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REGISTRATION  
OPTIONS  
FACE TO FACE  
OR ONLINE

# 19<sup>TH</sup> ANNUAL FAMILY LAW CONFERENCE

Addressing Family Violence in Property Settlements

Managing Interim Applications in Complex Financial Matters

Scenarios Where Financial Orders Aren't Just and Equitable

Navigating Valuations and Expert Evidence in Property Settlements

Proving De Facto Relationships: Shifting Thresholds & Complex Family Dynamics

Untangling the Bank of Mum and Dad in Family Law Disputes

Binding the Deal: Ensuring Enforceability of Financial Agreements

The Practicalities of Family Law Costs Applications

Harmful Proceedings Orders: The New Landscape Under s.102QAC

Contravention Applications: Navigating Uncertainty under the New Act

Codification of Rice v Asplund: Has the Experiment Backfired?

Child Support Proceedings in the FCFOA: The What, When, Why, and How.

A Two-Day Conference

**Thursday 21 & Friday 22 August 2025**

JW Marriott Gold Coast Resort and Spa

## Feedback from last year's conference:

- 👉 The standard is always of the highest quality and this conference was no exception.
- 👉 Valuable content provided by expert industry leaders. Excellent networking opportunity.
- 👉 I found all the speakers very friendly and willing to engage and answer questions and I liked how they sat throughout the audience. I felt like we had absolute experts speaking and to be able to meet and mingle with them was awesome, not to mention the cases to read and excellent papers and presentation. Beautiful venue. Really pleased with the content and relevance to practice. Hope to be back next time!
- 👉 I was extremely impressed by the conference - your organisation was amazing and the ease of connecting, listening and then finding the papers online in my account, was seamless. Although I'd still love to attend in person - as there's nothing like face to face meeting - I found it a very accessible and worthwhile online conference and so well run to time. Thank you so much for the opportunity to take part in the Conference.



Your Trusted CPD Partner for 50 Years

# DAY 1: THURSDAY 21 AUGUST 2025

**CHAIR: THE HON RODNEY K BURR AM, RETIRED JUSTICE, FAMILY COURT OF AUSTRALIA, GLENELG, SA**

## MORNING THEME: PROPERTY SETTLEMENTS AND FINANCIAL MATTERS

**9.00 - 9.15am**

**Introduction and welcome**

**9.15 - 10.00am**

### **Session 1: Beyond the Reforms: Addressing Family Violence in Property Settlements**

With the Family Law Amendment Bill reforms in effect since June 2025, family lawyers are now navigating a transformed legal landscape in property settlements involving family violence. While the reforms aimed to create clarity and fairness, their implementation has surfaced unexpected complexities and overlooked challenges. This session delves into the practical realities and emerging issues lawyers must address, including:

- Breaking down the new process for determining property settlements – what's new and what remains unchanged?
- How will courts quantify the financial toll of family violence? What evidence is required to support claims?
- How are the courts prioritising stable housing for children in property divisions?
- Lessons learned from early judicial interpretations and case law trend

*Speaker: Malcolm Gittoes-Caesar, Accredited Family Law specialist, Lander & Rogers, Sydney, NSW*

**10.00 - 10.10am** Panel Comments and Questions

**10.10 - 10.55am**

### **Session 2: Pending Final Determination: Managing Interim Applications in Complex Financial Matters**

There is a lot to consider when acting for a client in a major complex financial matter. There is a myriad of strategic decisions to make which usually result in multiple interim applications being run to manage businesses, restrain or compel certain actions and/or preserve income or assets pending final determination of property settlement proceedings. Not only is there a lot to consider (and potentially get wrong) but the stakes are also high, and clients quick to sue, when things don't go to plan. To help family lawyers consider the complexities and strategy of interim considerations in major complex financial matters, this session shall:

- Discuss what to do prior to, and at, your initial consultations to identify interim issues requiring urgent attention
- Use deidentified examples from practice to unpick the various considerations that often arise in major complex financial matters, and the importance of being strategic with interim applications
- Outline the options available at an interim stage and what remedies or practical solutions may lie outside of family law
- Look at the interim orders being handed down in the property matters list - how are such matters currently being dealt with, when may the Court consider it not just and equitable to make an interim order?
- Case study examples focusing on orders restraining third parties and corporate entities

*Speaker: The Hon. Justice Suzanne Christie, Federal Circuit and Family Court of Australia, Sydney, NSW*

**10.55 - 11.05am** Panel Comments and Questions

**11.05 - 11.30am** Networking Break and Morning Tea

# DAY 1: THURSDAY 21 AUGUST 2025

**11.30am - 12.15pm**

## **Session 3: When the Court Says No: Navigating Scenarios Where Financial Orders Aren't Just and Equitable**

Family lawyers often focus on advocating for financial orders, but what happens when the Court determines that making any orders is not just and equitable? Since the pivotal Stanford case, this issue has taken on new significance, requiring practitioners to carefully assess the circumstances under which the Court may refuse to intervene. This session delves into:

- The key cases since Stanford where the Court has declined to make financial orders, identifying any emerging trends
- How the Court's approach in high-value property disputes post-Smith & Fields aligns—or doesn't—with established principles
- Factors the Court considers when deciding whether it is not just and equitable to make orders, including financial and non-financial contributions, relationship duration, and ongoing needs
- Risk management strategies for practitioners advising clients in cases where no financial orders might be made, including early case assessment and alternative dispute resolution options
- The practical impact of these rulings on client advice, exploring whether such cases are fact-specific outliers or signal a shift in judicial reasoning

*Speaker: Justine Woods, AccS(Fam), Partner, Cooper Grace Ward Lawyers, Brisbane, Qld*

**12.15 - 12.25pm** Panel Comments and Questions

**12.25 - 1.10pm**

## **Session 4: I've Got the Report – Now What? Navigating Valuations and Expert Evidence in Property Settlements**

When an expert valuation report lands in your inbox, it marks a critical turning point in the case. Whether for trial or mediation, how you assess, challenge, and leverage the valuation can significantly influence the outcome of a dispute. But many family lawyers struggle with understanding the report's strengths and limitations, how to effectively respond, and how to prepare for potential challenges from the other side. This session equips family lawyers with the practical tools needed to confidently navigate the post-valuation process, including:

- What you need to know about valuations, including the valuer's role, their methodology, common challenges, and the key factors they weigh in reaching their conclusions
- How to critically assess a valuation report, identify weaknesses, determine whether further clarification or additional expert evidence is needed, and develop a strategy for using or challenging the report in negotiations or court.
- When and how to challenge a valuation, tactics for questioning the expert's methodology, and how to anticipate and respond to attacks from the opposing side
- Common misconceptions lawyers and clients often hold about business valuations and how these can impact settlement negotiations or trial strategy
- Practical steps to integrate the valuation into your case, key questions to ask your expert, and how to structure your advice to clients

*Speaker: Joseph Box, Partner – Forensic Consulting, Grant Thornton, Brisbane, Qld*

**1.10 - 1.20pm** Panel Comments and Questions

**1.20 - 2.15pm** Luncheon

# DAY 1: THURSDAY 21 AUGUST 2025

## AFTERNOON THEME: RELATIONSHIPS AND INTERGENERATIONAL FAMILY WEALTH

2.15 - 3.00pm

### Session 5: Proving De Facto Relationships: Shifting Thresholds and Complex Family Dynamics

The legal principles defining de facto relationships are well-established, yet recent judicial decisions reveal a more nuanced and sometimes unexpected approach. Are these trends a temporary shift or a sign of a changing threshold for proving a de facto relationship? As more people age and live separately for lifestyle, medical, or personal reasons, understanding when a relationship qualifies as de facto is essential to help clients avoid unintended family law consequences.

This session examines the following:

- In depth look at the cases of note since *Fairbairn v Radecki* [2022] HCA 18 and the facts which have ultimately led the Court to find that a de facto relationship existed
- Compare and contrast the relevance of living arrangements in such decisions and how the court has viewed alternative living arrangements and the relevance of the reasons supporting such arrangements to the Court's determination
- What evidence was required to prove the relevant dates of a de facto relationship when there is no shared residence
- Legal implications for clients with complex family dynamics, including blended families and financial interdependencies
- Implications for older clients, particularly in cases involving aged care and later in life relationships

*Speaker: John Spender, Principal, Kennedy Partners, Melbourne, Vic*

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

### Session 6: Gift or Loan? Untangling the Bank of Mum and Dad in Family Law Disputes

As property prices soar across Australia, financial assistance from the "bank of mum and dad" has become a lifeline for many adult children entering the property market. While families may initially agree on the nature of this assistance, discrepancies often arise between informal understandings and formal documentation signed during the transaction, typically at the request of financial institutions. These discrepancies frequently come to the fore during separations or property settlement disputes, whether between the adult child and their spouse or the parents themselves. This session provides a comprehensive exploration of the legal complexities arising from such financial arrangements, including:

- How financial contributions from parents are treated in family law disputes, including common challenges in distinguishing ownership, control, and intended benefit in property settlements
- Distinguishing between a gift and a loan, and the implications of this distinction in disputes between adult children, their spouses, or parents
- Evidentiary requirements to prove a gift versus a loan and strategies for addressing inconsistent evidence, such as statutory declarations
- The presumption of advancement and its evolving application in family law cases post-Bosanac
- Preventative measures to manage potential future disputes, including practical steps to take at the time of the property transaction

*Speaker: Barry Frakes, Principal, Accredited Mediator & Arbitrator, Watts McCray Lawyers, Sydney, NSW*

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

# DAY 1: THURSDAY 21 AUGUST 2025

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4.25 - 5.10pm

## **Session 7: Binding the Deal: Ensuring Enforceability of Financial Agreements**

Staying on top of recent legal developments is essential for practitioners preparing or advising on financial agreements. The enforceability of a financial agreement often hinges on interpretation, making it critical to understand the latest case law and best practices. This comprehensive session will provide key insights and guidance, covering:

- Analysis of important recent judgments, including *Suess & Suess* [2024] FedCFamC1F175, *Daily & Daily* [No.4] [2024] FedCFamC1A185, and *Dragomirov & Dragomirov* [2024] FedCFamC1A187, and their implications for financial agreement drafting and advice
- Identifying patterns in court decisions and recent trends in financial agreement disputes
- Practical steps to reduce the risk of agreements being set aside or declared unenforceable
- Common pitfalls in drafting and advising on financial agreements, and strategies to avoid them
- Key evidentiary considerations for practitioners and tips for comprehensive advice

*Speaker: Jacky Campbell, Partner & Accredited Family Law Specialist, Forte Family Lawyers, Melbourne, Vic*

5.10 - 5.20pm Panel Comments and Questions

# DAY 2: FRIDAY 22 AUGUST 2025

**CHAIR: ADAM COOPER, PRINCIPAL,  
COOPER FAMILY LAW, SPRING HILL,  
QLD**

**THEME: COURTROOM STRATEGIES**

**9.00 - 9.05am**

**Introduction and welcome**

**9.05 - 9.50am**

## **Session 8: Is it Worth it? The Practicalities of Family Law Costs Applications**

While the Court has discretion in family law proceedings to order one party to pay another's costs in certain circumstances, it can be difficult knowing when it is worth pursuing a cost application (and, if you do decide to file, how best to go about it!) This session examines the practical side of cost applications in family law proceedings and examines:

- How the court is currently approaching cost applications for both financial and non-financial matters, including lessons for practitioners arising from *Roydon & Roydon [2024] FedCFamC1A 105*
- Costs in parenting matters - in what circumstances are costs being granted in non-financial matters?
- How costs are considered and awarded when it comes to appeals, including appeal certificates and what happens when a retrial is ordered
- The level of work required to run a cost application - how much detail is needed to support the cost application
- Tips for maximising your chances of success while maintaining proportionality with the costs of the cost application

*Speaker: Jeff Marhinin, Partner, Barkus Doolan Winning, Sydney, NSW*

**9.50 - 10.00am** Panel Comments and Questions

**10.00 - 10.45am**

## **Session 9: Harmful Proceedings Orders: Understanding the New Landscape Under Section 102QAC**

The 2024 amendments to the Family Law Act introduced section 102QAC and the concept of harmful proceedings orders. While initially viewed as an evolution of vexatious litigant orders, the courts have interpreted and applied these orders in notably different ways, leading to unexpected outcomes. It's clear that harmful proceedings orders are a distinct and complex mechanism requiring careful handling. With these orders being issued more frequently than anticipated, it's essential for family law practitioners to understand how they differ from vexatious litigant matters, particularly regarding the lower threshold and the broader range of scenarios in which the courts may impose them. This session will provide clarity by examining the following:

- Key cases which have applied section 102QAC since its introduction and identifying trends across jurisdictions and case types
- The proof and level of risk required for an order, including how courts have applied the lower threshold—even in the absence of prior orders
- Essential considerations for practitioners when applying for or responding to harmful proceedings orders.

*Speaker: Stephen Page, AccS(Fam); 2023 Queensland Law Society President's Medal Recipient, Director, Page Provan, Brisbane*

**10.45 - 10.55am** Panel Comments and Questions

**10.55 - 11.15am** Networking Break and Morning Tea

# DAY 2: FRIDAY 22 AUGUST 2025

11.15 - 12.00pm

## Session 10: Child Support Proceedings in the FCFCOA : The What, When, Why, and How

Australia's child support system was designed with the intention that child support matters be handled administratively, minimizing the need for court intervention. However, when child support matters do require court involvement, family law practitioners may find themselves revisiting key processes, legal frameworks, and strategies to effectively guide their clients. This session addresses the essential 'what, when, why, and how' of these matters, including:

- When you can take a child support matter to court and the relevant provisions of the Child Support (Assessment) Act 1989 and Child Support (Registration and Collection) Act 1988 that apply
- The circumstances in which the FCFCOA has jurisdiction to consider child support proceedings compared to the circumstances in which it will exercise its discretion to make an order
- The procedural requirements for running child support proceedings (i.e. what is required pursuant to the Family Law Regulations, the FCFCOA Rules 2021 and Central Practice Direction
- The practicalities of running child support proceedings - what should you include in your application, advice and how to be strategic with your matter

*Speaker: Rachell Davey, Partner, Lander & Rogers, Melbourne, Vic*

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

1.10 - 1.55pm

## Session 11: Codification of Rice v Asplund: Has the Experiment Backfired?

In family law, repeated litigation is generally discouraged for the well-being of children. Until 2024, the Rice v Asplund rule required a significant change in circumstances to reconsider final parenting orders. Although the 2024 amendments introduced section 65DAAA to codify this rule, judges have since held that it does not mandate a change of circumstances. This discrepancy could have major implications. To help practitioners understand and address this issue, this session will explore its potential impacts, including:

- Summarise and discuss cases which have sought to apply section 65DAAA since May 2024, including Whitehill & Talaksa, Rasheem & Rasheem
- Analyse the different ways section 65DAAA has been applied judicially since it came into effect - what aspects of the section are causing difficulty in some parts
- Provide an update in relation to possible solutions to this issue, including legislative amendments and/or practical steps lawyers can take to advise their clients when considering or facing potential re-litigation

*Speaker: Professor Patrick Parkinson, Emeritus Professor of Law, University of Queensland*

1.55 - 2.05pm Panel Comments and Questions

# DAY 2: FRIDAY 22 AUGUST 2025

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**2.05 - 2.50pm**

## **Session 12: Mastering Contravention Applications: Navigating Uncertainty under the New Act**

Since the legislative amendments came into effect May 2024, there has been a degree of uncertainty when it comes to how the Court will deal with contravention matters. Recent decisions indicate there is a difference of opinion across the Court as to what exactly needs to be done in advance, what the Court may expect from you at the first return date and how the matter may proceed. With all this uncertainty and inconsistency, it is hard for practitioners to know exactly what to advise clients and just how much work to do in advance of the first hearing. To explore this issue in more detail, this session shall:

- Discuss the legal framework and requirements for contravention applications and the remedies available under the new Act, and flag which matters will still be heard under the old Act
- Discuss the practicalities to consider when considering whether or not to apply - does filing a contravention application help your client achieve their desired outcome?
- Explore the procedural aspects to consider when you are acting for the Applicant and when you act for the Respondent – should you file in advance or wait until a prima facie case is established?
- Guide practitioners through how to properly particularise orders sought and affidavits in quasi-criminal proceedings, and what to do when faced with an ill-prepared application

*Speaker: Richard Galloway, Barrister, Brisbane, Qld*

**2.50 - 3.00pm** Panel Comments and Questions

**3.00pm** Conference Close

# GENERAL INFORMATION

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## Conference Registration Fee

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The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunches are included for face to face attendees.

## Conference Papers

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TEN does not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

## CPD

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**Lawyers:** 11 CPD units/points (substantive law)

## CPD Certificate

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All delegates attending the conference will receive a CPD Certificate confirming attendance.

## The Conference Venue

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### JW Marriott Gold Coast Resort & Spa

158 Ferny Avenue, Surfers Paradise, Qld

Reservation link: Book your group rate for 19th Annual Family Law Conference Aug2025

The JW Marriott is offering a special group rate of \$325 per night for delegates attending the conference. This rate is available for Wednesday 20 & Thursday 21 August 2025

- Full payment is due 1 day after booking
- The credit card used at the time of booking will be charged in full
- Booking will be non-refundable and no cancellations permitted

This offer is subject to availability and the cut-off date is 20.7.25.

*Hotel Reservations:*

Phone: (07) 5592 9800

Website: [Family Resort in Surfers Paradise – JW Marriott Gold Coast Resort](#)

## Travelling to the Conference Venue

Delegates are advised to make their own travel arrangements.

## Conference Dress

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Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

# TERMS AND CONDITIONS

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1. In these terms,
  - a. "TEN" means Television Education Network Pty Ltd
  - b. "you" means the person who has registered to attend or the person or persons who attend[s] the conference (if different from the person registered)
  - c. "conference" means the live face to face or live or recorded online educational event or which you have registered (by whatever name called and includes conferences, masterclasses, webinars and webinar series).
  - d. "live conference" means a conference other than a recorded conference.
  - e. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
  - f. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
  - g. "face to face" in relation to a conference means a conference held in an external venue where you view the conference in the conference room

## General – all conferences

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3. The information and opinions of presenters at the conference are not necessarily those of TEN and are in the nature of general information and not professional advice and you rely on these at their own risk. TEN is not responsible for the accuracy of the information or the correctness of the opinions offered by presenters at the conference.
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## Conference cancellation by TEN – all conferences

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12. TEN reserves the right to cancel a conference for any reason.
13. If TEN cancels the conference, you will be entitled either to a refund of the registration fee you have paid or to a credit equal to that fee which you can use to purchase another TEN product within 12 months of the first day of the cancelled conference.

## Cancellation by You – all conferences

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14. Refunds for registration cancellation by you other than under Clause 6(b):
  - a. If notice of cancellation is actually received by TEN more than 10 days before the first day on which the conference is to be held, 85% of the registration fee you have paid
  - b. Otherwise, no refund.

## Governing Law – all conferences

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