

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

# Second Annual NSW Criminal Law 10 Point Masterclass

Saturday 20 February 2021

- Admissibility of Police Interviews in NSW: The High Court Verdict is In
- Criminal Matters and Mental Health: Unpacking the New Regime
- NSW Sentencing Law: Keeping Ahead of the Changes
- Tendency and Coincidence Law and other Evidence Law Changes in NSW
- Lifting the Lid on Domestic Violence
- Strangulation Offence in NSW – A Question of Intention and Consent?

Earn 10 CPD units including the compulsory subjects – attend this one-day Masterclass and we'll supply 4 free recorded video webinars – 3 covering each of the compulsory subjects plus one other substantive law program to view at your leisure



Leaders in Online CPD for Lawyers and Accountants

## Morning Theme: Key Reforms and Updates in Criminal Law

9.00 – 9.10am	<b>Introduction and welcome</b> Chair: Philippa Grant, Solicitor Director, Medcalf Grant Lawyers, Sydney
9.10 – 10.00am	<b>Session 1: Admissibility of Police Interviews in NSW: The High Court Verdict is In</b>  Police interviews can be contentious when their admissibility is in question. Recent case law developments have raised fresh issues on admissibility of police interviews. This session includes: <ul style="list-style-type: none"> <li>• Admissibility of mixed statements – exculpatory and exculpatory statements</li> <li>• Prosecutors obligation to present its case fully and fairly</li> <li>• Should prosecutors assume an obligation to tender mixed statements?</li> <li>• When a prosecutor may be justified in not tendering mixed statement interviews</li> <li>• The question of the reliability or credibility of the evidence demonstrably lacking</li> <li>• Case report – Nguyen v The Queen [2020] HCA 23</li> </ul> <p><i>Speaker: Joseph Simpson, Barrister, Greenway Chambers, Sydney</i></p>
10.00 – 10.10am	<b>Questions and Discussion</b>
10.10 – 11.00am	<b>Session 2: Criminal Matters and Mental Health: Unpacking the New Regime</b>  The new Mental Health and Cognitive Impairment Forensic Provisions Act 2020 has changed the landscape for criminal proceedings involving clients with a mental health or cognitive impairment. This session examines the key changes and the practical challenges involved with the new regime, including <ul style="list-style-type: none"> <li>• Spotlight on the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW):                         <ul style="list-style-type: none"> <li>○ Understanding the new statutory definitions</li> <li>○ The jurisdictional question</li> <li>○ Key issues to be considered by the Magistrate when performing the ‘balancing exercise’</li> <li>○ Extension of enforceability of orders under Division 2</li> </ul> </li> <li>• Comparisons between the new and old regimes – what’s changed?</li> <li>• What evidence should be provided?</li> <li>• Key inclusions in the expert report and other evidentiary issues</li> <li>• Action that can be taken under the new regime</li> <li>• Practical tips and tricks to consider</li> </ul> <p><i>Speaker: Mario Licha, Barrister, Clarence Chambers, Sydney</i></p>
11.00 – 11.10am	<b>Questions and Discussion</b>
11.10 – 11.30am	<b>Morning Tea Break</b>



11.30am-12.20pm	<b>Session 3: NSW Sentencing Law: Keeping Ahead of the Changes</b>  This session looks at sentencing law in NSW and brings practitioners up to date with recent changes. It includes: <ul style="list-style-type: none"><li>• Changes to sentencing laws in NSW - an overview</li><li>• Recent cases on sentencing</li><li>• Can you submit on sentencing range?</li><li>• Tips for plea making at the local court</li></ul> <i>Speaker: Michal Mantaj, Director, Conditis Lawyers, Sydney</i>
12.20 – 12.30pm	<b>Questions and Discussion</b>
12.30pm – 1.15pm	<b>Luncheon</b>



## Afternoon Theme: Challenges in Practice

1.15pm – 2.05pm	<p><b>Session 4: Tendency and Coincidence Law and other Evidence Law Changes in NSW</b></p> <p>Recent developments in tendency and coincidence law have made it easier for the prosecution to adduce tendency evidence. This session looks at these changes and how you should be advising clients including:</p> <ul style="list-style-type: none"><li>• The new tendency and coincidence laws in NSW - their nature and effect</li><li>• Will they lead to greater admissibility of tendency and coincidence evidence?</li><li>• Impact of new laws in relation to child sex offences</li><li>• What difficulties in application of new laws could arise?</li><li>• The issue of significant probative value in applying these changes</li><li>• What are 'sufficient grounds' to find no significant probative value</li><li>• Balancing prejudicial effect and probative value</li></ul> <p><i>Speaker: Manny Conditis, Director, Conditis Lawyers, Sydney</i></p>
2.05 – 2.15pm	<b>Questions and Discussion</b>
2.15pm – 3.05pm	<p><b>Session 5: Lifting the Lid on Domestic Violence</b></p> <p>The scourge of domestic violence has increased focus on its relationship with criminal law. Understanding how this problem intersects with criminal law is the subject of this session. It includes:</p> <ul style="list-style-type: none"><li>• What is domestic violence?</li><li>• NSW's Safer Pathway program</li><li>• The Domestic Violence Safety Assessment Tool (DVSAT)</li><li>• NSW Police's implementation of DVSAT</li><li>• Does DVSAT work?</li><li>• Legal Aid NSW's Women's Domestic Violence Court Advocacy Service (WDVCAS)</li><li>• Legal Aid NSW's Domestic Violence Duty Scheme</li><li>• Domestic violence evidence-in-chief (DVEC)</li><li>• Apprehended Domestic Violence Orders (ADVOs)</li><li>• Some case studies</li></ul> <p><i>Speaker: Paul Glissan, Barrister, Selborne Chambers, Sydney</i></p>
3.05 – 3.15pm	<b>Questions and Discussion</b>
3.15 – 3.35pm	<b>Afternoon Tea Break</b>



3.35 – 4.25pm	<b>Session 6: Strangulation Offence in NSW – A Question of Intention and Consent?</b>  Recent changes to choking laws have raised the issue of intention and consent. This session looks at what practitioners need to be aware of in respect to choking laws. It includes: <ul style="list-style-type: none"><li>• Unpacking the offence of intentionally choking suffocating or strangling without consent</li><li>• The question of intention and consent – how is this dealt with?</li><li>• Likely impact of the new laws including on law enforcement officers</li><li>• Will changes make the offence easier to prove?</li><li>• Is the severity of strangulation a relevant issue?</li><li>• Will this cover domestic violence situations?</li><li>• Defenses to choking suffocation and strangulation</li><li>• Case study - Choking during a consensual sexual encounter</li></ul> <i>Speaker: Benjamin Pierce, Barrister, Sir Owen Dixon Chambers, Sydney</i>
4.25 – 4.35pm	<b>Questions and Discussion</b>
4.35pm	<b>Masterclass Close</b>

In addition, all delegates will receive the following recorded webinars. These webinars are being recorded in February and will be provided online by end February 2021 for you to view at your leisure to make up the 10 CPD units.

1. Professional Responsibilities and Criminal Law: Raising the Bar (ethics)
2. The Art of Advocacy in the Local Court (professional skills)
3. Criminal Law and Practice and Protecting your Mental Health (practice management & business skills)
4. Update on Drug Offences in NSW (substantive law)



## GENERAL INFORMATION

### Masterclass Registration Fee

The registration fee includes attendance at the masterclass, online access to the conference papers and refreshment breaks and lunch.

### Masterclass Papers

TEN no longer provides printed copies of conference papers at its events. Access to the papers will be available online to all delegates in the lead-up to the masterclass (as the papers become available), during the masterclass and after the conference. The papers will be available in .pdf format for easy download to your local computer or portable device. At the masterclass TEN will supply printed copies of the PowerPoint presentations used at the masterclass.

### CPD - Lawyers

**10 CPD units** – 6 substantive law units from attending the Masterclass **PLUS** we will provide you with **4 free** recorded video webinars – 3 covering each of the compulsory subjects (Ethics, Practice Management & Business Skills and Professional Skills) plus one other substantive law program - for you to view at your leisure prior to 31 March 2021. The recorded webinars will be made available for viewing by end February 2021.

### CPD Certificate

All delegates will receive a CPD certificate confirming registration and the CPD units applicable

### The Venue

Radisson Hotel & Suites  
72 Liverpool Street, Sydney

Web: <https://www.radisson.com/sydney-hotel-ns-2000/ausydney>

### Masterclass Dress

Smart casual attire is suitable. *(note: the temperature in the conference room varies depending on where you are sitting. Light attire is generally OK, but it is advisable that you bring a jacket/long sleeved top in case you need it.)*

### Cancellation Policy

Cancellations must be received in writing at least 10 days prior to the Conference for a 85% refund. Substitute delegates accepted at any time.

If a registration was purchased as part of a group discount the cancellation of that registration may affect the the discount level for other members of the group. The amount of the refund will be adjusted to recoup any adjustment required to the overall registration fees for that group.

### Terms

Program subject to change without notice. The information and views presented in the masterclass are not necessarily those of TEN and participants rely on these at their own risk. TEN is not responsible for any financial or other losses incurred by delegates or for injury or damage to persons or property. TEN's maximum liability for masterclass cancellation or any other loss or liability is the refund of the registration fee paid.

TEN reserves the right to convert the conference on no less than 24 hours' notice to an online conference or to cancel the conference if TEN determines that it is unable to hold the conference face to face for any one or more of the following reasons:

- State or national border closures
- Restrictions on movement of persons imposed on persons by any responsible authority in Australia
- The inability or refusal of one or more presenters or TEN team members to attend the conference to present
- In its opinion, it is unsafe to hold the conference face to face for any reason.

If TEN converts the conference from face to face to online or cancels the conference, TEN will not be responsible for any loss or damage you suffer as a result, including any travel costs relating to the conference and you will not be entitled to a refund as a result of the conversion.



# Registration Form

**REGISTRATION IS SIMPLE:** complete the form below and fax or post your registration to us or register online.

**Television Education Network Pty Ltd** (ABN 19 052 319 365)

**Mail:** GPO Box 61, Melbourne, Victoria 3001 **Fax** (03) 9670 0588 **Phone** (03) 8601 7700

**Enquiries:** Contact our Event Co-Ordinator, Hayley Williams-Cameron ([hayley@tved.net.au](mailto:hayley@tved.net.au)) [direct: (03) 8601 7730]

Register online: [www.tved.net.au](http://www.tved.net.au) – go to Masterclasses

Please register me for **2nd Annual NSW Criminal Law 10 Point Masterclass** to be held on **Saturday 20 February 2021**.

Registration includes attendance at the **masterclass plus 4 free one-hour recorded webinars** covering each of the CPD compulsory subjects and 1 additional substantive law unit to view at your leisure. Delegates will earn their 10 CPD units for the CPD year ending 31.3.21. [conf code: SXNFEB21]

**Early Bird Registration** – for registrations paid on or before **31 January 2021** - **\$880** (\$800 + \$80 GST)

**Full Price Registration** – **\$990** (\$900 + \$90 GST)

### Can't Attend – Purchase the Masterclass Papers

The papers from this masterclass will be available in electronic form only approximately 1 week after the masterclass has been held. You can pre-order the papers now online via our website at [www.tved.net.au](http://www.tved.net.au) [go to Conference Papers]. The papers are \$165 (\$150 + \$15 GST) [Code: PSXNFEB21].

### NAME & ADDRESS DETAILS

Mr/Mrs/Miss/Ms (circle appropriate) Name: .....

Position in Company/Firm: .....

Company/Firm: .....

Postal Address: .....

..... State..... Postcode:.....

Telephone: {.....}..... Mobile: {.....}.....

Email: .....

### PAYMENT DETAILS (Note: This form will be a Tax Invoice for GST when you make payment)

I enclose a cheque for \$..... payable to: **Television Education Network Pty Ltd** or

Please debit my:  **Amex**     **Mastercard**     **Visa**

Expiry Date ...../.....

Name on Card: \_\_\_\_\_ Signature: \_\_\_\_\_

