

March 2019

Your CPD Guide

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PROPERTY AND PLANNING LAW UPDATE

FRIDAY, 1 MARCH 2019 \$255
7.30AM TO 9.30AM, HOBART 193H01

“The law of property determines who owns something, but the market determines how it will be used.” As Ronald Coase so shrewdly observed, property, financial issues, market trends and planning all go hand in hand. It’s imperative that lawyers can provide sage advice on the most complex legal, investment, tax and planning issues arising in the property and planning context, so equip yourself with the knowledge and skills your clients will expect and demand.

Chair: **Keyran Pitt QC**, Chairman, Legal Profession Board of Tasmania; Accredited Arbitrator; President, Property Agents Tribunal

Property Law: Key Developments and Recent Updates

2018 was a big year for property law & 2019 is set to continue the trend. Gain insights and guidance into the key changes, trends and developments that will impact your practice in the coming year.

- Strata title review and short stay review
- Body corporate by laws
 - Exclusive use
 - Special unit entitlements
 - Regulating short stays
 - Calling body corporates taccount
- Foreign investors
 - Duty surcharge and CGT withholding
 - Approval tacquire interest

Presented by **Tim Tierney**, Principal, Tierney Law

Trends and Developments in Environment and Planning Law

- Challenging the latest administrative law rulings
- Examine recent interim planning decisions and their implications

Presented by **Anthony Spence**, Partner, Page Seager Lawyers

2 ATTEND AND EARN

2 CPD points in Substantive Law



CONTRACT LAW: ELIMINATING MISTAKES & MANAGING RISK

FRIDAY, 1 MARCH 2019 \$255
9.45AM TO 11.45AM, HOBART 193H02

Voltaire famously wrote that “To hold a pen is to be at war.” With how quickly a contract can lead to a dispute, he certainly wasn’t wrong. Gain the guidance and insights needed to hopefully prevent a contractual war from erupting or to navigate a dispute when one does arise.

Chair: **Dayne Johnson**, Partner, HWL Ebsworth Lawyers

Contractual Warranties, Indemnities and Insurance in M&A Transactions: Untangling the Complex Interplay

- The true consequence of warranties and indemnities
- What can and can’t be limited in a typical transaction
- The emergence of warranty & indemnity insurance and how it works
- Some practical negotiation tips

Presented by **James Groom**, Director, Groom Kennedy Lawyers

Contract Law Case Roundup

- The doctrine of consideration: *Hill v Forteng*
- The doctrine of part performance: *Pipikos v Trayans*
- Contracting out of the Australian Consumer Law: *Brighton Australia v Multiplex Constructions*
- Fiduciary obligations: *John Alexander’s Clubs v White City Tennis Club*

Presented by **Garth O’Rafferty**, Barrister, Salamanca Chamber

Managing IP Clauses in Contracts

- How to avoid under-protecting your IP or losing it forever
- The potentially tangled web of IP joint ownership
- Managing risk and liabilities; warranties and indemnities
- What you can and cannot do with another party’s IP
- Example IP clauses: what works, what doesn’t

Presented by **Nathaniel Flinn**, Senior Lawyer, Legal Services, Office of the Chief Operating Officer, University of Tasmania

2 ATTEND AND EARN

2 CPD points in Substantive Law



WILLS AND ESTATES UPDATE

FRIDAY, 1 MARCH 2019 \$255
12.00PM TO 2.00PM, HOBART 193H03

“There is something about wills which brings out the worst side of human nature. People who under ordinary circumstances are perfectly upright and amiable, go as curly as corkscrews and foam at the mouth, whenever they hear the words ‘I devise and bequeath.’” If Dorothy Sayers was right, and let’s be honest, she probably was, you’d be wise to attend this informative session.

Chair: **Justin Otlowski**, Consultant, Simmons Wolfhagen

Wills, Estates and Succession Update

- Australian Law Reform Commission’s report on Elder Abuse
- NSW Law Reform Committee’s review on introducing legislation to regulate access to a deceased or incapacitated person’s digital assets
- Tasmanian Law Reform Institute’s Review of the *Guardianship and Administration Act 1995*
- 2018 amendments to the *Duties Act 2001*

Presented by **Kimberley Martin**, Director, Worrall Moss Martin Lawyers

Second Spouses, Blended Families, Big Problems

- Life estates & rights of residence: *Settled Land Act* problems
- Nursing home bonds
- Reciprocal wills and mutual wills
- Testamentary trusts: Who will be the trustee?
- Family provision, constructive and resulting trusts
- Traps: joint tenancy and superannuation

Presented by **Timothy Williams**, Barrister and Solicitor

Superannuation and Tax Issues in Estate Planning

- What’s changed under super reforms
- What happens to pensions on death
- Dealing with transfer balance cap

Presented by **Melanie Dunn**, SMSF Technical Services Manager, Actuary, Accurium

2 ATTEND AND EARN

2 CPD points in Substantive Law



TRUSTS AND ASSET PROTECTION PRACTICUM

FRIDAY, 1 MARCH 2019
2.15PM TO 4.15PM, HOBART

\$255
193H04

"It's not how much money you make, but how much money you keep, how hard it works for you, and how many generations you keep it for." Robert Kiyosaki had a point, so it's crucial that as your client's trusted advisor you stay up to date and informed in all things trusts and assets related. This program will accomplish just that and give you the edge you need in your practice.

Chair: **Darren Sheen**, Senior Associate, Dobson Mitchell Allport

Trusts and Asset Protection

- Application of Strategic use of PPSR regulations
- Practical examples

Presented by **Louise Bloomfield**, Accounting & Tax Strategist, Founder of Bloomfield & Associates Public Accountants and Taxation

Taxation of Trusts

- Trust structuring for tax
- Trusts and Division 7A of the Income Tax Assessment Act 1936
- Streaming trust income
- Trusts and stamp duty

Presented by **Kate McLoughlin**, Director, and **Sam Alexander**, Manager, Tax Services, Deloitte



LITIGATION: PRACTICE, PROCEDURE AND EVIDENCE

FRIDAY, 1 MARCH 2019
4.30PM TO 6.30PM, HOBART

\$255
193H05

As Fred Thompson once put it, "There's a lot more to competence than a law degree and a modicum of courtroom skill." To thrive in litigation you need to strive to hone your skills inside and outside of the courtroom. Our panel of elite litigators will help you to achieve just that so you can elevate your practice.

Chair: **Phillip Zeeman**, Barrister, Malthouse Chambers

Protecting Privileged Evidence and Avoiding Inadvertent Waiver

- Review of the types of privilege
- Overview of key case law and the *Evidence Act*
- Practical steps to avoid accidental waiver of privilege
- Public interest immunity

Presented by **Lucy Line**, Barrister at the Tasmanian Bar and Victorian Bar

The Harman Obligation: The Perils of Misusing Information Obtained in Litigation

- When does the obligation arise and what is the rationale behind it?
- To what does it apply? When does it cease to apply?
- When may a party be released from the obligation?
- What are the consequences of breaching the obligation?
- Legislative requirements

Presented by **Cahal Fairfield**, Barrister, Salamanca Chambers

Professional Skills

Effective and Persuasive Advocacy

- Good advocacy requires good preparation
- Holding the attention of the bench and a jury
- Being persuasive in hard cases

Presented by **Greg Barns**, Barrister, Salamanca Chambers

2 ATTEND AND EARN

2 CPD points in Substantive Law

2 ATTEND AND EARN

1.5 CPD points in Substantive Law
0.5 CPD points in Professional Skills

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- Watch any of our March 2019 programs throughout Australia via a live video webcast that includes an electronic version of the program's written materials that you're free to download and print. No savvy tech skills necessary: just click a web link and enjoy.

- Watch seminar recordings from the convenience of your home or office by viewing the video recording on your computer, phone or tablet just like a YouTube video. You also receive an electronic copy of the written materials.
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No problem at all as you can carry all or some of your CPD points to the following CPD year.

Please refer to the Law Society of Tasmania's Mandatory CPD Scheme for the relevant rules concerning your CPD.



ADVANCED EVIDENCE AND ADVOCACY CONFERENCE

9TH ANNUAL

FRIDAY, 1 MARCH 2019
9.00AM TO 5.15PM (AEDT)

\$870
WEB193N01

Effective evidence provides the foundation to a solid case. Skilled advocacy provides the tools to build that foundation into a winning case. Without either, everything will crumble. This advanced masterclass focuses on high level evidence admissibility issues while offering valuable insights on advocacy from some of the profession's foremost advocates and His Honour Judge Blackmore so you'll have the tools for success in any matter.

SESSION 1: EVIDENCE MASTERCLASS: ADMISSIBILITY AND PRIVILEGE

9.00AM - 1.15PM WEB193N01A \$490

Chair: **Peter Taylor SC**, 13th Floor St James Hall; General Editor, *Ritchie's NSW Uniform Civil Procedure* and former General Editor, *Ritchie's NSW Supreme Court Practice*

Admissibility and Persuasive Expert Evidence: Identifying Problem Areas

- Advanced strategies for preparing witnesses and taking statements
- Identifying the problem areas
- Effectively and efficiently testing evidence
- Maximising the admissibility and probative value of their report
- The fine line between pre-trial conferences and coaching
- The usual bases for objecting to expert evidence
- Ensuring you don't become a witness and preserving confidentiality

Presented by **James Glissan ESM QC**, H B Higgins Chambers

Advanced Rulings on Admissibility: S192A Evidence Act

- What are the outer limits of the 'business records' rule? What types of documents classify as 'business records'?
- What are the consequences of a document being admitted under this rule? What limits can be put on the use of a document so admitted?
- Seeking advance rulings on admissibility: s192A Evidence Act
- What types of cases would warrant making an application?
- Laying the foundation for a s192A Application at directions hearings

Presented by **Sydney Jacobs**, Barrister, Thirteen Wentworth Selborne Chambers

Admissibility of Evidence on Construction of Contracts and Deeds

- What evidence can be admitted?
- What is the use to which it can be put to support the question of construction of a contract/deed?

Presented by **Dr Elisabeth Peden**, Barrister and Mediator, Third Floor Wentworth Chambers

Subsequent Use of Evidence Given in Royal Commissions and Compulsory Examinations

- The admissibility and use of evidence given before a Royal Commission or during a compulsory examination
- Use of transcripts from compulsory examinations
- Abrogation of privilege before Royal Commissions and its consequences

Presented by **Alexander Kuklik**, Barrister, Third Floor Wentworth Chambers; Lecturer on Evidence Law, Sydney University and Legal Practitioners Admission Board

Protecting Client Legal Privilege and Avoiding Inadvertent Waiver

- Refresher on elements of client legal privilege
- Maintaining and proving privilege: practical tips
- Avoiding waiver: don't blow it

Presented by **Brenda Tronson**, Barrister, Level 22 Chambers

SESSION 2: PRACTICAL ADVOCACY: INSIGHTS FROM THE BENCH AND BAR

2.00PM - 5.15PM WEB193N01B \$490

Chair: **John Maconachie QC**, 5 Selborne

Professional Skills

Storytelling as Advocacy: How to Win over the Bench

- Identifying the cause of action
- Knowing what evidence is required to prove your case economically
- Advising the client of the options and the relative costs consequences of all the competing approaches
- What points to press and when to know to back off
- Protecting your client on costs

Presented by **Jodi Steele**, Barrister, Thirteen Wentworth Selborne Chambers

Professional Skills

Advocacy on Interlocutory and Urgent Applications for Practitioners

- Assessing urgency and determining when to approach the court
- Effect of delay
- Proceeding ex parte or inter partes
- Notifying the other side
- Preparing the necessary documents
- Tailoring the evidence according to the facts and the time available
- Presenting the facts and the documents
- Assisting the court
- Duties of disclosure during the hearing

Presented by **Anthony Cheshire SC**, 8 Wentworth Chambers



INSIGHTS FROM THE BENCH

Professional Skills

Effective Advocacy from the Perspective of the Bench

- The impact of oral and written advocacy
- Expectations of advocates
- Responding to the bench

Presented by **His Honour Judge Martin Blackmore**, District Court of NSW; consulting editor, *Lawbook Co.'s District Court Law Reports (NSW)*, Thomson Reuters

5 ATTEND THE FULL DAY AND EARN

2 CPD units in Substantive Law
3 CPD units in Professional Skills



WORKPLACE LAW SYMPOSIUM

**8TH
ANNUAL**FRIDAY, 8 MARCH 2019
9.00AM TO 5.15PM (AEDT)\$870
WEB193N09

It'd be nice if you could simply tell yourself and your clients to keep calm and carry on working. But with so many rapidly developing changes, growing risks, and ever increasing challenges for employment lawyers, it's never so simple. Gain essential knowledge from our panel of experts as they delve into the most topical contemporary issues including the changing employment landscape, unfair dismissal, drug and alcohol testing, surveillance in the workplace and more.

SESSION 1: WORKPLACE DISPUTES AND CLAIMS

9.00AM - 1.15PM WEB193N09A \$490

Chair: **Judith Healy**, Partner, JH Law**#wagetheft: Underpayment Claims**

- The underpayment regime: the current state of play and what's planned
- Accessorial liability: Who flung that?
- The role of regulators and unions in these claims
- Setting penalties: the principles

Presented by **Tim Frost**, Partner, PwC**Working with Claims of Sexual Harassment**

- A step by step guide to processing a claim
- The Weinstein clause: Is it necessary and what will it mean for a business?

Presented by **Kristen Lopes**, Partner, Colin Biggers and Paisley Lawyers**Out of Hours Conduct and the Workplace**

- When is out of hours conduct the business of the employer?
- Employer liability for out of hours conduct by an employee
- When can an employee be disciplined or terminated for out of hours conduct?
- Practical case examples

Presented by **Deirdre McEvoy**, Senior Associate, McArdle Legal; Accredited Specialist in Employment and Industrial Law**Termination of Employment: Unfair Dismissal**

Review a range of significant unfair dismissal case law and developments across a range of topics.

- Statistical trends from the past year concerning unfair dismissal applications at the conciliation and hearing stages
- Jurisdictional matters: high income earner, casual and fixed term contractor, access to the jurisdiction
- Procedural issues, cases, costs orders and decisions about permission to appear
- Substantive issues that grapple with broader health and safety changes to the workplace, such as sexual harassment and medical incapacity

Presented by **Alex Grayson**, Principal Lawyer, Maurice Blackburn**SESSION 2: WORKPLACE PRACTICES AND ENTERPRISE BARGAINING**

2.00PM - 5.15PM WEB193N09B \$490

Chair: **Nicola Martin**, Group Leader, Employment Practice, McCabe Curwood**From Casual to Permanent: The Changing Employment Landscape**

- *Apostolides v Mantina Earthmovers & Constructions* [2018] FCCA 279
- *WorkPac v Skene* [2018] FCAFC 131
- Implications for employers of recent decisions
- Transition of employees from 'casual' to permanent

Presented by **Michael Byrnes**, Partner, Swaab Attorneys**Surveillance in the Workplace**

- Practical applications of:
 - *The Surveillance Devices Act NSW*
 - *The Workplace Surveillance Act NSW*
 - *The Evidence Act NSW*
- Admission of evidence illegally obtained
- Exemptions to the *Surveillance Devices Act*
- Entitlements of employers under the *Workplace Surveillance Act*
- History of sanctions

Presented by **Chris McArdle**, Principal, McArdle Legal**Drug and Alcohol Testing in the Workplace: the Law and Practice**

- Preventative measures to introduce a safe working culture
- Understand the links to mental health and other workplace issues
- Legal considerations when introducing testing in the workplace
- How to roll out policies and procedures in a clear and comprehensive manner

Presented by **Dr Nicole Lee**, Director at 360edge and Adjunct Professor at the National Drug Research Institute and **Sebastian McIntosh**, Barrister, Thirteen Wentworth Selborne Chambers**Strategies and Developments in Enterprise Bargaining and Industrial Disputation**

- Is an enterprise agreement necessary or even desirable anymore?
- Terminating enterprise agreements: The way of the future?
- Understanding how to apply the better off overall test (BOOT)
- Developments in good faith bargaining
- New limits on industrial action

Presented by **Ben Marshall**, Partner, Holding Redlich**5** ATTEND THE FULL DAY AND EARN

5 CPD units in Substantive Law



CPD COMPULSORY UNITS FOR ALL LAWYERS ON 7 MARCH

THURSDAY, 7 MARCH 2019 \$490
2.00PM TO 5.15PM (AEDT) WEB193N08

The legal industry is evolving. Artificial intelligence, robo-advice, blockchain technology – all are advancing further into the industry every day, impacting the way law is practised and creating entirely new ethical issues to consider. Cyber security is now a top concern for law firms in ways it never has been before. The question is, will you evolve and find success in this new era of real and inevitable change?

Chair: **Caryn Sandler**, Partner + Chief Knowledge and Innovation Officer, Gilbert + Tobin

Practical Legal Ethics

Client Trust, Ethics and Exposures in the Fourth Industrial Revolution

- Data exposures of legal practices, confidentiality and legal professional privilege
- Digital ethics and client trust: expectations beyond regulatory boundaries
- Uses and abuses of digital tools and technologies in legal practice
- Digital disruption of evidence: responsibilities and opportunities

Presented by **Peter Leonard**, Principal, Data Synergies; Consultant, Gilbert + Tobin; Professor, Information Systems and Business Law, UNSW Business School; *Best Lawyers* 2019, Commercial Law, Defamation and Media Law, Entertainment Law, Information Technology Law, Outsourcing Law, Privacy and Data Security Law, Telecommunications Law

Professional Skills

Blockchain, Disruptive Technology and Practicing Law

- A background to blockchain: How does the technology actually work?
- Practicing law in the future with blockchain and augmented reality technologies
- Appreciating the influence of technology on client expectations and lawyer's legal practice

Presented by **Derek Minus**, Barrister and Accredited Mediator, Mediation and Arbitration Chambers

Practice Management or Business Skills

Cyber Security within Law Firms: How to Mitigate the Risks

- What to look out for
- Managing cybersecurity without a large IT department: tips for small firms and sole practitioners
- Keeping ahead of the game

Presented by **Allison Stanfield**, Managing Director and Solicitor, SG Legal Services

"Interesting, innovative, learnt a lot."

"Informative and current."



LIMITS AND REVIEW OF ADMINISTRATIVE DECISIONS & DISCIPLINARY PROCEEDINGS

WEDNESDAY, 13 MARCH 2019 \$490
2.00PM TO 5.15PM (AEDT) WEB193V12

Examine the nuances of what constitutes a reviewable decision. Grapple with the latest decisions impacting disciplinary proceedings, reasonableness and rationality. Explore the intricacies of error. Join Julian Burnside AO, QC and a panel of experts to guide you through each of these critical issues so you can keep you apace with the most important trends in administrative law.

Chair: **Julian Burnside AO, QC**, List G Barristers

Jurisdictional Error: Some Reflections

Despite the ever present need to understand jurisdictional error, its scope and its impacts have varied over the decades. Reflect on the current position in that light.

Presented by **Stephen Moloney**, Barrister, Owen Dixon Chambers West

Recent Decision-Making and Administrative Law Review Cases

Explore in detail recent significant superior court decisions affecting administrative Law practice and decision-making.

Presented by **Louise Martin**, Barrister, Foley's List

Reasonableness and Rationality as Limitations to Administrative Decision-Making

- Do any such limitations apply to both process and outcomes and if so how?
- Do they apply to discretionary decision-making?
- Is a failure to make inquiries reviewable?

Presented by **Cahal Fairfield**, Barrister, R.J. Howell's List Barristers

Administrative Law and Disciplinary Proceedings

- Jurisdictional facts and relevant and irrelevant considerations
- Exercising discretionary power
- Procedural fairness and the *Public Interest Disclosure Act 2013* (Cth) and other 'whistleblower' legislation

Presented by **Richard Knowles**, Barrister, Victorian Bar

"Excellent – high quality and real value"

"Great materials, well organised, very worthwhile"

3 ATTEND AND EARN

- 1 CPD unit in Practical Legal Ethics
- 1 CPD unit in Practice Management or Business Skills
- 1 CPD unit in Professional Skills

3 ATTEND AND EARN

- 3 CPD units in Substantive Law



CONTRACT LAW CONFERENCE

8TH ANNUAL

THURSDAY, 14 MARCH 2019
9.00AM TO 5.15PM (AEDT)

\$870
WEB193N16

The best way to avoid a messy contract dispute is to draft a bullet proof contract in the first place. That can be easier said than done, but with this line-up you will get it right the first time. Plus, should things turn sideways despite best efforts, this conference will also arm you with the knowledge and skills to navigate any issues involving disputes, variations, risks and damages.

Chair: **Gregory Martin**, Partner, Martin Bullock Lawyers; Lecturer, University of Western Sydney

SESSION 1: CONTRACT CONFLICT: FROM DISPUTE TO TERMINATION

9.00AM - 1.15PM

WEB193N16A

\$490

When is an Unsigned Contract Enforceable?

- *Masters v Cameron*: 4 standard situations
- Conduct of parties is critical
- Authority of agents including lawyers to bind principals
- Relevance of past performance
- Special rules for deeds
- Some common situation and how to deal with them

Presented by **Timothy Atkin**, Partner, Maddocks

Contract Disputes and Dispute Resolution Clauses

- How to choose the appropriate dispute resolution method
 - Arbitration (domestic and international)
 - Expert determination
 - Alternative dispute resolution
 - Litigation
- Arbitration clauses, the effect and enforceability of these clauses
- Are there limitations on the subject matter of arbitral disputes?
- ADR, expert determination, arbitration or litigation

Presented by **Nicholas Heinecke**, Special Counsel, K&L Gates

Ipsa Facto Clauses and Insolvency

- Review of the provisions
- Judicial consideration
- Insolvency sector response

Presented by **Michael Rozdal**, Consulting Principal, Keypoint Law; *Best Lawyers 2019*, Insolvency Reorganization Law

No End in Sight: Exploring Common Law Rights to Terminate a Contractual Relationship

- Managing exits from contracts of indefinite duration
- Termination for breach of condition or serious breach of intermediate term
- Right to terminate for convenience?

Presented by **Amanda Engels**, Partner, King & Wood Mallesons

SESSION 2: KEY CONTRACTUAL CONSIDERATIONS

2.00PM - 5.15PM

WEB 193N16B

\$490

The Interplay Between Risk, Liability, Limitation of Liability and Indemnities

- Maximise negotiation outcomes for contracts
- Understand what is meant by risk, liability and indemnity
- What can and can't be limited in contracts
- How are these clauses interpreted by the courts
- Negotiation tactics and 'horse-trading'

Presented by **Scott Alden**, Partner, Holding Redlich

Statutory Intervention in Contract Law: Unfair Terms and Unconscionable Conduct

- The philosophy underlying statutory intervention
- When a term will be regarded as 'unfair'
- What is the ACCC's enforcement approach?
- The factors that influence a determination of unconscionable conduct under the ACL
- The available remedies

Presented by **Alister Abadee**, Barrister, University Chambers

Cross-Jurisdictional Contracts: Impacts and Implications

- Conflict of laws principles
- Considerations in the drafting and enforcement of:
 - Choice of law clauses
 - Choice of jurisdiction clauses (exclusive and non-exclusive)
- Enforcement of judgments across jurisdictions

Presented by **Jennifer K Mee**, Barrister, 6 St James Hall Chambers

Variation of Contracts

- What are effective (and ineffective) ways to vary a contract?
- How do you spot an extension of term of contract by way of variation or conduct?
- Does a variation create a new contract?
- What are the principles of construction where there is a variation or extension?
- Are 'anti-oral variation' clauses effective?

Presented by **Dr Elisabeth Peden**, Barrister and Accredited Mediator NMAS, Third Floor Wentworth Chambers



CRIMINAL LAW: FUNDAMENTAL SKILLS WORKSHOP

FRIDAY, 15 MARCH 2019
9.00AM TO 1.15PM (AEST)

\$490
WEB193Q13

This program will help you build and fine tune a solid skill set for your criminal law practice that will allow you to provide the best representation possible for your clients so that you can emerge victorious in your matters. Gain practical insights from accredited specialists and experienced lawyers who will help you to bolster your practice and set yourself up for success for years to come.

Chair: **Emily O'Hagan**, Partner, Wallace O'Hagan Lawyers

Bail Applications: Best Practices and Procedures

- When to proceed
- Where to proceed
 - Preparation
 - Information to secure
 - Dealing with Investigating police and prosecutions
- Written submissions?
- Hearing

Presented by **Andrew McGuinness**, Principal, McGinnes Lawyers; Accredited Specialist in Criminal Law

How Not to Embarrass Yourself from the Bar Table

- The paramountcy of preparation to all advocacy
- Development of techniques to assist with effective advocacy
- Discussion of personal skills required to be an effective advocate
- The need to be eternally mindful of your ethical obligations both to the Court and the client in all advocacy

Presented by **Adam Dwyer**, Partner, Guest Lawyers; Accredited Specialist in Criminal Law

Effective Solicitor Advocacy at all Court Levels

- Explore the advantage of arguing your own cases and developing your advocacy
- Discuss the client considerations and risks of not briefing counsel

Presented by **Dan Rogers**, Legal Director, Robertson O'Gorman, Accredited Specialist in Criminal Law

Evidence: Preparing it and Presenting it in Court

- Taking effective witness statements
- Preparing witnesses for their appearance
- Managing your witness in the courtroom

Presented by **Ken Mackenzie**, Accredited Specialist in Criminal Law, Mackenzie Mitchell Solicitors

Briefing Council: A Perspective from a Solicitor

Presented by **Julia Jasper**, Partner, Jasper Fogerty Lawyers; Accredited Specialist in Criminal Law

PRIVACY AND DATA SECURITY: AND THE CHANGES KEEP COMING...

FRIDAY, 15 MARCH 2019
2.00PM TO 5.15PM (AEDT)

\$490
WEB193V18

Never has privacy and data security been more at risk and difficult to protect, and never have the consequences for failing to protect privacy and data been so high. With developments in the area coming at breakneck speeds, it's essential that you continuously update yourself on the latest changes, threats and strategies in the area. Get caught up on what you need to know to protect your clients or your organisation.

Chair: **Iain McLaren**, Special Counsel, HWL Ebsworth Lawyers

Privacy and Data Breach Class Action

- Characteristics of a privacy class action
- Jurisdictional considerations
- Court class action vs representative complaint

Presented by **Michael Rivette**, Barrister, Chancery Chambers

Managing Privacy Supply Chain Risks: Finding the Weakest Link

- Understand and identify key privacy supply chain risks
- Outline of legal obligations to manage privacy supply chain risks
- Practical tips to mitigate privacy supply chain risks
- Contracting with supply chain
- Audit of supply chain

Presented by **Cameron Abbott**, Partner, and **Keely O'Dowd**, Senior Associate, K&L Gates

Privacy Complaints

- Process for complaints under the *Privacy Act 1988* (Cth)
- Conciliation, determinations and other outcomes of complaints
- Own motion investigations of the OAIC
- Representative complaints
- Judicial review of OAIC determinations

Presented by **David Smith**, Partner, Gadens

Data as an Asset: Latest Issues and Managing Legal Risk

- Understanding data as a key 'asset' for business and exploring some of the industry themes and issues
- Overview of the regulatory regimes applying to data for businesses: Mandatory Data Breach Notification regime, new Consumer Data Right (CDR), Open Banking, the *Privacy Act*, GDPR
- Issues in the protection of data: some constraints and issues in managing and exploiting the new world of data
- Key takeaways in protecting and managing data for businesses

Presented by **Albert Yuen**, Special Counsel, Gilbert + Tobin; *Best Lawyers* 2019, Information Technology Law



FAMILY LAW CONFERENCE

16TH ANNUAL

WEDNESDAY, 20 MARCH 2019
9.00AM TO 5.15PM (AEDT)

\$870
WEB193N24

There is a great array of topical and practical issues to be found in this not to be missed conference which includes parenting and children's matters, and a look at some complex financial areas that you must master for a well-rounded practice. The afternoon explores the CPD core mandatory areas in a stimulating and challenging way. Join our panel of distinguished speakers for a thorough and comprehensive look at Family Law.

SESSION 1: PARENTING, CHILDREN AND PROPERTY MATTERS

9.00AM - 1.15PM WEB193N24A \$490

Chair: **The Honourable Peter Rose AM QC**, Sydney Law School

Parental Alienation and Child Protection

- How to advise and guide your client to the best resources
- How the courts might rule on parental alienation
- Divorce and separation through a child's eyes: how to protect them
- Useful tools for navigating co-parenting issues
- Parenting plans, consent orders and parenting arrangements
- Binding child support agreements
- Grandparent rights

Presented by **Melinda Winning**, Partner; Leading Family and Divorce Lawyer, *Doyle's Guide* 2018 and **Carly Middleton**, Partner; Recommended Family and Divorce Lawyer, *Doyle's Guide* 2018, Barkus Doolan Family Lawyers

The Role of Independent Children's Lawyers in Family Law Proceedings

- When is an ICL appointed?
- What should the ICL be doing during and after the proceedings?
- Ascertaining a child's wishes and sharing them with the parties and the Court
- The ICL as the 'honest broker'
- Making the most of your ICL

Presented by **Fiona Reid**, Managing Director, Reid Family Lawyers; Accredited Specialist in Family Law; Recommended Family and Divorce Lawyer, *Doyle's Guide* 2018

Expert Evidence in Children's Matters

- A comparison between:
 - Adoption law
 - Care and protection law
 - Family law
- Case studies and practical examples

Presented by **Esther Lawson**, Barrister, Waratah Chambers and **Dr Catherine Boland**, Principal, The Relationshipspace

Arbitrating Financial Matters

- The conduct of an arbitration and the arbitrator's duties and powers
- How to register an arbitral award and how to set aside an award
- Tips, traps and costs issues

Presented by **Chris Dimock**, Principal, Dimocks Lawyers; Accredited Specialist in Family Law

A Practical Guide to Planning for Divorce: Asset Planning and Financial Settlements

- Financial structures for relationship asset planning
- Financial agreements (before and during relationships)
- Financial statements: how to present the snapshot of your client's financial position for court (including Division 7A loans, contingent tax liabilities), and disclosure obligations
- Involvement of third parties
- The structure of financial settlements: the balance sheet summary, unravelling assets and structures
- Child maintenance trusts

Presented by **Susan Pearson**, Partner, Pearson Emerson Meyer; Accredited Specialist in Family Law; Collaborative Lawyer; Preeminent Family & Divorce Lawyer, *Doyle's Guide* 2018

SESSION 2: CPD COMPULSORY UNITS FOR FAMILY LAWYERS

2.00PM - 5.15PM WEB193N24B \$490

Chair: **James Richardson**, Special Counsel, Dimocks Family Lawyers

Practice Management or Business Skills

How Offering Clients Court Resolution AND Alternatives to Court Can Improve Your Practice and Your Professional Reputation

- Offering a bespoke service to clients begins at the first consultation: Why it's beneficial for lawyers and their clients to expand their options for dispute resolution
- Mediation: Are there any benefits to mediating? What skills are required for a Mediator to add value to your mediations? Have you had an 'amygdala hijack' at mediation? If so, what's the damage and how to stop it?
- How lawyers can appropriately prepare and represent their clients at mediation to achieve greater success
- Collaborative practice: What are the fundamental principles of collaborative practice?

Presented by **Louise Mathias**, Barrister; Nationally Accredited Mediator, FDRP, Collaborative Coach, Family Law Arbitrator

Practical Legal Ethics

'Keeping it in the Family': Ethics and Responsibility for Family Lawyers

- Unique landscape of family law practice when it comes to ethics
- Rules that apply to practice, where to find them and how to use them
- Recent cases exploring professional responsibilities in family law
- Resources, help and asking the questions

Presented by **Claire Cantrall**, Barrister, Waratah Chambers, Recommended, Family Law Junior Counsel, *Doyle's Guide* 2018

Professional Skills

Preparing for a Client Interview: the Best Preparation

- Taking witness statements
- Preparation of affidavits
- Practical tips for evidence gathering

Presented by **Merridy Gordon**, Principal, Gordon and Barry Lawyers; Recommended Family and Divorce Lawyer, *Doyle's Guide* 2018

5 ATTEND THE FULL DAY AND EARN

- 2 CPD units in Substantive Law
- 1 CPD unit in Practical Legal Ethics
- 1 CPD unit in Practice Management or Business Skills
- 1 CPD unit in Professional Skills



SMSFS: STRATEGIES FOR THE MODERN ERA

TUESDAY, 26 MARCH 2019
9.00AM TO 1.15PM (AEDT)

\$490
WEB193N34

The impact of recent superannuation reforms are still rippling through the area. Ensure you're up to date on the cutting edge strategies that your clients will demand regarding contributions, property and investments, death benefits and insurance. With so many changes in recent times it's frighteningly easy for your strategies to become outdated, so make sure you're investing your time wisely into staying at the forefront of a successful SMSF practice.

Chair: **Lisa To**, Partner, Bartier Perry Lawyers

Death Benefits and Binding Death Benefit Nominations

- Death benefits, when they are paid out and to whom
- Reversionary vs non-reversionary: the circumstances
- Tax implications of death benefit payments
- Binding death benefit nominations vs non-binding death nominations
- Pensions, limits and the transfer balance account
- Cashing out and re-contribution strategy for estate planning purposes
- Obligations of executors and administrators in estate administration
- Who benefits can be paid to, and how trustees can and do exercise their discretion
- Snapshot of the disputes that arise in applications for superannuation death benefits and how they can be managed

Presented by **Denis Barlin**, Barrister, 13 Wentworth Selborne Chambers; Leading Wills & Estates Litigation Junior Counsel, *Doyle's Guide* 2018

Insurance and SMSFs: Ensuring Insuring is Done Right

- Common life insurance products for SMSFs and their basic features
- Applying for cover and the duty of disclosure
- Claims and the obligations of the member, the trustee and the insurer
- What to do when a claim is declined

Presented by **Adrian Coombes**, Barrister, Second Floor Wentworth Chambers

Property and Investments within SMSFs

- Can an SMSF be in the business of property development?
- SIS Act requirements that come into play
- Structures available to hold property in an SMSF
- Tax considerations and traps to avoid
- Considerations on death and succession planning
- Other allowable investments for SMSFs and those to avoid

Presented by **Simon Robinson**, Financial Adviser, RSM Financial Services Australia

Contribution Strategies in the New World of Superannuation

The super reforms have resulted in constraints on contributions and the amount of concessional taxed benefits.

- Recap of revised contributions rules
- How to maximise contributions and avoid the pitfalls of excess contributions tax
- The work test and the circumstances in which over 65s can continue to make contributions
- Interplay between contributions and the total superannuation
- How to work out your non-concessional cap
- The impact of getting things wrong

Presented by **Louise Meijer**, Partner - Private Business & Family Advisory, Pitcher Partners



PPSA: CHANGES, UPDATES AND PRACTICALITIES

WEDNESDAY, 27 MARCH 2019
9.00AM TO 1.15PM (AEDT)

\$490
WEB193N40

Practitioners continue to make costly mistakes when dealing with the PPSA. New changes and cases continue to roll in. Registration and transactional issues are ever evolving, requiring novel strategies to earn positive results. Staying on top of these developments in the area is critical and there's a lot to keep up with, so spend a morning catching up on the latest trends solicitors need to know for a successful practice.

Chair: **Ian Davidson SC**, Eighth Floor, Selborne Chambers

Failure to Perfect Security Interests and Applications for Extensions of Time to Perfect

- Vesting of security interests
 - When and in what circumstances do the vesting provisions in the PPSA and Corporations Act operate?
 - What is the effect of the vesting provisions if they operate?
- Applications for extensions of time to perfect a security interest
 - When can they be made and how are they made?
 - What will the court consider in determining whether an extension should be granted?
 - What is the effect of an extension of time?

Presented by **Heather Sandell**, Special Counsel, Baker McKenzie; *Best Lawyers* 2019, Insolvency and Reorganisation Law

PPSR Through the Eyes of an Insolvency Practitioner

- The key role that a legal advisor has in an external administration to manage risk
- What we look for when deciding who we'll retain

Presented by **Andre Lakomy**, Partner, Cor Cordis

Priority Risks and Disputes, Applications and Compliance

- Possible priority disputes between pre-registered and just registered security interest
- Strategies to avoid or minimise the risk of loss of priority
- Pre-registration, contracting out and post registrations requirements
- Application to remove, correct, restore or prevent registrations
- PPSA compliance programs

Presented by **Nino Di Bartolomeo**, Partner, Norton Rose Fulbright

And the Changes Keep Coming: New Cases, Developments and Trends You Need to Know

Examine the latest changes, trends and new cases that will impact your practice and explore how to leverage that information into effective strategies for your clients.

Presented by **Jim Johnson**, Barrister, Frederick Jordan Chambers

4 ATTEND AND EARN

4 CPD units in Substantive Law

4 ATTEND AND EARN

4 CPD units in Substantive Law

DIRECTORS & OFFICERS SUMMIT: YOU HAVE THE FULL SUPPORT OF THE BOARD

THURSDAY, 28 MARCH 2019
9.00AM TO 1.15PM (AEDT)

\$490
WEB193N42

The many risks directors and officers need to manage seems to increase with each passing year as the consequences for failure grow ever more dire. Ensure you or your clients remain in the good graces of the Board and protect your clients, your organisation or yourself by keeping up to date on the latest obligations related to work health and safety, disclosures, fundraising, insurance and more.

Chair: **Grant Hummel**, Partner, HWL Ebsworth Lawyers

Work Health and Safety Obligations for Directors and Officers

- An outline of the primary duties imposed on officers under WHS laws
- Who is an 'officer'?
- What is safety 'due diligence'?
- Recent case law and developments

Presented by **Lea Constantine**, Partner, Ashurst

The Use of Delegation Models

- Identifying matters reserved for board approval
- The percentage of non-executive directors and corporate performance
- Types and use of Board Committees: how they are created and governed
- Management accountability and authority

Presented by **Jacqui Barrett**, Partner, Hall & Wilcox

Continuous Disclosure Obligations and Capital Raisings

- An outline of the continuous disclosure and fundraising regimes
- What is the risk if the board gets it wrong?
- What can boards do about it?

Presented by **Antony Rumboll**, Partner, Baker McKenzie

Case Update in Directors and Officers Insurance

Explore the latest cases involving directors and officers insurance, analyse the circumstances of each, and consider the key takeaways that you can apply in your own practice or organisation.

Presented by **Natasha Case**, Barrister, Greenway Chambers

Directors and Officers Liability Insurance and Market Update

- What is going on in the world of D&O?
- Current market conditions

Presented by **Ruth Parker**, Client Manager, Financial Specialties, Aon



CPD COMPULSORY AREAS FOR SUCCESSION PRACTITIONERS

THURSDAY, 28 MARCH 2019
2.00PM TO 5.15PM (AEDT)

\$490
WEB193V29

Like every lawyer those working in wills and estates have to earn their CPD compulsory units. But the challenges and potential pitfalls facing succession practitioners are unique. Due to the very nature of the area a successful wills and estates practitioner must be ready and able to handle the stresses related to working with clients often going through difficult times or dealing with contentious family conflict. They must have a firm understanding of the specialised duties owed to Will-maker clients. And they must constantly strive to keep up to date with the latest technological trends and developments impacting the area. Square away your CPD compulsory units all while examining these pressing issues in highly specialised sessions designed specifically for those working in wills and estates.

Chair: **Russell Robertson**, Director, O'Farrell Robertson McMahon; Accredited Specialist in Wills & Estates Law

Practice Management & Business Skills

Wellbeing for Lawyers: Struggle and Recovery

Theory and tips for lawyers about 'best practice' in the mental health and wellbeing space are well documented and readily available. In this session, John will translate theory to reality by sharing his personal experiences.

- Reading the warning signs in yourself, your colleagues and your employees
- Being available to your clients and available to yourself
- Specific circumstances and consideration in succession law practice: dealing with individuals, strenuous circumstances
- Can technology help and how

Presented by **John Toohey**, Consultant, Pearce Webster Dugdales; Accredited Specialist in Wills & Estates Law

Ethics & Professional Responsibility

Duties of Solicitors Towards Will-Maker Clients

- Current duties
- Recent development
- Future extension of the duties
- Practical and safe approach to Will writing and retainers

Presented by **Katerina Peiros**, Incapacity, Wills & Estates Lawyer (Director), Hartwell Legal; Accredited Specialist in Wills and Estates Law; co-author, Business Succession Planning chapter, *Estate Planning*, LexisNexis; Committee Member, Succession Law Section Committee, LIV

Professional Skills

Dealing with Blockchain Assets: Bitcoin, Ethereum and Other Digital Tokens

The continued rise of blockchain assets makes it critical that you understand these issues and how they relate to estate planning and succession issues.

Presented by **Daniel Kelliher**, Wills & Estates Specialist and **Simon Nunan**, Director, Eastern Bridge Lawyers

4 ATTEND AND EARN

4 CPD units in Substantive Law

3 ATTEND AND EARN

1 CPD unit in Professional Skills
1 CPD unit in Practice Management or Business Skills
1 CPD unit in Practical Legal Ethics

REGISTRATION FORM / TAX INVOICE

VENUE: RACV HOBART APARTMENT HOTEL, 154-156 COLLINS STREET, HOBART

5 SIMPLE WAYS TO REGISTER	PHONE 02 9387 8133	FAX 02 9387 8711	EMAIL info@legalwiseseminars.com.au	WEB legalwiseseminars.com.au	POST PO Box 971, Bondi Junction NSW 1355
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Early Bird Registrations end 21 December 2018

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Please indicate the seminars you would like to attend from the tables below, or alternatively visit our website for the full selection.
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PLEASE REGISTER ME FOR THESE TAS PROGRAMS AT THE RACV HOBART APARTMENT HOTEL:

SEMINAR NAME	CODE	STD. PRICE	EARLY BIRD	FACE TO FACE	LIVE ONLINE	RECORDING
Property and Planning Law Update	193H01	\$255	\$230	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contract Law: Eliminating Mistakes & Managing Risk	193H02	\$255	\$230	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wills and Estates Update	193H03	\$255	\$230	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trusts and Asset Protection Practicum	193H04	\$255	\$230	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Litigation: Practice, Procedure and Evidence	193H05	\$255	\$230	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE REGISTER ME FOR THESE ONLINE PROGRAMS (STREAMED LIVE AND ALSO AVAILABLE AS RECORDINGS):

SEMINAR NAME	CODE	STD. PRICE	EARLY BIRD	LIVE ONLINE	RECORDING
9th Annual Advanced Evidence and Advocacy Masterclass	WEB193N01	\$870	\$770	<input type="checkbox"/>	<input type="checkbox"/>
Session 1: Evidence Masterclass: Admissibility and Privilege	WEB193N01A	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Session 2: Practical Advocacy; Insights from the Bench and Bar	WEB193N01B	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
CPD Compulsory Units for All Lawyers on 7 March	WEB193N08	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
8th Annual Workplace Law Symposium	WEB193N09	\$870	\$770	<input type="checkbox"/>	<input type="checkbox"/>
Session 1: Workplace Disputes and Claims	WEB193N09A	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Session 2: Workplace Practices and Enterprise Bargaining	WEB193N09B	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Limits and Review of Administrative Decisions and Disciplinary Proceedings	WEB193V12	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
8th Annual Contract Law Conference	WEB193N16	\$870	\$770	<input type="checkbox"/>	<input type="checkbox"/>
Session 1: Contract Conflict: From Dispute to Termination	WEB193N16A	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Session 2: Key Contractual Considerations	WEB193N16B	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Criminal Law: Fundamental Skills Workshop	WEB193Q13	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Privacy and Data Security: And the Changes Keep Coming...	WEB193V18	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
16th Annual Family Law Conference	WEB193N24	\$870	\$770	<input type="checkbox"/>	<input type="checkbox"/>
Session 1: Parenting, Children and Property Matters	WEB193N24A	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Session 2: CPD Compulsory Units for Family Lawyers	WEB193N24B	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
SMSFs: Strategies for the Modern Era	WEB193N34	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
PPSA: Changes, Updates and Practicalities	WEB193N40	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
Directors and Officers Summit: You Have the Full Support of the Board	WEB193N42	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>
CPD Compulsory Areas for Succession Practitioners	WEB193V29	\$490	\$395	<input type="checkbox"/>	<input type="checkbox"/>

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