

THE 6TH ANNUAL MELBOURNE FAMILY LAW CONFERENCE

A TWO-DAY CONFERENCE ORGANISED BY
TELEVISION EDUCATION NETWORK PTY LTD

GRAND HYATT MELBOURNE
THURSDAY 11 & FRIDAY 12 FEBRUARY 2021

Third Parties in Property Settlements

The Impact of a Downturn Market on Property Law Settlements

Understanding Contributions - A Short and Long Term Perspective

De Facto Relationships: Not as Clear Cut as You Think

Making Dollars and Sense out of Spousal Maintenance

Relocation Disputes: Home is Where the Heart Is

Section 90K and the Enforcement of Financial Agreements

Putting Your Best Foot Forward with Family Law Interim Hearings

Family Court Orders: Breaches and Enforcement

Professional Skills

Drafting Water Tight Consent Orders in Family Law Matters

Practice Management:

Productivity and Profitability: Innovation in Family Law Practice

Ethics:

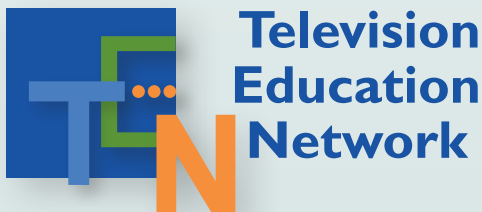
Hosing Down the Toxic Adversary: An Ethical Toolkit

FEEDBACK FROM LAST YEAR'S CONFERENCE:

"Fifth year I have attended the Melbourne Conference and as always very happy with the aspects."

"It had great speakers with fantastic content/knowledge."

"Content, papers and presenters were great."



Leaders in online CPD for lawyers

DAY 1 - THURSDAY 11 FEB 2021

CHAIR DAY 1:

MORNING THEME: PROPERTY MATTERS IN FAMILY LAW

9.00 - 9.10am

Introduction and welcome

9.10 - 9.55am

Session 1: Third Parties in Property Settlements: Invited Guests and Gatecrashers

Third-party involvement in property settlement matters is becoming increasingly common, with complex family financial structures leading to more litigation involving third parties such as trusts, companies and creditors. This session looks at practical and procedural issues with the joining or intervention of third parties, including:

- What is required in establishing a cause of action against a third party?
- Family Court rules on third party proceedings
- Operation of Part VIII AND S90 AE FLA
- Joinder application – Applications to bind companies or trusts
- The company as third party – piercing the corporate veil
- Parties seeking to assert or protect interests in property
- Responding to an application – the strike out application in response
- Third party proceedings impact on property settlements
- Vesting of trusts – Court powers that impact third parties
- Cost orders on third party proceedings
- Case studies

Speaker: Graeme Hearl, Senior Partner & Accredited Family Law Specialist, Delaney Lawyers, Sydney

9.55 - 10.05am Panel Comments and Questions

10.05 - 10.50am

Session 2: The Impact of a Downturn Market on Property Law Settlements

As the economic impact of COVID-19 continues, clients have watched the sudden and vicious decline in the value of their assets. How will this impact family law property settlements, and what should you be advising your clients to do now? This session examines the practical challenges family lawyers need to navigate in the current landscape, including:

- Managing property settlements agreed to but not finalised by the parties
- How to manage valuation issues with real property
- Decreasing business valuations and timing issues
- Navigating evidentiary requirements during uncertain times
- Issues with superannuation splits
- Dealing with estimations and contingencies in income information
- Tips and tricks for practitioners

Speaker:

10.50 - 11.00am Panel Comments and Questions

11.00 - 11.25am Networking break & morning tea

11.25am - 12.10pm

Session 3: Understanding Contributions – A Short and Long Term Perspective

This session looks at financial and non-financial contributions in short and long term relationships and provides an up to the minute update on the Court's approach to contributions. It includes:

- Initial contributions – revisiting *Pierce v Pierce* (1999) and *Fields v Smith* (2015)
- What are the differing approaches on initial contribution?
- Impact of subsequent losses during marriage on initial contribution
- Post separation contributions – how are these taken into account?
- Big money cases – are they in a spate category?
- Inheritances and windfall gains – how are they treated?
- Special contributions and their impact on property settlement
- Is there a process of weighting contributions?
- Quantifying the homemaker contribution
- Can legal fees be added back into asset pool
- Case update

Speaker: Monica Blizzard, Director & Accredited Family Law Specialist, KHQ Lawyers, Melbourne

12.10 - 12.20pm Panel Comments and Questions

DAY 1 - THURSDAY 11 FEB 2021

12.20 - 1.05pm

Session 4: Section 90K and the Enforcement of Financial Agreements

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:

- 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
- Impact of COVID-19: will changes in personal circumstances or the economy result in the agreement being set aside or varied?
- Case update

Speaker:

1.05 - 1.15pm Panel Comments and Questions

1.15 - 2.15pm Luncheon

AFTERNOON THEME: NAVIGATING DIFFICULT PARENTING AND RELATIONSHIP MATTERS

2.15 - 3.00pm

Session 5: De Facto Relationships: Not as Clear Cut as You Think

Whilst there are four gateway criteria for assessing whether a de facto relationship exists, there are still ambiguities in the law. This session brings you up to date on the recent cases regarding de facto relationships, including:

- Current status of the law in finding existence of de facto relationship
- What do you need to prove the existence of de facto relationship?
- The importance of living arrangements
- Impact of COVID-19 on proving de facto relationships
- The importance of documentary evidence in assessing de facto relationships
- Risk factors and degrees of separation – what to look for
- Proving the start and end of de facto relationships
- Case studies – Finding a de facto relationship where you least expect it

Speaker: *Jacob Clancy, Associate, Clancy & Tirado, Melbourne*

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Relocation Disputes: Home is Where the Heart Is

Relocation disputes are challenging for clients and practitioners alike. When clients seek to relocate across state or international lines, emotions can run high. This session examines how to best navigate the process, including:

- The process for making – and responding to – relocation applications
- Is there a right to relocate? – issues with best interests of the child
- Factors other than best interests of the child to consider
- The impact of s60CC FLA
- Key issues in relocation matters:
 - Safety
 - Security
 - Employment
 - Finances
- Evidential issues in relocation matters
- Relocation impacts on property settlements
- Case study: managing relocation disputes during a pandemic
- Case update

Speaker:

3.55 - 4.05pm Panel Comments and Questions

DAY 2 - FRIDAY 12 FEBRUARY 2021

CHAIR DAY 2:

MORNING THEME: COURT ROOM STRATEGY AND PROCEDURE IN FAMILY LAW

9.00 - 9.45am

Session 7: Putting Your Best Foot Forward with Family Law Interim Hearings

Significant court delays are an unfortunate reality for family law clients, and are likely to worsen as a result of COVID-19. With parties often stuck in limbo without a resolution for years, getting the right interim decisions is now more important than ever. This session looks at how you can maximise your returns and ensure you achieve a productive outcome for your client. It covers:

- Interim orders – what can they achieve?
- What is the court looking for during interim hearings?
- Defended interim hearings – key issues to consider
- Can the parties agree on some issues?
- Tips and tricks for various types of interim hearings:
 - parenting
 - property
 - other
- Navigating COVID-19 court room procedures for interim hearings
- The role of evidence at interim hearings
- Preparing interim hearing affidavits
- Appeals from interim hearings – practical and procedural issues

Speaker: Suzanne Christie SC, Barrister, Culwulla Chambers, Sydney

9.45 - 9.55am Panel Comments and Questions

9.55 - 10.40am

Session 8: Family Court Orders: Breaches and Enforcement

Breaches of Family Court orders often arise in property matters. Whether there is a reasonable excuse is often in dispute. This session looks at practical and procedural requirements in enforcing court orders including:

- Dealing with breaches of court orders – what are your options?
- Who can apply for an enforcement hearing?
- Preparing for and attending the enforcement hearing
- Standard of proof in enforcement hearings
- How to address the 'reasonable excuse' defense
- Is the pandemic a valid excuse?
- Financial disclosure and enforcement
- Enforcement of property orders – case studies
- What enforcement matters can be dealt with by the registrar?
- Cost issues

Speaker: John Spender, Principal, Kennedy Partners, Melbourne

10.40 - 10.50am Panel Comments and Questions

10.50 - 11.10am Networking Break and Morning Tea

11.10 - 11.55am

Session 9: Making Dollars and Sense out of Spousal Maintenance

The recent case of Blevins has struck fear in the hearts of many clients, and highlights a party's ability to bring a further application for spousal maintenance some 20 years after separation. This session examines in the ins and outs of spousal maintenance, lessons from recent cases, and what practitioners should be doing now to help provide certainty to clients. It covers:

- Types of spousal maintenance agreements – interim, urgent or part of the settlement
- When is a party entitled to spousal maintenance?
- Adjusting for disparities between income or earning capacities of the parties
- Final spousal maintenance orders – are they ever truly final?
- Is it possible to have a third bite of the cherry on spousal maintenance matters?
- Out of time applications for spousal maintenance
- Case update, including Blevins v Blevins [2019] FCCA 1923

Speaker: Melanie Wilson, Director & Accredited Family Law Specialist, Clancy & Triado, Melbourne

11.55am - 12.05pm Panel Comments and Questions

12.05 - 1.05pm Lunch

DAY 2 - FRIDAY 12 FEBRUARY 2021

AFTERNOON THEME: 3 COMPULSORY CPD TOPICS

1.05 - 1.55pm

Session 10: Professional skills

Drafting Water Tight Consent Orders in Family Law Matters

The coronavirus pandemic has provided many parties with the impetus to reach agreement and bypass lengthy court delays and uncertainty. However, care still needs to be taken. The session looks at the key issues in ensuring watertight consent orders, including:

- The nature of consent orders – an overview
- Understanding the importance of the ‘what if’ factor in drafting consent orders
- Essential inclusions in consent orders
- Careful and comprehensive drafting – what does this really mean?
- Drafting consent orders on property matters
- Parenting matters and consent orders
- Case study – consent order drafting check list
- Practical case studies

Speaker:

1.55 - 2.05pm Panel Comments and Questions

2.05 - 2.55pm

Session 11: Practice management & business skills

Productivity and Profitability: Innovation in Family Law Practice

Productivity and profitability often go hand-in-hand. This practice management session examines how family lawyers can effectively manage their files to ensure you can improve the bottom line in an effective and sustainable way. It covers:

- Developing a “fair and reasonable” costing policy
- Working out a value pricing system rather than time costing
- Project manage your files - maximize yield and manage risk
- Tips from the coal face on productivity and improving your value
- Impact of staff management and human resources on profitability
- Key strategies for growth and development of your family law practice

Speaker: *Dimitra Tolis, Partner & Accredited Specialist Family Law, Tolis & Co Lawyers, Adelaide*

2.55 – 3.05pm Panel Comments and Questions

3.05 – 3:25pm Networking Break and Afternoon Tea

3.25 – 4.15pm

Session 12: Ethics

Hosing Down the Toxic Adversary: An Ethical Toolkit

Family law situations are fraught with emotion at the best of times, and not aided by legal representation which throws threats and aggression into the mix. This session will provide practitioners with tools to prevent and counter situations which have turned toxic, including:

- Back to basics: the professional courtesy rules and when to use them
- Crafting constructive correspondence and following client instructions
- Tone and content essentials
- What to do when you receive letters containing threats and time limits for response
- Countering ambit claims and other game playing
- Focussing on settlement and not the fight – solicitors modelling appropriate and ethical behaviour
- Tips for cultivating good relationships with your opponent
- When is it time to make a complaint?

Speaker:

4.15 - 4.25pm Panel Comments and Questions

4.25pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the 2-day conference, conference papers, refreshment breaks and lunch on both conference days.

The registration fee does not include any travel or accommodation. Delegates are advised to make their own travel arrangements.

Conference Papers

TEN does not provide 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 conference (as the papers become available). The papers will be available in .pdf format for easy download to your local computer or portable device.

At the conference TEN will supply printed copies of the PowerPoint presentations used at the conference.

CPD Units

Family lawyers – all states except WA: 10 CPD units (7 x substantive law and 3 units covering each of the compulsory CPD subjects).

Family lawyers WA: 6 CPD points (up to 6 points in total – either all substantive law or some substantive law and some CPD compulsory subjects)

The Conference Venue

Grant Hyatt Melbourne

123 Collins Street, Melbourne

5 Star Luxury Accommodation | Grand Hyatt Melbourne

Conference Dress

Smart casual attire is suitable for the conference.

Conference Terms & Conditions

1. In these terms,
 - a. "TEN" means Television Education Network Pty Ltd
 - 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. "Plan" means the COVID-Safe Plan for the conference described below.
 - d. "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).
 - e. "live conference" means a conference other than a recorded conference.
 - f. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
 - g. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
 - h. "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.

COVID Safe Plan – face to face conferences

5. If the conference is held face to face, TEN will conduct the conference in accordance with a COVID Safe Plan. You agree to comply with that Plan at the conference. If you fail to comply with the Plan, you agree to leave the conference immediately at the request of a TEN staff member or venue staff member. If you leave under these circumstances, you will not be entitled to a refund of any part of the registration fee. TEN will not be responsible for any travel or accommodation costs or fees incurred by you in relation to the conference or as a result of you leaving the conference early.

Conversion of face to face conferences to live online conferences

6. If the conference is being held face to face, TEN reserves the right to convert the conference on no less than 24 hours' notice to an online conference or to cancel the conference if TEN determines that it is unable to hold the conference face to face 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.
7. If TEN converts the conference from face to face to online 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 and you will not be entitled to a refund as a result of the conversion.

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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.
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:
 - a. If actually received by TEN within 10 days of 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.

TEN is not responsible for financial loss incurred by you as a result of the cancellation or postponement of the conference 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.

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