

# SESSION OVERVIEWS

## WEDNESDAY 3 OCTOBER 2018

### 0900-1000 PLENARY 1 – State of the Nation

The State of the Nation will include the Hon Christan Porter MP, Attorney-General; The Hon Justice John Pascoe AC CVO, Chief Justice, Family Court of Australia; The Hon Justice Will Alstergren, Chief Judge, Federal Circuit Court of Australia and Wendy Kayler-Thomson, Chair, Family Law Section of the Law Council of Australia.

### 1100-1200 PLENARY 2 – Peter Nygh Memorial Lecture

The late The Hon Dr Peter Nygh AM was a distinguished Judge of the Family Court for 14 years who is greatly missed. He was also a legal scholar of international renown. Bret Walker SC will present the 8th iteration of the lecture that honours his memory.

### 1200-1300 PLENARY 3 – My country: My rules?

ABC Radio's Richard Fidler will host a stylised edition of his program, *Conversations*, in this lively discussion on what it is like to be "different" in Australia and why family lawyers need to sit up and take notice. He will be joined in conversation by Australia's first school lawyer, Vincent Shin, and Muslim Family Lawyer Haz Mustaffa.

### 1400-1500 CONCURRENT SESSIONS

#### Arbitration: A system of justice or a passing fad?

Arbitration is being hailed as the answer to escalating costs and delays in the courts. But, can it be described as a system of justice? And, is it here to stay or is it a passing fad?

#### Effective therapy for family violence perpetrators: The ABCs of anger management, behaviour change and counselling

"And the parties are ordered to attend an anger management course"... or some other behaviour change program. How many times do we seek orders like these, without considering the availability, content, and relevance of such interventions. This session explores how to match the 'right' course or intervention with a party's actual needs.

#### Killing time: Is the hourly charge out rate dead?

Legal fees are increasingly under scrutiny and the hourly charge-out rate looks like a particular target. What are the alternatives? Are they fair to practitioner and client alike? Hear from John Chisholm, John Chisholm Consulting and Ben Cohen, Bartley Cohen Law.

#### Uncomfortable viewing: When pornography is more than just a hidden secret

This session explores the impact of pornographic viewing habits on parenting capacity, parental conflict, and child development experiences. Forensic psychologist Dr Lars Madsen, will talk about some of the challenges and propose general guidelines to help practitioners investigating these issues. Australian Federal Police Officer, Jane Walsh, will share her experience as a member of the Joint Anti Child Exploitation Team (JACET) in Victoria.

### 1530-1630 CONCURRENT SESSIONS

#### Arbitration: The dos and don'ts of a successful arbitration

What does family law arbitration look like? What do you need to know if arbitration is to be successful? What are the traps for young players and how do you avoid them. An engaging panel of leading commercial, family and international arbitration will explain the dos and don'ts of a successful arbitration and what can go wrong and why.

#### Gender Dysphoria - A conversation with Luka

Re: *Lucas [2016] FamCA 1129* is the story of a remarkable young man, who despite acute intelligence and self-awareness needed the Court's permission to commence Stage 2 treatment to develop as male.

In conversation with Dr Jacoba Brasch QC, Luka (his real name) will share very personal insights into the trauma that is gender dysphoria, the ordeal that was the Court process to attain the corporeal manifestation of his identity, and how rich and rewarding his life has been, since he was permitted to gain access to Stage 2 treatment.

## **I don't do chattels or Christmas**

How often do we deal with issues that beg questions that don't appear to have answers: vaccinations; children's names; religious holidays, who gets the dinner plates – the list goes on. How do you arrive at solutions to these apparently unsolvable questions? Renowned US psychologist, Dr Phillip Stahl and Professor Rachael Field from Bond University provide the answers.

## **Child support: A collision of process and a real world need for cash**

Navigating the departure, review and appeals process within the child support scheme can present a challenging minefield of administrative, legal and factual issues. Madeline Brennan QC and Chris Bishop, Mills Oakley will take a practical look at what to do in light of an error of law and how to maximise the prospects of success in the review and appeals process.

## **1630-1730 PLENARY 4 – Psychopaths and you: Forewarned is forearmed. Or is it?**

Family lawyers have always shared war stories about the mad and the bad that make their lives both interesting and challenging. And that's just the other lawyers! But do the jokes and war stories hide a darker truth. Consultant psychiatrist, Dr Frank Varghese, and clinical psychologist, Dr Jennifer Neoh, in conversation with Richard Fidler, examine the questions: what is a psychopath? And might you qualify?

# **THURSDAY 4 OCTOBER 2018**

## **0900-1030 PLENARY 5 – How dare you interfere in my child's life?**

At a time when the very role of our courts is being scrutinised by the Australian Law Reform Commission and by government, important questions are being raised about when and to what extent governments and courts have a right to interfere in the parenting of children. The Children's Advocate of Jamaica Diahann Gordon Harrison explains how a small Commonwealth country is leading the way.

## **1100-1230 DUAL PLENARY 1-2**

### **DUAL PLENARY 1 They're experts – but is it real expertise?**

Conventional approaches to evaluating experts and their opinions, tend to rely upon factors that are not always central to findings from scientific research on expertise. Professor Gary Edmond and Associate Professor Kristy Martire from the University of New South Wales will demonstrate how a range of tools can help lawyers and judges improve their ability to assess expert opinions and the assumptions and procedures underlying them.

### **DUAL PLENARY 2 What the High Court said...?**

The last couple of years have seen a number of important decisions of the High Court of Australia delivered in family law cases. The former Chief Justice of the High Court, the Hon Robert French AC, shares his view about what needs to be known by family law practitioners.

## **1230-1400 THE CHAIR'S LUNCH: THE POLITICS OF FAMILIES AND FAMILY LAW**

Join us for a 2 course lunch and a lively discussion between Amanda Vanstone, former Family and Community Services Minister and Minister for Justice among other roles in the Howard Government, now Fairfax newspaper columnist and Radio National presenter, and Annabel Crabb, political journalist, author and ABC TV presenter.

On the topic "The politics of families and family law", Amanda and Annabel will share their first-hand experience of the Australian political process and the practicalities of how policy is made and implemented at a federal level. With the recent debate on same sex marriage and current issues regarding court restructure, family violence and the family law review, our guests will give us their behind the scenes commentary and insights on the political difficulties in reaching consensus on family law policy.

## **1400-1500 CONCURRENT SESSIONS**

### **Taxing times in property disputes**

Getting agreement is often only part of the battle. Documenting the agreement and staying out of the tax minefield can be just as challenging. This session uses practical examples by way of a case study to look at various tax considerations on settlement.

### **Legal practice re-imagined, re-invented and re-defined: Are you ready?**

The legal industry has changed but have legal practitioners and practices changed with it or changed enough to remain relevant and competitive? Are law firms future proofing for a different market? Director of the Centre for Legal Innovation Terri Mottershead will take you into territory that will, in equal measure, challenge and inspire you.

### **The querulant: Not just any self-represented litigant**

There are self-represented litigants; there are difficult self-represented litigants; and then there are querulants. The Hon Justice Glenn Martin will be joined by consultant psychiatrist, Dr Grant Lester, the world's leading expert on querulant litigants and will explain what to look out for and why great caution is needed in dealing with them.

### **1530-1630 CONCURRENT SESSIONS**

#### **It's a long story... so start at the end!**

Property cases in the Family Court and the Federal Circuit Court often require determination of questions of fact and law: equitable claims, claims under the Corporations and Bankruptcy Acts, claims by or against third parties etc. Precision as to the nature of, and basis for, such a claim being made and why it is being resisted will usually assist in its efficient disposition. Philip Looney QC will highlight recent cases which illustrate this issue and discuss practical measures used in other jurisdictions which might be adapted for use in relevant family law matters.

#### **Injunctions, Anton Piller orders and the new money**

What is cryptocurrency; how does it work and why should it concern family lawyers? The short answer is that it poses real risks to family law litigants, not least in terms of what is, and should be disclosed. Remedies and relief for preserving virtual money. Barry Frakes from Watts McCray and Gleuto Serafim, an Enterprise Architect and co-founder of TECALA, tell you what you – and your clients – need to know about “virtual money”.

#### **On the spectrum**

Litigation involving parties and/or their children “on the spectrum” can present particular challenges for both practitioners and the Court. In this session, Kathleen Davey will explore the clash which can occur when Autism Spectrum Disorder and family law litigation collide, and offers practical assistance in how best we can assist our clients, their children and the courts.

#### **Whole lot of health**

For over a decade Dr Cameron McDonald (PhD) has worked with individuals and companies to help them discover the fastest path to greater productivity, team cohesion and optimal personal health. An international leader in his field, Dr Cam, will help you understand how to maximise your unique genetic strengths and how to identify and harness the strengths of others in turn. His mission is to make optimal productivity in individuals and workplaces commonplace by understanding and harnessing our different personal strengths. This session is guaranteed to get you thinking about how much you know about yourself and those you work with and will transform the way you deal with your clients, colleagues and peers.

### **1630-1730 PLENARY 6 – Do return Hague orders do more harm than good?**

Orders for return of children under the Hague Convention on the Civil Aspects of International Child Abduction are designed to affect a speedy return of children to their place of habitual residence following a wrongful removal or retention. But what happens to the children? Professor Marilyn Freeman from the University of Westminster will discuss whether the best interests of children get lost in the remedies designed to prevent their abduction and what might be done about it.

## **FRIDAY 5 OCTOBER 2018**

### **0900-1000 PLENARY 7 – Family violence: One issue - many (different) perspectives**

We all know about family violence. Or do we? Family violence affects many people in many different ways – from shelter workers, first responders, children and counsellors, and of course, the aggrieved and respondent. This session will extend your thinking about family violence beyond our usual victim and accused dyad as the many issues are discussed by the panel representing our society.

### **1030-1130 PLENARY 8 – More heat - less light**

Increasingly, communications between family lawyers are marked by the vitriol and absence of objectivity; of seeking what their clients want and not what the law and the evidence might allow; a pervasive fear of giving unwanted or unpopular advice. President of the Queensland Court of Appeal, The Hon Justice Walter Sofronoff explains why unprofessional conduct demeans our profession and is contrary to our clients' best interests.

## 1130-1230 CONCURRENT SESSIONS

### Why have a lawyer when you can have a robot I

The claims made for artificial intelligence are impressive – it can or will soon be able to drive cars, identify faces, do discovery and draft routine legal documents. Can automated processes also help resolve family law disputes? Associate Professor Lyria Bennett Moses and Dr Noam Peleg, both from the University of NSW, will present how artificial intelligence works and what roles it can (and cannot) play in family law.

### Re-imagining spouse maintenance: Are our clients missing out?

Lip service is paid to the 90's "gold mark" cases that promised much change to the thinking around spouse maintenance. Dr Kate Galloway, Associate Professor, Faculty of Law at Bond University, and Geoff Wilson, HoggoodGanim, will critically review the current approach to spouse maintenance in Australia and England.

### We speak the same language but say different things

Chaired by Professor Rebecca Bailey-Harris, emerita Professor at Bristol University and formerly Foundation Professor and Dean of Law at Flinders University, former part-time Commissioner with the ALRC, co-author of English and Australian texts including Butterworths Family Law in Australia and practising full-time at the English Bar since 2005. A panel of eight dual-qualified specialist family lawyers from Australia and England will share their cross-jurisdictional experiences of what works, and what doesn't, in family law, both domestically and internationally. Learn how real-life similar fact cases can have profoundly different outcomes depending on the court which has jurisdiction and the applicable law, and have your say from the audience on the outcomes in the two countries. Presented by the Anglo-Australian Family Lawyers' Association.

## 1330-1430 CONCURRENT SESSIONS

### Why have a lawyer when you can have a robot II

Can computers divide family assets and evaluate partners' contributions, and how much human touch shall we maintain when making decisions about the best interests of children? Associate Professor Lyria Bennett Moses and Dr Noam Peleg, both from the University of NSW, discuss the impact of artificial intelligence.

### Property decisions: Thicket or wilderness?

In *Mallett v Mallett*, Deane J famously said: "It is plainly important that, conformably with the ideal of justice in the individual case, there be general consistency from one case to another of underlying notions of what is just and appropriate in particular circumstances. Otherwise, the law would, in truth, be but... a "wilderness of single instances...". Former Federal Circuit Court Judge, Keith Wilson QC, asks whether, over thirty years later, we are in fact lost in that wilderness.

### What is parentage and who is a parent?

Traditional notions of who is a "parent" might be seen to embrace one mum and one dad. But, who is a "parent" for the purposes of the *Family Law Act*? And what does the notion of "parentage" embrace? Anthony Collins of Counsel will explore both of those difficult questions and Rebecca Horsley of Counsel will look at what the Full Court has said in the recent cases of *Parsons & Masson* (2018) FLC 93-846; *Shaw & Lamb and Ors* (2018) FLC 93-826 and *Bernieres & Dhopal* (2017) FLC 93-793.

## 1430-1530 PLENARY 9 – The Showdown

It's the showdown.

Six head to head debates – four minutes per speaker.

Be prepared for possible controversy, outrage, laughter or tears. Everything you wanted to hear about family law – but nobody has said out loud before...