

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Complex Property Matters in Family Law: A One Day 10 Point Masterclass

Wednesday 23rd February 2022
Online

- Factoring Uncertain Times in Family Law
Property Valuations
- Initial Contributions and Income in Property Assessments
- Identifying Complex Assets in Property Settlements
- Drafting Financial Agreements that Truly Bind
- Third Parties in Property Settlements: Invited Guests and Gatecrashers
- Unrealised Tax Liabilities and the Family Court

Earn 10 CPD units including the compulsory subjects – attend this one-day live online Masterclass and we'll supply 4 free on demand 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

9.00 – 9.05am	<p>Introduction and welcome Chair: Karen Hardy, Partner, Pearson Emerson, Sydney</p>
9.05 – 9.55am	<p>Session 1: Factoring Uncertain Times in Family Law Property Valuations</p> <p>Despite the worst of COVID-19 being behind us, the flow-on effect in property settlement matters will continue to be felt for years to come. This session will provide a guide to what practitioners need to consider when advising their clients, and how courts are reacting, to re-valuation of businesses, properties and other economic considerations in family law property assessments, including:</p> <ul style="list-style-type: none"> • Assessing and quantifying the impact of the last two years on business cash flows, property values and the bottom line • Has the pandemic had a positive or negative impact and how should this be factored in your approach? Eg: travel agency compared with business delivery service • Effective utilisation of forensic accountants and valuers and the right questions to ask • Should banking and financial accommodations for businesses be factored into the equation? • New formulas for new times? What the courts are doing in response • Re-opening negotiations and updating reports • Delay, delay, delay? Advising clients in uncertain times <p><i>Speaker: Neil Jackson, Barrister, Frederick Jordon Chambers, Sydney</i></p>
9.55 – 10.05am	<p>Questions and Discussion</p>
10.05 – 10.55am	<p>Session 2: Initial Contributions and Income in Property Assessments</p> <p>The biggest cause of litigation in family law arises from disputes over contributions. This session will examine two types of contribution that courts regularly need to consider when deciding on entitlement and recent decisions, including:</p> <ul style="list-style-type: none"> • Initial contributions: <ul style="list-style-type: none"> ○ Determining the nature and value of assets brought to a relationship ○ Assessing changes in value and other significant impacts ○ How the courts have calculated initial contributions: ○ <i>Jabour & Jabour [2019] FamCAFC 78; Hobson & Hobson [2020] FamCAFC 251</i> ○ <i>Horrigan & Horrigan [2020] FamCAFC 25</i> • Income: <ul style="list-style-type: none"> ○ How have courts traditionally dealt with high income earning capacity by one party? ○ Has there been a trend away from treating high income as a normal contribution issue to a special contribution issue? ○ <i>Walters v Carson [2018] FamCAFC 233</i> and other relevant cases <p><i>Speaker: Antonella Sanderson, Principal Solicitor/Director, Family Law Matters, Sydney</i></p>
10.55 – 11.05am	<p>Questions and Discussion</p>

11.05 – 11.25am	Morning Break
11.25am – 12.15pm	<p>Session 3: Identifying Complex Assets in Property Settlements</p> <p>As the High Court made clear in <i>Stamford</i>, an essential part of any family property matter is to identify the legal and equitable interests of the parties in any property. However, determining the size of the asset pool can be difficult, particularly where parties have interests in complex company and trust arrangements. This session covers:</p> <ul style="list-style-type: none"> • Court consideration of equitable interests in property • Alter egos and other controlling interests in trusts and companies: <ul style="list-style-type: none"> ○ Distinction between control and ownership ○ De jure control ○ De facto control ○ Sham trusts • Identifying business interests – either owned personally, or through any form of corporate entity, trust or partnership structure • Issues with digital assets: <ul style="list-style-type: none"> ○ Cryptocurrencies ○ Assets held in the Cloud ○ Instagram and other social media accounts <p><i>Speaker: Carly Middleton, Partner, Barkus Doolan Family Lawyers, Sydney</i></p>
12.15 – 12.25pm	Questions and Discussion
12.25pm – 1.10pm	Lunch Break
1.10 – 1.15pm	<p>Introduction and welcome Chair: Nigel Nicholls, Principal, Blanchfield Nicholls, Sydney</p>
1.15pm – 2.05pm	<p>Session 4: Binding the Financial Agreement</p> <p>In a post <i>Thorne v Kennedy</i> landscape, clients may be wondering whether a financial agreement can be truly binding. While a completely watertight financial agreement may be a pipe dream, there are things you can do to increase their effectiveness. This session examines the Court’s current approach with financial agreements and how you can draft a financial agreement that sticks. It covers:</p> <ul style="list-style-type: none"> • How to get it over the line - drafting strategies to prepare a common sense, financial agreement to protect and deliver certainty for your client • What goes in and what stays out? The important question of disclosure, and when • Defending a financial agreement: • What weapons are available when the threat of attack is pending? • How have the lower courts applied the High Court’s reasoning in <i>Thorne v Kennedy</i>? • Lessons from recent cases <p><i>Speaker: Malcolm Gittoes-Caesar, Principal Lawyer, Coleman Greig Lawyers, Sydney, NSW</i></p>
2.05 – 2.15pm	Questions and Discussion

2.15pm – 3.05pm	<p>Session 5: Third Parties in Property Settlements: Invited Guests and Gatecrashers</p> <p>Third-party involvement in property settlement matters is becoming increasingly common, with complex family financial structures leading to more litigation involving third parties such as trusts, companies and creditors. This session looks at practical and procedural issues with the joining or intervention of third parties, including:</p> <ul style="list-style-type: none"> • What is required in establishing a cause of action against a third party? • FCFCOA rules on third party proceedings • Operation of Part VIII AND S90 AE FLA • Joinder application – Applications to bind companies or trusts • The company as third party – piercing the corporate veil • Parties seeking to assert or protect interests in property • Responding to an application – the strike out application in response • Third party proceedings impact on property settlements • Vesting of trusts – Court powers that impact third parties • Cost orders on third party proceedings • Case studies <p><i>Speaker: Collette McFawn, Partner, Lander & Rogers, Sydney</i></p>
3.05 – 3.15pm	Questions and Discussion
1.15 – 3.35pm	Afternoon Break
3.35 – 4.25pm	<p>Session 6: Unrealised Tax Liabilities and the FCFCOA</p> <p>How does the FCFCOA treat unrealised capital gains tax and other tax liabilities? And, does this approach result in a just and equitable outcome for the parties? Why should one party receive tax free assets and the other party receive assets with future tax liabilities that have not been taken into account? This session examines looks at how the Court’s views on tax liabilities have evolved and considers the arguments you can raise to assist with obtaining a just and equitable outcome for your clients. It covers:</p> <ul style="list-style-type: none"> • Should an unrealised capital gains tax be recognised by the FCFCOA? • How do you ‘value’ an unrealised tax liability? • Franking credits and retained profits: Are they an asset or liability? • What can you do with franking credits and retained profits. • Div 7A loan agreements: Do they make future tax liabilities invisible in family law matters? <p><i>Speaker: Nick Gaudion, Director, Cutcher & Neale, Sydney</i></p>
4.25 – 4.35pm	Questions and Discussion
4.35pm	Masterclass Close



In addition, all delegates will receive the following on demand video webinars.

These webinars are being recorded in early 2022 and will be provided online by end February 2022 for you to view at your leisure by 31.3.22 to make up the 10 CPD units.

<p>Substantive law - 1 unit</p>	<p>Contravention Cases in Family Law: Holding Parties to Account</p> <p>The highly anticipated new National Contravention List has now commenced. This practical session examines the issues that need to be considered when acting for the applicant or the respondent in such contravention applications, and the matters that the new FCFCOA will consider in determining applications. It covers:</p> <ul style="list-style-type: none"> • Navigating the new Fam-Contravention List and the new Application Contravention Form • What are the new timeframes? • What penalties or sanctions can be imposed where contravention has been proved? • What is, and is not, a reasonable excuse for non-compliance? • When will matters be triaged to dispute resolution?
<p>Professional Skills - 1 unit</p>	<p>Drafting Meaningful Family Law Correspondence</p> <p>Insta-communications have led to quick and easy correspondence, but are not a substitute where a carefully crafted and informative communication is essential to set out the facts, intentions and/or responses in a complex family breakdown situation. This session provides a guide to informed and thoughtful letter writing, including:</p> <p>Developing a roadmap for communications</p> <ul style="list-style-type: none"> • Structuring and why it is important • What am I trying to say and what is the best way to say it? • Reply in haste, repent in leisure - tone, tenor and misconstruction • Understanding the difference between assertion and aggression and why it is important • A practical guide to effective responses • Assessing your client's preferences and needs as a guide to communications strategy • What to check before pressing "send"



<p>Ethics – 1 unit</p>	<p>Practical Ethics Risk Management in Family Law Matters</p> <p>The frequency of ethical risk in family law matters requires a proactive preventative response. It is too late to pick up the pieces later. This session provides a practical guide in management of key ethics risk in family law practice, including:</p> <ul style="list-style-type: none"> • Understanding the primary duty to client in family law matters • Risk of former or opposing client confidentiality will be compromised • Theoretical risk of misuse test from <i>McMillan v McMillan</i> – how and when to apply • The less stringent ‘no real risk’ test – is this the preferred test on conflict and confidentiality? • The importance of clearly identifying specific confidential information at risk • Other conflict issues arising in family law matters: <ul style="list-style-type: none"> ○ relatives and associates as clients ○ competing financial interests ○ lawyers as witnesses ○ acting against former client ○ acting for more than one client • Acting for parent where allegations parent has abused the children – what to do? • Duty to disclose illegal conduct if made aware when acting for client • Is there an ethics issue in determining need for arbitration? • Case update
<p>Practice Management & Business Skills – 1 unit</p>	<p>Marketing Your Family Law Practice</p> <p>In an environment where potential clients are often feeling shock, upheaval and financial pain, what strategies can family lawyers in this space employ to seek, service and satisfy clients? In this practical session, learn about the key strategies you can implement to enable your family practice to thrive. It includes:</p> <ul style="list-style-type: none"> • Marketing the family law practice – limits and possibilities • Building your online profile • Creating sticky client relationships in family law • Customizing client onboarding – what are the options? • Keeping track of how clients find you and who is referring them • Developing an effective networking capability – knowing who to connect with • Pippa Colman’s top ten tips for marketing



GENERAL INFORMATION

Masterclass Registration Fee

The registration fee includes attendance at the live online masterclass and 4 recorded webinars.

Masterclass Papers

Access to the papers and PowerPoints will be available online to all delegates in the lead-up to the masterclass (as they become available). The materials will be available in .pdf format for easy download to your local computer or portable device. Free WIFI is available in the masterclass room.

CPD – Lawyers

10 CPD units – 6 substantive law units from attending the Masterclass PLUS we will provide you with 4 free on demand 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 2022. The recorded webinars will be made available for viewing by end February 2022.

**CPD
Certificate**

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



Conference Terms & Conditions

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. "Plan" means the COVID-Safe Plan for the conference described below.
 - d. "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).
 - e. "live conference" means a conference other than a recorded conference.
 - f. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
 - g. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
 - h. "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

2. TEN may change the program for a live conference as described in the brochure you have downloaded or in the TEN website without notice to you in any manner and at any time.
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.
4. TEN is not responsible for any financial or other losses incurred by you or for injury or damage to persons or property which occur at or in connection with the conference.

COVID Safe Plan – face to face conferences

What happens if you are diagnosed with COVID-19 or you are otherwise unwell

5. If the conference is held face to face, TEN will conduct the conference in accordance with a COVID Safe Plan. You agree to comply with that Plan at the conference. If you fail to comply with the Plan, you agree to leave the conference immediately at the request of a TEN staff member or venue staff member. If you leave under these circumstances, you will not be entitled to a refund of any part of the registration fee. TEN will not be responsible for any travel or accommodation costs or fees incurred by you in relation to the conference or as a result of you leaving the conference early.
6. The COVID safe plan will prevent your attendance at a face to face conference if you are diagnosed with COVID-19 prior to or during the conference and the infection has not been cleared by two negative PCR tests, if you have a fever (ie raised temperature) at the time of registration or if you have a respiratory illness (including a cold or cough) at the start of or during the conference. In these circumstances:
 - a. You will be entitled to attend the live online version of the conference and/or recorded online version if that is offered; or
 - b. If not, you will be entitled to a full refund of the registration fee paid or a credit equal to that fee to use for a future purchase of a TEN product.



7. If the conference is being held face to face or face to face AND online, TEN reserves the right to convert the conference on no less than 24 hours' notice to a solely online conference or to cancel the conference or to postpone the conference to a later date if TEN determines that it is unable to hold the conference face to face on the date/s advertised for any one or more of the following reasons:
 - a. State or national border closures
 - b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
 - c. The inability or refusal of one or more presenters or TEN team members to attend the conference to present
 - d. In its opinion, it is unsafe to hold the conference face to face for any reason.
8. If TEN converts the conference from face to face only or to face to face and online to online only or postpones the conference 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.
9. If TEN converts the conference from face to face to online or postpones the conference and as a result you are not able to attend you will be entitled to a full refund of registration fee paid or a credit equal to that fee to use for a future purchase of a TEN product.

Copyright

10. The copyright in materials prepared by presenters at a conference and made available to you by TEN is and remains the property of each presenter.
11. You are entitled to use those materials for private study and research only.
12. The copyright in the live stream and in any recording of a conference offered online is the property of TEN.
13. You are entitled to watch a conference for private study and research only.

Conference cancellation by TEN – all conferences

14. TEN reserves the right to cancel a conference for any reason.
15. 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

16. 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

17. The agreement between TEN and you is governed by the laws in force in the State of Victoria and the courts and tribunals of that State have sole jurisdiction to determine disputes arising in relation to it.



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) [direct: (03) 8601 7730]
Register online: www.tved.net.au – go to Masterclasses

Please register me for Complex Property Matters in Family Law: One Day 10 Point Masterclass Online to be held online on Wednesday 23 February 2022. [code: SXFFEB22]

Delegates will receive 4 free on demand video webinars - 3 covering each of the CPD compulsory subjects + 1 additional substantive law unit to view at your leisure. Delegates will earn their 10 CPD units for the CPD year ending 31.3.22.

- Early Bird Registration – for registrations paid on or before 4 February 2022 - \$990 (\$900 + \$90 GST)
- Full Price Registration – \$1100 (\$1000 + \$100 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 [go to Conference Papers]. The papers are \$165 (\$150 + \$15 GST) (Code: PSXFFEB22).

NAME & ADDRESS DETAILS

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

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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: _____

