

A TEN POINT MASTERCLASS – GET YOUR 10 CPD UNITS

# NSW Criminal Law: a one-day 10 Point Masterclass

Saturday 22 February 2020  
Radisson Hotel & Suites, Sydney

- Making Successful Mental Health Applications
- Making an Effective Bail Application
- Conducting a Criminal Appeal in District Court
- Costs in Criminal Cases at Local Court Level
- Understanding the Extent of Police Powers in Criminal Matters
- Domestic Violence: Key Legal Imperatives
- Update on Sexual Assault Law in NSW

**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: Procedural Challenges in Criminal Law

9.00 – 9.10am	<b>Introduction and welcome</b> <b>Morning Chair: Warwick Korn, Partner, Korn MacDougall Legal, Sydney</b>
9.10 – 10.00am	<b>Session 1: Mental Health and the Law - Making Successful Section 32 Applications</b>  Preparing and presenting a section 32 application can be one of the more challenging elements of criminal law, particularly when dealing with serious offences. This session unpacks the challenges a practitioner is likely to face in the preparation and presentation of Section 32 applications in the Local Court, including: <ul style="list-style-type: none"><li>• Recognising when a client is eligible</li><li>• Section 32 applications and the interplay between substance and alcohol abuse</li><li>• Satisfying the jurisdictional requirements</li><li>• Applicability of Section 32 to minor versus serious offences</li><li>• What evidence should be provided?</li><li>• What happens if the application is successful?</li><li>• Lessons from recent cases</li></ul> <i>Speaker: Karen Espiner, Partner and Accredited Specialist Criminal Law, Younes &amp; Espiner Lawyers, Sydney</i>
10.00 – 10.10am	<b>Questions and Discussion</b>
10.10 – 11.00am	<b>Session 2: Making an Effective Bail Application</b>  Understanding the tests and procedures a court applies in determining a bail application is the subject of this session. It takes a practical look at what practitioners must cover to achieve a successful bail application, including: <ul style="list-style-type: none"><li>• Understanding factors relevant to a bail application - <i>NSW Bail Act</i></li><li>• Key differences between bail applications for Local, District and Supreme Courts</li><li>• Making submissions on clients' behalf - the essential do's and don'ts</li><li>• Assessing the four 'bail concerns' and the use of bail conditions</li><li>• Difficult bail cases - showing exceptional circumstances exist</li><li>• What documents can be tendered on clients' behalf</li><li>• Making multiple applications - when and how this can be done</li><li>• Applying to vary bail conditions in local courts</li></ul> <i>Speaker: Ben Fogarty, Barrister, Denman Chambers, Sydney</i>
11.00 – 11.10am	<b>Questions and Discussion</b>
11.10 – 11.25am	<b>Networking Break and Morning Tea</b>



11.25am-12.15pm

### Session 3: Conducting a Criminal Appeal in District Court

This practical session looks at essential tips and traps when conducting a criminal appeal in the District Court of New South Wales. It includes:

- Operation of Part Three of the *Crimes (Appeal and Review) Act 2001*
- Essential tips and traps when preparing the appeal
- Timeframes for appeals and other procedural matters
- Appeals against sentence - rehearing of evidence
- Appeals against conviction - rehearing on transcripts of evidence
- Can you lead new evidence?
- Ensuring DPP documentation is correct
- When can you get adjournments for appeal matters?

**Speaker: Michal Mantaj, Director and Accredited Specialist Criminal Law, Conditis Lawyers, Sydney**

12.15 – 12.25pm

### Questions and Discussion

12.25 – 1.15pm

### Session 4: Costs in Criminal Cases at Local Court Level

Costs can be awarded to successful parties in criminal matters in the local court under legislation. This session looks at practical issues associated with costs in criminal matters at this level including:

- Circumstances when costs may be ordered:
  - At end of committal
  - At end of summary proceedings
  - Costs on adjournment
- Grounds for costs under the *Criminal Procedure Act 1986*
  - Proceedings initiated without reasonable cause
  - Unreasonable failure to investigate exculpatory matters
  - Exceptional circumstances relating to conduct of proceedings
  - When it is just and reasonable to award costs
- Cost orders under the *Costs in Criminal Cases Act 1967* - what is relevant test?
- Costs under the *Crimes (Domestic and Personal Violence) Act 2007*
- Understanding the applicant's onus on the balance of probabilities
- Specifying the grounds on which the application is made
- Time for making costs application
- What restrictions are made on awarding costs
- Quantum of costs - the question of reasonableness

**Speaker: Andrew Tiedt, Director of Criminal Law and Accredited Specialist Criminal Law, Armstrong Legal, Sydney**

1.15 – 1.25pm

### Questions and Discussion

1.25 – 2.05pm

### Luncheon



## Afternoon Theme: Key Developments in Criminal Law

2.05 to 2.10pm	<b>Introduction</b> <b>Afternoon Chair: Phillip Gibson, Partner &amp; Accredited Specialist Criminal Law, Nyman Gibson Miralis Defence Lawyers and Advisors, Sydney</b>
2.10 – 3.00pm	<b>Session 5: Understanding the Extent of Police Powers in Criminal Matters</b>  Understanding the extent of police powers is a key part of a practitioner's armoury in defending a client. This up-to-the-minute update looks at the key issues including: <ul style="list-style-type: none"><li>• Who can arrest me and why?</li><li>• What the person arresting you should do</li><li>• When can force be used to arrest someone?</li><li>• What are the consequences of resisting arrest?</li><li>• Does your client have to submit to a search if arrested?</li><li>• Arrest at the police station - what to advise your client</li><li>• Does the client have to answer questions if under arrest?</li><li>• When does the client have to submit to being fingerprinted or photographed?</li><li>• Does the client have to take part in an identification parade?</li><li>• Powers to search people and their property</li><li>• If the client is not under arrest can they be searched?</li></ul> <b>Speakers: Alexandra Sarmed, Partner, Kingston Fox Lawyers, Sydney and Will Tuckey, Barrister, 11th Floor Garfield Barwick Chambers, Sydney</b>
3.00 – 3.10pm	<b>Questions and Discussion</b>
3.10 – 4.00pm	<b>Session 6: Domestic Violence: Key Legal Imperatives</b>  Recent changes to Apprehended Domestic Violence Orders and the new strangulation offence have seen the landscape change for criminal lawyers. This session examines these developments, along with best practice guidelines on how to best defend allegations of domestic violence, whilst balancing your own ethical and professional obligations. It covers: <ul style="list-style-type: none"><li>• Operation of the <i>Crimes (Domestic and Personal Violence) Act 2007</i></li><li>• What is intimidation and stalking in a domestic relationship?</li><li>• Update on changes to Apprehended Domestic Violence Orders (ADVO)</li><li>• Powers of courts to make permanent orders in exceptional circumstances</li><li>• Police powers to vary ADVOs between court appearances</li><li>• Unpacking the new strangulation offence</li><li>• Ethical considerations</li><li>• Advising clients on getting help and personal support</li><li>• Preparation and procedure - practical tips to defend allegations</li></ul> <b>Speaker: Lisa-Claire Hutchinson, Barrister, Forbes Chambers, Sydney</b>
4.00 – 4.10pm	<b>Questions and Discussion</b>



4.10 – 4.25pm	<b>Networking Break and Afternoon Tea</b>
4.25 – 5.15pm	<b>Session 7: Navigating the Ever Changing Landscape of Sexual Assault Laws</b>  Reform to sexual assault Law in New South Wales have resulted in a number of recent decisions. This session looks at the recent developments, with a focus on consent, including: <ul style="list-style-type: none"><li>• Consent - the central issue in sexual assault</li><li>• Understanding the communicative model of sexual consent</li><li>• Physical element and sexual autonomy and responsibility</li><li>• Understanding the reasonable grounds for belief in consent requirement</li><li>• Consensual sex between minors - has anything changed in this area?</li><li>• Consent law reform: where to from here?</li><li>• Case update, including <i>Lazarus v R</i></li></ul> <i>Speaker: Manny Conditis, Director and Accredited Specialist Criminal Law, Conditis Lawyers, Sydney</i>
5.15 – 5.25pm	<b>Questions and Discussion</b>
5.25pm	<b>Conference Close</b>



## 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 made available for viewing 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](mailto:jenna@tved.net.au)]

Register online: [www.tved.net.au](http://www.tved.net.au) – go to Masterclasses

Please register me for **NSW Criminal Law: One-day 10 Point Masterclass** to be held on **Saturday 22 February 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: SXNFEB20]

**Early Bird Registration – for registrations paid on or before Friday 25 January 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](http://www.tved.net.au) [go to Conference Papers]. The papers are \$165 (\$150 + \$15 GST) [Code: PSXNFEB20].

## 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: \_\_\_\_\_

