

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Family Law 10 Point Online Masterclass

Thursday 21 November 2024
Online

- Family Law Parenting Arrangements: A New Pathway or Stuck on the Same Old Road?
- Has Varying Final Parenting Orders become a lot more Difficult?
- Child Support Departures: Has the bar been set too High?
- The Value of Discretionary Trust Entitlements in Family Law Property Settlements
- BFA Protection Strategies for New Relationships
- Loose Lips Sink Ships: Disclosure and Publication Challenges under the new Family Law Regime

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

9.00 – 9.10am	<p>Introduction and Welcome Chair: Gerry Holmes, Barrister, Victorian Bar, Melbourne, Vic</p> <p>MORNING THEME: PARENTING CHANGES & COURTROOM PROCEDURES</p>
9.10 – 10.00am	<p>Session 1: Family Law Parenting Arrangements: A New Pathway or Stuck on the Same Old Road?</p> <p>The significant changes to the Family Law Act have brought into sharp focus the best interests of the children and have removed the presumption of shared parental responsibility. This session will examine recent parenting cases under the new laws and provide guidance to practitioners on the impact of the changes and what the decisions tell us about the application of the new tests, including:</p> <ul style="list-style-type: none"> • Are there any discernible trends? • Strategies for presenting evidence as to “best interests” • Does the approach to litigation need to be reconsidered? • How have the processes changed? Do family reports need to be updated? Are family report writers making different recommendations? • A guide to the way forward <p>Speaker: Jacky Campbell, Partner, AccS(Fam), Forte Family Lawyers, Melbourne, Vic</p>
9.55 – 10.10am	<p>Questions and Discussion</p>
10.10 – 11.00am	<p>Session 2: Has Varying Final Parenting Orders become a lot more Difficult?</p> <p>The addition of a second limb to the test in <i>Rice v Asplund</i> (1979) FL90-725 adds a new challenge to applicants wishing to amend final parenting orders. This session will explore the new legislation with a view to determining how the outcomes for children and parents may change going forward, including:</p> <ul style="list-style-type: none"> • A re-examination of the <i>Rice v Asplund</i> test and the background to its codification • Why the change? • The new second limb “best interests” requirement and its application • Will the change make it more difficult to bring fresh proceedings? • What involvement will the children have in the process? • Even where both parents consent to changes to their final parenting orders, will both limbs need to be satisfied? • Does the previous case law still provide a precedent to application of the test? • Applying for a variation of orders made prior to the amendments removing the presumption of shared parental responsibility– how to apply the amendments • What recent cases tell us <p>Speaker: Adam Cooper, Principal, Cooper Family Law, Spring Hill, Qld</p>
11.00 – 11.10am	<p>Questions and Discussion</p>
11.10 – 11.30am	<p>Morning Break</p>

11.30am –
12.20pm

Session 3: Child Support Departures: Has the bar been set too High?

There are always exceptional cases where the standard child support formula does not take into account a family's circumstances, or where things change to such an extent that the formula or agreement can no longer be considered appropriate. This session will look at the key challenges in seeking changes to child support assessments, including:

- When do the circumstances warrant a different child support route? What are the options?
- Drafting tips and traps for Limited Child Support Agreements and Binding Child Support Agreements
- Can one party ever get out of a private agreement?
- Eligibility requirements for a child support departure order
- The evidentiary burden and the key to good preparation
- Can a child support departure be the subject of a consent order?
- Cases and examples

Speaker: Cath Devine LLB LLM (Family Law), Barrister, Melbourne, Vic

12.20 – 12.30pm

Questions and Discussion

12.30 – 1.15pm

Lunch Break



1.15 – 1.20pm	Introduction and welcome Chair: Karen Hardy, Director & Principal Lawyer, AccS(Fam), Rubin Blight Hardy Family Lawyers & Mediators, Sydney, NSW AFTERNOON THEME: CHALLENGING PROPERTY SETTLEMENTS
1.20pm – 2.10pm	Session 4: A Moveable Feast: The Value of Discretionary Trust Entitlements in Family Law Property Settlements Trusts are increasingly a target for consideration in family law property claims. The nature and value of a beneficiary's entitlement in a discretionary trust has been the subject of a number of decisions since <i>Kennon & Spry</i> and still remains in contention. This session will take a deep dive into the issues surrounding the treatment of discretionary trusts in family law, including: <ul style="list-style-type: none">• Revisiting the discretionary trust structures and legal issues• <i>Kennon & Spry</i> [2008] HCA 56 as the starting point of trust consideration under s79• The impact of recent decisions including <i>Rigby & Kingston (No 4)</i> [2021] FamCA 501 and <i>Woodcock & Woodcock (No 2)</i> [2022] FedFCFamC1F 173 and <i>Owies v JJE Nominees Pty Ltd</i> [2022] VSCA 142• Current status of the <i>Woodcock</i> case and expert evidence concerning the valuation of beneficiary's right to due consideration under a discretionary trust• Issues in joining third parties to litigation• Strategies for proactive protection of trust property and rights. Speaker: Ian Kennedy AM, Senior Partner, Kennedy Partners, Melbourne, Vic
2.10 – 2.20pm	Questions and Discussion



2.20pm – 3.10pm	<p>Session 5: Everlasting Love? BFA Protection Strategies for New Relationships</p> <p>Family law practitioners have traditionally been sought out for the bad endings rather than the happy beginnings, but with the rise of serial monogamy and later in life relationships where the parties arrive with assets in hand, there is a shifting focus on proactive protection. This session will examine the role binding financial agreements can play at the start of new relationships, in order to prevent messy litigation once a relationship runs its course. It covers:</p> <ul style="list-style-type: none">• Drafting strategies – what’s in and what’s out? Determining content – property, financial issues, liabilities, proposed division, spousal maintenance claims, children and pets• Incorporating additional complexities, such as family businesses, and blended families• When financial agreements may be vulnerable to attack on account of content• Are binding financial agreements worth the paper they are written on? What are the courts telling us?• Making sure the stars align in BFAs and wills <p><i>Speaker: Cathie Blanchfield, Principal, Blanchfield Nicholls, Sydney, NSW</i></p>
3.10 – 3.20pm	Questions and Discussion
3.20 – 3.40pm	Afternoon Break
3.40 – 4.30pm	<p>Session 6: Loose Lips Sink Ships: Disclosure and Publication Challenges under the new Family Law Regime</p> <p>The recent amendments to the <i>Family Law Act</i> will have a significant impact on the disclosure and use of information in disputes and proceedings, and not necessarily for the better. This session provides a deep dive into the new provisions and how they will affect all aspects of a practitioner’s work, including:</p> <ul style="list-style-type: none">• The ALRC recommendations and background to the new provisions• What constitutes a “communication” and when is it prohibited?• Exclusions and limitations in the new provisions• How will contravention be enforced?• Details of the enhanced information sharing scheme and the new national framework• The scope, safeguards and exclusions of the new orders and restrictions on issuing of subpoenas• The practical implications of the new process – for better or for worse?• Tips and traps for practitioner compliance• What should you be telling your client? <p><i>Speaker: Barry Berger, AccS(Fam), a Mediator, Collaborative Lawyer and an AIFLAM Accredited Arbitrator, Dignity EDR, Melbourne, Vic</i></p>
4.30 – 4.40pm	Questions and Discussion
4.40pm	Masterclass Close

In addition, all delegates will receive 4 on-demand video webinars.

These webinars will be provided online by end February 2025 for you to view at your leisure by 31.3.25 to make up the 10 CPD units.

<p>Substantive law – 1 unit</p>	<p>Coercive Control and the New Family Law Amendment Bill: What Family Lawyers Need to Know - featuring Stephen Page, Family Law Accredited Specialist, Director, Page Proven, Brisbane</p> <p>Domestic violence comes in many forms, including the growing recognition of coercive control, the impact of the new Family Law Amendments Bill 2024, and the role family law practitioners need to play in its identification and relevance to their clients' respective family law dispute, including:</p> <ul style="list-style-type: none"> • The origin and meaning of “coercive control” and identifying relevant behaviours • State legislation and coercive control – definitions and offences • How does the <i>Family Law Act</i> take into account of behaviour which can be described as coercive control? • A discussion of indicative behaviours and examples, including the cases of Hannah Clark and Preethi Reddy • Is withholding a child from seeing the other parent coercive control? <i>Carter & Wilson</i> [2023] FedCFamC1A 9 • The intersection of family law and coercive control and the obligations of legal practitioners • How the courts are dealing with coercive control, including The Lighthouse Project • The role of the <i>National Principles to Address Coercive Control in Family and Domestic Violence (Commonwealth)</i> and potential federal and State legislative reforms • The impact of coercive control in relation to property settlements as a result of the new Family Law Amendment Bill 2024
<p>3 CPD Compulsory units</p>	<p>Family Law – 3 CPD Compulsories – a set of 3 one-hour video webinars</p> <p>You will receive the recordings from our February 2025 compulsory subjects webinars for family lawyers. It will provide 1 unit each for:</p> <ul style="list-style-type: none"> • Ethics • Professional Skills • Practice Management & Business Skills



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.

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 2025. The recorded webinars will be made available for viewing by end February 2025.

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 please note that TEN is not able to verify that you have viewed the recorded webinars. TEN is an accredited CPD provider].

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 t/as TEN The Education Network.
 - 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

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.

Conversion of face to face conferences to live online conferences

5. 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.
6. If TEN converts the conference from face to face only or to face to face and 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.

Copyright

8. 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.
9. You are entitled to use those materials for private study and research only.
10. The copyright in the live stream and in any recording of a conference offered online is the property of TEN.
11. You are entitled to watch a conference for private study and research only.

Conference cancellation by TEN – all conferences

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

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)
Address: Level 1, 90 William Street, Melbourne, Vic 3000 **Phone** (03) 8601 7700
Enquiries: Contact our Event Manager, Jenna Pickrell (jenna@tved.net.au) – phone: 03 8601 7729
Register online: www.tved.net.au – go to Masterclasses

Please register me for the **Family Law Online 10 Point Masterclass** to be held online on Thursday 21 November 2024. [code: SXFNOV24]

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 31.3.25.

- Discount Registration** – for registrations paid on or before **25 October 2024** - **\$990** (\$900 + \$90 GST)
 Full Price Registration – **\$1210** (\$1100 + \$110 GST)

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: _____

