

Early Bird expires 6 October 2008\*

CPD points  
may be  
applicable

Separately  
bookable  
days

# Family and Child Law Conference

Navigating the complexities  
surrounding children,  
families and the law

18-19 November 2008  
Rydges Hotel  
Perth



## Don't miss this opportunity to:

- Consider the practicalities of the move towards **federal de facto property laws**
- Evaluate the implications of the **new costs rules**
- Master the **structure of a BFA** and achieve a high level of compliance
- Advise clients on **child relocation matters** following shared parental responsibility amendments

**Register Today! Ph: 1800 772 772**  
or visit [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)

## Expert speakers include:

**Tim Stephenson**, Barrister,  
Sir Lawrence Jackson Chambers

**David Garnsworthy**, Barrister, Howard Chambers

**Simon Creek**, Managing Director, HHG Legal Group  
– Hudson Henning & Goodman

**Terri Reilly**, Chief Executive Officer,  
Relationships Australia

**Dr Lawrie Moloney**, Associate Professor, School of  
Public Health, La Trobe University

**Elizabeth Brownlie**, Barrister,  
John Toohey Chambers

**Michael Rynne**, Barrister, John Toohey Chambers

Product of:

LexisNexis official publications:

AUSTRALIAN JOURNAL OF  
**FAMILY  
LAW**

Australian Family Law Bulletin



**LexisNexis**<sup>®</sup>  
Professional Development



# Family and Child Law Conference

## Navigating the complexities surrounding ch

### Day one: Family and Child Law Essentials

- 8.30 **Conference registration**
- 9.00 **Welcome and opening remarks from the Chair**
- 9.05 **Investigating shared parenting responsibility – is it in the best interests of the child?**  
Despite recent legislative change encouraging shared care arrangements for children of separated parents, equal care is not always in the best interest of the child. For children in high conflict situations the promotion of such parenting plans could in fact be exacerbating existing problems. This address will consider issues raised by the *Family Law Amendments (Shared Parenting Responsibility) Act 2006* enabling shared care arrangements, including interpretation of the concept of “substantial and significant” time and fathers’ increasing expectation of shared care. It will ask questions such as:
- Are the shared parental responsibility amendments exacerbating problems for children of violent parents?
  - Does the new legislation lead to an increased focus on parent and child rights, as opposed to the best interests of the child?
  - How is the concept of “substantial and significant” time to be interpreted?
  - Are these amendments “fanning the flames of conflict”? and
  - How are practitioners to respond to these issues?
- Dr Lawrie Moloney, Associate Professor, School of Public Health, La Trobe University**
- 10:00 **Advising clients on child relocation matters in light of the shared parental responsibility amendments**
- Reviewing the types of evidence useful in relocation applications
  - Tips for conducting relocation application proceedings including considerations for choosing the appropriate forum
  - Examining recent child relocation cases
  - Understanding how the courts consider the best interests of the child
  - Preparing a successful relocation application
  - Providing evidence of subjective matters like a party’s distress or happiness in a particular location
- Elizabeth Brownlie, Barrister, John Toohey Chambers**
- 10.50 **Morning tea**
- 11.20 **Mastering the structure of a binding financial agreement and achieving a high level of compliance**
- Understanding the imperatives of a BFA
  - Complying with s90G requirements in light of *Black v Black*
  - Considering common errors and how to avoid them
  - Comparing and contrasting binding financial agreements and consent orders
  - Discussing full and frank disclosure of financial interests
  - Avoiding the setting aside of your BFA
- Tim Stephenson, Barrister, Sir Lawrence Jackson Chambers**
- 12.10 **Clarifying the role of third parties in property matters**
- Planning considerations when running a case involving a third party
  - Factors relevant to the Court’s exercise of discretion in making an order binding on third parties
  - Examining *B v K* and other recent relevant cases
  - Analysing costs factors
  - Discussing recent conflict between the *Bankruptcy Act* and the *Family Law Act*
- Michael Rynne, Barrister, John Toohey Chambers**
- 1.00 **Networking lunch for delegates and speakers**
- 2.00 **Fine tuning practical knowledge of the new costs rules**
- Understanding the requirements of the *Family Law Act* and rules of the Family Court and Federal Magistrates Court
  - Considering the financial consequences for family law practitioners
  - Examining schedule 6 and chapter 19 of the rules
  - Gaining a thorough knowledge of party/party costs and procedure
  - Ensuring the correct costs agreement is in place
- David Garnsworthy, Barrister, Howard Chambers**
- 2.50 **The role of the family lawyer in taking instructions to allege or refute allegations of child abuse**
- Advising the client who suspects abuse
  - Advising the suspected perpetrator – criminal law and domestic violence implications
  - Managing child abuse allegations made for tactical advantage
  - How to make sure you can ‘sleep at night’ as a family law practitioner – ethics, compassion and child abuse allegations
- Simon Creek, Managing Director, HHG Legal Group – Hudson Henning & Goodman**
- 3.40 **Afternoon tea**
- 4.00 **Understanding Family Relationship Centres and sharing progress to date**
- Snapshot of FRC’s work to date
  - Providing an overview of FRC procedures
  - Discussing the client experience
  - Working with legal professionals: areas of collaboration
  - Q&A on issues that have arisen since inception
- Terri Reilly, Chief Executive Officer, Relationships Australia**
- 4.50 **The Hague Convention – an essential update**  
This session provides an essential update on the Hague Convention cases including international aspects of child maintenance and The Hague Abduction Convention.
- Simon Creek, Managing Director, HHG Legal Group – Hudson Henning & Goodman**
- 5.40 **Close of conference**

## Day two: Workshop Essentials

### 8.30 Workshop A registration

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

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.

##### Chapter 19 FL Rules

- Changes to chapter 19 of the Family Law Rules after 1 July (solicitor/client costs)
- Solicitor/client **costs** in the Federal Magistrates Court

##### Legal Profession Act 2008

- Understanding the extent of “costs disclosure”
- Costs Disclosure Statement – best practice
- Overcoming the challenges of time-based billing and maintaining ethical conduct
- Costs agreements that work and the new Act

##### Facilitated by:

*David Garnsworthy, Barrister, Howard Chambers*

Morning tea included

Workshop A

### 12.00 Workshop A close

### 12.30 Workshop B registration

#### 1.00 Applications for Consent Orders – property agreements

In this session we identify the most appropriate method of documenting the resolution of a financial matter by the “Form 11 Applications for Consent Orders” procedure and how to properly draft both the primary and any ancillary documents to give effect to an agreed settlement.

Participants will discuss and learn how to properly document agreements negotiated in financial proceedings, identify common ‘hidden traps’ and obtain a working understanding of the Application process.

##### Consent orders or a binding financial agreement?

- Advising your client: consent orders or a BFA?
- Is the advice different if there are proceedings already on foot in the Court?
- What is the basis of the Court’s jurisdiction to make consent orders?

##### Drafting an Application and the Orders

- What information does the drafter need
- Is there sometimes a need for evidence to be given by affidavit in support?
- Practical tips for the drafting of consent orders
- Ensuring that the orders you draft can be enforced
- What ‘standard orders’ should be included in every settlement?

##### Facilitated by:

*Tim Stephenson, Barrister, Sir Lawrence Jackson Chambers*

Afternoon tea included

Workshop B

### 4.00 Workshop B close

12:00  
Networking  
lunch for full  
day delegates

## Who Should Attend?

- Family law practitioners
- Family Law barristers
- Community Legal Centre lawyers
- Government lawyers
- Collaborative lawyers
- Alternate Dispute Resolution practitioners

## Upcoming Perth events:

### Wills, Succession & Estate Planning:

11 November 2008

### Family and Child Law Toolkit:

13 November & 2 December 2008

### Conveyancing and Property Law Toolkit:

17 November 2008 & 9 December 2008

## WA Quality Assurance provider status

LexisNexis has recently submitted an application for QA Provider status to the WA Legal Practice Board. WA practitioners will receive a progress update in coming weeks and we thank you for continuing to support LexisNexis Professional Development programs.

# Priority registration form Family and Child Law Conference

**4 easy ways  
to register**

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

Please complete sections A, B, C, D

Conference code: PD6018 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

3rd Delegate FREE!

## B Please tick as many practice areas you work in which apply:

- |   |   |
|---|---|
| <input type="checkbox"/> Banking & finance            | <input type="checkbox"/> Family law                               |
| <input type="checkbox"/> Commercial litigation & ADR  | <input type="checkbox"/> Insolvency & restructuring               |
| <input type="checkbox"/> Corporate and commercial law | <input type="checkbox"/> Insurance and risk                       |
| <input type="checkbox"/> Criminal law                 | <input type="checkbox"/> Property                                 |
| <input type="checkbox"/> Energy and resources         | <input type="checkbox"/> Wills & estates                          |
| <input type="checkbox"/> Environment and planning     | <input type="checkbox"/> Workplace relations, employment & safety |
|   | <input type="checkbox"/> Other: _____                             |

This will help us keep you informed about topics relevant to your business needs.

### CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the Family and Child Law Conference \$300.00 + GST = \$330.00

### TEAM DISCOUNTS\*

- Register a team of 2 for the Family and Child Law Conference at the same time, from the same organisation and receive a free pass for the 3rd delegate.

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

## C Event Pricing (please tick your selection)

### Early Bird Special\* (register & pay before 6 October 2008)

<input type="checkbox"/> One Day Conference + 2 Workshops	\$1550.00 + GST = \$1705.00
<input type="checkbox"/> One Day Conference + 1 Workshop#	\$1200.00 + GST = \$1320.00
<input type="checkbox"/> One Day Conference only	\$ 850.00 + GST = \$935.00
<input type="checkbox"/> Both workshops only	\$ 900.00 + GST = \$990.00
<input type="checkbox"/> One workshop only#	\$ 450.00 + GST = \$495.00

### Standard Price (register & pay after 6 October 2008)

<input type="checkbox"/> One Day Conference + 2 Workshops	\$1750.00 + GST = \$1925.00
<input type="checkbox"/> One Day Conference + 1 Workshop#	\$1350.00 + GST = \$1485.00
<input type="checkbox"/> One Day Conference only	\$ 950.00 + GST = \$1045.00
<input type="checkbox"/> Both workshops only	\$ 1000.00 + GST = \$1100.00
<input type="checkbox"/> One workshop only#	\$ 500.00 + GST = \$550.00

# Choose which workshop:

- Costs in family law proceedings after 1 July 2008 (Morning workshop)  
 Binding financial agreements – achieving strict compliance (Afternoon workshop)

## D Payment details Payment is due upon registration

- Enclosed is my cheque for: \$ \_\_\_\_\_ made payable to LexisNexis
- Pay by credit card: Please charge \$ \_\_\_\_\_ to
- Mastercard  Visa  American Express

Card number: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Expiry: \_\_\_\_/\_\_\_\_

Name of cardholder: \_\_\_\_\_

Signature of cardholder: \_\_\_\_\_

- Charge to my LexisNexis account: \$ \_\_\_\_\_

Account number: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of approving manager: \_\_\_\_\_

### 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 is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 20 October 2008. If we receive written notification between 21 October 2008 and 4 November 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 4 November 2008. You may nominate a replacement, however no refund will be issued.

### IMPORTANT PRIVACY NOTICE:

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Please direct your enquiries to privacy@lexisnexis.com.au

- Tick here if you DO NOT wish to receive information about upcoming events