

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Family Law: a one-day 10 Point Masterclass

Thursday 12 March 2020
Radisson Hotel & Suites, Sydney

- Counting the Cost of Contributions in Property Matters
- Adjusting for Future Needs in Property Settlements
- The Role of Third Parties in Property Matters
- Property Settlements and the Tax Essentials
- Binding the Financial Agreement
- Ex Parte Applications and Injunctive Relief
- When Bankruptcy and Family Law Collide

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



The professional development specialists

Morning Theme: Property Matters

9.00 – 9.10am	Introduction and welcome Chair: Duncan Holmes, Director & Accredited Family Law Specialist, Holmes Donnelly & Co., Sydney
9.10 – 10.00am	Session 1: After it's all Over – Counting the Cost of Contributions in Property Matters The assessment of contributions remains a fraught area in family law, particularly when dealing with initial contributions, windfalls and post-separation contributions. This session assumes you know the basics and instead examines the more difficult aspects of assessing contributions, including: <ul style="list-style-type: none">• Relevance of timing of contribution:<ul style="list-style-type: none">○ Value of initial contribution○ Are later contributions given more weight?• What constitutes a post separation contribution and when do you have to disclose? Spotlight on:<ul style="list-style-type: none">○ Significant increases in income○ Bonuses○ Growth and development of assets• Treatment of windfalls and inheritances• Contributions and the role of comparable cases – lessons from <i>Wallis & Manning</i>• Case law update, including <i>Pandelis and Pandelis</i> Speaker: Graeme Hearl, Partner & Accredited Family Law Specialist, Delaney Lawyers, Sydney
10.00 – 10.10am	Questions and Discussion
10.10 – 11.00am	Session 2: Adjusting for Future Needs in Property Settlements: Time to Take Out the Crystal Ball? One of the key steps in property settlements is to determine whether there are any special circumstances that require adjustment to the property settlement amount. Sounds simple in theory, but future needs adjustments are anything but an exact science. This session examines the Court's latest approach to future needs and the more challenging scenarios that can arise. It covers: <ul style="list-style-type: none">• What happens when the pool is insufficient to cater for future needs? Should the "clean break" principle still apply?• Impact of children on s 75(2) factors• Dealing with a high-income earner with very few assets• What if there is a significant disparity between the parties' respective post-separation standards of living?• Future needs adjustments and addbacks post <i>Trevi & Trevi</i>• Family violence – how is it taken into account in the future needs assessment?• Can and should you address future needs via spousal maintenance?• Future needs and double-dipping – what to watch out for• Update on recent cases Speaker: Suzanne Christie SC, Barrister, Culwulla Chambers, Sydney
11.00 – 11.10am	Questions and Discussion

11.10 – 11.25am	Networking Break and Morning Tea
11.25am-12.15pm	Session 3: When Three's a Crowd: The Role of Third Parties in Property Matters <p>While a property matter typically involves two warring former spouses, there has been a steady increase in the number of third party applications in the Family Court. This session examines the rights and responsibilities of third parties joined to a proceeding, and how a family lawyer should best navigate the process when acting for a third party. It covers:</p> <ul style="list-style-type: none">• Who can be a third party?<ul style="list-style-type: none">○ Family members or business associates with an interest in property subject to the proceedings○ Trustees or appointors of a family trust○ Directors and shareholders of a family company Trustee of super fund○ Trustee in bankruptcy• Parent loans versus gifts• Why should a third party be joined to the proceeding?• Third party disclosure obligations• When can orders be made against the third party?• What remedies are available?• On what grounds can a third party resist orders being made affecting them?• Strategies and procedural issues to consider when advising a third party:<ul style="list-style-type: none">○ Requesting particulars from the parties○ Understanding the relevant grounds and remedies○ What evidence is required to support your client's position?○ Payment of valuation and expert costs○ The role of bifurcation applications <p>Speaker: Monique Robb, Special Counsel and Accredited Family Law Specialist, Lander & Rogers, Sydney</p>
12.15 – 12.25pm	Questions and Discussion



12.25 – 1.15pm

Session 4: When Bankruptcy and Family Law Collide

When relationship breakdown coincides with bankruptcy, a messy situation becomes a whole lot more complicated. This session examines how family law proceedings are impacted by bankruptcy of a party, including:

- Bankrupt's standing in family law proceedings
- Clawback powers – how this impacts family court proceedings
- Dealing with unsecured debts
- How are interests of a trustee in bankruptcy relevant to section 79 of the Family Law Act?
- Creditors versus non-bankrupt spouse
- Rights of creditors versus trustees in bankruptcy to set aside financial agreements
- Rights of trustees in bankruptcy under section 75(2)(ha) of the Family Law Act
- Cost issues and bankruptcy in family law proceedings
- Case law update

Speaker: Colin Brown, Consultant Solicitor, O'Neill Partners - Commercial Lawyers, Sydney, (Incorporating Sally Nash & Co)

1.15 – 1.25pm

Questions and Discussion

1.25 – 2.10pm

Luncheon



Afternoon Theme: Protecting Client Wealth

2.10 – 3.00pm	<p>Session 5: 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:<ul style="list-style-type: none">○ 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/Director, Coleman Greig Lawyers, Sydney</i></p>
3.00 – 3.10pm	Questions and Discussion
3.10 – 4.00pm	<p>Session 6: Ex Parte Applications and Injunctive Relief - Practical Precautions to Protect At Risk Property</p> <p>Protecting at risk matrimonial property often requires quick thinking and careful planning. Family lawyers need to be strategic in utilising the range of legal protections available for at risk property in a property dispute. This session explores the options, including:</p> <ul style="list-style-type: none">• Caveat over land – parameters in family law disputes• Injunctions to protect property – when can they be used?• Property protection on an interim basis• When will the Court exercise its discretion?• Third party orders to prevent the disposal of assets• Mareva Orders – how do they work and when are they required? <p><i>Speaker: Jeff Marhinin, Partner & Accredited Family Law Specialist, Barkus Doolan Family Lawyers, Sydney</i></p>
4.00 – 4.10pm	Questions and Discussion



4.10 – 4.25pm	Networking Break and Afternoon Tea
4.25 – 5.15pm	Session 7: Property Settlements and the Tax Essentials <p>A recent High Court case has found that a tax debt of one spouse can be shifted to another during a divorce property settlement. This significant decision, along with the recent Full Federal Court decision of <i>Ellison v Sandini Pty Ltd</i> is a timely reminder for family lawyers of the need to consider tax in property settlements. This session unpacks these important decisions and provides a tax law perspective on preparing settlement orders. It covers:</p> <ul style="list-style-type: none">• Treatment of tax debts following <i>Commissioner of Taxation v Tomaras</i>• When should the more financial spouse consider discharging the tax debt by other means?• Considering CGT implications and rollover relief in family law property settlements• Lessons from <i>Ellison v Sandini</i>.• The use of the 'and/or nominee' clauses in property consent orders• Circumstances where you do not want the CGT rollover to apply• Transfers of assets and payments from private companies – application of Division 7A• Who bears top-up tax liability?• How can family lawyers mitigate the risks of future tax liabilities? <p>Speaker: Giles Stapleton, Barrister, Selborne Chambers, Sydney</p>
5.15 – 5.25pm	Questions and Discussion
5.25pm	Conference Close



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 for 30 days 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 – 7 substantive law units from attending the Masterclass **PLUS** we will provide you with 3 **free** recorded video webinars covering each of the compulsory subjects (Ethics, Practice Management & Business Skills and Professional Skills) for you to view at your leisure prior to 31 March 2020. The recorded webinars will be available within 3 days of the masterclass being run.

WA Lawyers note: you may only claim 9 CPD points under the LPBWA rules – being the maximum of 6 CPD points you can claim for attending a single event + the 3 CPD compulsory points for viewing the compulsory subject recorded webinars.

CPD Certificate

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

The Masterclass 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.

Masterclass 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 is not responsible for financial loss incurred by you as a result of the cancellation or postponement of the masterclass as a result of strikes, natural disasters, and other Acts of God such as volcanic ash clouds in Australian airspace. We therefore strongly advise you to take out travel insurance if your attendance plans involve air travel or other significant travel to the conference venue.



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) 9670 2055

Enquiries: Contact our Event Manager, Jenna Pickrell [jenna@tved.net.au]

Register online: www.tved.net.au – go to Masterclasses

Please register me for **Family Law: One-day 10 Point Masterclass** to be held on **Thursday 12 March 2020**. Registration includes attendance at the masterclass plus 3 free one-hour recorded webinars covering each of the CPD compulsory subjects to view at your leisure. Delegates will earn their 10 CPD units for the CPD year ending 31.3.20. [conf code: SXFMAR20]

Early Bird Registration – for registrations paid on or before Friday 7 February 2020 - \$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 [go to Conference Papers]. The papers are \$165 (\$150 + \$15 GST) [Code: PSXFMAR20].

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: _____

