

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Breaking Up the Assets in Property Settlements: 10 Point Online Masterclass

Friday 9 February 2024
Online

- Untying the Knot: Validity and Enforcement of Financial Agreements
- From Erosion to Springboards: The Assessment of Initial Contributions Over Time
- Defences to Equitable Claims in Family Property Disputes: Time for the Strategy
- Trusts in Family Law - A Trustee's Perspective
- The Role of Digital Assets in Property Settlements
- When the Price is not Right: Managing Valuation Issues in a Volatile Market

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	Introduction and Welcome Chair: Paul Fildes, Principal, Taussig Cherrie Fildes, Melbourne, Vic
9.10 – 10.00am	Session 1: Untying the Knot: Validity and Enforcement of Financial Agreements Financial agreements play a pivotal role in determining the division of assets and financial responsibilities between parties, offering a degree of certainty and security. However, their validity and enforceability may be subject to attack if certain legal requirements are not met. This session explores various strategies for challenging the validity of financial agreements, as well as essential drafting techniques to enhance their enforceability and safeguard the interests of parties involved. It covers: <ul style="list-style-type: none">• Key considerations and best practices to maximise the validity, enforceability and longevity of agreements• Identifying potential vulnerabilities: common grounds for attacking the validity of financial agreements, including:<ul style="list-style-type: none">○ technical flaws○ duress and unconscionable conduct○ adequacy of disclosure○ contractual and equitable flaws• Lessons from recent cases• Tips and common traps <i>Speaker: Ian Kennedy AM, Senior Partner, Kennedy Partners, Melbourne, Vic</i>
9.55 – 10.10am	Questions and Discussion
10.10 – 11.00am	Session 2: Trusts in Family Law – A Trustee's Perspective Trusts are relatively common in property settlement proceedings. But should you approach the matter differently when you are acting for the Trustee? This session focuses on the strategic and practical implications of running a property settlement case involving a third-party trust from the perspective of acting for the trustee and will explore the following: <ul style="list-style-type: none">• When - and when not to - intervene if you are acting for a trustee and when (and how) a third party may be joined• Obligations of the trustee - in equity, corporations law and in family law proceedings• Common scenarios where trustee's obligations conflict with family law• Responding to requests for information, documents and subpoenas on behalf of trustee• Role of the trustee in disclosure, valuation of a trust and its underlying assets <i>Speaker: Monique Robb, Partner, Lander & Rogers, Sydney, NSW</i>
11.00 – 11.10am	Questions and Discussion
11.10 – 11.30am	Morning Break

11.30am – 12.20pm	<p>Session 3: Defences to Equitable Claims in Family Property Disputes: Time for the Strategy</p> <p>In a post <i>Thorne v Kennedy</i> landscape, equity can often be seen by an aggrieved party as a way in which to ensure ‘fairness’ prevails in property settlement matters. The equitable doctrine has underpinned property settlement matters and can be pivotal to the alteration of property interests in family law. This session focuses on what happens when the other side is seeking an equitable claim in a family law property settlement. What defences are available and how are these best run? This session explores:</p> <ul style="list-style-type: none">• The presumption of advancement post the High Court’s decision in <i>Bosanac</i>:<ul style="list-style-type: none">○ The guidance provided by the High Court as to when a voluntary transfer of property may lead to the imposition of a resulting trust○ How a resulting trust may impact family law property settlement proceedings• Arguing fault and misconduct by the claiming party:<ul style="list-style-type: none">○ Laches and acquiescence - how they have been dealt with by the courts in recent years and how to articulate this defence in family law litigation○ Lack of clean hands○ Damages being an adequate remedy <p><i>Speaker: Sarah Keenan, Director, Farrar Gesini Dunn, Melbourne, Vic</i></p>
12.20 – 12.30pm	Questions and Discussion
12.30 – 1.15pm	Lunch Break
1.15 – 1.20pm	<p>Introduction and welcome Chair: Briana Kotzapavidis, Partner, Hargreaves Family Lawyers, Melbourne, Vic</p>
1.20pm – 2.10pm	<p>Session 4: From Erosion to Springboards: The Assessment of Initial Contributions Over Time</p> <p>The approach of the Court to the assessment of initial contributions and the weight that ought to be properly placed on initial contributions at trial has changed over time. From early arguments of erosion to later discussion of springboards – the language employed when discussing how the Court should assess initial contributions is vital, as use of an incorrect term could arguably lead the court into error. To assist practitioners, this session will explore:</p> <ul style="list-style-type: none">• The arguments surrounding the appropriate assessment of initial contributions in property settlement matters• The current views within the profession as to the 'erosion' and 'springboard' arguments and the preferred approach to assessing the relevance of the impact of time to initial contributions• The scenarios in which a just and equitable outcome may arguably call for an assessment of initial contributions that merits 'special' recognition <p><i>Speaker: Adam Cooper, Principal, Cooper Family Law, Brisbane, Qld</i></p>
2.10 – 2.20pm	Questions and Discussion

2.20pm – 3.10pm	<p>Session 5: The Role of Digital Assets in Property Settlements</p> <p>It was unlikely to have been in contemplation at the time the Family Law Act was drafted that it would one day need to deal with cryptocurrency, non-fungible tokens and other digital assets. It is now estimated that approximately five million Australians own cryptocurrency, with that number on the rise. Digital assets are therefore not only here to stay but will become more common in family law over the next few decades. This session will help family lawyers understand and navigate digital assets during property settlements, including:</p> <ul style="list-style-type: none">• Different types of cryptocurrency assets - what they are and how they work, including crypto wallets, staking, and smart contracts• DeFi (decentralised finance) - how it operates, what to do if digital assets are locked up in a DeFi process and when to seek specialist advice (and from who)• What questions to ask of your client or the other party to identify digital assets and other intangibles• How digital assets are valued and evidentiary issues and limitations• Steps to take if you suspect the other party owns digital assets which have not been declared• Spotlight on social media followings and influencers – the impact on property settlements <p><i>Speaker: Fraser Bax, Partner, HoggoodGanim Lawyers, Brisbane, Qld</i></p>
3.10 – 3.20pm	Questions and Discussion
3.20 – 3.40pm	Afternoon Break
3.40 – 4.30pm	<p>Session 6: When the Price is not Right: Managing Valuation Issues in a Volatile Market</p> <p>The stress of family law property settlement litigation can bring out the worst in parties at the best of times, let alone when the economic climate is uncertain. This often leads to disputes about the value of assets and how declining value should be treated by the courts and addressed in final property settlement orders. This session will explore:</p> <ul style="list-style-type: none">• Issues impacting valuations, including timing to trial and valuation methodologies• How expert witnesses approach valuation of property and businesses when valuations fluctuate• Strategies for managing uncertainty in terms of the asset pool during family law litigation and settlement negotiations and in final orders <p><i>Speaker: Joseph Box, Partner – Financial Advisory, Grant Thornton, Brisbane, Qld</i></p>
4.30 – 4.40pm	Questions and Discussion
4.40pm	Masterclass Close

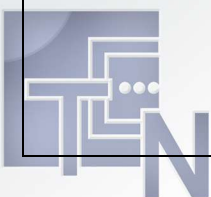
In addition, all delegates will receive 4 on-demand video webinars.

These webinars will be provided online by end February 2024 for you to view at your leisure by 31.3.24 to make up the 10 CPD units.

<p>Substantive law – 1 unit</p>	<p>Saying Goodbye to ‘Shared Parental Responsibility’: Are Better Days Ahead?</p> <p>The Family Law Amendment Bill 2023 introduces sweeping changes to the way in which parenting matters are determined by the Court. This practical session explores the key changes and how they will impact future parenting matters, including:</p> <ul style="list-style-type: none"> • Prioritising children’s safety concerns in parenting matters • Ending the presumption of ‘shared parental responsibility’ • Understanding the new factors – what do they mean in practice? • How will a child’s views be given greater prominence? • The ongoing role of independent children’s lawyers <p>Speaker: The Hon. Justice Suzanne Christie, Federal Circuit and Family Court of Australia, Sydney, NSW</p>
<p>Professional Skills – 1 unit</p>	<p>Show Me the [Interim] Money: Running Interim Spousal Maintenance Claims in FCFCOA</p> <p>It is no secret that a primary goal of the FCFCOA is to encourage dispute resolution and reduce the time of parties to resolve their dispute whether by settlement or following a contested trial. However, for many the new case management pathways and procedures have not resulted in more expedient resolution. This raises the question of what happens in the meantime? This session will explore how interim issues in property settlement matters ought to be managed and will discuss:</p> <ul style="list-style-type: none"> • The difference between the intention and the reality of the new pathways and what lies ahead in the future • Whether interim spousal maintenance claims have a role to play in the new system and how practitioners should navigate this • Steps that practitioners could take to assist the Court reduce the number of procedural hearings required in a matter • The Court's view in relation to interim property settlement applications in the new system <p>Speaker: Wendy Kayler-Thomson, AccS(Fam), Partner, Forte Family Lawyers, Melbourne, Vic</p>



<p>Ethics – 1 unit</p>	<p>Legal Innovation in Family Law: Embracing Disruption in the Digital Era</p> <p>Artificial Intelligence (AI) has emerged as a transformative force across industries, and family law is no exception. With its potential to automate processes, streamline decision-making, and improve efficiency, AI is reshaping the practice of family law. This session explores the evolving role of AI and other legal innovations in the field of family law, examining applications, benefits and challenges to the practice of family law. Key topics covered include:</p> <ul style="list-style-type: none"> • Demystifying AI and other legal innovations and the implications for the family law profession • AI-powered tools and techniques for Family Lawyers: <ul style="list-style-type: none"> ○ Leveraging AI for efficient and accurate document analysis, such as contracts, agreements, and financial records ○ Utilizing AI algorithms for data-driven insights in child custody, support calculations, and property division matters • Collaboration between AI and human expertise – where to draw the line? • Ethical considerations and guidelines for AI-assisted legal practice in the sensitive domain of family law • Addressing Challenges and Maximizing Benefits - strategies for successful integration of AI tools, training, and maintaining human connection in client interactions <p>Speaker: Maggie Yie-Quach, Senior Associate, Lander & Rogers, Sydney, NSW</p>
<p>Practice Management & Business Skills – 1 unit</p>	<p>The Ethics Of Acting In Your Client's Best Interests – When Have You Gone Too Far?</p> <p>The ethical duty to act in the best interests of clients is a paramount principle for lawyers, driving their professional conduct and reputation. However, recent High Court decisions have shed light on the potential consequences when this duty is taken to extremes. This paper delves into the intricate ethics surrounding advocating for clients and explores the delicate balance between zealous representation and overstepping ethical boundaries. By examining case examples and their implications, this session will navigate the nuanced territory where acting in the client's best interests can go too far. This session will examine:</p> <ul style="list-style-type: none"> • Understanding the ethical duty: Exploring the foundational principle of acting in the client's best interests and its significance in legal practice • The ethical rules, codes of conduct, and professional standards that provide guidance on maintaining the appropriate balance in advocating for clients • Zealous advocacy vs. overzealous representation: Differentiating between appropriate advocacy and behaviour that exceeds ethical limits • Framework for family lawyers to make sound ethical judgments when faced with challenging situations where the line between zealous advocacy and overstepping exists • Examining recent High Court decisions and their lessons for practitioners: spotlight on Thorne v Kennedy and Stubbies v James 2 <p>Speaker: Evelyn Young, AccS(Fam), Partner, Mitchell Family Law, Melbourne, Vic</p>



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 2024. The recorded webinars will be made available for viewing by end February 2024.

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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 - 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
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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.

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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.
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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):
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 - b. Otherwise, no refund.

Governing Law – all conferences

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Registration Form

REGISTRATION IS SIMPLE: complete the form below and fax or post your registration to us or register online.
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Enquiries: Contact our Event Co-Ordinator, Jason Hooker (jason@tved.net.au) [direct: (03) 8601 7719]
Register online: www.tved.net.au – go to Masterclasses

Please register me for the **Breaking Up the Assets in Property Settlements: One Day 10 Point Family Law Online Masterclass** to be held online on Friday 9 February 2024. [code: SXFFEB24]

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 31.3.24.

- Discount Registration** – for registrations paid on or before **19 January 2024** - **\$1100** (\$1000 + \$100 GST)
 Full Price Registration – **\$1210** (\$1100 + \$110 GST)

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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**

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