

DVD Program

QLS & FLPA Family Law Residential 2017 Both-days

1 CPD point per hour viewed



Major sponsor



Friday 14 July

Disc 1
57 mins

FLPA President welcome remarks

Presenter: **Fiona Caulley**, President, Family Law Practitioners Association (Qld); Director, Phillips Family Law and Accredited Specialist (Family Law)

Keynote: Q&A with the Chief Justice

This very special opening plenary session is a 'look back' on the career of our Chief Justice as she approaches retirement from the Bench. Hosted by radio personality Madonna King, this session was an opportunity for those who have been inspired by the Chief Justice to hear her Honour's views, opinions, and advice on impactful issues in family law.

Presenters: **The Honourable Diana Bryant AO**, Chief Justice, Family Court of Australia
Madonna King, Journalist, ABC Radio and Author, *Ian Frazer: The Man That Saved a Million Lives*

Chair: **Fiona Caulley**, President, Family Law Practitioners Association (Qld); Director, Phillips Family Law and Accredited Specialist (Family Law)

Session sponsor



STREAM 1A - PARENTING

Stream sponsor

Disc 2
1 hr 19 mins



Confidentiality and admissibility in family dispute resolution and counselling



Generally family dispute resolution and counselling are considered private processes; however, the *Family Law Act 1975* (Cth) provides some exceptions when statements made by parties or notes taken by family dispute resolution practitioners and counsellors may be admissible in court.

This session examines the obligations of these professionals and whether they (and their notes) can be subpoenaed by reference to the recent case law.

Our expert presenters also discuss whether family reports and expert reports, such as psychiatric assessments prepared in the context of family dispute resolution, can be admissible in court.

Presenter: **Donna Cooper**, Senior Lecturer, Queensland University of Technology

Presenter

and Chair: **Clare Dart**, Barrister, Queensland Bar





Who's ya daddy?

The rise of IVF, surrogacy, and egg and sperm donation has led to blurred lines about who is a parent. Often someone who is thought to be a parent is not, and someone who is thought not to be a parent is.

Family Court decisions have led to the confusion, with often conflicting outcomes – whether the *Family Law Act 1975* (Cth) overrides Status of Children legislation, or forms a scheme, or whether intention plays a part. Recognition of parentage for children born overseas is also unclear.

Recent international case law about who is a parent may provide a way forward for some children and their parents.

Presenter: **Stephen Page**, Partner, Harrington Family Lawyers and Accredited Specialist (Family Law)

Chair: **Alison Ross**, Partner, HopgoodGanim; Accredited Specialist (Family Law) and Chair, Queensland Law Society Family Law Committee

STREAM 1B - PROPERTY

Stream sponsor

Disc 3
1 hr 27 mins



Certificates of legal advice: The risk of rogue clients



Whether accepting too little by way of property settlement, signing an agreement contrary to their interests, or entering into a “bad deal” for child support, clients frequently act contrary to the advice of their solicitor.

This session uses factual scenarios to examine:

- the risks involved when a practitioner is asked to sign certificates of legal advice where clients are acting contrary to that very advice and
- ways in which practitioners can reduce conflict with clients (and minimise exposure) in these matters.

Presenters: **Robert Mackay**, Legal Risk Solicitor, Lexon Insurance

James Steel, Vice President, Family Law Practitioners Association (Qld); Partner, Barry.Nilsson. Lawyers; Accredited Specialist (Family Law) and member, Queensland Law Society Family Law Specialist Accreditation Advisory Committee

Chair: **Alison Ross**, Partner, HopgoodGanim; Accredited Specialist (Family Law) and Chair, Queensland Law Society Family Law Committee



Child support arrangements: Chasing the debt

This session is a practical discussion around the ways in which a private person (as opposed to the Registrar) can enforce arrears and liabilities, both for periodic payments and for non-periodic payments (school fees and the like).

There are various types of enforcement – garnishing bank accounts, sale of motor vehicles, sale of real property, appointment of receivers and managers, bankruptcy; do you know the benefits and detriments of each enforcement process, and whether it is cost-effective and/or appropriate to enforce debts by a private person or to leave it to the Registrar?

Presenter: Catherine Devine, Barrister, Victorian Bar

Chair: Rebecca Harding, Barrister, Queensland Bar and Accredited Specialist (Family Law)

STREAM 1C – ESSENTIALS

Stream sponsor

Disc 4
1 hr 27 mins



This matter is driving me crazy!

“Interests based negotiation” are the buzzwords of Alternate Dispute **Phillips | Family Law** do they really mean and how do you make a client’s “interests” work for, not against, you? Family lawyers well know that every client who comes to see them is driven by issues, concerns, questions far beyond the scope of the *Family Law Act 1975* (Cth) and that our job is to massage those “interests” into something workable within the confines of the law. It is not always easy and the tension can often lead to frustration for both lawyer and client.

This session explores ways to readily, and productively, identify what is truly motivating your client and assist you to use that knowledge in a highly effective manner regardless of whether you are litigating, arbitrating, mediating or collaborating.

This presentation will leave you knowing more about how you can work with your client’s non-legal drivers and create greater satisfaction for client and lawyer alike.

Presenter: Anne-Marie Rice, Director, Rice Naughton McCarthy and Accredited Specialist (Family Law)

Chair: Jennifer Hetherington, Councillor, Queensland Law Society; Principal, Hetherington Family Law and Accredited Specialist (Family Law)



The cost of experiencing vicarious trauma in family law: What family lawyers need to know

This workshop explores an inescapable part of working in family law – that is, working with clients experiencing ongoing conflict, trauma and suffering. It provides a framework for understanding, and an awareness of, the psychological implications on the practitioner, and how best to manage the trauma-reaction pattern related to encounters with highly distressed clientele. In this session our expert presenter discusses:

- what vicarious trauma is, and the contexts in which it may occur
- its effects on the legal practitioner and how to identify it
- the best ways to address and treat it.

Presenter: **Tania E Murdock**, Behavioural Scientist (Family Conflict), Dispute Management Australia

Chair: **Bruce Dodd**, Partner, Rice Naughton McCarthy; Accredited Specialist (Family Law) and Chair, Queensland Law Society Family Law Specialist Accreditation Advisory Committee

STREAM 3A - PARENTING

Stream sponsor

Disc 5
1 hr 28 mins



The ice apocalypse: Possible impacts on children living in an ice household



Demonised and sensationalised, ice is the centre of a nationwide epidemic; the media would have you believe that users are addicted after one use and subsequently turn into paranoid zombie like figures capable of senseless violence and destruction. But is this true?

Judge Turner provides a pragmatic look into the true ice impact on Australia, the everyday effects on children living in an ice household, and how to go about gathering information as to whether children are being adversely affected.

Presenter: **Judge Leanne Turner**, Federal Circuit Court of Australia

Chair: **Tom FitzGerald**, Family Consultant Social Worker, Tom FitzGerald Social Worker Pty Ltd



The art and process of a family report assessment

Our expert panel provides an inside look into what happens during a family report assessment, how the assessment process helps family consultants to understand complex family dynamics in a short space of time – and how this insight can assist you to better prepare your clients for the interview process.

Panellists: **Marie Adams**, Family Consultant, Family Law Courts Brisbane Registry
Julie Broadhurst, Senior Mental Health Worker, Legal Aid Queensland

Chair: **Erylin Rees**, Acting Regional Coordinator, Child Dispute Services Brisbane Registry Queensland

Disc 6
1 hr 31 mins



How to get the best result for your client when splitting pensions



This specialised session covers the thorny problem of the invalidity pensions paid from super following the Federal Court decision in Campbell v SCT. While the decision dealt with military pension, it may also apply to police pensions and other public sector pensions.

Our expert presenter also touches on the superannuation amendments which commenced on 1 July; in particular, the requirements of drafting a splitting order when one of the parties has a transfer balance account.

Presenter: Stephen Bourke, Director, SuperSplitting

Chair: Darren Withers, Director, Elston Private Wealth



The dangers of “double dipping” in the s75(2) exercise

The party who retains a profitable and successful business is often said to retain many other benefits associated with the business. These benefits can include security, current and future income, provision of payment of non-business expenses and future growth to name just a few.

This session uses practical examples to explain the common issues faced by practitioners when dealing with a large goodwill value of a business and how to properly identify the relevant and irrelevant s75(2) considerations and how to weigh such considerations to then argue a just and equitable outcome.

Presenter: Brett Hartley, Legal Manager, Hartley Healy; Nationally Accredited Mediator, Qualified Arbitrator and Accredited Specialist (Family Law)

Chair: Jennifer Hetherington, Councillor, Queensland Law Society; Principal, Hetherington Family Law and Accredited Specialist (Family Law)

Disc 7
1 hr 25 mins



Q&A: How to read financials like a forensic accountant

Phillips | Family Law

How often have you heard some variation of the following:

I know my partner's business is worth a fortune!

My wife thinks the business is worth millions, but it hasn't made a profit in years.

My partner says the business isn't profitable, but we turn over millions, she must be hiding something!

In this pragmatic session our expert presenter discusses:

- the basics of what financial statements are for and what they should communicate
- what the numbers mean in the context of the “business”
- some key methods, tips and insights into where to look and what to look for to answer your questions and the questions of your clients.

You will also receive some practical examples of interpreting balance sheets and profit and loss statements to help you guide your clients.

Presenter: Brett Goodyer, Director, SV Partners

Chair: Naomi Lewis, Director and Principal Solicitor, Lewis and Trovas Family Lawyers



Crossing the streams: When criminal law meets family law



Examine the cross-over between family law and criminal law and gain practical tips and tricks for dealing with the following issues in your family law matter:

- issuing of certificates
- other pending proceedings/approaches to evidence
- leaving children under 12 unattended
- other criminal offences – assault, kidnapping, stalking etc.
- basics on visa categories, domestic violence exceptions etc.
- social security offences.

Presenters: **Chris Minnery**, Barrister, Queensland Bar

Dan Rogers, Legal Director, Robertson O’Gorman Solicitors and Accredited Specialist (Criminal Law) – Qld

Chair: **Liz Anderson**, Associate, Barry.Nilsson. Lawyers

Disc 8
60 mins



The Pandora’s Box of ethical issues in family law

This session explores a variety of interconnecting ethical issues arising for family law professionals in and out of practice including negotiation, mediation, court and day-to-day communications with colleagues and clients. Our expert panellists deliver a practical and fast-paced interactive session that will leave you ready to ‘open the box’!

Panellists: **Tedd Jordan**, Barrister, Queensland Bar

Clarissa Rayward, Director, Brisbane Family Law Centre and Accredited Specialist (Family Law)

Lucia Taylor, Senior Counsellor, Queensland Law Society and Senior Associate, Purcell Taylor Lawyers

Facilitator: **Stafford Shepherd**, Director, QLS Ethics Centre, Queensland Law Society

END OF DAY 1 RECORDING

Saturday 15 July

Disc 9
54 mins

The Five-Year Plan: Will you still be relevant in 2022?

Session sponsor



In the age of digital disruption, family law is somewhat of a Pandora's Box – an explosion of competing priorities that can sometimes blur the lines between empathy and legality. So what does it take to be a modern family lawyer? What are the practical skills you need to be a fearless family law professional in the 21st Century? And do you really want to 'open the box'?

Our plenary speaker provides a practical and entertaining look at how everyday practice is evolving in an adjacent area to family law (namely, estate planning) to adapt to the unknown, and what you need to do to stay invaluable to your current and future clients.

Presenter: Matthew Burgess, Director, View Legal; Author and Speaker

Chair: Fiona Caulley, President, Family Law Practitioners Association (Qld); Director, Phillips Family Law and Accredited Specialist (Family Law)

STREAM 5A - PARENTING

Stream sponsor

Disc 10
2 hrs 10 mins



Protecting children from harm: Assessing allegations of harm and assertions of risk of harm



This practical and insightful session examines:

- how a Judge, in Duty List matters, assesses risk in the absence of the deliberations inherent in a trial – the analysis of the nature of harm, the degree of risk, what might be done about risk and the balancing of the assessed risk with other considerations
- how allegations of harm and assertions of risk are considered by the family report writer who prepares an initial family report
- how statutory child protection officers assess harm – a child safety officer's perspective – the assessment framework that examines both possibility and probability and enables a balanced and comprehensive risk assessment and some complicating factors arising in a family law context.

Presenter

and Chair: Her Honour Judge Anne Demack, Federal Circuit Court of Australia

Presenters: Angela Kerslake, Principal Child Protection Practitioner, Department of Communities (Child Safety and Disability Services)

Sue Waterman, Family Consultant Social Worker, Sue Waterman Social Worker Pty Ltd

Practical Legal Ethics

Practice Management & Business Skills

Professional Skills

Substantive Law



Parental responsibility: Let's get it right



Judicial guidance and discussion as to the important questions for practitioners to consider:

- what does parental responsibility actually mean?
- what does equal shared parental responsibility actually mean?
- are parents who are our clients properly informed about parental responsibility and its various forms?
- can equal shared parental responsibility work in high conflict parenting?
- are we being precise enough with our parental responsibility orders?

Presenter: **The Honourable Justice Colin Forrest**, Family Court of Australia

Chair: **Alison Ross**, Partner, HopgoodGanim; Accredited Specialist (Family Law) and Chair, Queensland Law Society Family Law Committee

STREAM 5B - PROPERTY

Stream sponsor

Disc 11
1 hr 56 mins



Crossing the streams: When the *Corporations Act* intersects with a financial case



This session examines the interaction between family law and corporations law.



Our expert presenter provides an insight as to how corporate structures impact property proceedings including how to deal with one spouse using their powers as a director or shareholder of a family company contrary to the wishes of the other.

Presenter: **Philip Looney QC**, Barrister, Queensland Bar

Chair: **Bruce Dodd**, Partner, Rice Naughton McCarthy; Accredited Specialist (Family Law) and Chair, Queensland Law Society Family Law Specialist Accreditation Advisory Committee



Crossing the streams: When the Grim Reaper intervenes in family law

Following on from our last crossover session, this session examines what you need to do when succession law issues pop up unexpectedly in your family law file.

This practical and invaluable two-part session will step you through:

- legal capacity in family law matters including capacity assessments and useful assessment tools
- risk management issues
- working with a litigation guardian
- what steps to take next if the client lacks capacity for the specific legal matter
- urgent applications
- rights which extinguish upon death
- consequent applications for lump sum maintenance
- what happens if a litigant then passes away
- family provision applications for people who have not done a property settlement and are not yet divorced.

Presenters: **Michele Sheehan**, Senior Counsellor, Queensland Law Society; Principal, enTrust Law; Principal, Sheehan & Co; Accredited Specialist (Succession Law) – Qld and Accredited Specialist (Family Law)

Renea Hart, Senior Solicitor, Family and Elder Law Team, Caxton Legal Centre Inc

Su-Lyn Lee, Social Worker, Family and Elder Law Team, Caxton Legal Centre Inc

Chair: **Christine Smyth**, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

STREAM 5C - ESSENTIALS

Stream sponsor

Disc 12
1 hr 57 mins



Tips from the bench: 10 ways to improve your written evidence Phillips | Family Law

Weeks of work into your client's Affidavit of Evidence in Chief, and you give a sigh of relief as it is filed. Before you pat yourself on the back, what happens when your adversary's objections poke gaping holes in your magnificent work? How does your client feel when their expensive Affidavit is left looking like it has been redacted by wartime censors?

Prevention is better than cure when it comes to making sure your client's written evidence can run the gauntlet of pre-trial objections.

Presented by her Honour Justice Catherine Carew and accredited family law specialist Dan Bottrell, this session gives you the view from the bench as to common traps, and tips to avoid them. From hearsay and opinion evidence, through to indexes and exhibits, this session will leave you with 10 practical ways in which you can improve your client's written evidence.

Presenter: **The Honourable Justice Catherine Carew**, Family Court of Australia

Presenter and Chair: **Dan Bottrell**, Director, Bottrell Graham Moloney Family Lawyers; Secretary, Family Law Practitioners Association (Qld) and Accredited Specialist (Family Law)



What to do when things go wrong in the witness box



You have followed all the tips from the prior session, and your client's written evidence is as strong as it can be. What happens, though, when your client is in the witness box and things go 'sideways'? When our clients don't help themselves, some damage control can be necessary to keep their case on track. Our expert presenter has seen it all, both as barrister and solicitor.

In this session, he discusses challenging situations that can arise when clients are in the witness box, and provides tips on to how to minimise the fallout.

Presenter: **Greg Shoebridge**, Barrister, Queensland Bar

Chair: **Dan Bottrell**, Director, Bottrell Graham Moloney Family Lawyers; Secretary, Family Law Practitioners Association (Qld) and Accredited Specialist (Family Law)

STREAM 7A - PARENTING

Stream sponsor

Disc 13
1 hr 1 min



Alienation, alignment, estrangement: Emotional abuse or complicated grief?



A common theme in family law matters pertains to a complaint from one parent that their child(ren) are being negatively influenced by the other parent to not engage or spend time with them. The so-called primary parent will often say they are completely supportive of the child(ren) having a relationship with both parents. Yet we frequently see parents who have not spent post-separation time with their child for weeks, months or sometimes years.

Successfully managing the reunification process is often fraught with challenges, not the least of which involves facilitating a safe (emotional) place for the children to be free to love and engage with both parents.

This presentation discusses this issue and provides practitioners with some useful guidelines when dealing with these parents and families caught in this dynamic.

Presenters: **Susan De Campo**, Director, LifeCare Consultancy and Regulation
7 Consultant

Amelia De Campo, Manager, Children's Supervised Contact Centre,
LifeCare Consultancy

Chair: **Naomi Lewis**, Director and Principal Solicitor, Lewis and Trovas
Family Lawyers

Disc 14
50 mins



Do I file in Brisbane or Monaco? International issues in family law matters



In an internationally mobile world, relationship breakdown frequently gives rise to financial issues in more than one jurisdiction. Understanding the different approaches in different legal systems and choosing the optimal jurisdiction for your client, is of vital importance; as wrong choices can be fatal to their interests. This session discusses the practicalities of practice in cross-border cases and what practitioners need to know in dealing with matters with multi-jurisdictional elements.

Presenter: **Ian Kennedy AM**, Principal, Kennedy Partners

Chair: **Rebecca Harding**, Barrister, Queensland Bar and Accredited Specialist (Family Law)

STREAM 7C - ESSENTIALS

Disc 15
60 mins



De facto relationships 101

Phillips | Family Law

Everything you always wanted to know about de facto relationships (but were afraid to ask)!

Our expert presenter leads a practical and fundamental discussion on:

- what to do in a de facto relationship claim
- what defines a de facto relationship
- discrete hearings to determine if a relationship existed
- whether you can obtain interim orders made before a de facto relationship is established.

Presenter: **Tedd Jordan**, Barrister, Queensland Bar

Chair: **Jennifer Hetherington**, Councillor, Queensland Law Society; Principal, Hetherington Family Law and Accredited Specialist (Family Law)

Disc 16
1 hr 12 mins



Modern family law: A snapshot in time

A snapshot of the latest cases in the last 12 months, and some practical tips from the bench into how they will impact your day-to-day practice.

Presenters: **The Honourable Justice Stewart Craig Austin**, Family Court of Australia
The Honourable Justice David Berman, Family Court of Australia

Chair: **Christine Smyth**, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

Closing remarks

Presenter: **Christine Smyth**, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

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