



TRAINING SERIES

# Family and Child Law Toolkit

Mastering practice and procedure in children's matters;  
Securing your Costs through practical implementation of the new rules;  
Analysing super splitting techniques to exceed client expectations

## Session 1

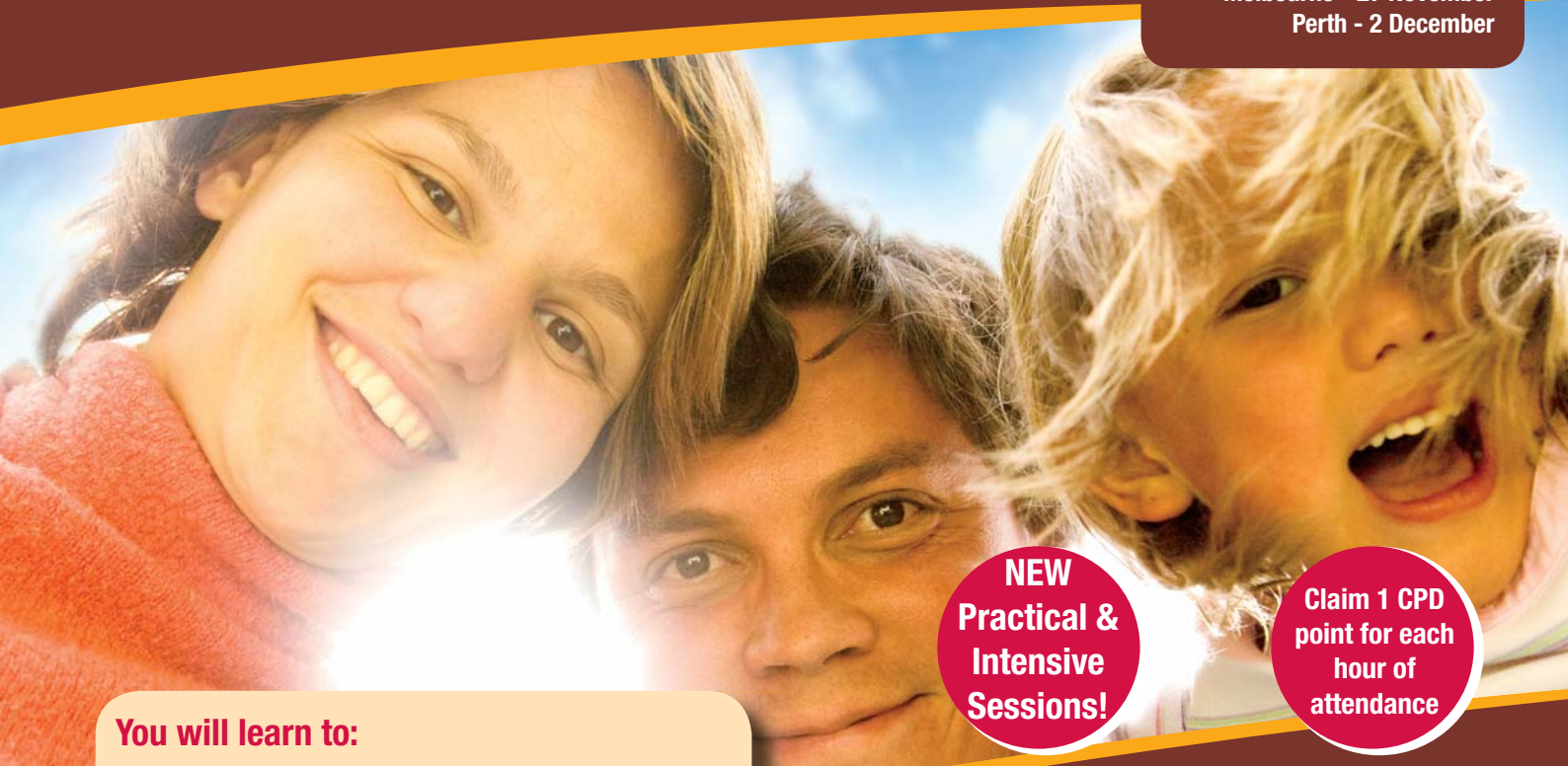
Sydney - 14 October  
Newcastle - 16 October  
Brisbane - 21 October  
Melbourne - 23 October

## Session 2

Sydney - 30 October  
Newcastle - 5 November  
Brisbane - 10 November  
Melbourne - 11 November  
Perth - 13 November

## Session 3 & 4

Sydney - 18 November  
Newcastle - 20 November  
Brisbane - 25 November  
Melbourne - 27 November  
Perth - 2 December



NEW  
Practical &  
Intensive  
Sessions!

Claim 1 CPD  
point for each  
hour of  
attendance

### You will learn to:

- Workshop **key issues** with your peers
- **Maximise billable hours immediately!**
- Implement **best practice and procedure** in children's matters
- A complete review of Family Law Amendments to ***De Facto Financial and Other Measures Bill 2008***
- Practical application of amendments to **Chapter 19 of the Family Law Rules**
- Discover **'hidden traps'** in family law financial proceedings
- Overcome **challenges of superannuation splitting** to ensure the right asset ends up with the right people
- Put into practice the **latest changes to legislation** in family law

### Expert facilitators include:

Ian Serisier, *Special Counsel,*  
SWAAB Attorneys

Stephen Bourke, *Principal,*  
Supersplitting

Dr Anthony Dickey, QC  
John Toohey Chambers

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# Family and Child Law Toolkit

## Essentials in practice and procedure in child

### Session 1: Developing best practice and conforming to procedure in children's matters in the Family Law Court and Federal Magistrates Court

#### Session outline

Building practical tools to help advise, mediate and conduct parenting cases under the *Family Law Act*.

Identifying different procedures in the Family Court of Australia and the Federal Magistrates Court and requirements when proceedings are in the 'pre-filing' phase through to the determination phase

#### Key benefits

By completion of the sessions participants will be able to identify key issues and trends in child related proceedings to effectively deal with issues in parenting proceedings and :-

- Provide advice that exceeds the expectations of the client in parenting proceedings
- Learn the difference between conducting proceedings under *Div. 12A or Part VII of the Family Law Act* (LAT Proceedings) in the Federal Magistrates Court and interim parenting orders

#### Who should attend

This session is ideal for both practitioners who are new to family law and more experienced practitioners.

**14 October** Sydney  
**16 October** Newcastle  
**21 October** Brisbane  
**23 October** Melbourne

8.45am **Registration**

9.00am-5.00pm

(breaks and lunch included)

Key learning outcomes	Session content	
Client engagement	<ul style="list-style-type: none"> <li>• Conducting an effective client interview</li> <li>• Formulating an action plan that exceeds client expectations – An essential guide for all practitioners</li> <li>• 'Checklist': Step by step procedures to go about the identifying issues and necessary procedures when dealing with instructions from your client</li> <li>• Drafting a letter of engagement and confirming instructions and advice</li> <li>• Family Dispute resolution procedure and certificate: Advising client and obtaining a certificate</li> <li>• Identifying the relevant S.60B and S.60CC issues</li> </ul>	
Pre-filing phase (assuming that the matter has been settled)	<ul style="list-style-type: none"> <li>• Drafting consent orders</li> <li>• Preparing and drafting of a parenting plan</li> <li>• Consent orders or a parenting plan?</li> </ul>	
Commencing proceedings	<ul style="list-style-type: none"> <li>• Drafting an application for Parenting Orders and drafting orders that are specific to the application of your client</li> </ul>	
Commencing Interim proceedings	<ul style="list-style-type: none"> <li>• Obtaining instructions for an affidavit in support of application for interim parenting orders</li> <li>• Checklist of evidence to include in the affidavit in support</li> <li>• Drafting the orders to be sought</li> <li>• Specific requirements for affidavits in interim proceedings</li> <li>• Family violence</li> <li>• Sexual abuse</li> <li>• Federal Magistrates Court Proceedings</li> </ul>	
Determination phase	<ul style="list-style-type: none"> <li>• Specific requirements for LAT proceedings (<i>Div. 12A or Part VII of the Family Law Act</i>)</li> <li>• Proceedings in Federal Magistrates Court</li> <li>• Preparing for directions hearing</li> <li>• Is there a requirement to seek the appointment of an ICL?</li> <li>• Expert evidence</li> <li>• Role of the Family Consultant</li> </ul>	
Preparing for the final hearing	<ul style="list-style-type: none"> <li>• Identifying potential witnesses</li> <li>• Obtaining proofs of evidence</li> <li>• Preparing draft list of issues</li> </ul>	<ul style="list-style-type: none"> <li>• Subpoenas and third party documents</li> <li>• Briefing of counsel</li> </ul>
Day 1 hearing LAT proceedings	<ul style="list-style-type: none"> <li>• Docket Judge – His/her role</li> <li>• Preparing draft directions</li> <li>• Advising and preparing your client for this procedure</li> </ul>	<ul style="list-style-type: none"> <li>• Day 1 evidence</li> <li>• Role of the Family Consultant</li> </ul>
Final hearing LAT proceedings	<ul style="list-style-type: none"> <li>• Drafting Affidavits</li> <li>• Drafting minutes of Orders</li> </ul>	<ul style="list-style-type: none"> <li>• Summary of Submissions</li> <li>• Other necessary preparation</li> </ul>

Facilitated by: Ian Serisier, Special Counsel, SWAAB Attorneys

To register now ph: 1800 772 772 or visit: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)

## Session 2:

### Binding financial agreements – achieving strict compliance

#### Session outline

In this session we identify the most appropriate method of documenting the resolution of a financial matter and how to properly draft both the primary and ancillary documents to give effect to the settlement.

#### Key benefits

Participants will learn how to properly document agreements negotiated in financial proceedings (Including child support), identifying 'hidden traps' and ensuring they properly deal with each and every actual or potential issue and some recent developments or real concern.

#### Who should attend

This session has 'something for everyone' whether you are a practitioner who has just started a family law practice or someone who has been in practice for many years because we will be dealing with some significant recent trends and changes including child support and revenue issues.

**30 October** Sydney  
**5 November** Newcastle  
**10 November** Brisbane  
**11 November** Melbourne  
**13 November** Perth

8.45am **Registration**  
 9.00am-5.00pm  
 (breaks and lunch included)

Key learning outcomes	Session content
Negotiating 'the deal'	<ul style="list-style-type: none"> <li>Pre-action procedures</li> <li>Mediation</li> <li>Other forms of alternate dispute resolution</li> <li>Negotiations</li> <li>Heads of agreement</li> </ul>
Child Support – proceedings before the Family Law Court	<ul style="list-style-type: none"> <li>Understanding the new (post 1 July 2008) child support assessment formula</li> <li>Child support definitions and interpretations</li> <li>Proceedings before the SSAT</li> <li>Drafting a Child Support Agreement after 1 July 2008</li> <li>Departure orders</li> </ul>
<b>NEW</b> De Facto Proceedings	<ul style="list-style-type: none"> <li>Brief outline of the relevant parts of the Family Law Amendments (De Facto Financial and Other Measures) Bill 2008</li> </ul>
Consent Orders or Binding Financial Agreement (BFA)	<ul style="list-style-type: none"> <li>Advising your client: Consent orders or a BFA?</li> <li>Is the advice to be different if the proceedings are in the FMC?</li> <li>Consent orders made by a registrar. Delegated power. So what?</li> </ul>
Drafting BFA	<ul style="list-style-type: none"> <li>Drafting of the operative provisions of a BFA</li> <li>Pre-Nuptial Agreement S.90B</li> <li>S.90C Agreement</li> <li>S.90D Agreement</li> <li>Separation Declaration</li> <li>Recent Full Court decision, <i>Black v. Black</i></li> <li>What covenants and recitals should be included in BFAs</li> <li>Third parties. Can there be invited guests?</li> </ul>
Drafting of Consent Orders	<ul style="list-style-type: none"> <li>Practical tips for the drafting of Consent Orders</li> <li>How to ensure that the orders that you draft can be enforced</li> <li>What 'standard orders' are to be included in all terms of settlement</li> <li>The role of Notations and Recitals</li> <li>Third parties to consent orders?</li> </ul>

#### Facilitated by:

**Ian Serisier**, Special Counsel, **SWAAB Attorneys**

**Dr Anthony Dickey, QC, John Toohey Chambers** (Perth)



## Session 3:

### Costs in family law proceedings after 1 July 2008

#### Session outline

The amendments to Chapter 19 of the Family Law Rules that came into effect as and from 1 July 2008 have a very significant impact on all lawyers who practice Family Law. Failure to properly understand and apply these new rules (or lack of rules) could have very real financial consequences for all family law practitioners.

All family law practitioners need to have a proper understanding of the requirements of the *Family Law Act* and the Rules of the Family Court and Federal Magistrates Court that provide for party/party costs.

#### Key benefits

Practitioners frequently come off "second best" in disputes with (former) clients over costs accounts. Learn how to minimise or eliminate your potential financial loss from a cost dispute with a former client.

Learn how to draw an Itemised Cost Account and enforce a party/party costs order.

#### Who should attend

This session is designed to benefit all family law practitioners irrespective of their years in practice or experience and in particular those practitioners who have experienced the frustration of a former client who "challenges" your tax invoice.

All family law practitioners need a thorough knowledge of party/party costs and procedure.

**18 November** Sydney  
**20 November** Newcastle  
**25 November** Brisbane  
**27 November** Melbourne  
**2 December** Perth

8.45am **Registration**  
 9.00am-12.30pm  
*(breaks and lunch included)*

Key learning outcomes	Session content
<b>NEW</b> Chapter 19 FL Rules	<ul style="list-style-type: none"> <li>Changes to Chapter 19 of the Family Law Rules after 1 July (solicitor/client costs)</li> <li>Solicitor/client <b>costs</b> in the Federal Magistrates Court</li> </ul>
Solicitor/Client Cost Agreements	<ul style="list-style-type: none"> <li>Drafting a solicitor/client cost agreement</li> <li>Drafting the engagement letter and confirming instructions with the client</li> <li>Practice tips</li> <li>The rules in <i>Blythe v. Fanshaw</i></li> <li>Applicable legislation</li> </ul>
Solicitor/client cost dispute	<ul style="list-style-type: none"> <li>Practical tips on dealing with a client who wants to challenge your tax invoice</li> <li>Procedures if you cannot resolve the dispute with your client</li> </ul>
Obtaining a "Barro" order	<ul style="list-style-type: none"> <li>Practical tips to obtaining an order for interim costs (for your client against the other party)</li> <li>Drafting the application for a "Barro" order and the affidavit in support</li> <li>Is litigation funding a viable alternative?</li> </ul>
Party/party costs	<ul style="list-style-type: none"> <li>Examination of the relevant provisions of the <i>Family Law Act</i> and the respective Rules of the Family Court and the Federal Magistrates Court</li> <li>Drawing an itemised cost account</li> <li>Procedure - taxation of party/party costs</li> </ul>

Facilitated by: **Ian Serisier**, Special Counsel, **SWAAB Attorneys**

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### Upcoming Training Events

#### Estate Planning Toolkit

September - October: Sydney  
 October - November: Brisbane

#### Conveyancing & Property Law Toolkit

October - December:  
 Sydney, Brisbane, Melbourne, Perth  
 1 - 3 October

For program information or to register  
 ph: **1800 772 772** or visit:  
[www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)

## Session 4:

### Practical solutions to your superannuation splitting problems

#### Session outline

Using interactive forums, this session focuses on current trends and key issues in recent family law cases on superannuation splitting.

Examining recent case law will be a highlight and you will take part in a mock case study that will involve the settlement of property disputes.

Further case studies will emphasise traps in obtaining a splitting order.

You will determine how the superannuation component may be valued in each scenario, taking various adjustments and tax considerations into account.

#### Key benefits

By completion of the sessions participants will be able to illustrate and highlight real issues and problems encountered in a number of recent family law cases on superannuation splitting using case studies.

#### Who should attend

This session is ideal for practitioners of family law and estate planning who deal with and organise the future directions of asset division and protection.

**18 November** Sydney  
**20 November** Newcastle  
**25 November** Brisbane  
**27 November** Melbourne  
**2 December** Perth

1.45pm **Registration**

2.00pm-5.00pm  
(break included)

#### Key learning outcomes

• Examining valuation methods and factors	• When is a new interest in superannuation created?
• Assessing the different types of splitting orders the court can make	• Time frames specified under the new super splitting laws
• Key considerations and requirements when drafting splitting agreements	• Packaging a property settlement so as to obtain maximum tax benefits for both parties
• Methodology for arriving at a base amount	• Reviewing the trustee's responsibilities
• Circumstances for flagging a superannuation interest	• Tax consequences and the proportionate splits for preservation
• How to structure settlements	

**Facilitated by: Stephen Bourke, Principal, Supersplitting**

## Family and Child Law Toolkit Expert Facilitators:

#### Ian Serisier, *Special Counsel, SWAAB*

**Attorneys** was admitted to the NSW Bar in 1973 where he has practised almost exclusively in Family Law and De Facto Relationship disputes. He joined Swaab Attorneys in 2005 with more than 30 years' experience in the areas of practice. He is the co author with Marilyn Hauptman of Volume 4 Australian Family Law (Lexis-Nexis) and author of the Family Law Section of the Australian Encyclopaedia of Forms and Precedents. He and Marilyn Hauptman are regular presenters (on various topics of Family Law) at the State Legal Conference and Ian is also a presenter at the College of Law, University of NSW and other organisations. Ian is an accredited Family Law Mediator and Arbitrator and is on the panel of the NSW District Court as a Mediator in Property (Relationship) disputes.

#### Stephen Bourke, *Principal, Supersplitting*

is an accredited specialist with the Self Managed Superannuation Professionals Association and a Director on the Board of Management of that Association. He also chairs the Regulatory Committee.

Stephen was admitted to role of barristers in the Supreme Court of New South Wales on 7 April 1989. He was admitted to the role of legal practitioners in the Supreme Court of the Australian Capital Territory on 25 January 2002 and admitted as a practitioner of the High Court of Australia on 23 September 2004.

Stephen is a Director in the newly formed boutique legal practice, Certus Law, a practice that specialises in superannuation law and estate planning. Stephen is a joint author, along with Garry Watts and Michael Taussig QC, of the text "Super Splitting on Marriage Breakdown" published by CCH Australia Ltd in May 2002. He contributes regularly to the professional literature in superannuation law and estate law. He also consults to other professionals through the consulting practice Supersplitting Pty Ltd, a practice that specialises in superannuation law and family law.

#### Dr Anthony Dickey Q.C.

Barrister and solicitor of the Supreme Court of Western Australia 1977, and Victoria 1981; Q.C. 1993. Author of the textbook *Family Law* (5th edn. 2007). Member of the Editorial Board of the *Australian Journal of Family Law*. Consulting Editor (Family Law) of the *Federal Law Reports* and the *State Reports (Western Australia)*.

# Priority registration form Family and Child Law Toolkit

**4 easy ways  
to register**

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Locked Bag 2222, Chatswood Delivery Centre,  
Chatswood NSW 2067 or  
DX 29590 Chatswood

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**Please complete sections A, B, C, D**

Training code: S1 NSW-PD3118, S1 Newcastle-PD3218, S1 QLD-PD3318, S1 VIC-PD3418, S2 NSW-PD3618, S2 Newcastle-PD3718, S2 QLD-PD3818, S2 VIC-PD3918, S2 WA-PD4018, S3 NSW-PD4118, S3 Newcastle-PD4218, S3 QLD-PD4318, S3 VIC-PD4418, S3 WA-PD4518, S4 NSW-PD4618, S4 Newcastle-PD4718, S4 QLD-PD4818, S4 VIC-PD4918, S2 WA-PD5018

## A Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_

Suburb Postcode State

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

## Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

## Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

\*\* to send toolkit confirmation

**3rd Delegate FREE!**

## B Venue & date selection

<b>SYDNEY</b> <input type="checkbox"/> 14 October 2008 <input type="checkbox"/> 30 October 2008 <input type="checkbox"/> 18 November 2008 AM/PM	The Portside Centre Level 5, Symantec House 207 Kent Street Sydney, NSW 2000 Tel: (02) 9251 9559
<b>NEWCASTLE</b> <input type="checkbox"/> 16 October 2008 <input type="checkbox"/> 5 November 2008 <input type="checkbox"/> 20 November 2008 AM/PM	Noah's on the beach 29 Zaara Street Newcastle NSW 2300 Tel: (02) 4929 5181
<b>BRISBANE</b> <input type="checkbox"/> 21 October 2008 <input type="checkbox"/> 10 November 2008 <input type="checkbox"/> 25 November 2008 AM/PM	Christie Corporate 320 Adelaide Street, Brisbane QLD 4001 Tel: (07) 3010 9111
<b>MELBOURNE</b> <input type="checkbox"/> 23 October 2008 <input type="checkbox"/> 11 November 2008 <input type="checkbox"/> 27 November 2008 AM/PM	Melbourne – 365 Little Collins 365 Little Collins Street Melbourne Victoria 3000 Australia Tel: (03) 8676 0365
<b>PERTH</b> <input type="checkbox"/> 13 November 2008 <input type="checkbox"/> 2 December 2008	Perth – Cliftons Ground Floor Parmelia House 191 St Georges Tce Perth WA 6000 Tel: (08) 9480 0999

## C Event Pricing (please tick your selection)

<input type="checkbox"/> Session 1	\$950.00 + GST = \$1045.00
<input type="checkbox"/> Session 2	\$950.00 + GST = \$1045.00
<input type="checkbox"/> Session 3	\$500.00 + GST = \$550.00
<input type="checkbox"/> Session 4	\$500.00 + GST = \$550.00
<input type="checkbox"/> All Sessions - Receive 10% discount	\$2610.00 + GST = \$2871.00

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- Australian Family Court Legislation - Looseleaf** (Product Reference number 903639) ISBN: 0000144967 \$468.00 Plus GST = \$514.80 (discounted price)
- Australian Family Law - Looseleaf** (Product Reference Number 900923) ISBN 0000297572 \$1492.20 + GST = \$1641.42 (discounted price)

### TEAM DISCOUNTS\*

- Register a team of 2 for the Family and Child Law Toolkit at the same time, from the same organisation and receive a free pass for the 3rd delegate.
- \* Team discounts and any other discount cannot be taken concurrently

## D Payment details Payment is due upon registration

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Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing up to but not including 1 month prior to the date of the event. If we receive written notification – any time up to but not including 2 weeks prior to the date of the event, you will receive a 50% refund and workshop documents. No cancellation requests will be accepted during the period 2 weeks prior to the event. You may nominate a replacement, however no refund will be issued. Details regarding this seminar were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the seminar details if required.

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