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**SPECIAL
POST-CONFERENCE
YOUNG LAWYERS' DAY.
SEE INSIDE FOR
DETAILS**

2ND ANNUAL EVENT

family law masterclass QUEENSLAND

Conference: 3 & 4 May 2005 • Workshops: 5 May 2005 • Young Lawyers' Day: 6 May 2005 Venue: Brisbane Marriott Hotel

Prepare to Meet the New Challenges of Bankruptcy Legislation Reforms, the New Family Law System, Rules Pertaining to Expert Evidence and Child Protection Legislation

Featuring



Tony Phillips
PARTNER
MURDOCH
LAWYERS



Registrar Brian
Dittman
FAMILY COURT OF
AUSTRALIA



Anne-Marie Rice
PARTNER
CARTER
NAUGHTON RICE
FAMILY LAW



The Hon. Justice
Tim Carmody
FAMILY COURT OF
AUSTRALIA



Graeme Page SC
QUEENSLAND BAR



Brett Hartley
MANAGING PARTNER
HARTLEY FAMILY
LAW SERVICES



Professor Matthew
Sanders
PROFESSOR OF
CLINICAL
PSYCHOLOGY
UNIVERSITY OF QLD

HEAR EXPERT COMMENTARY
AND PRACTICAL ADVICE
FROM AUSTRALIA'S LEADING
FAMILY LAW PRACTITIONERS
AND INDUSTRY EXPERTS:

- HOPGOOD GANIM
- QUEENSLAND BAR
- SIMONIDIS SHOEBRIDGE LAWYERS
- HUNT & HUNT LAWYERS
- EMERSON BLACK LAWYERS
- S.M. COATES (Atherton)
- MENTAL HEALTH REVIEW TRIBUNAL
- RELATIONSHIPS AUSTRALIA
- MURDOCH LAWYERS
- GRIFFITH UNIVERSITY LAW SCHOOL
- BOND UNIVERSITY
- GRANT THORNTON
- JONES MITCHELL
- SHEEHAN & CO
- NEW SOUTH WALES BAR
- UNIVERSITY OF QUEENSLAND
- FAMILY COURT OF AUSTRALIA
- HARTLEY FAMILY LAW SERVICES
- CARTER NAUGHTON RICE FAMILY LAW

SAVE 15% OFF THE FULL
REGISTRATION FEE

If your firm attends both the
Young Lawyers' Day and the
Masterclass, your firm will receive a
15% discount off the full registration
fee. See back page for details.

DON'T MISS THIS OPPORTUNITY TO:

- Assess the impact of the New Part VIII(A) of the Family Law Act: Orders and Injunctions Binding Third Parties
- Determine the impact of shared parenting on children by taking a psychological perspective
- Maximise your prospects of success on appeal
- Manage clients who have mental health disorders
- Overcome the unique challenges of representing multicultural clients
- Examine the use of Expert Evidence under the Family Law Rules 2004
- Evaluate Super Splitting in practice by keeping up with the latest case law developments
- Identify when and why a financial agreement will be set aside by the Court

EARN CLE &
SPECIALIST
ACCREDITATION
POINTS

PLUS: TWO POST CONFERENCE WORKSHOPS (Bookable Separately)

WORKSHOP ONE: **Drafting Pre-Nuptial Agreements**

Facilitated by: Warwick Jones, Senior Partner, JONES MITCHELL

WORKSHOP TWO: **Understanding and Valuing Superannuation in a Family Law Context**

Facilitated by: Nick Gaudion, Senior Manager, FORSYTHES LITIGATION SUPPORT

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Tuesday, 3 May 2005

8:30 Registration and Coffee

9:00 Opening Remarks from the Chair

**Alison Ross, Senior Associate,
HOPGOOD GANIM LAWYERS**

9:10 Understanding the New Part VIII A of the Family Law Act: Orders and Injunctions Binding Third Parties

- Comparing the current state of law with the new Part VIII A
- Understanding how the changes alter the position of third parties to a marriage
- Identifying how third parties will be able to respond to and defend applications under the regime
- Evaluating factors relevant to the Court's exercise of discretion in making an order
- Ramifications for the valuation of minority interests in proprietary companies
- Overcoming difficulties with the new provisions

**Paul Brereton SC,
NEW SOUTH WALES BAR**

10:00 Reviewing Bankruptcy and Insolvency Legislation Reforms and Effects on Family Law

- Examining changes to the Bankruptcy Act and its effects
- Initial action for practitioners in implementing the changes to the Act
- Clarifying issues relating to the rights of bankruptcy trustees and the non-bankrupt spouse
- Managing a concurrent bankruptcy and family law proceeding
- Reviewing *Official Trustee in Bankruptcy v Mateo* (2003)
- Understanding the effects of insolvency and divorce on superannuation

**Tony Phillips, Partner,
MURDOCH LAWYERS**

10:45 Morning Tea

11:15 Examining the Use of Expert Evidence Under the Family Law Rules 2004

- Examining the practical implications and problems encountered with the rules pertaining to expert evidence
- Instructing experts under the new rules
- Evaluating the role and duties of court experts and single experts
- Cross-examining joint expert witnesses
- How have the changes affected case management and preparation for trial?
- When will the courts grant an application for another expert?
- Identifying key issues pertaining to the expert's report
- What happens when an expert doesn't follow the rules?
- Guidance from interstate decisions

**Graeme Page SC,
QUEENSLAND BAR**

12:05 Super Splitting in Practice - Developments To Date

- Examining the Family Court's and Federal Magistrates Court's treatment of superannuation
- Analysing recent case law and unreported cases

- Identifying and discussing key issues that have emerged for practitioners
- Understanding how super splitting fits with step 4 of the property division process and how it is best dealt with
- Avoiding the pitfalls and ensuring best practice in drafting relevant orders and agreements
- Consideration and discussion of future directions

Colin Forrest, QUEENSLAND BAR

1:00 Luncheon for Speakers and Delegates

2:00 Effectively Dealing with Discretionary Trusts and Hidden Assets

- Understanding the key components of a discretionary trust
- Taking the steps to protect the non-asset controlling spouse in the event of a marriage breakdown
- Identifying evidentiary problems in uncovering a discretionary trust and hidden assets
- Taking adequate instructions and gathering vital evidence
- Considering the rights of a non-spouse beneficiary to intervene
- Examining recent case law
- Exploring the interface between a Family Court property proceeding and a Supreme Court proceeding where the subject matter is the same discretionary trust

Brett Hartley, Managing Partner, HARTLEY FAMILY LAW SERVICES

2:45 Examining When and Why a Financial Agreement Will Be Set Aside By the Court

- Ensuring appropriate disclosure when drafting financial agreements
- Reviewing case examples when financial agreements have been set aside - lessons learnt
- What amounts to "material change" for the purposes of setting aside of financial agreements?
- Explaining the courts' approach to alter maintenance (Section 90F)
- Examining the courts' interpretation of cohabitation agreements

Catherine Carew, QUEENSLAND BAR

3:30 Afternoon Tea

4:00 Property Entitlements and Maintenance Rights of De Facto Couples: Case Update and Current Legislative Reforms

- How has the current legislation been implemented by practitioners?
- Identifying problems and how they have been overcome
- Examining the proposed changes to Commonwealth jurisdiction: timelines for reform and implications for family law practices
- Reviewing recent case law including *S v B* (2004 QSC)
- What to advise clients in long-term compared to short-term de facto relationships
- Use of domestic relationship agreements to manage financial affairs in the event of a future separation
- Seeking relief from common law entitlements

**Greg Shoebridge, Managing Partner,
SIMONIDIS SHOEBRIDGE LAWYERS**

4:45 Close of Day One

CLASS FOR SENIOR PRACTITIONERS

Wednesday, 4 May 2005

8:30 *Morning Coffee*

9:00 *Opening Remarks from the Chair*

Keith Slack, QUEENSLAND BAR

9:10 *Reviewing Recent Amendments and Approaches to Child Protection Legislation and Practices*

- Examining key changes to legislation and practical implementation strategies
- Exploring the role and responsibilities of the new Department of Child Safety, other government agencies and the non-government sector
- Identifying trends in child protection
- Reviewing new child guardian functions and powers
- Current and future challenges faced by family lawyers when dealing with child protection
- Examining the role of the Children's Court
- Handling allegations of child abuse raised in family law proceedings

*The Hon. Justice Tim Carmody,
FAMILY COURT OF AUSTRALIA*

10:00 *Identifying and Resolving Common Problems Related to Child Support*

- Identifying problems with the current system
- Navigating your way through child support legislation and case law relating to adult maintenance and international child support
- Lodging objections relating to child support
- Factors which affect child support assessment
- Dealing with situations where one party is suspected of hiding assets
- Reviewing key proposals for reform to child support

*Kay Feeney, Consultant,
HUNT & HUNT LAWYERS*

10:45 *Morning Tea*

11:15 *Shared Parenting and the Impact on Children – A Psychological Perspective*

- Determining what is best for the child following parental separation
- Is shared parenting a more suitable context for children growing up in today's changing society?
- Economic and societal changes which are driving these trends
- How viable are 50/50 shared parenting arrangements?
- Examining the developmental impact on children
- Is the age of the child a crucial factor?
- Examining impact on parents
- Dealing with the negative influence of parental conflict
- Managing contact with non-parental relatives

*Professor Matthew Sanders, Professor of Clinical Psychology,
Director of the Parenting and Family Support Centre,
Founder of the Positive Parenting Program,
UNIVERSITY OF QUEENSLAND*

12:00 *A New Approach to the Family Law System: Understanding the Establishment of Family Relationship Centres and Effects on Parenting Arrangements*

- Reviewing key submissions to the Government
- Understanding the aim of relationship centres
- Determining how the new system will operate
- Examining changes to the law
- Evaluating changes to the court system
- Informing parents of their choices and responsibilities
- What are the rights and responsibilities of grandparents?
- Reviewing timeframes for implementation

*Steve Quinlan, Program Leader, Dispute Resolution Services,
RELATIONSHIPS AUSTRALIA (Queensland)*

12:45 *Luncheon for Speakers and Delegates*

1:45 *Maximising Your Prospects of Success on Appeal in the Family Court and Federal Magistrates Court*

- Comparing appeals practice in the Family Court and Federal Magistrates Court
- When can fresh evidence be admitted?
- What to tell your client about appeal processes and how to avoid unrealistic expectations
- Trends in family law appeals; applications dismissed, applications allowed
- Examining relevant case law for guidance
- Lessons learnt from recent full court decisions
- Reviewing reforms to existing appeal processes

Bill Westbrook, QUEENSLAND BAR

2:30 *Special Considerations When Representing Multicultural Clients in Family Law Matters*

- Understanding different multicultural ideals of parenting and how these can affect your case
- Evaluating the services government agencies and non-government bodies provide
- Examining case law involving multicultural parties
- Issues to be addressed when representing indigenous clients

*Suzette Coates, Sole Practitioner,
S.M. COATES (Atherton)*

3:15 *Afternoon Tea*

3:35 *A Practical Guide to Dealing with Clients who have Mental Health Disorders*

- How will a mental health disorder affect the outcome of a case?
- How to take instructions and give advice to a mentally ill client
- What are your rights and obligations as a lawyer?
- Where to go for help - evaluating the services that government agencies and non-government bodies provide
- Examining power of attorney processes and duties

*Kathryn McMillan, QUEENSLAND BAR & Member,
MENTAL HEALTH REVIEW TRIBUNAL*

4:25 *Close of Conference*

Thursday, 5 May 2005

OPTIONAL

post-conference workshops

SEPARATELY BOOKABLE

8.30am Coffee and Registration for Workshop A



9.00am to 12.30pm

DRAFTING PRE-NUPTIAL AGREEMENTS

Pre-nuptial agreements are now part of Australian law and daily family law practice. However, family lawyers have received little practical guidance on how to effectively prepare a prenuptial agreement. This **hands-on workshop fills the gap by clear and practical guidelines for drafting financial agreements under s 90B**. The facilitator will examine a wide range of negotiation and drafting issues for the family lawyer. Specific issues to be addressed include:

- What to advise a client who is contemplating a prenuptial agreement
- Drafting pitfalls and how they can be overcome
- Hidden tax problems in prenuptial agreements
- How to deal with corporate and trust interests in a prenuptial agreement
- How to plan for future changes (e.g. inheritances; birth children)
- Defining what the prenuptial agreement can and cannot cover
- Identifying common drafting problems
- Developing a practical checklist of matters to include
- Examples of good and bad drafting
- When should you use 'sunset clauses'

- How to provide for 'sliding scale' property settlements
- The need for financial disclosure
- Under what circumstances can a prenuptial agreement be set aside?

Facilitated by: Warwick Jones, Senior Partner, JONES MITCHELL

ABOUT YOUR WORKSHOP LEADER:



Warwick Jones is the founding and current senior partner of Jones Mitchell Lawyers practising exclusively in the area of Matrimonial and Family Law including defacto relationships. Warwick specialises with the larger and more complex property and financial cases as well as some children's matters including difficult residence matters, relocation, Hague Convention and some bioethical issues.

He is a member of FLPA, Law Council Family Law Section, Institute of Arbitrators and Mediators, the International Bar Association and an Accredited Arbitrator. Warwick is a Notary Public and the author of *The Australian Family Law Index*.

12.30pm to 1.30pm Luncheon for Delegates Attending BOTH Workshops

1.15pm Registration for Workshop B

UNDERSTANDING AND VALUING SUPERANNUATION IN A FAMILY LAW CONTEXT



1.30pm to 5.00pm

Confused by super splitting? - rest assured that you are not alone. Since its introduction at the end of 2002, the Family Law (Superannuation) Regulations has probably caused more headaches for Family Lawyers than any other area.

This workshop will **ensure that practitioners have an understanding of the relevant issues when dealing with superannuation and Family Law, know what other matters should be taken into account and better prepare them to be able to provide initial advice to their clients**. The facilitator will **assist delegates in their ability to read and understand the various statements from superannuation funds**. The workshop will include a combination of presentation, case studies and question and answer sessions covering issues including:

- What is superannuation and how is it different from other assets?
- How to read a Superannuation Information Form
- How to read the member's annual statement
- What to look for in self managed superannuation funds
- Why and how should taxation be taken into account
- What to consider when valuing invalidity pensions

- What to consider when offsetting superannuation with other assets
- How to calculate the appropriate base amount
- The impact of fund specific valuation factors and other legislative changes

Facilitated by: Nick Gaudion, Senior Manager, FORSYTHES LITIGATION SUPPORT

ABOUT YOUR WORKSHOP LEADER:



Nick Gaudion is a Senior Manager with Forsythes Litigation Support, specialising in valuation and damage quantification for litigation and other dispute resolution forums. He has provided advice and opinion on the financial issues in many areas of the law including breach of contract/warranty, Trade Practices Act, Family Law and Personal Injury. Since the introduction of the Family Law (Superannuation) Regulations, Nick has assisted many lawyers and

barristers in their understanding of superannuation interests and given evidence on its value and other related matters.

Team Discounts

1. Groups of 3 or more booking on the conference at the same time, from the same company receive a \$500 discount from the total registration fee*
2. Register a team of 4 to the conference at the same time, from the same company and receive a free pass for the 5th delegate*

*Discounts cannot be taken concurrently

CONFERENCE PAPERS AVAILABLE

See back page for more details

familylaw young lawyers' day

This Day Has Been Specifically Designed to Meet the Practical Requirements of Solicitors With Less Than Five Years' Experience

Friday, 6 May 2005

8:30 Registration and Coffee

9:00 Opening Remarks from the Chair
Sarah Minnery, Solicitor, **HARTLEY FAMILY LAW SERVICES**

9:10 **Practical Strategies for Drafting Effective Affidavits in Interlocutory Applications**

- Complying with the rules of evidence, rules of the court and the Evidence Acts when drafting affidavits
- Adhering to hearsay rules in interlocutory applications
- Developing a practical checklist of matters
- Examples of well-drafted and poorly drafted affidavits
- Best practice preparation of affidavits of witnesses and clients
- Keeping the content relevant and logical
- Objecting to material in affidavits

Registrar Brian Dittman, **FAMILY COURT OF AUSTRALIA**

9:55 **Assessing the Differences in Case Management in the Family Court and Federal Magistrates Court**

- Comparing the application processes
- Reviewing the procedural differences of the Family Court and the Federal Magistrates Court
- Pre-action procedures under the new rules
- Learning who the key players are
- Meeting requirements relating to time limits
- Deciding on the most appropriate forum for your matter

Anne-Marie Rice, Partner, **CARTER NAUGHTON RICE FAMILY LAW**

10:40 Morning Tea

11:10 **Best Practice Financial Discovery: Obtaining the Information You Require**

- What tools are available to access the financial status of the other party?
- Utilising financial discovery tools effectively
- Reading financial statements and valuation methodologies - overcoming complications and deciphering the right information
- Knowing when discovery is effective
- When do you engage an accountant?
- Understanding the rights and responsibilities of non parties
- When have you "over-discovered"?

Andrew Crooke, Partner, **MURDOCH LAWYERS**

11:55 **Representing Clients Effectively in Negotiations, Conciliation and Mediation**

- Five key questions to ask clients, yourself, other lawyers and mediators
- Best practice case preparation, management and client preparation
- Common mistakes – what not to do
- Predictable negotiation patterns and how to use them to your advantage
- Examining procedural expectations and working toward a successful outcome
- Techniques for continuing discussion when the parties reach an impasse
- Reducing the possibility of an emotive response particularly when both parties are present in the same room

Associate Professor Bobette Wolski, Faculty of Law, **BOND UNIVERSITY** & Consultant, **JONES MITCHELL**

12:40 Luncheon for Speakers and Delegates

1:40 **Practical and Effective Advocacy Skills for Family Law Practitioners**

- The do's and don'ts of briefing witnesses and preparing them for cross-examination
- How to effectively use the Family Court Rules and the Evidence Act
- Duties, obligations and etiquette in court
- Examining the best ways to structure your submissions, arguments and tips to ensure the Judge remains engaged throughout
- Avoiding common pitfalls and problems
- Mastering your presentation and advocacy skills

Joanne Stagg-Taylor, Lecturer, **Practical Legal Training Program, GRIFFITH UNIVERSITY LAW SCHOOL**

2:25 **Managing Costs in Family Law Matters**

- Complying with cost rules
- Remaining up-to-date in cost assessments and disputes
- Case examples where the court has ordered costs be paid to the other party
- Protecting your client from a cost application from the other side
- Advising your client of the best offer of settlement in their circumstances
- Predicting costs and managing cost benefit analysis
- Ways to reduce costs for all involved
- Reviewing current court and lawyer costs and future changes

Michael Emerson, Managing Partner, **EMERSON BLACK LAWYERS**

3:10 Afternoon Tea

3:30 **Understanding the Impact of Estate Planning on Family Law**

- Recent changes in estate planning and the ramifications on family law
- Assessing the treatment of gifts, inheritances and other special contributions in the division of property
- Examining the effect of super splitting laws on property settlements
- Protecting assets using agreements; financial, pre-nuptial and co-habitation
- Evaluating the use of trusts and other estate planning structures

Michele Sheehan, Principal, **SHEEHAN & CO**

4:15 **Calculating CGT & GST on Property & Business Settlements in a Family Law Context**

- Common tax problems encountered by practitioners and practical solutions
- Understanding and implementing the legislation
- Examining exemptions from CGT and GST
- Understanding the rollover relief provisions in a family law context, including orders and binding financial agreements
- Assessing Division 7A and the consequences of an application
- Examining the tax implications on superannuation

Joseph Box, Partner, **GRANT THORNTON**

5:00 Close of Conference

