



7th Annual National

Family Law Summit

Family Law at the Coalface

Pre-conference workshops: 9 June 2010
10 - 11 June 2010
Stamford Plaza, Brisbane

Program highlights

- PROBE the future of the presumption of equal **shared parental responsibility** post-2009 family law reports
- ASCERTAIN how 2010 amendments regarding **binding financial agreements** will affect your practice
- DEMYSTIFY the division of **de facto property** and complications of **same sex parentage**
- VALUE **minority interests** in private companies
- HEAR from counsel in **Rosa v Rosa [2009]**; high court relocation case of **MRR v GR [2009]**

Early Bird Discount expires 30 April 2010

Register online today: www.lexisnexis.com.au/pd

Official Publications:

Australian Family Law
Australian Journal of Family Law

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Speakers



Hon Judge David Brown
Family Court of New Zealand

Graeme Page SC
Queensland Bar



Tim North SC
Victorian and Queensland Bar



Geoff Wilson
Partner, Hopgood Ganim



Brett Hartley
Partner, Hartley Healy



Paul Doolan
Partner, Barkus Doolan Kelly

PLUS PRACTICAL WORKSHOPS:

WORKSHOP A: Drafting affidavits, orders and submissions

WORKSHOP B: Superannuation Essentials

7th Annual National

Family Law Summit

Pre-conference Workshops: Family Law Essentials – Wednesday, 9 June 2010

8:30 **Workshop A registration**

9:00 – 12:00 Including morning tea

Workshop A

Drafting affidavits, orders and submissions: Techniques, traps and pitfalls

A. Drafting persuasive affidavits and submissions in family law matters

- Reviewing the statutory framework
- Deciding what evidence is contained in an affidavit
- Drafting persuasive affidavits
- Affidavits and rules of evidence – complying with evidentiary rules
- Drafting traps and pitfalls – the do's and don't's
- How to make the judicial officer read your affidavit

B. Drafting effective orders – do's and don't's

- Types or categories of orders
- Drafting effective orders
- Remedying defective orders
- Notations in orders

C. Drafting pleadings

D. Advocacy in Family Law

- Common objections to evidence
- Useful provisions in the Evidence Act
- Advocacy in family law

Richard Galloway, Barrister, Queensland Bar

12:00 – 1:00 **Networking lunch for speakers and full day delegates**

Who should attend?

- Family Law Practitioners
- Barristers
- ADR and Collaborative Law practitioners
- Government Lawyers

12:30 **Workshop B registration**

1:00 – 4:00 Including afternoon tea

Workshop B

Superannuation essentials

- Types of splitting orders court can make
- Arriving at base amount
- Flagging a superannuation interest
- Structuring settlements
- Drafting splitting agreements
- S72 notice - Notice to trustee by non-member spouses
- When is a new interest in superannuation created
- Time frames under new super splitting laws – implications for de facto couples
- Packaging a property settlement so as to obtain maximum tax benefits for both parties
- Reviewing trustees' responsibilities
- Tax consequences and proportionate split for preservation
- How to avoid claims in negligence in superannuation

Stephen Bourke, Principal, Supersplitting

4:00 **Close of workshops**

Testimonials from previous LexisNexis Family Law conferences

"Highly relevant content – of benefit to clients & myself and incredibly worthwhile – amount of info & knowledge gained would have taken 100's of hours to research myself."

"Very good. Thought provoking and well presented."

"Very informative and practical conference."

"The conference exceeded my expectations."

"Excellent professional training solving some of the mysteries."

Register online today: www.lexisnexis.com.au/pd

Family Law Summit

Family Law at the Coalface

Day 1 – Thursday, 10 June 2010

8:30 **Registration**

8:50 **Welcome from the Chairperson**

Geoff Wilson, Partner, Family Law Accredited Specialist, **Hopgood Ganim**

9:00 **Dividing de facto property – practical concerns, cases and the way forward**

- Recent cases under *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* (Cth)
- Assessing the evolving definition of property in de facto family law property proceedings
- Determining the existence of a de facto relationship
- Intricacies of concurrent or overlapping relationships
- When a de facto relationship ends – determining the duration of the relationship in which there have been separations and reconciliations

Tim North SC, Barrister, **Victorian & Queensland Bar**

9:50 **Binding Financial Agreements: For better or worse?**

- Recent changes from Jan 2010 - amendments to part VIIIA and VIIIB and their implications
- When is a binding financial agreement binding?
- Exercising care in forming agreements and when acting for clients in financial dispute resolution, drafting, negotiating and finalising effective financial agreements
- Enforcing financial agreements
- Setting aside financial agreements
- Pros and cons of agreements and consent orders
- Complications for de facto couples entering into binding financial agreement
- Recent case law: *Fevia v Fevia* [2009] and post *Black v Black* cases

Paul Doolan, Partner, Family Law Accredited Specialist, **Barkus Doolan Kelly**

10:40 **Morning tea**

11:00 **Identifying and valuing minority interest in private companies in the Family Court**

- Comprehend the nature of minority interests in a private company
- Grasp the identification process of minority interests
- Gathering together relevant documentation for the identification and valuation of minority interests
- A brief review of the Family Court's treatment of the valuation of minority interests in private companies
- Valuation of a minority interest – what an expert accountant does and why they do it
- Proper presentation of evidence concerning the identification and valuation of minority interests in the Family Court

Brett Hartley, Partner, Family Law Accredited Specialist, **Hartley Healy Joseph Box**, Partner, **Grant Thornton**

11:50 **Recent issues regarding third parties and trusts post Kennon & Spry**

- Third party interests and property settlement: when to intervene; when to join; practice and procedure
- Part VIIIAA and third party interests
- *Stephens & Stephens* [2009] and enforcement of property orders against trusts
- Where have we progressed since Stephens?
- Practical examples: What to tell your client

Alison Ross, Senior Associate, Family Law Accredited Specialist, **Hopgood Ganim**

Lisa Lahey, Senior Associate, Family Law Accredited Specialist, **Hopgood Ganim**

Alexandra Moles, Senior Associate, Family Law Accredited Specialist, **Hopgood Ganim**

12:30 **Networking lunch for speakers and delegates**

1:25 **Welcome from Afternoon Chairperson**

Tedd Jordan, Barrister, **Queensland Bar**

1:30 **Is your property application out of time?**

- Latest developments on time limits for institution of proceedings
- Bringing an urgent matter to court
- Analysing *Hedley v Hedley* [2009] 42 Fam LR 147 – how it will impact on future decisions
- Time delays
- Implications

Christopher Carrigan, Barrister, **Queensland Bar**

2:00 **Bankruptcy, debt and creditor issues in cases of divorce, separation and marital breakdown**

The aftermath of the global financial crisis has resulted in a string of debt and disputes. This session will cover:

- Interpreting and applying amended family and bankruptcy laws
- Disputes related to debt
- *Orchard v Orchard* [2009] FamCAFC 90
- *Trustee of the Property of G Lemnos, a Bankrupt & Lemnos and Anor* [2009] – determining priorities: creditors or family of the bankrupt?
- *Bergman and Bergman* [2009] – the jurisdiction of the court to determine third party disputes
- *Commissioner of Taxation & Worsnop and Anor* [2009] – treatment of secured creditors, in this case, the Tax Commissioner

Colin Forrest, Barrister, **Queensland Bar**

2:50 **Bargaining under the shadow of the law: Family dispute resolution and mediation**

- Models of mediation used in Australia and applications in various family law situations
- Arbitration versus Mediation versus Expert Case Appraisal – the Queensland landscape
- Family Dispute Resolution Practitioners and their role
- Preaction procedures under FL Rules 2004 and Commonwealth government push for ADR – Mediation as a legal requirement

- Preparing clients for dispute resolution processes
- Examining the lawyer's role in representing clients in all forms of primary dispute resolution processes
- Avoiding deadlocked negotiations – overcoming common barriers in the process
- Dealing with high-conflict mediation
- Arguments for and against judicial conferencing

Peter Sheehy, Principal, Family Law Accredited Specialist,
Peter J Sheehy Solicitors

3:30 **Afternoon tea**

3:50 **Choose your stream:**

Financial Stream

Establishing a favourable holding pattern – what can make and break your case in the post separation period

- Treatment of post separation income from family businesses, trusts and companies
- Ensuring that any part property settlement is treated as such in light of *Strahan & Straham* (interim property orders) [2009] FamCAFC 166
- Add-backs
- Post separation acquisitions and debts
- Interrelationship with interim financial applications

Sarah Minnery, Senior Associate, Family Law Accredited Specialist,
Hemming + Hart

Tips and traps in drafting property settlements – tax and accounting perspectives

- Division 7A implications – how to maximise the value of the pool
- Application of CGT roll-over provisions
- Consideration of notional liabilities
- Carry-forward tax losses and changes in share ownership

Natalie McKay, Partner, **Pilot Partners**

Practice Management Stream

“Costs, costs, costs”: The most important part of any lawyer's practice

- Reviewing the solicitor/client costs regime prior to July 2008 (the then Rules of the Family Court and solicitor/client costs regime in the Federal Magistrates Court)
- What provisions of Ch. 19 of the FL Rules still apply to solicitor/client costs in the Family Court
- Spotlight on the requirements for solicitor/client costs after July 2008
- Comparison of relevant legislative provisions of the States of Queensland, New South Wales and Victoria
- Solicitor's liens and security for costs
- Drawing engagement letters
- Drawing solicitor/client cost agreements (including precedent letter and agreement)

Ian Serisier, Special Counsel, **Swaab Attorneys**

Co-Author, **LexisNexis “Practicing Family Law”** and Author, **Family Law Section – “Australian Encyclopaedia of Forms and Precedents”**

5:10 **Close of Day One**

Day 2 – Friday, 11 June 2010

8:30 **Registration**

8:50 **Welcome from the Chairperson**

Julie Harrington, Principal, Family Law Accredited Specialist,
Harrington Family Lawyers

International Keynote

9:00 **The Early Intervention Project - A fresh start to children's cases in New Zealand**

Hon Judge David Brown, Acting Principal Family Court Judge,
Family Court of New Zealand

9:30 **Child protection and violence: A dark shadow on post-separation parenting arrangements and 2006 reforms**

- Not a one-size-fits-all: Differentiating families and differentiating violence
- Screening and triage from the perspective of the family courts
- Determining post-separation parenting agreements – what has really changed since 2006?
- Child protection in the context of abuse and violence
- Reviewing effects of 2006 shared parenting reforms on recent cases – for better or worse?
- Does the presumption of joint responsibility undermine the paramountcy of the child's best interests?

Anne-Marie Rice, Principal, Family Law Accredited Specialist,
Rice Naughton Buckley

10:15 **Morning tea**

10:35 **Examining key findings of the AIFS Evaluation of the 2006 family law reforms**

- Impact of the Family Law Reform Amendment (Shared Parental Responsibility) Act 2006
- Patterns in court filings and use of family dispute resolution
- Family violence and child abuse in the federal family law system

Dr Rae Kaspiew, Senior Research Fellow, **Australian Institute of Family Studies**

Commentary

11:15 **Shared parenting conundrum: 50-50?**

- Reviewing the outcome of recent Chisholm, AIFS and Law Council reports and implications for *Family Law Amendment (Shared Parental Responsibility Act) 2006* reforms
- Quantifying the risk of harm in 50-50 residential orders
- Analysing recent shared parenting decisions
- Pros and cons of 2006 amendments to shared parenting
- The way forward - are we in need of new reforms?

Panellists: Hon Judge David Brown, Acting Principal Family Court Judge, **Family Court of New Zealand; Graeme Page SC**, Barrister, **Queensland Bar; Damien Greer**, Partner, Family Law Accredited Specialist,
Herbert Geer

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11:55 **Networking lunch for speakers and delegates**

12:55 **Welcome from Afternoon Chairperson**

Geoff Sinclair, Partner, Family Law Accredited Specialist,
Barry & Nilsson

Commentary

1:00 **Investigating key issues in children's evidence and the voice of the child in the legal process**

- Is the case appropriate for the appointment of Independent Child Lawyer (ICL)?
- Gathering evidence by the ICL and children's wishes - relevance of material under subpoena to ICL
- Use and admissibility of family reports
- Enforcement of orders – in the area of children
- The voice of the children in the legal process – are children's wants and needs considered?
- What to expect from the ICL in terms of resolving the matter and trial process
- Direct representation of children
- Child-focused dispute resolution
- Minimising the impact on children

Panellists:

Adam Cooper, Special Counsel, Family Law Accredited Specialist,
Barry & Nilsson

Damien Carter, Family Law Accredited Specialist, Independent Child Lawyer, **Carter Farquar**

Lynne Clarke, Accredited Family Consultant, Family Therapist and Dispute Resolution Practitioner

1:40 **Interstate, intrastate and international relocation decisions in 2009-10: Is the child's best interests of paramount consideration?**

- Child's best interests as paramount but not sole consideration – what particular considerations are taken into account in decisions reached
- Deliberating on the future of presumption of equal shared parental responsibility
- *McCall v Clark* [2009] FamCAFC 92
- *Rosa v Rosa* [2009] FamCAFC 81, *MRR v GR* [2009] HCATrans 316 – relocation and shared parenting
- Complications of international relocation
- Parent relocation rights
- The aftermath: Relocation and their impact on children and parents' relationships over time
- Post-separation conflict / conflict after the relocation decision

Graeme Page SC, Barrister, **Queensland Bar**
(Counsel for the respondent in *Rosa v Rosa*)

2:30 **Same sex parentage, adoption, artificial conception and surrogacy – Anticipating legal problems and complications**

- In-vitro, IVP and assisted reproductive technology – parentage presumptions, illegitimacy and rights of the child
- Parentage of same sex couples under new reforms - *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* (Cth) and *Same Sex Relationships (Equal treatment in Commonwealth Laws – General Law Reform) Act 2008* (Cth) and related acts
- S60 H and its effects – gender-neutral parental status?
- Effects on pre-existing state and federal parentage laws
- Determining liability to pay for child support in cases of artificial conception
- State-based legislation on adoption – is reform on the horizon? (eg *Family Surrogacy Act 2009* (Qld))
- Parentage orders for child born under eligible surrogacy arrangement
- Cases of contested parentage in lesbian families

Greg Shoebridge, Barrister, **Queensland Bar**

3:15 **Afternoon tea**

3:35 **Assessing the ramifications and impacts of substance abuse, conflict and violence on children**

- Dealing with allegations of spousal abuse – common forms and complications
- Gathering evidentiary material – traps and pitfalls in taking instructions about family violence, assessing the evidence and forming judgments about its probity
- Problems in disclosure and ambiguity
- Behavioural, cognitive and emotional impacts on children
- Mitigating impacts of family violence on victims and children and diminishing risk
- Effects of alcoholism, substance abuse and mental health issues

David Hugall, Psychologist, Regional Coordinator, Child Dispute Services, **Family Court of Australia**

4:15 **Binding child support agreements in the new regime**

- Child support agreements post 1 July 2008
- Setting aside "transitioned" child support agreements and post 1 July 2008 child support agreements
- Assessing 2009 child support amendments – formulas, cost of care arrangements and more
- Advising your client – limited or binding child support agreement?
- Terminating child support agreements
- Obtaining family tax benefits

Kay Feeney, Special Counsel, **Cooper Grace Ward**

5:00 **Close of conference**

Priority registration form Family Law Summit



4 easy ways
to register

Online: www.lexisnexis.com.au/pd
Phone: 1800 772 772
Fax: (02) 9422 2338
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD1410

ABN: 70 001 002 357

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 conference confirmation

B CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the Family Law Summit papers for \$360 + GST = \$396

GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the advanced price per person.

Where did you hear about this event? _____

- Please add me to the LexisNexis Monthly Professional Development email list

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

- One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
- Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
- 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

C Event Pricing (please tick your selection)

EXAMPLE

<input checked="" type="checkbox"/>	One day conference	<input type="checkbox"/>	\$900 + GST = \$990	\$990
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**Advance Price (register and pay before 26 March 2010) or
Group Booking Price (per person, available anytime)**

Please Select	Options	Qty	Price	Subtotal
	Two day conference		\$1,800 + GST = \$1,980	
	One day conference ^		\$900 + GST = \$990	
	Half day workshop only #		\$450 + GST = \$495	

Early Bird Price (register and pay after 26 March 2010 and before 30 April 2010)

	Two day conference		\$1,950 + GST = \$2,145	
	One day conference ^		\$1,050 + GST = \$1,155	
	Full day workshop only		\$1,050 + GST = \$1,155	
	Half day workshop only #		\$550 + GST = \$605	

Standard Price (register and pay after 30 April 2010)

	Two day conference		\$2,050 + GST = \$2,255	
	One day conference ^		\$1,150 + GST = \$1,265	
	Full day workshop only		\$1,150 + GST = \$1,265	
	Half day workshop only #		\$650 + GST = \$715	

* Early Bird, team discounts and any other discount cannot be taken concurrently

TOTAL _____

I would like to attend: Morning workshop or Afternoon workshop

^ I would like to attend: Day 1 or Day 2

If you are attending Day 1, please choose your stream (3.50pm session):

- Financial Stream or Practice Management Stream

D Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for GST upon completion of payment.

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

- Pay by credit card: Please charge \$ _____ to

- Mastercard Visa American Express

Card number: _____/_____/_____/_____

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