

Introduction to Property Issues in Family Law

Tuesday, 23rd March 2010

9.30 am - 1.00 pm

This seminar is an introduction to property issues in Family Law and is ideal for experienced practitioners wanting to move into the area or for junior practitioners commencing practice in family law.

Participants will have the opportunity to develop the skills required to deal with property issues in family law practice so that they can obtain appropriate instructions from clients to enable proper legal investigation of the property issues.

This seminar will assist the practitioner in becoming more effective in the area of property issues as required in day to day family law practice, identifying and dealing with issues of property matters, financial matters, superannuation splitting, spousal maintenance and child support.

Some of the topics to be discussed at this seminar will include:

- Jurisdictional issues in property matters
- Conducting the four-steps of analysis in Section 79 property matters
- Finalising a property settlement agreement and drafting agreements
- Taxation issues to consider in property agreements and orders
- Superannuation splitting – how it works
- Binding Financial Agreements
- Spousal maintenance issues
- Ethical issues in family law property matters

This seminar is an introduction to property issues in family law and is a foundation to the advance seminar dealing with complex property issues in family law.



Compulsory CPD Core Area: Practical Legal Ethics

CPD Points: 1.0



Compulsory CPD Core Area: Professional Skills

CPD Points: 1.0



Substantive Law

CPD Points: 1.25

About the Presenter

The presenter at this seminar will be Lucia Hawkshaw. Lucia is currently practising as a barrister at the Queensland Bar in the areas of family law, estates, criminal law, contract law, commercial law, personal injuries and Alternative Dispute Resolution including Family Dispute Resolution. Prior to being called to the Bar, Lucia practised as a senior solicitor in many areas of law including family law, criminal law, property law, wills and estates, commercial law, and litigation.

Lucia is registered as an Accredited Family Dispute Resolution Practitioner (FDRP) with the Federal Attorney General's Department pursuant to the Family Law Act (1975). She is also an Accredited Mediator with LEADR, the Australian Institute of Family Law Arbitrators & Mediators (AIFLAM) and a Mediation Panel member for the Office of the Mediation Advisor (OMA).

www.cpd.com.au

Assessment of Damages in Catastrophic Injury Cases

Tuesday, 23rd March 2010

2.00 pm - 5.30 pm

This seminar addresses considerations relevant to the assessment of damages for the catastrophically injured Plaintiff and considers:

- Heads of damages only applicable to the most serious injuries; and
- The different treatment of a familiar head of damages

The seminar addresses:

- The infant or child Plaintiff
- The brain damaged Plaintiff
- The paraplegic, tetraplegic or quadriplegic Plaintiff
- Life expectancy
- Level of insight

General damages

- Comparison of general damages awards at common law and under the *Civil Liability Act 2003*
- Insight and the brain damaged Plaintiff

Special damages

- Technology and communication aids
- Maintenance and upgrading of technology
- The cost of the care provider and future technology needs
- The cost of therapists and the claim for future technology expenses
- Education expenses and the cost of technology and communication aids
- Rehabilitation aids

Case management

- Nature and costing of case management: co-ordination and liaison between medical treatment providers, therapists, carers and families

House modification

- Specialised equipment
- Repair and upgrade of modifications

- Carers' costs
- House modification or institutionalised care?

Care and assistance

- Residential institutionalised care
- Private residential care
- Varying the care regime between institutionalised care and care provided in the home
- Paid care models

Economic loss

- Plaintiffs injured in infancy or childhood whose case comes to trial after the age of majority
- Future economic loss where the Plaintiff was injured prior to completing education and/or entering the workforce
- The life expectancy factor
- Discounting factors

Loss of financial benefit of a prospective spouse



Substantive Law

CPD Points: 3.25

About the Presenter

The presenter at this seminar will be Richard Morgan. After serving as an Associate to a Supreme Court Judge he was admitted to the Queensland Bar in 1984. His practice has involved criminal, commercial and general civil litigation and being a mediator. He has published a number of titles in the Lexis Nexis publication "Queensland Court Forms, Precedents and Pleading" including the title on Negligence. He is widely experienced in personal injuries claims and their resolution in mediations, at trial, in the Court of Appeal and the High Court.

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CPD Information

Mandatory Continuing Education Scheme

The CPD year begins on 1 April and ends on 31 March the following year. In each year, a Queensland practitioner must complete a minimum of 10 CPD units to maintain their practising certificate. CPD units can be attained through a variety of activities. Attending a CPDS seminar, practitioners will be able to claim 1 unit per hour of attendance (refreshment breaks not included).

Compulsory CPD Core Areas

There are three compulsory CPD core areas:



Practical Legal Ethics



Practice Management and Business Skills



Professional Skills

Practitioners must accumulate one CPD unit for each core area annually. Compulsory area points count towards the annual CPD Scheme unit requirement and are not an additional requirement.

Seminars that do not include a compulsory core area are usually designated by CPDS as:



Substantive Law

Enquiries

For all enquiries regarding application of CPD points to individual seminars:
Continuing Professional Development Seminars
Postal Address: PO Box 598, North Melbourne, VIC 3051
Telephone: (03) 9328 2688
Facsimile: (03) 9328 4688
Email: seminars@cpds.com.au
Website: www.cpd.com.au

Please note that the above is provided for informational purposes and is based on information supplied by the Queensland Law Society at the time of publication. Practitioners should make their own enquiries before relying on the information supplied above.

www.cpd.com.au



- Assessment of Damages in Catastrophic Injury Cases
- Property Issues in Family Law
- Practical Considerations in Family Provision Applications
- Will Drafting

CPDS Seminars March 2010

Brisbane
Christie Conference Centre
320 Adelaide Street

Practical Considerations in Family Provision Applications

Tuesday, 23rd March 2010

9.30 am - 1.00 pm

The increase in the size of estates and the complexity of family arrangements together with legislative amendments to the definition of a ‘de facto partner’ has resulted in an increasing number of Family Provision Applications (‘FPA’).

Recent decisions of the Court of Appeal and Supreme Court in Queensland have highlighted the need for practitioners to exercise great care when pursuing claims, making offers and recommending settlement. When advising potential claimants or executors, it is important that practitioners be aware of the modern principles the Courts apply (particularly in respect of costs) and the type of information that needs to be included in material in support of, or opposing, a FPA.

Amongst the matters that will be discussed in this seminar will be:-

1. Recognising the threshold issues, time limits and the content of affidavits
2. Establishing a claimant qualifies as a ‘de facto partner’
3. Specific considerations when acting for:-
 - Adult children
 - Adult children with a disability
 - A de facto partner
 - Marriages of short duration
 - Claimants in receipt of government benefits
4. Considerations when acting on behalf of the estate including:-
 - Advising executors properly as to their duties
 - Responding to hostile beneficiaries
 - Allegations of disentitling conduct
 - Small and modest estates
 - Claimants who die during the course of litigation

5. Costs and ‘offers to settle’ with a particular focus on recent decisions of the Supreme Court which have resulted in quite significant consequences for claimants who refused offers to settle
6. Preparation and tactical considerations for mediation and trial



Substantive Law

CPD Points: 3.25

About the Presenter

The presenter at this seminar will be Anthony Collins. Anthony has practised at the Bar since 1989 predominantly in commercial, intellectual property, defamation, insurance and estates. He is frequently retained on behalf of claimants and executors in respect of Family Provision Applications and has acted as Counsel in some of the recent important decisions in Queensland. In presenting the seminar he will bring a particular emphasis to the practical considerations which confront practitioners and how to address them.

www.cpbs.com.au

Will Drafting Routine Exercise or Potential Minefield

Tuesday, 23rd March 2010

2.00 pm - 5.30 pm

The law has seen an ongoing development, where today the foremost question on the mind of any practitioner in all but the simplest of Wills is: *“Have I properly and validly drawn a Will which my client is able to make and does it succeed in properly transferring the testator’s wishes into a document that will produce the end result they want”?*

The answers to these questions lie in an understanding of what makes a valid Will. Firstly, does the client have the capacity to make a testamentary disposition and secondly, are the instructions to me a valid exercise of their own choice un-influenced by the words or actions of others.

If the answer to the first question is yes, then, is what I have drafted a proper reflection of what the client wishes to do with his or her estate? How will what I have drafted be interpreted after death, what will be the end result of the words I have chosen and the way in which I have expressed what I believe to be my client’s intention?

Next, is the client able to in fact leave their estate as they wish? Finally, is the Will open to challenge, for example by way of a Family Maintenance Application.

This seminar will canvass many of the pertinent questions which confront a practitioner in taking instructions for, drafting and arranging the execution of a Will.

Some of the topics which will be covered in the seminar will include:-

- The nature and functions of a Will
- What can and cannot be disposed by a Will
- Testamentary capacity - the *Banks -v- Goodfellow* test
- What constitutes a valid Will
- Revocation and codicils
- Principles of the construction of Wills

- Limits on the unfettered discretion to leave one’s estate as one chooses
- Ethical considerations
- The potential for liability in the solicitor taking instructions and drafting a Will
- Am I sufficiently confident to advise a Testator on a proposed Will or should I prudently seek further advice, eg: from an accountant or other advisor
- How to spot the most common warning light situations



Compulsory CPD Core Area: Practical Legal Ethics

CPD Points: 1.0



Substantive Law

CPD Points: 2.25

About the Presenter

The presenter at this seminar will be Peter Goodwin. Peter has been admitted as a barrister for 24 years in Queensland and 15 years in New South Wales. Prior to being admitted in Queensland he was a solicitor for 6 years. His experience in Family Maintenance matters extends over some 30 years, throughout which there has been a steady change both in the law and judicial attitudes relevant to Family Maintenance claims. Peter is also a court appointed Mediator and Case Appraiser in Queensland.

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Registration Form & Tax Invoice

Please Register me for:

- ☐ Practical Considerations in Family Provision Applications
- ☐ Assessment of Damages in Catastrophic Injury Cases
- ☐ Introduction to Property Issues in Family Law
- ☐ Will Drafting

Registration Fees \$395 each seminar

Registration fees are inclusive of 10% GST. A tax invoice will be issued upon payment. Discounts are also available for early registration, online registration and group bookings – see below for details.

Name: _____

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Complete this registration form with your credit card details and fax it to: (03) 9328 4688 or post with cheque attached to:

CPDS
PO Box 598
North Melbourne, VIC 3051

Venue

Bowman, Bligh, Bounty and Morgan Rooms
Christie Conference Centre
320 Adelaide Street
Brisbane

Discounts

A discounted registration fee of \$345 is available for all fully paid registrations received at least 30 days prior to the date of the seminar. A group discount of 10% off the full registration fee is offered for bookings of three or more persons from the same firm. Please send all registrations together clearly labelled “group booking”. A discounted registration fee of \$345 is also available for all online registrations. You can search and register for all CPDS seminars at www.cpbs.com.au. Only one discount category can be claimed for each registration.

Cancellations

Registrations may be cancelled up to 14 days prior to the seminar or workshop and a refund will be provided but an administrative fee of \$44 will be deducted. No refunds will be available within 14 days of the seminar or workshop. Should a seminar or workshop be cancelled by CPDS for any reason, a full refund of all fees paid will be made. CPDS reserves the right to cancel or reschedule courses, and to change speakers or revise content as necessary.

Mandatory CPD Schemes

If this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one “unit” for each hour of attendance, refreshment breaks not included. Further Information is provided on the back of this brochure.

Enquiries

For all enquiries regarding the course content or registration: Continuing Professional Development Seminars
ABN 17 126 054 466
Postal Address: PO Box 598, North Melbourne, VIC 3051
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