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# 6th Annual Family Law Summit

In-depth analysis and commentary  
on current, critical and complex  
issues in family law

18 – 19 June 2009  
Marriott Hotel  
Brisbane

**NEW INTERACTIVE FORMAT:** Intensive Sessions,  
Interview, Commentary & Expert Panels,  
Champagne Roundtable, and more...

## Don't miss this opportunity to:

- Analyse the impact of **federal de facto laws** on the property and maintenance regime of the *Family Law Act 1975*
- Discover the implications of *Black v Black* on **financial agreements** and *Pera v Pera* on **superannuation splitting**
- Hear from a psychologist and solicitor's perspective on **domestic violence, child abuse and children's evidence** in court
- Analyse intricate cases involving **adoption, biological issues, aboriginal, same sex** and other complex issues with a panel of leading experts
- Assess the impact of the **financial crisis** on family law practice and cross-sections with bankruptcy, insolvency and financial planning

### International Expert & Author:

**Prof. Mark Henaghan**, Barrister and Solicitor,  
**High Court of New Zealand**, Dean of Law,  
University of Otago and author, LexisNexis Butterworths

### Keynote:

**Federal Magistrate Michael Baumann**

### Expert speakers include:

**Graeme Page SC**, Barrister, **Queensland Bar**  
**Tim North SC**, Barrister, **Victorian & Queensland Bar**  
**Kathryn McMillan SC**, Barrister, **Queensland Bar**  
**Stephen Bourke**, Principal, **Supersplitting**

### Two separately bookable days:

**Day 1:** Property & Agreements

**Day 2:** Child Matters

**Register Today! Ph: 1800 772 772**  
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# 6th Annual Family Law Summit

## In-depth analysis and commentary on current family law issues

### Day 1 – Property & Agreements, Thursday 18 June 2009

8.30 **Conference registration**

8.50 **Welcome from the Chairperson**

**Julie Harrington**, Managing Partner, **Harrington Family Lawyers**

9:00 **De Facto Financial Matters: Anticipating operative provisions of the new Federal Act**



Hot Topic

- *Family Law Amendment (De Facto Financial Matters & Other Measures) Act 2008*: Gauging the impact of new de facto laws on access to courts, division of property, payment of spouse maintenance, financial agreements, superannuation and super splitting
- Defining and qualifying de facto relationships in the light of legislative changes
- Parts VIIIAA: The grey area surrounding third parties
- Are provisions for same sex relationships in place in new de facto legislation?
- Transitional provisions for state and territory laws

**Graeme Page SC**, Barrister, **Queensland Bar**

9:45 **De Facto and Same Sex Laws – redefining family**



Legal  
Commentary

- What are foreseeable complications arising with the introduction of de facto laws?
- Anticipating the complications arising when dealing with same sex de facto relationship breakdown
- When competing interests exist in overlapping and contiguous relationships
- Reviewing de facto relationship cases – how will treatment differ between now and the foreseeable future?

**Panellists:**

**Geoff Wilson**, Partner, **Hopgood Ganim**

**Damien Greer**, Partner, **Herbert Geer**

**Trent Waller**, Partner, **Came Reidy Herd**

10:15 **Morning tea**

10:35 **When third parties intervene – exploring the intricacies of third parties, trusts and property disputes**

An increasingly complex area is the intervention of third parties such as creditors and other family members especially when it comes to the division of family businesses and trusts. This session will discuss:

- Delineating the jurisdiction of the Family Court in third party property proceedings
- Assessing the court's capacity to adjudicate and make orders with respect to third parties
- *Part VIIIAA* – binding third parties in financial and injunctive proceedings
- *S79 proceedings* – what orders can be made
- Identifying what is just, equitable or proper, just and convenient?
- Implications on the valuation of minority interests
- Third party litigation: recent case law – *Kennon v Spry* *Spry v Kennon* [2008] HCA 56 and others

**Tim North SC**, Barrister, **Victorian and Queensland Bar**

11:20 **The Dividing Line: property disputes, interests in trusts and companies, notional property and add-backs**

- Division of business operations into holding, trade and investment entities
- Proprietary interest, guarantees, liabilities and duties
- Minority shareholders or non-executive decision makers
- Minimising wastage on disposal of assets
- Mastering the calculation of entitlements
- Revisiting the duty of disclosure
- Post-separation acquisition, notional property and add-backs

**Justine Woods**, Partner, **Cooper Grace Ward**

### What your colleagues said about previous LexisNexis Family Law conferences:

*“Very informative and practical conference”*

*“Overall a very well put together and run conference”*

*“Very enjoyable and informative presentations”*

*“Excellent professional training solving some of the mysteries”*

*“The conference exceeded my expectations”*

### Who Should Attend

- Family Law Practitioners
- ADR practitioners
- Barristers
- Collaborative Lawyers
- Government Lawyers

**Official publications:**

Australian Family Law

Australian Journal of Family Law

To register now ph: 1800 772 772 or fax: 02 9422 2338 or visit: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)

### Day 1 – Property & Agreements Continued...

#### 12:05 Big money cases and farming estates – complications, cases and directions

- Are big money cases presently dealt with differently from other cases and if so, how?
- Review of relevant Australian cases and interesting cases and directions in the UK and US
- Weighing and assessing contributions – notions of “special skills”; “business acumen”; and “entrepreneurial skills”
- What place, if any, for spousal maintenance?
- Can we predict where the court is heading?
- Farming assets in Australia – what are the complications?

**Warwick Jones**, *Founding and Senior Partner, Jones Mitchell Lawyers*

#### 12:50 Networking lunch for speakers and delegates

#### 1:50 Remarks from the Chairperson

**Damien Greer**, *Partner, Herbert Geer*

#### 2:00 The real deal with Binding Financial Agreements – what has changed after *Black v Black*?

- Advising clients on the pros and cons of entering into a BFA – weighing risk v reward
- The real deal: consent orders or financial agreements?
- Ensuring validity and enforcement – are all your bases covered?
- Avoiding professional negligence
- Issues and case law regarding unconscionability
- *Black v Black [2008] 38 Fam LR503* – how has this affected legislation (financial agreements and compliance with requirements of s90g of the *Family Law Act*)

**Tony George**, *Barrister, Queensland Bar*

#### 2:45 Intersections between bankruptcy, insolvency and family law in the course of a financial crisis

The global financial crisis has certainly made a dent in Australian businesses and shaken the stability of many households. Crashing stock markets and insolvent businesses have made family law matters even more daunting especially in matters when creditors chase up debt between divorced parties.

- The *Bankruptcy Act* and Family Law – in conflict or a dance in unison?
- Defining the Court’s bankruptcy jurisdiction – Can bankruptcy proceedings be initiated in the family court jurisdiction?
- *Family Law Amendment Rules 2008 (No 1) SLI 62* – amendments to bankruptcy rules to accord with recent amendments to the Federal Court’s rules
- Dealing with debt issues and creditors in cases of divorce, separation, marital breakdown
- Will the valuation of matrimonial assets be affected by insolvency proceedings?

**Neil McGregor**, *Barrister, Queensland Bar*

#### 3:30 Afternoon tea

#### 3:50 Maximising returns in a financial downturn – accounting, tax and financial considerations in a new regime



- Implications of taxation on property settlements
- Avoiding tax traps and pitfalls in family law financial proceedings in the light of recent changes to tax and superannuation rules
- Div 7A and CGT considerations – exemptions and roll-over
- Accounting for shares and business valuation in the midst of a credit crunch

**Brian McDonald**, *Partner and Director, Pilot Partners, LexisNexis Author, Australian Family Law*

#### 4:35 Intensive Session:

##### Superannuation Splitting: Maximising the valuation of the parties’ interests



- The nuts and bolts of splitting SMSFs
- New de facto laws and super: Splitting of super for de facto couples
- Structuring of superannuation settlement
- Assessing the best valuation methods
- Using a base amount or percentage split – which splitting orders to use?
- Taxation consequences of splitting superannuation
- Recent decision on *Pera v Pera*

**Stephen Bourke**, *Principal, Supersplitting*

**Stephen Bourke** is a lawyer with a degree in business administration. He was awarded the prize by the Australian Institute of Management on graduation from his business administration degree. Prior to joining SuperSplitting, Stephen was head of the taskforce on the Government’s superannuation and family law reforms. He was awarded an Australia Day achievement in 2002 for his work on the new laws. Stephen was formerly head of the Family Law and Legal Assistance Division in the Commonwealth Attorney-General’s Department. In this role, he was responsible for advice to the Government in both the family law program and also the Commonwealth legal aid program. He was a member of the Family Law Council in Australia from 1997-2001.

#### 5:30 Close of day one

### Future training events

Developing best practice when conducting parenting proceedings and conforming to LAT procedure in Family Law Courts (1 day)

Negotiating a settlement in financial proceedings and draft consent orders and binding financial, child support and de facto agreements (1 day)

Family Law update - new changes to the rules after 1 January 2009 (1/2 day)

Costs - Untangling the costs regime and drafting agreements (1/2 day)

For more information and training dates visit [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd) for the full training catalogue or Ph: 1800 772 772

## Day 2 – Child Matters, Friday 19 June 2009

8:30 **Conference registration**

8:50 **Welcome from the Chairperson**

**Adam Cooper, Special Counsel, Barry & Nilsson**

9:00 **Recent developments regarding the proposed courts merger and recent changes to practice and procedure in courts**

Results of the review into governance options for federal family courts in Australia are due to be released in 2009. What would be the implications of the alleged court merger between Federal Magistrates Court and Family Courts?

- Outcome of recommendations released on 20 Nov 2008
- Considering the implications on family law practice and procedure
- Expansion of powers of the court
- Changes to the appeals process and cost regime
- Changes to the court's case management system
- Renewed focus on non-adversarial processes

**Federal Magistrate Michael Baumann**

9:45 **Redefining shared care and a meaningful relationship – aggregating case law post 2006 amendments to shared parenting**

The past few years have seen changes to the laws that govern post-separation parenting arrangements and processes in the family law courts. Since then, aggregated experience and case law have brought forth greater insight into the relevance of these amendments to practice.

- Examining the ramifications of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* – a snapshot
- Equal shared parenting and presumptions of joint parental responsibility – when is 50/50 appropriate?
- Defining shared care and a meaningful relationship
- What accounts for substantial and significant time?
- When is shared care appropriate?
- The status of family violence
- Recent cases – a review of decisions

**Kathryn McMillan SC, Barrister, Queensland Bar**

10:30 **Morning tea**

11:00 **A resolution without trial: collaborative law, mediation and non-adversarial processes in the context of family law – not a one size fits all**



- Tailor-made dispute resolution: Discussing pros, cons and effectiveness of ADR/non-adversarial processes in various family law contexts
- Collaborative law – niche market or shape of the future?
- Addressing challenges and avoiding pitfalls – getting the most out of your mediation
- How have the new LAT procedures changed the family law practice? What are the implications of the merging of courts?

**Facilitated by:**

**Bruce Doyle, Partner, Doyle Keyworth & Harris**

**Panellists:**

**Freda Wigan, Partner, Hopgood Ganim**

**Bruce Thiele, Barrister, Queensland Bar**

**Tony George, Barrister, Queensland Bar**

**Pamela McGhee, Barrister, Queensland Bar**

11:45 **International and Australian Case Study:**

**Australian, New Zealand and UK perspectives: Investigating the intricacies of relocation cases – is it in the child's best interests?**



- How the amendments of 2006 have affected relocation cases
- The fine line between restricting or enabling parent's freedom of movement
- Provisions of the Hague convention / United Nations Convention on the Rights of a Child – international child abduction cases
- What weight does the child's views impact decisions? What evidence is relevant?
- Case Law – *Sampson v Hartnett (No 10) [2007] FamCA 1365* (Full Court), *Taylor and Barker [2007] FamCA 1246 (19 Oct 2007)* and others
- A brief comparison between Australian, New Zealand and UK approaches – results of an empirical collaborative study

**Prof Mark Henaghan, Barrister, Solicitor, High Court of New Zealand, Dean of Law, University of Otago**

**Mark Henaghan** is Dean and Professor of Law at the University of Otago, specialising in Family Law and a Barrister and Solicitor of the High Court of New Zealand. Professor Henaghan is an author and member of the Editorial Board for LexisNexis Family Law Service and the New Zealand Family Law Journal and author of a number of articles on family law. He is on the editorial boards of Child and Family Law Quarterly, the leading UK journal on children's issues and The International Journal of Human Rights, the leading UK journal on human rights. He has published extensively both nationally and internationally and is on the cutting edge of international developments in family law.

12:30 **Networking lunch for speakers and delegates**



## Day 2 – Child Matters Continued...

1:30

### In the eyes of the child: Exploring the intricacies of domestic violence, child abuse, psychology and evidence in child law

- An insight into the developing child, trauma and conflict
- Issues in identifying and dealing with family violence – examining allegations of family violence in child proceedings under the *Family Law Act*
- Avoiding risks in family violence and assessing the level of acceptance of risk in child sexual abuse
- How viable is children's evidence?
- Reviewing child protection issues and government's renewed support to prevent family violence and support victims
- Is it within the child's best interests – dealing with limitations of time and alleviating the pressure on parent to consent

**Mike Emerson**, Principal, **Emerson Family Lawyers**  
**Denise Britten**, Psychologist & Mediator



3:00

### Afternoon tea

3:30

### Complications and intricacies of child support post 2008 reforms: an afterthought

- Dissecting the major reforms over the past year – mastering the new formula for the assessment of child support (age of child, level of care, income of parents)
- Differentiating the 2 new types of child support agreements – binding and limited child support agreements
- Effect on existing child support agreements
- Determining child support payments in response to changed circumstances – change in income, birth of a new child, changed care arrangements
- Issues regarding biological v adopted parents – when is court action necessary?
- Complications: one parent lives overseas
- Examining the intricacies of dealing with the Child Support Agency, the SSAT and the Courts

**Bruce Doyle**, Partner, **Doyle Keyworth & Harris**

2:15

### Analysing special cases, judgments of interest and recent cases

- Special cases – adoption, surrogacy, in-vitro fertilisation, artificial conception procedures and other biological issues
- Aboriginal or Torres Strait Islander children
- Intellectually disabled / impaired children
- Children brought up in same-sex marriages, gender reassignments
- Family violence and child abuse

#### Panellists:

**Prof Mark Henaghan**, Barrister, Solicitor, **High Court of New Zealand**, Dean of Law, **University of Otago**  
**Tracey De Simone**, Solicitor, **Legal Aid Queensland**  
**Khatija Thomas**, Solicitor, **Aboriginal & Torres Strait Islander Women's Legal and Advocacy Service (ATSIWLAS)**  
**Angela Lynch**, Solicitor, **Women's Legal Service**



4:15

### Problems in practice: Complex scenarios in family law

Participants will be divided into small groups to deliberate on some of the most difficult challenges family lawyers face.

#### Facilitated by:

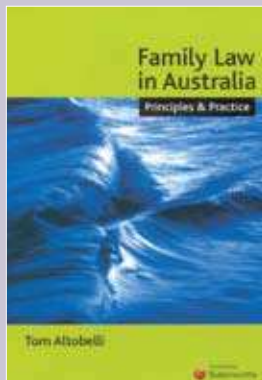
**Pamela McGhee**, Barrister, **Queensland Bar**



5:15

### Close of conference

## Family Law in Australia - Principles and Practice



**Author:** Altobelli, T

This book provides both a sociological and legal analysis of all the major areas of family law. Broad sourcing of reading materials from disciplines as diverse as sociology and psychology are skillfully placed throughout the text, along with statistics and articles providing a well-considered discussion.

**Format:** Softcover

**ISBN:** 9780409317589

**Publication date:** March, 2003

- What is Family and What is Family Law?
- Jurisdiction in Family Law
- Marriage Nullity and Divorce
- Violence and Abuse Towards Women and Children
- Children and Separation
- Children under the Family Law Act
- Making Hard Decisions in Children's Matters
- Property
- Contemporary Issues in Australian Family Law
- Maintenance and Support for Women and Children
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- Primary Dispute Resolution in Family Law
- Case Study

# Priority registration form

## 6th Annual Family Law Summit

## 4 easy ways to register

**Phone:** 1800 772 772  
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**Mail:** Conference Co-ordinator, LexisNexis  
Locked Bag 2222,  
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B, C, D, E

Conference code: **PD5909** ABN: 70 001 002 357

### A Delegate 1 details

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First name Last name

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Organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_

Suburb Postcode State

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
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Position: \_\_\_\_\_

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\*\* to send conference confirmation

3rd Delegate FREE!

### B Please tick as many practice areas you work in which apply:

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| <input type="checkbox"/> Banking & finance           | <input type="checkbox"/> Family law                               |
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This will help us keep you informed about topics relevant to your business needs.

#### Please select business type:

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### C

#### Event Pricing (please tick your selection)

##### Advance price\* (register and pay before 27 March 2009)

- |   |                       |
|---|-----------------------|
| <input type="checkbox"/> Two day conference       | \$1850 + GST = \$2035 |
| <input type="checkbox"/> One day conference only# | \$950 + GST = \$1045  |

##### Early bird price\* (register and pay after 27 March and before 8 May 2009)

- |   |                       |
|---|-----------------------|
| <input type="checkbox"/> Two day conference       | \$1950 + GST = \$2145 |
| <input type="checkbox"/> One day conference only# | \$1050 + GST = \$1155 |

##### Standard price (register and pay after 8 May 2009)

- |   |                       |
|---|-----------------------|
| <input type="checkbox"/> Two day conference       | \$2050 + GST = \$2255 |
| <input type="checkbox"/> One day conference only# | \$1150 + GST = \$1265 |

\* Early Bird, team discounts and any other discount cannot be taken concurrently

# Please select day you wish to attend: ☐ Day 1 – Property & agreements  
☐ Day 2 – Child matters

☐ Yes, I wish to purchase *Family Law in Australia - Principles and Practice* book  
\$112.72 + GST = \$124

#### CONFERENCE RESOURCES

☐ I am unable to attend but would like to purchase a set of conference papers for  
6th Annual Family Law Summit \$360 + GST = \$396.00

#### TEAM DISCOUNTS\*

☐ Register a team of 2 to the conference at the same time, from the same organisation  
and receive a free pass for the 3rd delegate.\*

\* Early Bird, team discounts and any other discount cannot be taken concurrently

#### PLEASE SEND ME MORE INFORMATION ON THE FOLLOWING LEXISNEXIS FAMILY LAW PUBLICATIONS:

- ☐ Australian Journal of Family Law  
☐ Australian Family Law (loose-leaf service)

### D

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