

REGISTRATION
BONUS

INCLUDES

3 ON-DEMAND
VIDEO
WEBINARS

COVERING THE
COMPULSORY
SUBJECTS.

THE 7TH ANNUAL MELBOURNE FAMILY LAW CONFERENCE

Duress and other Ticking Time Bombs in Financial Agreements

Income and Contributions in Property Assessments

A Room with a View: Rural Perspectives in Family Law Settlements

Escape to the Country: Negotiating Relocation Arrangements

Parenting Orders for Children with Special Needs

Navigating the Child Support Maze

Into the Mix: Corporate Law in Family Law Proceedings

Property and Financial Matters under the FCFCOA

Navigating Overseas Assets in Family Law

Factoring Uncertain Times in Family Law Property Valuations

Family Violence and Property Adjustments

Managing the Motley Crew: Narcissists,

Toxic Adversaries and other Family Law Regulars

2

REGISTRATION
OPTIONS

FACE TO FACE
OR ONLINE

A Two-day Conference

Thursday 10 & Friday 11 March 2022

Crown Promenade Melbourne and Online

Feedback from last year's conference:

“The range of topics covered was extensive, they were informative and thought provoking.”

“Good range of topics that suited junior lawyers to very experienced senior lawyers. It was a good opportunity to liaise with other lawyers and discuss different experiences together in a face to face environment.”

“Good diverse program with current practical topics aired and good speakers.”



Leaders in online CPD for Lawyers & Accountants

DAY 1 - THURSDAY 10 MARCH 2022

**CHAIR: THE HON. NAHUM MUSHIN,
ADJUNCT PROFESSOR, MONASH
UNIVERSITY FACULTY OF LAW,
MELBOURNE**

MORNING THEME: COURT ROOM PROCEDURES AND PROPERTY SETTLEMENTS

9.00 - 9.10am

Introduction and welcome

9.10 - 9.55am

Session 1: Ink on the Wedding Dress: Duress and other Ticking Time Bombs in Financial Agreements

Financial agreements are often drafted, signed and tucked away in the bottom drawer with the hope that they will never be looked at again. Yet, at the time when they are most needed, ticking time bombs can destroy any reliance placed upon them. This session will examine the make or break aspects of financial agreements and relevant cases, including:

- Section 90K of the Family Law Act
- Obtaining independent and sound legal advice: Adame & Adame [2014] FCCA 42; Renard v Geach [2015] FCCA 617
- Compliance with the technical requirements of the Act: Black & Black [2008] Fam CAFC 7; Abrug & Abrug [2013] Fam CA 897; Grant & Grant-Lovett [2010] FMCA Fam 162
- Compliance with subject matter requirements: Bloomfield & Grainger [2018] Fam CA 36
- The consequences of fraud and failure to disclose: Nyles & Nyles [2011] Fam CA 565; Acker & Acker [2014] Fam CA 891
- The impact of undue influence and unconscionable conduct: Thorne v Kennedy [2017] HCA 49; Teh v Muir [2017] Fam CA 138; Gongsun & Paling [2020] Fam CAFC 244
- Duress: Blackmore & Webber [2009] FMCA Fam 154
- Essential considerations when drafting financial agreements

Speaker: Jacky Campbell, Partner and Accredited Family Law Specialist, Forte Family Lawyers, Melbourne

9.55 - 10.05am Panel Comments and Questions

10.05 - 10.50am

Session 2: Income and Contributions in Property Assessments

The biggest cause of litigation in family law arises from disputes over contributions. This session will examine two types of contribution that courts regularly need to consider when deciding on entitlement and recent decisions, including:

- Initial contributions:
 - Determining the nature and value of assets brought to a relationship
 - Assessing changes in value and other significant impacts
 - How the courts have calculated initial contributions:

Jabour & Jabour [2019] FamCAFC 78; Hobson & Hobson [2020] Fam CAFC 251

Horrigan & Horrigan [2020] Fam CAFC 25

- Income:
 - How have courts traditionally dealt with high income earning capacity by one party?
 - Has there been a trend away from treating high income as a normal contribution issue to a special contribution issue?
 - Walters v Carson [2018] FamCAFC 233 and other relevant cases

Speaker: Sheridan Emerson, Partner, Accredited Family Law Specialist, Pearson Emerson, Sydney

10.50 - 11.00am Panel Comments and Questions

11.00 - 11.25am Networking Break and Afternoon Tea

DAY 1 - THURSDAY 10 MARCH 2022

11.25am - 12.10pm

Session 3: A Room with a View: Rural Perspectives in Family Law Settlements

When a relationship breakdown occurs in a farming family, the consequences can extend far beyond the couple and present complex and challenging issues for those involved. This session will examine the particular issues that practitioners need to be aware of when involved in advising a farming family, including:

- Identifying ownership and management structures of assets and the farming business
- The presence of intergenerational arrangements including loans and other financial accommodations
- Assessing family expectations or arrangements concerning involvement and succession of the farming business
- Managing the perils of income deprivation through property sale
- Assessing the contributions of a non-farming spouse
- Tax and other financial consequences of proposed property arrangements
- Impact of a property settlement on the greater farming family
- Relevant case examples
- Strategies for protection of the farming assets.

Speaker: Pippa Colman, Director, Family Law Accredited Specialist, Pippa Colman & Associates, Maroochydore, Qld

12.10 - 12.20pm Panel Comments and Questions

12.20 - 1.05pm

Session 4: Family Violence and Property Adjustments: Developments since Kennon & Kennon

The stresses and strains of the last 12 months has contributed to a steep increase in domestic violence, which had already been on the rise over the last decade. This session will examine the extent to which the courts are willing to consider domestic violence in property settlements, and whether changes in community tolerances will further impact such considerations, including:

- Recognition of domestic violence in the Family Law Act – section 79
- The “Kennon adjustment” explained: Kennon & Kennon [1997] FamCA 27 and required level of evidence of family violence
- Relevant cases following Kennon: Britt & Britt [2019] FamCA 982; Keating & Keating [2019] FamCAFC 46
- Tips for raising a Kennon adjustment
- Extension of Kennon to post-separation behaviour: Jarvis & Seymour [2016] FCCA 1676
- Has the courts’ view shifted on the effect of domestic violence on property adjustments over the last decade?
- Lessons from overseas jurisdictions and steps to reform in Australia

Speaker: Malcolm Gittoes-Caesar, Principal, Coleman Greig Lawyers, Parramatta, NSW

1.05 - 1.15pm Panel Comments and Questions

1.15 - 2.15pm Luncheon

DAY 1 - THURSDAY 10 MARCH 2022

AFTERNOON THEME: PARENTING AND RELATIONSHIPS

2.15 - 3.00pm

Session 5: Escape to the Country: Negotiating Relocation Arrangements

One of the significant impacts of COVID-19 has been the increasing change in location of domicile, with expats moving home, people choosing to live closer to extended family or care for the elderly, movement for job opportunities following redundancy and a desire to relocate for health and wellbeing. As a result, relocation can impact family arrangements and agreements under the Family Law Act. This session will provide a guidance to the issues arising from relocation, including:

- Preliminary advice for a client deciding to re-locate
- To what extent can one parent restrain another from relocating?
- Proposing a relocation agreement and key terms
- Other options for negotiation, including family dispute resolution/mediation
- Drafting parenting plans or consent orders for relocation
- Application to the FCFCOA for permission to relocate – what does the applicant need to show and what factors will the court consider?
- Determining the best interests of the children – a discussion of relevant cases
- What constitutes the “legitimate interests and desires of the parents”?
- What to do if a party relocates prior to obtaining the other party’s consent?
- Overseas relocation issues and the application of the Hague Convention for abducted children
- Has COVID-19 impacted courts’ decision making on relocation? Re PT (A Child) [2020] EWHC 834; I.C. (A [2020] IEHC 217; Comar & Comar [2020] FamCAFC 99; Biondi & Koen [2020] FamCA201

Speaker: Adam Cooper, Principal, Cooper Family Law, Brisbane

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Parenting Orders for Children with Special Needs

The requirements for the court to consider the best interests of the child can be complicated where the child has autism or other special needs. This session will provide a guide to practitioners and what matters need to be taken into account when considering the nature of the parenting arrangements, including:

- What challenges do families with special needs children have?
- Initial meetings with a client with a child with special needs – asking the right questions
- Making assessments and obtaining expert advice
- Strategies for minimising risks to children in separation, negotiation and seeking orders
- Designing orders to meet the needs of the child, including:
 - Shared custody and the impact of changes to routine
 - Other children of the family: Cullen & Cullen [2016] FamCA 110
 - Medical considerations
 - Capability of parents to look after the child Hamilton & Logan [2015] FamCA 647
 - Relationship between the parents
 - Ongoing needs where a child may never be independent
- Financial considerations, including setting up a special needs trust
- Support and resources for practitioners

Speaker: Adam Bak, Family Lawyer, Director, Farrar Gesini Dunn, Canberra

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

DAY 1 - THURSDAY 10 MARCH 2022

4.25 - 5.10pm

Session 7: Navigating the Child Support Maze

The child support system has undergone considerable changes since its inception, which have led to complexities in navigating the system. While parents have alternative options in the form of private agreements, are these viable? This session will provide a deep dive into the current state of play of the system and what practitioners need to know to consider the best option for their client, including:

- Process for disputing assessments and managing changing circumstances
- Private child support arrangements – when should these be considered?
- Assessing the impact of private arrangements on social security benefits
- Limited Child Support Agreements:
 - Requirements and application
 - Limitations to be aware of
- Binding Child Support Agreements:
 - Requirements and application
 - Benefits and disadvantages
 - Negotiation and drafting tips
 - Termination and setting aside: *Rake & Rake* [2018] FCCA 3181; *Martyn v Martyn* [2020] FamCA 526
- Proposed reforms to the child support scheme and critical analysis

Speaker: Catherine Devine, Barrister, Melbourne

5.10 - 5.20pm Panel Comments and Questions

DAY 2 - FRIDAY 11 MARCH 2022

**CHAIR: GERRY HOLMES, BARRISTER,
VICTORIAN BAR, MELBOURNE**

**MORNING THEME: PROTECTING CLIENT
WEALTH**

9.00 - 9.45am

Session 8: Into the Mix: Corporate Law in Family Law Proceedings

The waters can get murky when the parties to a family dispute are involved, either together or separately, in a company. This session will examine how to proceed and what strategies can be used to separate and account for the various interests, including:

- Relevant provisions of the Family Law Act and the Corporations Act and how to use them to achieve results
- Doing the due diligence on your client and their spouse/partner ownership and involvement in the company
- Are all interests relevant? Separating the wheat from the chaff
- Strategies for seeking information and disclosure
- Assets, valuations and future interests
- Optimising negotiations and assessing the practical and financial implications of:
 - Winding up
 - Asset and share sales/transfers
 - Ongoing directors and officers
 - Maintaining the company as a going concern
 - Employment or termination of either party
- When should a company be joined as a third party in proceedings?
- The power of the FCFCOA to alter interests and make orders in relation to a third party
- Key terms in property settlements involving a corporate entity
- Relevant cases

Speaker: Craig Henderson, Partner, Lander & Rogers, Melbourne

9.45 - 9.55am Panel Comments and Questions

9.55 - 10.40am

Session 9: Property and Financial Matters under the FCFCOA

A key reform of the new FCFCOA is the fast-tracking of property matters. But how does the pathway work and how have property matters been impacted by the court changes? This session examines the new landscape and how it impacts the management of property and financial matters in practice, including:

- Understanding the new Rules and Practice Directions
- Navigating the new Case Management Pathway
- Key inclusions in the Written Notice of Intention to Start Proceedings and Genuine Steps Certificate
- What should you be telling your client at the early stage?
- Determining where to file
- Dealing with urgent property or financial matters
- When do you need a Senior Judicial Registrar or Judge?
- What's changed with dispute resolution?
- Cost implications for lawyers

Speaker: Barry Frakes, Partner, Watts McCray Lawyers, Sydney

10.40 - 10.50am Panel Comments and Questions

10.50 - 11.10am Networking Break and Morning Tea

11.10 - 11.55am

Session 10: All Abroad: Navigating Overseas Assets in Family Law

Increasing migration has led to many people residing in one country but holding assets in another. This situation needs to be handled carefully when a relationship breakdowns and assets of the parties, wherever located, need to be taken into account.

This session will provide a guide to practitioners on managing this additional layer of complexity in family law property settlements, including:

- Relevant factors in choosing jurisdiction for divorce and/or property settlement
- Disclosure and identification of overseas assets
- Obtaining foreign assistance, including legal advice, valuations and relevant third parties such as trustees
- The specific treatment of off shore superannuation and pensions
- Consideration of taxation and other financial implications of asset splitting, transfer and sale
- Assessing probability of enforcement of orders in the foreign jurisdiction
- Cost issues in pursuing foreign assets
- Relevant cases: Anderson & McIntosh [2013] FLC 93-568; Sinha & Sinha [2018] FCCA 2952
- Strategies for advising your client

Speaker: Jacob Clancy, Associate, Clancy & Triado, Melbourne

11.55am - 12.05pm Panel Comments and Questions

12.05 - 1.05pm Lunch

DAY 2 - FRIDAY 11 MARCH 2022

AFTERNOON THEME: CHALLENGES IN FAMILY LAW

1.05 - 1.50pm

Session 11: Factoring Uncertain Times in Family Law Property Valuations

Despite the worst of COVID-19 being behind us, the flow-on effect in property settlement matters will continue to be felt for years to come. This session will provide a guide to what practitioners need to consider when advising their clients, and how courts are reacting, to re-valuation of businesses, properties and other economic considerations in family law property assessments, including:

- Assessing and quantifying the impact of the last two years on business cash flows, property values and the bottom line
- Has the pandemic had a positive or negative impact and how should this be factored in your approach? eg: travel agency compared with business delivery service
- Effective utilisation of forensic accountants and valuers and the right questions to ask
- Should banking and financial accommodations for businesses be factored into the equation?
- New formulas for new times? What the courts are doing in response
- Re-opening negotiations and updating reports
- Delay, delay, delay? Advising clients in uncertain times

Speaker: Neil Jackson, Barrister, Frederick Jordan Chambers, Sydney

1.50 - 2.00pm Panel Comments and Questions

2.00 - 2.45pm

Session 12: Managing the Motley Crew: Narcissists, Toxic Adversaries and other Family Law Regulars

There is nothing like a relationship breakdown to expose everything from personality disorders to bad behaviour. Adding aggressive professional advisers to this situation heightens tensions and risks unsatisfactory outcomes. This session will provide family law practitioners with tools to manage ticking time-bomb personalities and difficult opponents, including:

- Identifying personality types and developing strategies for management
- Spotting warning signs and when to involve third parties and authorities
- Appropriate communication and other protocols for both client and practitioner
- Addressing and quashing inappropriate behaviour and imposing boundaries
- Dealing with aggressive lawyers on the other side:
 - Professional courtesy rules
 - Tone and content essentials for communications
 - Responding to threats and time limits
 - When is it time to make a complaint?
- Checking your own behaviour – tips for avoiding losing your cool
- Is withdrawing as the lawyer ever an option?
- When to seek the assistance of the court and other support

Speaker: Paul Fildes, Accredited Family Law Specialist and Principal, Taussig Cherrie Fildes, Melbourne

2.45 - 2.55pm Panel Comments and Questions

2.55pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunch on both conference days are included for those attending the conference in Melbourne.

TEN will be live streaming the conference. Delegates have the option of attending the conference in person or attending it online.

All delegates will receive recordings of all sessions regardless of registration type.

Conference Papers

TEN will not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

BONUS: 3 CPD COMPULSORY TOPICS FOR FAMILY LAWYERS – ON-DEMAND VIDEO WEBINAR

All delegates will receive 3 one-hour on-demand video webinars covering the compulsory topics for family lawyers.

1. Ethics: Practical Ethics Risk Management in Family Law Matters
2. Practice Management & Business Skills: Marketing Your Family Law Practice
3. Professional Skills: Strategic Use of Third Parties in Family Law Property Proceedings

The links to the recordings will be provided after the conference. Practitioners wishing to complete their compulsory topic units/points will need to view the programs by 31.3.22.

CPD

Lawyers (except WA): 11 CPD units (substantive law) for attending the conference.

3 CPD units (compulsory subjects) for viewing the on-demand video webinars.

WA Lawyers: 6 CPD points (substantive law). WA practitioners can claim 6 CPD points for attending the conference (being the maximum allowable per event). Due to changes to your CPD rules, we are not able to verify your viewing of the on-demand video webinars. TEN is an accredited QA provider.

CPD Certificate

All delegates attending the conference will receive a CPD Certificate confirming attendance.

The Conference Venue

Crown Promenade Melbourne

8 Whiteman Street, Southbank

Reservations: <https://www.guestreservations.com/crown-promenade-melbourne/booking>

COVID-19 Vaccination Requirement

At this point in time it is a condition of entry to the conference venue that you must be fully vaccinated and produce proof of vaccination. This applies to the conference rooms as well as guest accommodation.

Travelling to the Conference Venue

Delegates are advised to make their own travel arrangements.

Conference Dress

Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves/summer tops are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

TERMS AND 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

What happens if you are diagnosed with COVID-19 or you are otherwise unwell?

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.
6. The COVID safe plan will prevent your attendance at a face to face conference if you are diagnosed with COVID-19 prior to or during the conference and the infection has not been cleared by two negative PCR tests, if you have a fever (ie raised temperature) at the time of registration or if you have a respiratory illness (including a cold or cough) at the start of or during the conference. In these circumstances:
 - a. You will be entitled to attend the live online version of the conference and/or recorded online version if that is offered; or
 - b. If not, you will be entitled to a full refund of the registration fee paid or a credit equal to that fee to use for a future purchase of a TEN product.

Conversion of face to face conferences to live online conferences

7. 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.
8. If TEN converts the conference from face to face only or to face to face and online to 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.
9. 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

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

Conference cancellation by TEN – all conferences

14. TEN reserves the right to cancel a conference for any reason.
15. 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

16. 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

17. 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 TAX INVOICE*

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)
GPO Box 61, Melbourne, Victoria 3001
Phone (03) 8601 7700 Enquiries Jenna Pickrell (03) 8601 7729
Register online: <http://www.tved.net.au> – go to CONFERENCES

Please register me for the **7th Annual Melbourne Family Law Conference** – a 2-day conference to be held in Melbourne on Thursday 10 & Friday 11 March 2022

Delegates have 2 options for attending the 2022 conference – both cost the same.

Registration type 1: Attend in person * [code: MFLMAR22]

Registration type 2: Attend online * [code: MFLMAR22LO]

* all delegates will receive recordings of all sessions regardless of registration type

Discount Registration – registrations made on or before 25 February 2022 **\$2013** (\$1830 + \$183 GST)

Full Price Registration – **\$2178** (\$1980 + \$198 GST)

Multiple registration discount? Discounts are available for multiple registrations: The more you send, the greater the discount. You can access the discount by registering using the “multiple registrations” option online, or contact our Conference Manager, Jenna Pickrell, to organise your registrations. jenna@tved.net.au or phone (03) 8601 7729.

- 3 registrations – **5% discount** for each delegate
- If you register 4 people at the same time you are entitled to a **10% discount** for each delegate
- If you register 5 people or more people at the same time you are entitled to a **15% discount** for each delegate.

One-day only? We do accept bookings for attending one day only (either day 1 or day 2). To organise a one-day booking, please contact Jenna Pickrell (details above).

Conference Papers The papers from this conference will be available in electronic format approximately 1 week after the conference has been held. You can pre-order the papers now online via our website at www.tved.net.au. The papers are \$198 (\$180 + \$18 GST) (code: PMWEMAR22).

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