

# PAUL LIVINGSTONE

Barrister

## FREDERICK JORDAN CHAMBERS

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Paul's primary area of practice is family law. He also possesses specialist expertise in complex financial disputes, succession and family provision matters, matrimonial property disputes, and matters concerning child welfare and adoption.

The depth of Paul's practice within these areas extends to appearing in complicated areas, including child gender reassignment, and in leading cases on the international relocation and abduction of children. His High Court practice has included a parenting dispute regarding changing a child's name and another concerning the constitutional power of the Commonwealth to make laws in relation to the treatment of third parties to a marriage. Other jurisdictions in which Paul regularly appears includes the Family Court of Australia, Full Court of the Family Court and the Federal Circuit Court. His expansive practice also sees him appearing interstate, with regular appearances in the Northern Territory.

In addition to his family law practice, Paul frequently appears in the *Succession Act / Family Provision Act* List. He is familiar with the law and practice in this area and has appeared for both plaintiffs as well as defendants, including major charities.

Paul offers a 'holistic' service and provides significant support to his instructing solicitors throughout the entire litigation process; from drafting applications, to assisting with collating evidence and drafting affidavits. With considerable experience in mediations, Paul also works hard to reach the most favourable outcomes for his clients.

Prior to being called to the Bar, Paul practised as a solicitor at specialist family law firm and was Associate to Judge Bell of the District Court of New South Wales. He holds a Master of Laws from the University of Sydney, a Bachelor of Laws from the University of New South Wales and a Bachelor of Arts from the Australian National University. He was previously a contributing author of the CCH *De Facto Relationships* loose-leaf service and has delivered various academic papers to the North Shore Family Lawyers Group and at various professional conferences.

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### ADMISSIONS TO PRACTICE

- 1998 Admitted to the Bar of New South Wales
- 1994 Admitted as a Solicitor of the Supreme Court of New South Wales

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## PROFESSIONAL QUALIFICATIONS

- 2002 Master of Laws: University of Sydney
- 1994 Bachelor of Laws: University of New South Wales
- 1990 Bachelor of Arts: Australian National University

## PRINCIPAL AREAS OF PRACTICE

- Equity, Real Property, and Trusts
- Family Law, Matrimonial Property, Child Welfare and Adoption
- Succession and Family Provision

## PROFESSIONAL EXPERIENCE

- 1998 - present Barrister, Frederick Jordan Chambers
- 1995 - 1998 Solicitor, Barkus Pearson Family Lawyers
- 1994 - 1995 Associate to Judge Bell, District Court of New South Wales

## PROFESSIONAL MEMBERSHIPS

- Member, New South Wales Bar Association

## PUBLICATIONS

- Contributing author of CCH *De Facto Relationship* loose-leaf service: 1998 – 1999

## SPEAKING ENGAGEMENTS

- Paul has delivered various academic papers to North Shore Family Lawyers Group and at several professional conferences.

## SELECT CASES

- *Hunt v Hunt and Lederer an ors (The Constitutional Validity of Part VAA amendments to the Family Law Act)* led by David Hammerschlag SC as he then was. In this case Paul appeared for the third party company. Guy O’L Reynolds SC appeared leading Dr Perram as Justice Perram then was appeared for the husband. The case is the most significant decision concerning the constitutional power of the Commonwealth to make laws in relation to the treatment of third parties to a marriage. This case is reported as *Hunt v Hunt & Lederer* [2006] FAMCA 167; (2006) 36 FAM LR 64
- *B v B*: High Court of Australia; Family Court of Australia Full Court s 44(3) Leave led by G. O’L Reynolds SC. This case concerned the application of s 44 (3) in a marriage where the parties had previously consented to orders. This case included a special leave application and a successful appeal based upon the trial judge’s failure to give reasons
- *Re H*: High Court of Australia (change of Child’s name/revocation of special leave ) led by P. LeG Brereton SC. In this case, Brereton SC and Paul successfully argued before the High Court of Australia Gleeson, Gaudron, Gummow, Hayne CJ, J. Kirby J dissenting that McHugh and Brereton JJ had erred in granting special leave to an Applicant. This is one of a handful of cases where special leave has been revoked since the *Judiciary Amendment Act (No 2) 1984 (Cth)* was introduced on 1 June 1984

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- *Re LK and the Director General* (The Hague Convention on International Child Abduction) – Paul assisted in drafting submissions
- *Harries & Harries* [2011] FamCAFC 113. In this case Paul appeared before the Full Court of the Family Court without a leader. Paul was opposed to John Lloyd SC who was instructed by the Central Authority. This was a case where the mother was defending a Hague Convention application where orders were sought against her which would have resulted in her returning to Canada. The appeal was dismissed
- *Wilson & Wilson* [2013] FamCAFC 43 (22 March 2013). This was a case in which Lloyd SC and Paul successfully argued for the Appellant that the primary judge, Henderson J, had erred in the exercise of her discretion to permit the mother to re-locate with the parties' son
- *Palma & Caleffi and Anor* (Security for Costs) FamCAFC 174 (25 August 2011) Security for costs in an appeal
- *Dundas & Blake* [2013] FamCAFC 3 September 2013. This was a decision of the Full Court constituted by Bryant, May, Ainslie Wallace CJ, J in which Paul successfully argued that the learned trial judge, Sexton J, had failed to accord procedural fairness to a litigant
- *Dundas & Blake* [2013] FamCAFC 133. This was also a decision of the Full Court concerning arithmetic errors by the primary judge in a case involving a partner of one of the "big four" major accounting practices. At first instance the case included cross examination of one the leading forensic accountants in Australia
- *Hillier & Wootton* [2013] FamCAFC 11 Full Court of the Family Court of Australia, Canberra. Alleged bias of trial judge. Paul appeared without a leader opposed by Robert Newlinds SC
- *Gravis & Major* [2010] FamCAFC 239. This was a decision of the Full Court of the Family Court in which Paul successfully argued that the learned trial judge (Dunkley J) had erred in finding the wife guilty of breach of orders
- *Murphy v NSW Bar Association: Court of Appeal* (Professional Conduct) led by P.LeG.Brereton SC as his Honour then was
- *Gray v NCA: NSW Court of Appeal* (Estoppel) led by Murray Aldridge SC as his Honour then was

In addition to the above cases, Paul has been involved in many cases which are unreported or which were resolved, or where the names of the parties have been "not for publication" pursuant to the *Family Law Act*.