

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

Family Law 10 Point Online Masterclass

Wednesday 1 November 2023
Online

- The Assessment of Initial Contributions Over Time
- Defences to Equitable Claims in Family Property Disputes
- Managing Valuation Issues in a Volatile Market
- Saying Goodbye to 'Shared Parental Responsibility'
- Contravention applications in the FCFCOA
- Managing and Responding to Defective Applications

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

Morning Theme: Challenging Property Settlements

Introduction and Welcome

Chair: Karen Hardy, Director & Principal Lawyer, Accredited Family Law Specialist, Rubin Blight Hardy Family Lawyers & Mediators, Sydney, NSW

9.10 – 10.00am

Session 1: From Erosion to Springboards: The Assessment of Initial Contributions Over Time

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:

- 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

Speaker: Rebecca Dahl, Partner, Nicholes Family Lawyers, Melbourne, Vic

9.55 – 10.10am

Questions and Discussion



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| 10.10 – 11.00am | <p>Session 2: 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: Malcolm Gittoes-Caesar, Consultant Family & Relationship Law, Accredited Family Law Specialist, Lander & Rogers, Sydney, NSW</i></p> |
| 11.00 – 11.10am | Questions and Discussion |
| 11.10 – 11.30am | Morning Break |
| 11.30am – 12.20pm | <p>Session 3: 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, Grant Thornton, Brisbane, Qld</i></p> |
| 12.20 – 12.30pm | Questions and Discussion |
| 12.30 – 1.15pm | Lunch Break |

1.15 – 1.20pm

Afternoon Theme: Parenting Changes and Courtroom Procedures

Introduction and welcome

Chair: Karen Hardy, Director & Principal Lawyer, Accredited Family Law Specialist, Rubin Blight Hardy Family Lawyers & Mediators, Sydney, NSW

1.20pm – 2.10pm

Session 4: Saying Goodbye to 'Shared Parental Responsibility': Are Better Days Ahead?

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:

- 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

Speaker: The Hon. Justice Suzanne Christie, Federal Circuit and Family Court of Australia, Sydney, NSW

2.10 – 2.20pm

Questions and Discussion



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| 2.20pm – 3.10pm | <p>Session 5: I fought the law and....I won?: Contravention applications in the FCFCOA</p> <p>The enforcement of parenting orders has always been problematic in family law. Despite the rule in <i>Rice v Asplund</i>, it is common for contravention proceedings to be treated by some parties as an attempt to relitigate and there is a perception that this trend has increased following, and may be facilitated by, the new approach to contraventions in the FCFCOA. This session will take a deeper dive into these issues, including:</p> <ul style="list-style-type: none"> • The new contraventions list and related court procedures under the new FCFCOA and different approaches to managing such matters across registries • The current status of the principle in <i>Rice v Asplund</i> and whether that principle remains good law and/or has a place in the current court practice and procedure • How to manage ‘repeat offenders’ and how they may be dealt with by the court in the first and subsequent contravention proceedings • Guidance and tips for practitioners when faced with this scenario <p><i>Speaker: Richard Galloway, Barrister, Brisbane, Qld</i></p> |
| 3.10 – 3.20pm | Questions and Discussion |
| 3.20 – 3.40pm | Afternoon Break |
| 3.40 – 4.30pm | <p>Session 6: Managing and Responding to Defective Applications in Family Law Proceedings</p> <p>The management and response to defective applications in family law proceedings can present significant challenges for family lawyers. Such applications can be time-consuming, expensive, and can cause unnecessary delays in the court process. At the same time, the consequences of failing to respond appropriately to defective applications can be severe, leading to adverse outcomes for clients. This practical session outlines how practitioners can maximise the benefits from the extensive range of tools and mechanisms available in family law when they are served with a defective or incomplete application. It covers:</p> <ul style="list-style-type: none"> • The rules and court procedure of summary disposal and strike out applications and when it may (or may not) be appropriate to run them • Tips for how to successfully run (and defend) a strikeout application in the family law courts • Suggestions for drafting pleadings to protect against such applications • A guide on what to do when faced with a defective application filed by your client • Minimising the impact of such applications on clients <p><i>Speaker: Elaine Clarke, Director, Accredited Specialist Family Law, Newnham Solicitors, Sydney, NSW</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.

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| Substantive law – 1 unit | <p>Untying the Knot: Validity and Enforcement of Financial Agreements</p> <p>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:</p> <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 <p><i>Presented by: Ian Kennedy AM, Senior Partner, Kennedy Partners, Melbourne, Vic</i></p> |
| Professional Skills – 1 unit | <p>Topic to be advised</p> <p>This recorded webinar will be part of our family law CPD compulsory set that we will be running in February 2024.</p> |
| Ethics – 1 unit | <p>Topic to be advised</p> <p>This recorded webinar will be part of our family law CPD compulsory set that we will be running in February 2024.</p> |
| Practice Management & Business Skills – 1 unit | <p>Topic to be advised</p> <p>This recorded webinar will be part of our family law CPD compulsory set that we will be running in February 2024.</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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 - 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.
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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.
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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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9. You are entitled to use those materials for private study and research only.
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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):
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 - 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 the **10 Point Family Law Masterclass Online** to be held online on Wednesday 1 November 2023. [code: MXFNOV23]

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.

[☐] **Early Bird Registration** – for registrations paid on or before **30 September 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: E/PMXFNOV23).

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