

# QLS Symposium

## 2018 – Day 1

Recorded: 9 March 2018 | Over 16 hours of content

2018/2019 CPD year

### Overview

QLS Symposium is the premier event for Queensland's legal profession. It has been designed to equip practitioners with up to date knowledge, key strategies and practical tools needed to thrive in the complexity of legal practice.

Hear from leading industry presenters as they discuss planning for, embracing and thriving in Queensland's emerging legal landscape. Our newly streamlined program features six substantive law streams in family, property, personal injuries, succession, criminal and commercial (encompassing business law and commercial litigation) plus a two-day core agenda. You will join topical discussions, master the tax and revenue issues commonly found in practise, explore the grey area between two areas of law, and get up to speed in our ever-popular key legislative and case law updates.

### 10+ CPD Points



## Plenary

11mins

### Chief Justice's Address

**The Honourable Chief Justice Catherine Holmes**, Supreme Court of Queensland

Chair: **Ken Taylor**, President, Queensland Law Society; Director, Purcell Taylor; Accredited Specialist (Personal Injuries) – Qld and Member, Queensland Law Society Accident Compensation/Tort Law Committee

55mins



### Upholding the rule of law in a complex post truth era

In a complex world with 24/7 media commentary, populist governments and the erosion of procedural rights, how is the rule of law holding up? In this session, Emeritus Professor Gillian Triggs, will discuss the implications of a “post- truth” era on the rule of law for Queensland, and also explore what responsibilities, if any, lawyers have to uphold the rule of law and to hold governments and law makers to account.

**Emeritus Professor Gillian Triggs**, Vice Chancellor's Fellow, University of Melbourne and former President, Australian Human Rights Commission

Chair: **Ken Taylor**, President, Queensland Law Society; Director, Purcell Taylor; Accredited Specialist (Personal Injuries) – Qld and Member, Queensland Law Society Accident Compensation/Tort Law Committee

52mins



### Professionalism in the 21st Century

With rapid changes happening in the legal marketplace including various models to deliver legal services, widespread use of technology including artificial intelligence and the increase in on-line legal services, how can lawyers mark their point of difference whilst delivering high quality legal services, backed by high ethical standards and appropriate insurance?

Join us to hear from Professor Dal Pont on current challenges that legal practitioners face, and how a commitment to professionalism can add value to legal services. This session will discuss what legal professionalism means in the 21st century, and how this translates:

- selling legal value in a market of ‘off the shelf’ products
- self-policing functions regarding peers’ conduct
- limited scope retainers, and how do you get ‘off retainer’?

**Professor Gino Dal Pont**, Law School, University of Tasmania

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

## Core CPD

43mins



### The value conversation: Effective pricing of legal work

In an increasingly competitive legal environment, the challenge is ensuring the price reflects the value delivered. This session will consider the concept of “value”, how that can be communicated to clients, and how effective scoping and delivery of legal services can dramatically improve profitability and ensure client satisfaction.

**Liz Harris**, Director, Ovid Consulting and Harris Costs Lawyers and Blogger 'Life Hacks for Lawyers'

Chair: **Elizabeth Shearer**, QLS Senior Counsellor, Queensland Law Society; Legal Practitioner Director, Affording Justice; Member, Queensland Law Society Practice Management Course Committee and Chair, Queensland Law Society Access to Justice/Pro Bono Committee

41mins

## How we work: The modern workplace



The modern workplace is a vastly different landscape from days of old. Workers often access flexible arrangements and the new law model is on the increase.

As a business owner, what strategies do you have in place to manage this model successfully? How will you manage staff, clients and matters while building and maintaining your brand? How do you keep your clients and your team engaged and supported while addressing new and unique issues?

Based on her vast experience working with legal practices and working remotely, Tracy Skellern will give you an insight into the key risks in the modern workplace and practical guidance on how to succeed.

**Tracy Skellern**, Deputy Risk Counsel, Lexon Insurance Pte Ltd

Chair: **Chris Herald**, Senior Associate, Mullins Lawyers; Member, Queensland Law Society Succession Law Committee and Member, Queensland Law Society Elder Law Committee

36mins

## Cyber attack: You've been hacked!



Law firms are a prime target for cyber attack – we hold personal information, information relating to mergers, acquisitions and takeovers, and dictate the transfer of large sums of money. It is not a question of if, but when.

What does a cyber attack look like? What will you do in response to an attack? Who do you need in your response team? How will you manage the impact on your clients? What losses can you mitigate?

This session will give you an action replay of a cyber-attack, guide you through the essential steps you need to take, and give you some insight into recent domestic and international attacks.

**Katherine Hayes**, Special Counsel, Carter Newell Lawyers

**William Ulyate**, Queensland General Manager, Content Security

Chair: **Karen Short**, General Manager, Hillhouse Burrough McKeown

39mins

## The link between culture and productivity



Whether you work alone, in a small team or with many peers, the right culture improves wellbeing and productivity. Join our expert presenter to learn practical tips for leading and modelling healthy cultures in your workplace.

**Petris Lapis**, Director, Petris Lapis Pty Ltd

Chair: **Karen Short**, General Manager, Hillhouse Burrough McKeown

45mins

## Top 10 trust accounting tips



With over 15 years' of experience working with legal practices and auditing trust accounts, Deborah Mok will deliver her top 10 trust accounting tips in this practical and interactive session.

**Deborah Mok**, Trust Accounts Specialist, Trust Account Investigations, Queensland Law Society

Chair: **Bill Hourigan**, Manager, Trust Account Investigations, Queensland Law Society

## Family

43mins



### The two million dollar question: Tax traps in family law

Join our presenter for an informative and fast-paced discussion around the common taxation issues encountered in family law matters including the traps in property settlements, SMSFs, trusts, companies and businesses. Also covered, tax implications in arbitration awards, stamp duty exemptions for property, and an overview of the two million dollar rule in the context of withholding tax.

Gain the tools you need to identify a problem and develop timely and effective solutions.

**Scott Hay-Bartlem**, Partner, Cooper Grace Ward Lawyers and SMSF Specialist Advisor™

Chair: **Stephen Page**, Partner, Harrington Family Lawyers; Blogger, 'The Australian Surrogacy and Adoption Blog'; Accredited Specialist (Family Law) and Member, Queensland Law Society Equity and Diversity Committee

45mins



### Key updates: Legislation and case law

Join us for a snapshot of the latest cases in the last 12 months, and some practical insights from the bench on how they will impact your day-to-day practice. Updates include:

- the new *Cross Examination Bill*
- the impact of *Thorne v Kennedy* (duress in a relationship, binding financial agreements); and
- what to expect during the first review of the family law system since the national Family Court was established in 1976.

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

Chair: **Stephen Page**, Partner, Harrington Family Lawyers; Blogger, 'The Australian Surrogacy and Adoption Blog'; Accredited Specialist (Family Law) and Member, Queensland Law Society Equity and Diversity Committee

37mins



### Masterclass: Trusts in s79 property proceedings

This session will provide practical guidance on dealing with both discretionary and unit trusts in s79 proceedings.

**Kate Buckley**, Barrister, Queensland Bar

Chair: **Michele Sheehan**, QLS Senior Counsellor, Queensland Law Society; Principal, enTrust Law; Principal, Sheehan & Co; Accredited Specialist (Succession Law) – Qld; Accredited Specialist (Family Law); Member, Queensland Law Society Specialist Accreditation Succession Law Advisory Committee and Deputy Chair, Queensland Law Society Succession Law Committee

43mins



### Grey divorce: Property settlements and spousal maintenance for retirees

Divorce has escalated in our elder ranks with the Australian Bureau of Statistics data showing the average age of divorcees has increased over the past 25 years.

This session will discuss the legal processes for and the issues relating to property settlements and spousal maintenance matters involving elderly persons and retirees.

**Kay Feeney**, Director, Feeney Family Law and Accredited Specialist (Family Law)

Chair: **Michele Sheehan**, QLS Senior Counsellor, Queensland Law Society; Principal, enTrust Law; Principal, Sheehan & Co; Accredited Specialist (Succession Law) – Qld; Accredited Specialist (Family Law); Member, Queensland Law Society Specialist Accreditation Succession Law Advisory Committee and Deputy Chair, Queensland Law Society Succession Law Committee

59mins



## Panel: A sceptic's guide to non-adversarial practise

Family law practise is a unique mix of adversarial and non-adversarial approaches: However, more often than not we continue to turn to the court to resolve disputes. And it's no wonder: the first iterations of ADR were largely unequipped to handle warring parties.

Has anything changed?

Join our expert panel for an express overview of the current state of arbitration, conciliation, mediation and collaborative practise; and a discussion on how modern non-adversarial techniques have actually played out in the real world.

**Gary Fleetwood**, Barrister, Queensland Bar and Nationally Accredited Mediator

**Ann Sturges**, Registrar, Family Court of Australia

**Anne-Marie Rice**, Director, Rice Naughton McCarthy; Accredited Specialist (Family Law) and Member, Queensland Law Society Specialist Accreditation Family Law Advisory Committee

Chair: **Bruce Dodd**, Accredited Specialist (Family Law)

## Personal Injuries

41mins



## Contemporary politics and common law rights: What's next?

Legislative change is a perennial threat to the common law, and hence to clients' rights. The pace and complexity of legislative change has increased over the last decade. With the notable exception of the Newman workers' compensation "reforms", Queensland has been largely untouched by the retrograde outcomes experienced in NSW and elsewhere.

This session will explore present and potential legislative impacts upon personal injuries practices in the contemporary political and policy climate.

**Rod Hodgson**, Principal and Managing Partner, Maurice Blackburn Lawyers and Accredited Specialist (Personal Injuries) – Qld and Vic

Chair: **Luke Murphy**, Councillor, Queensland Law Society; Partner, Murphy Schmidt Solicitors; Accredited Specialist (Personal Injuries) – Qld and Deputy Chair, Queensland Law Society Accident Compensation/Tort Law Committee

48mins



## Disclosure of family court documents in personal injury claims

Claimants in personal injury claims have high duties of disclosure and, in some cases, it may be necessary to disclose family court documents. However, practitioners need to be aware that family court documents cannot be disclosed in personal injury proceedings without the court's permission. This session will discuss the legal principles involved and outline the steps required to obtain the court's permission.

**Sarah Vallance**, Senior Associate, Maurice Blackburn Lawyers and Accredited Specialist (Personal Injuries) – Qld

Chair: **Luke Murphy**, Councillor, Queensland Law Society; Partner, Murphy Schmidt Solicitors; Accredited Specialist (Personal Injuries) – Qld and Deputy Chair, Queensland Law Society Accident Compensation/Tort Law Committee

43mins



## Key updates: Legislation and case law

This session will reflect on the significant decisions over the past 12 months and provide a glimpse into the significant updates in the personal injuries space.

Join us for updates in liability, employer/CTP/third party and damages.

**Keith Howe**, Barrister, Queensland Bar

Chair: **Terry Killian**, Partner, Hall & Wilcox; Accredited Specialist (Personal Injuries Law) – Qld and Chair, Queensland Law Society Specialist Accreditation Personal Injuries Advisory Committee

41mins



## Practical strategies for survival in personal injuries practise

Ensure your practise toolkit is up to date with an engaging and pragmatic look at the top recent practise changes personal injuries practitioners need to be aware of.

Our expert presenters will step you through:

- the issue of claim farming including current MAIC statistics, how QLS has responded to the issue, and the outcomes both MAIC and QLS are hoping to achieve
- vicarious trauma survival.

**Michael Garbett**, Partner, Moray & Agnew Lawyers and Chair, Queensland Law Society Accident Compensation/Tort Law Committee

**Kylie Horton**, General Manager, Motor Accident Insurance Commission

**Tere Vaka**, Senior Psychologist, Penny Gordon & Associates

Chair: **Terry Killian**, Partner, Hall & Wilcox; Accredited Specialist (Personal Injuries Law) – Qld and Chair, Queensland Law Society Specialist Accreditation Personal Injuries Advisory Committee

43mins



## Another piece of the PI: Financial complexities for the self-employed

Your client has just started up a business and the earning potential on their tax records does not reflect their future earning potential: How do you go about calculating their true loss of opportunity?

Break down the complexities and gain some practical strategies from the experts in this valuable, step-by-step presentation.

**David Cormack**, Barrister, Queensland Bar

**Jodie Mills**, Principal, Small Myers Hughes and Accredited Specialist (Taxation Law)

Chair: **Anna Morgan**, Senior Associate, Maurice Blackburn Lawyers and President, Gold Coast District Law Association

## Property

45mins



## Electronic execution of property contracts

With the increasing prevalence of electronic execution of property contracts, this session will explore a range of issues arising with electronic signatures that are particularly relevant to property practitioners.

**Professor Sharon Christensen**, Queensland University of Technology; Consultant, Gadens and Member, Queensland Law Society Property and Development Law Committee

Chair: **Frank Higginson**, Director Hynes Legal

46mins



## How to manage stamp duty and tax issues for your client

Join us to hear from tax experts about how to manage stamp duty payments and tax issues for property transactions through a SMSF, property and business transactions, and capital gains tax issues.

**Clinton Jackson**, Partner, Cooper Grace Ward Lawyers and SMSF Specialist Advisor™

**Murray Shume**, Senior Associate, Cooper Grace Ward Lawyers

Chair: **Leone Costigan**, Executive Counsel, Herbert Smith Freehills and Accredited Specialist (Property Law) – Qld

43mins



## Property transactions: Senior living options

With an increasing senior population, this session will provide you with practical hints and tips to help you deal with the documentation and processes relating to retirement village conveyancing, purchasing/leasing manufactured homes and aged care.

**Julie McStay**, Director, Hynes Legal

Chair: **Leone Costigan**, Executive Counsel, Herbert Smith Freehills and Accredited Specialist (Property Law) – Qld

41mins



## Retail shop leasing issues

Following the recent amendments to the retail shop leases legislation, what are the topical leasing issues in this area?

Join us to hear from an expert about:

- lease incentive side agreements: misleading and deceptive conduct?
- incentives v penalties
- retail shop lease compensation issues (relocation, construction and demolition clauses).

**Aaron Webb**, Partner, Thynne + Macartney and Accredited Specialist (Property Law) – Qld

Chair: **Frances Stewart**, Associate, Hynes Legal and Member, Queensland Law Society Early Career Lawyers Committee

59mins



## Key updates: Legislation and case law

Hear from a panel of experts about key updates in property law, including an update on the progress of the discussions surrounding property law reform and changes to the Land Title Act 1994.

**Professor Bill Duncan**, Co-Director, Commercial and Property Law Centre Law School, Queensland University of Technology

**Matthew Raven**, Partner, Gadens and Chair, Queensland Law Society Property and Development Law Committee

**Liz Dann**, Registrar of Titles and Registrar of Water Allocations

Chair: **Frances Stewart**, Associate, Hynes Legal and Member, Queensland Law Society Early Career Lawyers Committee