in dating patterns. Internet-based introduction and dating services have radically increased the opportunities for separated parents to meet new people, and the connections thus formed are supported by cheap modes of communication such as e-mail, web-based chat programs, web-based telephone and video communication and social media. Distance is little obstacle to the development of such relationships. Whilst technology makes it easy in the early stages to form a relationship, it is not until much farther down the track – when couples have developed strong emotional ties – that the complexities of forming a new life partnership have to be confronted.[3]

The Law

Against this sociological backdrop, how does the law deal with relocation issues? The ironic thing about this presentation is that I am speaking to you about

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[2] Australian Bureau of Statistics, 1301.1 *Year Book Australia* 2002, as quoted by Parkinson, Cashmore & Single, @ Ibid @ p.3.
[3] Ibid.

something that does not exist. 'Relocation' is not defined within the *Family Law Act 1975* (Cth). The closest one will come to any form of definition that pertains to relocation is in the definition of 'major long term issues' as set out in Section 4 of the Act, ie: "changes to the child's living arrangements which make it significantly more difficult for the child to spend time with the other parent". Indeed, the Court has gone one step further in its holding in the 2000 case of *A v A: Relocation Approach*[4], when it said that relocation cases are not a special category of cases and that such cases are best described as "parenting cases where the proposal of one of the parties involves relocation".

But the question remains: what is relocation?

Much academic ink has been spilt, both here in Australia and in the United States, on grappling with a definition of relocation that takes into consideration the impact of such relocation on the contact parent's time with the child, and not just the issue of the distance between the relocating parent and the stay-put parent. It is my view that a definition of relocation based on distance would be artificial in that it does not take into account that the impact of distance may differ depending on the circumstances of the parties, or the place involved. For example, if the contact parent does not own a car, or cannot afford to spend large amounts of money on petrol, the availability of public transport services will impact on their ability to spend time with their child. The same, if not more profound, scenario applies if the parties – either jointly or severally – cannot defray the cost of air travel to allow contact to take place – I'll say more about how to get over the tyranny of distance in maintaining contact later in the paper.

In an excellent discussion paper in 2006, the Family Law Council[5] formulated the following definition of relocation: "A move which will result in changes to the child's living arrangements that make it significantly more difficult for the child to

[4] [2000] FLC 93-035
[5] Family Law Council, Discussion Paper, *Relocation*, Canberra, 2006.

spend time with a parent".[6] This definition takes into account the impact of the move, rather than just the distance, and is consistent with the best interests of the child being the paramount, but not sole, consideration. I personally favour this definition and I have used this definition in advice I have given clients I have acted for in relocation matters.

Having said that, the convenience of such definition must be tempered by the fact that in the case law, there is neither a presumption for, nor against, relocation. The parent who wishes to move does not bear any onus of proving that the relocation is reasonable. The Court has, however, cautioned against treating moves of a relatively short distance as relocation cases. In the 2003 Full Court decision in *D & SV*[7], the distance of the proposed move was 115 kilometers. The Full Court said "...we would caution against the making of Orders that restrict the resident parent's freedom of movement. The inquiry should be directed more at alternative contact or shared residence arrangements". Having said that, I have been involved in recent years in cases treated by the Court as 'relocation cases' which involved moves from Wangaratta to Doncaster and from Greensborough to Point Cook.

As a result of the complexities associated with parenting cases involving proposed relocation, the Full Court of the Family Court and the High Court have given careful, and repeated, consideration to the approach to be adopted in these difficult cases.

In August 2000, the Full Court delivered reasons for judgment in *A v A: Relocation Approach*[8], a case which involved an international move from Sydney to Portugal, and formulated a guideline judgment to be applied in such cases. The decision in *A v A* is authority for the proposition that, in reaching a decision where one party proposes a relocation:

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[6] Ibid @ p.5.
[7] [2003] FLC 93-137
[8] [2000] FLC 93-035

1. The Court cannot determine the issues in a way that separates the issue of relocation from that of residence and the best interests of the child;
2. Compelling reasons for, and against, the relocation need not be shown;
3. The best interests of the child are to be evaluated taking into account various considerations of both resident and non-resident parent;
4. Neither party bears an onus;
5. Treating the welfare or best interests of the child as the paramount consideration does not obligate the Court to ignore the legitimate interests of the parties. If there is a conflict between these considerations, priority must be given to the child's welfare and rights; and
6. If a parent seeks to change arrangements affecting the residence of, or contact with a child, that parent must demonstrate that the proposed new arrangements, even if it involves a move overseas, is in the best interests of the child.

This pathway has come to be known as the *A v A Approach*.

In 2002, the High Court had the opportunity to consider the approach to be taken in relocation cases, this time, in relation to a proposed international move where a mother sought to take a child to India. In *U v U*[9], the High Court left the approach as set out in *A v A* unchallenged, but considered the power of the Court to make Orders not sought by the parties. In *U v* U, the High Court said that the requirement on the trial Judge was to weigh the competing party's proposals, and to consider other relevant factors. Accordingly, a trial Judge was entitled to look beyond the proposals of the parties. As such, both *U v U* and the 2005 Full Court decision of *Bolitho v Cohen*[10], a case that involved an international move from Sydney to Japan with subject children aged 13 and 11 at the time of the appeal, are authorities for the proposition that the Court is not

[9] [2002] FLC 93-112
[10] [2005] FLC 93-224

bound by the proposals of the parties although if it proposes to make its own Orders, it must afford parties the opportunity to address such Orders, and, such Orders must be in the best interest of the child. This is an important issue in relocation cases as will be seen later in this paper when I come to talk about Virtual Visitation Orders.

The High Court's decision in *U v U* is separately noteworthy in that it the Court underlined the significant weight that must be attached to the right to the freedom of movement of parties to a proposed relocation pursuant to Section 92 of the Commonwealth *Constitution*.[11]

The cases mentioned to date predate the enactment of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* (Cth), with its focus on enabling children to enjoy regular time and a meaningful relationship with both parents. This focus would appear, at first blush, to have spelt the end of relocation cases. However, the first judgment on relocation following the introduction of the 2006 amendments was *M v S*[12]. The mother proposed to relocate to the United Kingdom for three years with the party's eight year old child. The child lived with the mother in Melbourne and spent time with the father, who lived in Canberra, for two weekends each school term and for ½ school holidays. The father opposed the relocation and sought additional time with the child. In allowing the relocation, Dessau J concluded that there was nothing in the new legislation which explicitly alters the previous approach to relocation, save that there is now a legislative intent in favour of a substantial involvement of both parents.

In *Taylor v Barker*[13] the father appealed against Orders made by a Federal Magistrate which, in effect, allowed the child's mother to relocate the child's residence from Canberra to north Queensland and provided for the child to

[11] [2002] FLC 93-112 @ para 102ff.
[12] [2007] FLC 93-313
[13] [2007] FLC 93-345

spend time during school holidays and during other periods with the father who resided in Canberra. In the course of their judgment, the Full Court concluded that the FM had correctly dealt with the relocation proposal in the context of Section 60CC and Section 65DAA of the Act. The Court were of the view that the FM correctly endeavoured first to consider without regard to the relocation proposal, whether it was in the child's best interests to spend "equal time" with each parent. When he concluded that is was not, he did not need to consider whether "equal time" was "reasonably practicable". The Full Court endorsed the approach of the FM and dismissed the appeal.

In *Mulvany v Lane*[14] the father appealed against Orders which permitted a five-year old child to live with the mother in Hong Kong. The mother took the child to Hong Kong for what the father understood was a short holiday. The mother did not return with the child to Australia at the agreed time and, when she did return, did not inform the father. The basis of the father's appeal was that the trial Judge had erred in the importance given in the maintenance of a meaningful relationship between the mother and the child. The Full Court accepted that had the trial Judge placed as much emphasis on the relationship between the father and the child as it had on the relationship between the mother and the child, he may nevertheless have still determined that it was in the child's best interests for him to relocate with his mother. Accordingly, the appeal was allowed.

The 2006 amendments have profound implications for relocation cases.[15] The best interests of the child remain paramount, however, the assessment of best interests in any given case relies upon a considered assessment of both the primary and secondary considerations in Section 60CC of the Act. As we shall see the High Court has weighed heavily into the issue of how a relocation case is to be approached. As such, it is to be remembered that the correct approach to

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[14] [2009] FLC 93-404

[15] P Parkinson, *Australian Family Law in Context: Commentary and Materials*, Thomson Reuters, Sydney, 209 @ p.808.

be taken in addressing a relocation case is to remember that the best interests of the child is the paramount, but not sole, consideration.

Rosa's Case

The most profound judgment in relation to relocation matters was passed by the High Court on 3 March 2010 in the case of *MRR v GR*[16] (also known as *Rosa's case*).

This was an appeal from parenting Orders made by FM Coker on 1 April 2008 with respect to the child of the marriage between the appellant mother and the respondent father. The Orders provided that the mother and father have equal shared responsibility for the child and that she spend equal time with each of them. The Orders were made on the basis that (contrary to the mother's expressed wish) both parents would live in Mt Isa. The mother's appeal from that decision, which was heard on 5 August 2008, was dismissed by the Full Court of the Family Court. The mother applied for, and was granted, special leave to appeal to the High Court.

The parties lived in Sydney, in what became the matrimonial home, from 1993 until January 2007, when they moved to Mt Isa. The child of the marriage was born in August 2002. The parties separated in August 2007. At the time of the hearing in the FMC they were living in Mt Isa, with the father living in the matrimonial home, and with the child living with each parent on a week-about basis. The mother's initial proposal with respect to parenting Orders involved her living in Sydney with the child. The father would not consider living in Sydney. The mother later amended her proposal with respect to parenting Orders by adding two further alternatives – that she remain in Mt Isa or the parties both live in Sydney.

[16] [2010] 240 CLR 461

The High Court allowed the mother's appeal, set aside the Orders of FM Coker and remitted the matter to the FMC for a rehearing.

In the High Court, one of the key issues for determination concerned the proper interpretation of Section 65DAA of the Act, being the requirement that in making an Order for equal shared parental responsibility, a Court must consider whether spending equal time is in the child's best interests and is reasonably practicable.

At paragraph [13] of its judgment, the High Court said: "Section 65DAA(1) is expressed in imperative terms. It obliges the court to consider both the question whether it is in the best interests of the child to spend equal time with each of the parents (subpara (a)) and the question whether it is reasonably practicable that the child spend equal time with each of them (subpara (b)). It is only where both questions are answered in the affirmative that consideration must be given...to the making of an order".

The High Court went on to say that the Federal Magistrate, "treated the answer to the first mentioned question, whether it was in the best interests of the child to have equal time with each parent as determinative of whether an Order ought to be made. His Honour did not consider, as he was obliged to do, whether it was reasonably practicable in all circumstances".[17]

At paragraph [15], the Court said: "...Section 65DAA is concerned with the reality of the situation of the parents and the child, not whether it is desirable that there be equal time spent by the child with each parent...Section 65DAA requires a practical assessment of whether equal time parenting is feasible".

The key issue to emerge from *Rosa's case* is that a consideration as to whether an Order for equal time or substantial and significant time has to be preceded by

[17] @ paragraph 14]

findings that such Order is in the child's best interests and it is reasonably practical. These are the two pillars of Section 65DAA.

Reasonably Practicality

The matters that the Court takes into account in determining "reasonably practicable" is set out in Section 65DAA(5) as follows:

(a) how far apart the parents' live from each other; and

(b) the parents' current and future capacity to implement an arrangement for the child spending equal time, or substantial and significant time, with each of the parents; and

(c) the parents' current and future capacity to communicate with each other and resolve differences that might arise in implementing an arrangement of that kind; and

(d) the impact that an arrangement of that kind would have on the child; and

(e) such other matters that the court considers relevant.

Obviously, the definition of "reasonably practicable" will depend on the facts of each case. The first of those factors, namely, "how far apart the parties will live from each other" is perhaps the most significant as far as a relocation matter is concerned. The reasonable practicability must be defined before the Court turns its mind as to whether to make the types of Orders that Section 65DAA contemplates. It is not a proper exercise of the Court's power to craft the reasonable practicability by ordering either where the child shall live or confine the parents to a geographical locality, which was the effect of the Orders of FM Coker, which were critricised by the ultimate Orders of the High Court.

Some Decisions of the Full Court since *Rosa's Case*[18]

[18] See paper by B Tulloch, "Relocation Cases Since the Decision of the High Court in MRR v GR (2010) 240 CLR 461", *8th Annual Family Law Summit Victoria*, LexiNexis, Melbourne, 2011.

In *Vanderhum v Doriemus*[19] - mother living with children in town in rural NSW. Father in Sydney, 250 kms away. Father sought 8/14 and half school holidays on the basis that mother live within 25 kms of school proposed by him in Sydney. FMC found that equal time was not in the children's best interests or reasonably practicable. Father's appeal dismissed.

In *Sigley & Evor*[20] – mother sought to relocate with child from country town in southwest QLD to north QLD. Mother always primary carer. Father sought time each alternate weekend. FMC decided that the mother should not be permitted to move. Full Court considered the concept of a "meaningful relationship" between the father and child. Appeal was allowed on a number of grounds, including that there was no reason on the evidence why the child could not have a meaningful relationship with the father if the move was permitted. Remitted for a rehearing.

In *Hepburn & Noble*[21] – Orders made that mother could relocate with two children from Wollongong where parties lived, to a place in Victoria. Father appealed decision. Mother found to be unhappy, bitter and resentful if relocation was not permitted and this would impact on the mother's parenting capacity and on the children. Mother was seeking relocation so that she could pursue a new relationship. Father's appeal was ultimately unsuccessful. This case is somewhat noteworthy for the following reasons:

(1) it examined the weight the FM had given to the fact that the mother would be unhappy at not being permitted to relocate. Whilst the unchallenged evidence before the FM as to the mother's unhappiness and its effect on her parenting capacity was "... only just sufficient and should be viewed as being at the bottom end of the scale", the Full Court said that it was open to the FM to make a finding as to the impact of the mother's unhappiness on the children; and

[19] [2011] FamCAFC100 (6 May 2011)
[20] [2011] FamCAFC 22 (10 February 2011)
[21] [2010] FamCAFC 111 (21 June 2010)

(2) the pronouncement by the Full Court that since the 2006 amendments to the *Family Law Act*, the *A v A Approach* is no longer good law. This is in contrast to the single judgment of Dessau J in *M v S*. Indeed, Professor Patrick Parkinson argues[22] that the extent to which the 2006 amendments require a re-evaluation of the previous case law remains a contentious issue. In my view, I continued to prefer the *A v A Approach* as the "appropriate" approach to adopt in relocation cases together with a thorough examination of the practical issues associated with the case – from either side of the argument.

So What Does It All Mean?

So what does this all mean in terms of either running a relocation case or opposing an application to relocate?

In law, the making of the equal or substantial/significant time Order is not possible if it is not reasonably practicable and this is when the relocation application needs to be considered. Such determination is a threshold issue to a consideration of a party's relocation application. As *Rosa's case* requires such practical analysis, you must all become very familiar with Section 65DAA(5) which sets out the five point checklist for determining reasonably practicability. As subpara (e) refers to "such other matter as the court considers relevant", it is open to your client to include under such heading factors such as the availability of housing and employment, living conditions and facilities available to the subject child as factors that make it more practical for the party applying to relocate to care of the children in the new location. If the father in *Rosa's case* had of offered the mother the home in Mt Isa, rather than making her leave it, perhaps her practical reasons for not staying there would have been less and we may have had a different result.

[22] Parkinson, opcit.

The practicalities of any Order, even on an interim basis, need to be carefully considered and placed on affidavit notwithstanding what side of the dispute your client is on. In the 2007 decision of *Morgan v Miles*[23], Boland J, sitting alone on an appeal from a FM, considered the principles that apply in dealing with relocation issues in interim proceedings since the 2006 amendments. Her Honour concluded[24] that the difficulties of interim relocation cases make it highly desirable that, except in cases of emergency, the arrangement that will be in the child's best interests should not be determined in an abridged interim hearing, and these are the type of cases in which the child's present stability may be extremely relevant on an interim basis.

So what does it all mean? Give thorough consideration to the practical issues in the case.

Two Final Issues

- ***Virtual Visitation Orders***

One matter that a Court must take into account in making a parenting Order is the willingness and ability of each of the child's parents to facilitate, and encourage, a close and continuing relationship between the child and the other parent, pursuant to Section 60CC(3)(c) of the Act. This is a fundamental consideration that lies at the heart of any opposition to a relocation application. The concern is usually couched in terms of a lack of trust on the part of the non-resident parent that the relocated parent will promote a relationship between the non-resident parent and the child.

The New York Court of Appeals in the seminal US relocation case of *Tropea v Tropea*[25] said: "[l]ike Humpty Dumpty, a family once broken by divorce, cannot be

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[23] [2007] FamCA 1230
[24] @ paragraph [88]
[25] 665 N.E.2d 145, (NY 1996). See also *In re Marriage of Burgess*, 913 P.2d 473, 480 (Cal 1996), *In re Marriage of Francis*, 919 P.2d. 776, 784 (Colorado 1996) and *Baures*, 770 A.2d @ 222.

put back together in precisely the same way".[26] Of major significance in relocation cases is the influence of psychological studies on the effect of relocation on children. Preeminent US child psychologist Judith Wallerstein argues[27] that the body of research in this area does not support the presumption that frequent and continuing access to both parents is at the core of the child's best interests, rather it is the visitation quality, not the quantity, that is the critical element in the child's development. So long as the child has regular communication and contact with the other parent that is extensive enough to sustain their relationship, the child's interests, according to Wallerstein, are served.[28]

With these issues in mind, we have seen, over recent years, the introduction into Australian relocation Orders of what is referred to in American jurisprudence as 'Virtual Visitation Orders'[29], ie: the use of email, instant messaging, webcams, and other internet-based tools to provide regular contact between a non-resident parent and a relocated child.

We have seen that the Court has the power to make Orders not sought by the parties. Faced with a situation where a non-resident parent and a child have a good relationship, and in considering the requirement of Section 60CC(3)(c), it is open to a Court to craft virtual visitation-type Orders that will allow the non-resident parent and the relocated child the type of quality access that Wallerstein argues promotes the best interests of the child.

Indeed, in *M v S*, Dessau J made inter-alia the following Order:

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[26] 665 N.E.sd 145, 151 (NY 1996)
[27] Judith S Wallerstein & Tony J Tanke, "To Move or Not to Move – Psychological and Legal Considerations in the Relocation of Children Following Divorce", [1996] 30 *Family Law Quarterly*, 305 @ p. 305.
[28] Ibid
[29] See for example, *McCoy v McCoy*, 764 A.2d 449 (NJ Super Ct. App. Div.2001), *Kaleita* v *Sniderman*, No 99-DR-4601 (Fla. Seminole County Ct 10/30/2000). See also S Gottfried, "Virtual Visitation: The Way of the Future in Communication Between Children and Non-Custodial Parents in Relocation Cases" [2002] Vol 36, No 3, *Family Law Quarterly*, 475

> "That while the child and the mother live in the United Kingdom the child communicate with the father by telephone and/or Skype three times every week at the following times..." – and then her Honour went on to pronounce a time table that took into account both Australian Eastern Standard Time and Australian summer daylight savings time.

No matter what side of the argument your client may be on in a relocation case, I would suggest that it would be prudent to seek instructions in relation to the availability and use of web-based communication as a means of addressing the on-going communication with the child in the event that the application to relocate is successful. The example given above is only one of many such Orders that I have seen in the recent cases providing for electronic communication between the child and the non-resident parent. If applying to relocate, it would be prudent to consider including Orders of this type in your application and have your clients depose in their Affidavit material as to their willingness to encourage contact via such means.

- ***The Relocation List***

The final issue I want to address is the newly introduced pilot project at the Melbourne Registry of the Federal Magistrates Court, 'The Relocation List'[30]. The List was introduced in the first half of this year and will run as a pilot project for a period of 12 months. Their Honours FM McGuire and FM Hartnett are the FMs sitting in the List.

The List has been established to meet the needs of children who would be prejudiced if their carers are unable to expeditiously obtain a decision when

[30] The Practice Direction pertaining to The Relocation List can be accessed at www.fmc.gov.au/practice/html/relocation_vic.html

seeking Orders permitting them to change the place of residence of such children, where such a change would result in the parent being unable to comply with existing parenting Orders. The List was created to deal with the expeditious management of cases where there is an urgent need on the part of a party seeking to relocate in order to take up an offer/transfer of employment, or there is another significant person in the life of a parent or child.

Matters to be heard in the List must meet the following criteria:

- The case must involve an application for residence and contact Orders;
- The substantial issue in the application arises as a result of a person with primary care, majority care, or shared care seeking to change the residence of a child in circumstances that make existing parenting Orders impractical or unworkable;
- The parties are able to fund a private Family Report to be prepared on an urgent basis by a person appointed under Regulation 7; and
- Matters transferred into the Relocation List will not involve unresolved issues such as sexual abuse allegations, serious mental health issues, child protection issues or other significant issues other than those directly related to the proposed relocation.

Proceedings are commenced on Application with a supporting Affidavit and a Form 13 Financial Statement – this is a mandatory requirement as the Federal Magistrate will want evidence in relation to the financial aspects of the proposed relocation, including, but not limited to, the capacity of the parties to fund a private Family Report. Matters can be put straight into the Relocation List from the Registry at the time of filing, upon receipt of a letter from the solicitor acting for the applicant that the case fits the mandatory criteria for inclusion in the List – same procedure as when you are seeking an abridgement of time. Answering

material must be filed within 14 days of the date of service of the initiating application.

The List requires strict compliance with Orders and Directions made in relation to the filing of further documents. In the event that an applicant fails to comply with filing deadlines, the matter will be taken out of the Relocation List and put into the general list of cases. In the event that a respondent fails to comply, the matter will remain in the Relocation List and will *proceed on an undefended basis*. NOT NEGOTIABLE!!

Applications should be served within 48 hours of filing and a copy of the Court's Practice Direction governing the List must be served with the material and identified in any Affidavit of Service.

Currently the final hearing of a Relocation List matter will take place within 10 weeks from the date of filing and final Orders are expected within 7 days from the completion of the hearing with written reasons expected within a reasonable time thereafter.

Given the ramifications if Orders and Directions are not complied with, then practitioners really need to familiarize themselves with this Practice Direction.

Conclusion

Described by Richard Chisholm as "The San Andreas Fault of Family Law"[31], relocation cases ultimately come down to a contest between mobility on the one hand and stability on the other.[32] In my view, the decision in *Rosa's case* makes it difficult to successfully oppose a relocation. Given the significance of geography, these case will continue to be contested and it is encumbent upon us

[31] R Chisholm, "The Paramount Consideration: Children's Interests in Family Law" [2002] 16 *Australian Journal of Family Law*, 87, @ p.107.
[32] See The Hon T Carmody, "Child Relocation: An Intractable International Family Law Problem" [2007] Vol 45, No 2, *Family Court Review*, 214, @ p.240.

as lawyers to ensure that all practical issues are placed on affidavit to ensure the greatest chance of success for our client in the event of an application being made to relocate, or the best possible defence to such application if you are acting for the respondent.

Good luck to us all.

Thank you for your attention.

William Keough
Melbourne, 08/08/2012.