



8th Annual Family Law Summit Victoria

Practical solutions and the latest cases
1 September 2011, Stamford Plaza Melbourne

Program highlights

- *The Family Law Act* amendments “the need for **safety from family violence**” – discussion panel
- Discretionary trusts and the *Family Law Act* after *Kennon v Spry*
- Family Law spot light: a snap shot of the **most significant cases** in the last 12 months
- **Relocation cases** *GRR v MR*: an update
- Issues with **super splitting for self managed funds**
- **Post separation contributions**: where an asset pool changes substantially

Speakers

- **Caroline Counsel**, President, **Law Institute Victoria**
- **Dr. Rae Kaspiw**, Manager, Legislation and Courts Project, **Australian Institute of Family Studies**
- **John Glover**, Barrister, **Victorian Bar**
- **Bruno Kiernan**, Barrister, **Victorian Bar**
- **Dr. Andrew Bickerdike**, Chief Executive Officer, **Relationships Australia Victoria**
- **Dr. Renata Alexander**, Barrister, **Victorian Bar**
- **Barbara Phelan**, Barrister, **Victorian Bar**
- **Barbara Campbell**, Principal, **Campbell & Co. Lawyers**, National Director, **Legal Resolution Services**



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8th Annual Family Law Summit Victoria

Practical solutions and the latest cases

8:30 Registration

8:50 Introduction from the Chair

Barbara Phelan, Barrister, Victorian Bar

9:00 Family Law spotlight: a snap shot of the most significant cases in the last 12 months

Family Law continues to throw up unique findings that challenge our traditional approaches and understandings. Leading family law barrister Bruno Kiernan will explore the most outstanding cases in the last twelve months and share his thoughts on this ever changing landscape.

Bruno Kiernan, Barrister, Victorian Bar

0.75 CPD point

9:45 Discretionary trusts and the *Family Law Act* after *Kennon v Spry*

- What *Kennon v Spry* [2008] HCA 56 decided
- Avoiding the ratio(s) of *Kennon v Spry*
- Considering *Choate v Choate* [2009] Fam CA 525, *Leader v Martin-Leader (No 2)* [2009] Fam CA 979, *Allan v Allan* [2009] Fam CA 553 and the indicia for “effective control” of discretionary trusts
- Drafting discretionary trusts for use in Family Law contexts
- Considering default distribution clauses and trust amendment powers: ambiguity problems and fiduciary law constraints

John Glover, Barrister, Victorian Bar

0.75 CPD point

10:30 Morning tea

Discussion Panel

11:00 The *Family Law Act* amendments “the need for safety from family violence”

The *Family Law Act* amendments now include a new division regarding the Family Court’s jurisdiction, to ensure “the need for safety from family violence”. This session will explore why the changes were made, what the changes entail, what effect the changes will have and will they change the way we practice.

Caroline Counsel, President, Law Institute Victoria
Dr. Rae Kaspiew, Senior Research Fellow, Family Law Research Program, Australian Institute of Family Studies
Dr. Andrew Bickerdike, Chief Executive Officer, Relationships Australia Victoria
Dr. Renata Alexander, Barrister, Victorian Bar

1.5 CPD point

12:30 Networking lunch for delegates and speakers

1:30 Relocation cases since the decision of the High Court in *MR v GRR* (2010) 240 CLR 461

- The legislative pathway
- Balancing the interests of the child with each of the parents
- The ‘happiness’ principle
- The weight to be placed on the Family Report in relocation cases

Bronia Tulloch, Barrister, Victorian Bar

0.75 CPD point

2:15 Post separation contributions: where an asset pool changes substantially

- How are the courts currently dealing with this issue?
- Which contributions attract more traction?
- How is post separation care of the children treated?
- What about post separation superannuation contributions?
- Are inheritances in a different category?
- What advice do you give your clients?

Patricia Byrnes, Barrister, Victorian Bar

0.75 CPD point



1 September 2011, Stamford Plaza Melbourne

3:00 Afternoon tea

3:30 The growth of non-litigation options and arbitration in Family Law – has the seed turned into a tree?

- A world snapshot
- Another option for experienced lawyers
- The hard questions – are today's complex topics open to early evaluative facilitation?
- The How and When – how mandatory is mandatory?
- Q&A discussion: Has only one branch grown and the other withered?

Barbara Campbell, *Principal*, **Campbell & Co. Lawyers**,
National Director, **Legal Resolution Services**

0.75 CPD point

4:15 Issues with super splitting for self managed funds

- Splitting Self Managed Super Funds
- The requirements of the *Family Law Act*
- Valuation issues
- Tax implications

Monica Blizzard, *Partner*, **Nicholes Family Lawyers**

0.75 CPD point

5:00 Closing remarks from the Chair

5:15 Close of conference

Who should attend?

All lawyers involved in Family Law including:

- Divorce lawyers
- Accredited specialists
- Associates
- Senior associates
- ADR practitioners
- Family Law practitioners
- Family Law mediators
- Partners
- Solicitors
- Barristers
- Child support workers



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