

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Dividing the Assets in Challenging Property Settlements Disputes: One Day 10 Point Family Law Masterclass

Friday 10th February 2023
Online

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 & Accountants

Dividing the Assets in Challenging Property Settlements Disputes: One Day 10 Point Family Law Masterclass

9.00 – 9.05am	Introduction and Welcome Morning Chair: Barry Berger, Partner, Dignity EDR – Effective Dispute Resolution, Melbourne, Vic
9.05 – 9.55am	Session 1: Big Money, Big Problems? The Family Court and the Top End of Town Rising property values, globalisation of commerce, dual family income, inheritance and investment growth have seen the wealth of Australians rise considerably over the last few decades, and none more so than those at the top of the tree. This session will explore how the family courts are viewing property adjustment in very wealthy family separations, including: <ul style="list-style-type: none">• What does “just and equitable” mean in the context of wealthy families?• Is there a presumption of equality of contribution as a starting point in property adjustments in high wealth cases?• Court treatment of special contributions in high wealth cases• How far and to what extent should the court examine family wealth behind the parties?• Are family trusts doing their job in protecting assets?• Recent cases including Balken & Vyner [2020] FamCA 955; Rigby & Kingston (No 4) [2021] Fam Ca 501 <i>Speaker: Paul Doolan, Partner and Accredited Family Law Specialist, Barkus Doolan Family Lawyers, Sydney, NSW</i>
9.55 – 10.05am	Questions and Discussion
10.05 – 10.55am	Session 2: Counting the Cost of Family Violence on Property Settlements The impact of family violence has been increasingly recognised by the courts in property settlement matters. This session examines the financial consequences of family violence, including: <ul style="list-style-type: none">• What circumstances are necessary to raise the Kennon argument?• Can the Kennon argument apply to post-separation violence and conduct?• What evidence is required to rely on the argument?• The rise and recognition of emotional abuse and coercive control• How the assessment on contributions is calculated: Jabour & Jabour [2019] FamCAFC 78; Benson & Drury [2020] FamCAFC 21; Koch & Kest [2021] FamCA 408 <i>Speaker: Adam Cooper, Principal, Cooper Family Law, Brisbane, Qld</i>
10.55 – 11.05am	Questions and Discussion



11.05 – 11.25am	Morning Break
11.25am – 12.15pm	Session 3: Same Same But Different? The Impact of Relationship Status on Judicial Decision Making Under the Family Law Act, de facto couples and married couples have virtually the same rights when it comes to the application of laws governing property arrangements. However, do the cases tell a different tale? This session will examine trends in decision-making through a number of cases and provide guidance for case preparation with your client’s specific circumstances in mind, including: <ul style="list-style-type: none">• The law is clear but is it reflected in the practical reality of the cases?• How is the financially weaker party in a shorter de facto relationship or marriage treated?• How are the courts viewing property adjustments in same sex relationships particularly when there are no children involved? How does this contrast with decisions involving heterosexual relationships?• Is there a conservative/traditional bias in the courts towards married and/or heterosexual couples?• Some tips for when you are advising clients who do not fall within the conservative/traditional dynamic <i>Speaker: Rachell Davey, Partner, Lander & Rogers, Melbourne, Vic</i>
12.15 – 12.25pm	Questions and Discussion
12.25 – 1.10pm	Lunch Break
1.10 – 1.15pm	Introduction and welcome <i>Afternoon Chair: Antonella Sanderson, Principal Solicitor/Director, Family Law Matters, Sydney, NSW</i>
1.10pm – 2.05pm	Session 4: The Enforcement of Family Law Financial Agreements and Section 90K(1)(d) Section 90K of the Family Law Act sets out a number of grounds upon which a financial agreement may be set aside. Chief amongst these is a “material change in circumstances” arising from some aspect of the care, welfare and development of a child of the marriage. Sounds simple in theory, but section 90K can be difficult to apply in practice. This session examines the following: <ul style="list-style-type: none">• Does the financial agreement take into account the possibility of a young couple having a child?• How should the change in circumstances of a child being brought into the relationship to be dealt with in the agreement?• Understanding the court’s approach to Section 90K• Satisfying the ‘hardship’ requirement• Case update <i>Speaker: Evelyn Young, Partner, Mitchell Family Law, Melbourne, Vic</i>
2.05 – 2.15pm	Questions and Discussion

2.15pm – 3.05pm	<p>Session 5: The Impact of Insolvency on the Family Law Asset Pool</p> <p>After a challenging few years, it is inevitable that some family law clients may be staring down the barrel of bankruptcy or insolvency. This session examines insolvency and its impact on property settlements, with a focus on the new insolvency reforms. It covers:</p> <ul style="list-style-type: none">• Property interests where one party is bankrupt:<ul style="list-style-type: none">○ balancing the interests of the non-bankrupt spouse and creditors○ what orders can be made in respect of property vested in the trustee?○ doctrine of exoneration○ treatment of loan accounts• Unpacking the insolvency reforms to support small business:<ul style="list-style-type: none">○ the introduction of a new debt restructuring process for incorporated businesses with liabilities of less than \$1 million○ moving from a one-size-fits-all “creditor in possession” model to a more flexible “debtor in possession” model○ development of restructuring plans – timeframes and requirements○ a simplified liquidation pathway for small businesses to allow faster and lower cost liquidation○ the practical implications of the reforms for family law property settlements <p><i>Speaker: Stephen Mullette, Principal, Matthews Folbigg Lawyers, Parramatta, NSW</i></p>
3.05 – 3.15pm	Questions and Discussion
3.15 – 3.35pm	Afternoon Break
3.35 – 4.25pm	<p>Session 6: Mind the Tax on the Way Out: Tax and Family Law</p> <p>The increasing financial complexities of business and holding assets directly impacts family law settlements as parties seek to unravel their arrangements. This session will provide a clear guide to family lawyers on tax implications of property settlements, including:</p> <ul style="list-style-type: none">• Asset identification and potential impacts• Factoring in both immediate and longer-term implications• Capital gains tax obligations and exemptions – obtaining the best outcomes for your client• Party interests in trusts and companies – what tax considerations apply?• Options and consequences where one party has potential tax advantages• Avoiding resettlement consequences in trust amendments• Share and asset transfers in companies – determining best strategies• Factoring in Division 7A implications <p><i>Speaker: Adrian Stone, Accredited Family Law Specialist, Gold Stone Family Lawyers, Melbourne, Victoria</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 will be provided online by end February 2023 for you to view at your leisure by 31.3.23 to make up the 10 CPD units.

<p>Substantive law – 1 unit</p>	<p>Super-Size Me: Superannuation Splitting and Family Law</p> <p>Often one of the biggest assets in the property pool, superannuation has become an essential component in property settlements. This session will examine some of the increasingly complex issues in consideration and splitting of superannuation between the parties, including:</p> <ul style="list-style-type: none"> • Accessing superannuation details – recent reforms • Practical and financial consequences of splitting super – is there a better way? • Checking the fund rules – what to look for • Joining the trustee to family court proceedings • Managing super splitting involving multiple member funds • Specific issues concerning SMSFs, defined benefit schemes, military pensions and other less common situations • Recent cases
<p>Professional Skills – 1 unit</p>	<p>For Richer and Poorer: Drafting Watertight Property Consent Orders</p> <p>There are many advantages to settling disputes through consent orders, but there are also many potential pitfalls in drafting them. This session takes a deep-dive into the preparation and drafting of an application for and minutes of proposed orders for property and financial matters, including:</p> <ul style="list-style-type: none"> • When is a property consent order appropriate? Considerations from case law and other requirements • Guidance for completing the consent order application – due diligence, disclosure and client co-operation • Tips for setting out financial information clearly and concisely • How to get from here to there: assembling a property distribution roadmap • Essential matters for property orders and drafting advice, including: <ul style="list-style-type: none"> ○ asset identification and allocation ○ time limits for sale and distribution ○ apportionment and responsibility for liabilities ○ third party actions and consents • When will a court decline to make a consent order and options for redrafting and reconsideration • Cases and examples



<p>Ethics – 1 unit</p>	<p>Negotiations and Determining When to Settle: Walking the Ethical Tightrope</p> <p>All may be fair in love and war, but when do negotiation tactics cross the line into an ethical breach? This session looks at the ethical dimensions of negotiations and entering into settlements in family law matters. It includes:</p> <ul style="list-style-type: none"> • Understanding the ethics of adversarial practice and their impact on settlement • Ethical guidelines for entering settlement negotiations • Should we view settlement negotiations as a game? - the ethics consequences • Some ethics issues in settlement negotiations:: <ul style="list-style-type: none"> ○ Fraudulent deception ○ When silence is a problem ○ Use of false material ○ Obligation of disclosure • Ethics issues in the settlement of complex litigation • Is there an ethics issue in refusing to settle?
<p>Practice Management & Business Skills – 1 unit</p>	<p>Handling Volatile Clients in Family Law</p> <p>In an area of law that is already heightened with emotion, family lawyers can often be faced with difficult clients: they may be excessively needy, overly aggressive, or a combination of both. This session provides best practice strategies in managing difficult clients, including:</p> <ul style="list-style-type: none"> • The written agreement on client practitioner interaction • Maintaining a professional relationship with the client • Some red flags to watch – recognizing the manipulative, needy client • Managing toxic or aggressive behaviour • Key management strategies: <ul style="list-style-type: none"> ○ Managing communication and response expectations ○ Explain difference between urgent and non-urgent ○ Setting a precedent to reinforce boundaries ○ Being selective on clients • Managing client expectation where client exhibits excessive list of wants • Knowing when to ‘pull the plug’ on the client



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.

CPD – Lawyers

10 CPD units – 6 substantive law units for 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 2023. The recorded webinars will be made available for viewing by end February 2023.

Please check your CPD rules to ensure that you are able to claim 4 CPD units from viewing recorded webinars. Most states have allowance for claiming CPD for viewing recorded webinars. [WA practitioners – you cannot claim our recorded webinars as we are unable to verify that you have viewed them].

CPD
Certificate

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



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 - 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
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 - b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
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6. 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.
7. 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.

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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

15. 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 trading as **TEN The Education Network** (ABN 19 052 319 365)

Mail: GPO Box 61, Melbourne, Victoria 3001 **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 **Dividing the Assets in Challenging Property Settlements Disputes: 10 Point Family Law Masterclass Online** to be held online on Friday 10th February 2023. [code: SXCFEB23]

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 31.3.23.

Early Bird Registration – for registrations paid on or before 20 January 2023 - **\$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: PSXFFEB23).

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

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

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