SESSION OVERVIEWS

As at 19 October 2026

WEDNESDAY 21 OCTOBER 2026	
0845-1100	**Plenary 1: State of the Nation**
	This important session is the traditional opening of the National Conference. This year, the session opens with a Welcome to Country from Dwayne Everett-Smith, before moving into the State of the Nation address, presented by: • **The Hon. Michelle Rowland MP**, Attorney-General of Australia; • **The Hon. Justice Alstergren AO**, Chief Justice of the Federal Circuit and Family Court of Australia (Division 1) and Chief Judge of the Federal Circuit and Family Court of Australia (Division 2); • **The Hon. Justice O'Brien**, Family Court of Western Australia; • **Commissioner Micaela Cronin**, Domestic, Family and Sexual Violence Commission; and • **Nicky Davies**, Chief Executive Officer, Legal Aid Queensland. Each speaker will bring their own perspective on the current state of the family law system and the issues shaping its future. The session will be chaired and presented by **Jason Walker**, Chair of the Family Law Section of the Law Council of Australia. This is an essential session for every delegate who wants to better appreciate what the future may hold for each of us.
1130-1230	**Concurrent Sessions**
	Concurrent 1A: Counting the Cost of Family Violence: Economic Causation and Cross-Examination
	How should a court account for the economic consequences of family violence, and what evidence connects the conduct to the outcome? Barrister Hayley Dodson and economist Conrad Liveris examine these questions under the reformed family law property framework. Using the fictional case of Brooke and Owen, they explore effects on contributions, current circumstances and future earning capacity, alongside the role and limits of spousal maintenance. The session follows the reasoning from alleged conduct through disrupted study, childcare and employment to financial consequences. It tests competing explanations, realistic alternative pathways and the findings needed to support an expert opinion. A live cross-examination, with commentary from Peter Cummings SC, shows how changing a factual premise can narrow or defeat a conclusion. Participants will leave with practical approaches to preparing evidence, instructing experts and testing causation, while keeping economic estimates distinct from the Court's task of determining a just and equitable outcome in each case.
	Concurrent 1B: SMSF Splitting: Orders, Implementation and Hidden Risks
	SMSFs represents a massive portion of the Australian retirement pool, controlling $1.107 trillion in assets across 680,301 funds and 1,246,552 members and are a regular feature of family law property settlements. Stephen Bourke of SuperSplitting.com.au will provide a practical overview from crafting orders to what trustees and funds require, and where hidden risks and costly delays arise. Leave with practical guidance to protect your client's outcome and avoid problems after the orders are made.
	Concurrent 1C: Enforcement Made Easy: Master the Process and Succeed in the Application
	Orders are only as good as your ability to enforce them.

	In this registrar-led session, joint Senior Judicial Registrars Malinowsky and Mooney as they through the enforcement process step by step. Learn what the Court expects, how to prepare a strong application, and how to avoid common pitfalls, so you can pursue enforcement with confidence.
1330-1430	**Concurrent Sessions**
	Concurrent 2A: Presented by IAFL: Global Assets, Local Problems: Cross-Border Disputes
	When families and assets span borders, local problems quickly become international ones. IAFL President Suzanne Todd (Withers, London) joins Isaac Hikaka (New Zealand), Derek Ho (Hong Kong), Shu Mei Hoon (Singapore) and Steven Yoda (California), with Justice Campton chairing and presenting. Gain an international perspective on jurisdiction, overseas assets and enforcement across borders.
	Concurrent 2B: No Time, Flipping Residence and Moratoriums in Parenting Cases
	• explore definition/presentation of some of the key concepts/elements in cases: Alienation and the "solution" of flipping residence and instituting a moratorium. • look at the science/research data that underpins. • identify a number of problems with these from the lawyers perspective. • assist you with being better able to identify cases that genuinely involve these issues, • how to properly test and use expert reports and opinion. • explore alternative client management, case development and some potential approaches to the use of Court and judicial resources in these cases to improve the outcomes
	Concurrent 2C: Presented by AIFLAM: Family Law Mediation: Where the Challenges Lie and What Needs to Change
	When family lawyers undertake mediation training, they are often surprised by the difference between the mediation model they are taught and what they see — and sometimes do — in practice. The UWA Mediation Clinic courses run for AIFLAM teach the facilitative model required for national accreditation under AMDRAS, the national scheme for maintaining professional standards across all areas of mediation. But family law mediation is different. Or is it? Family disputes bring unique dynamics, including ongoing relationships, power imbalances, strong emotions, children, financial pressures and, often, significant history between the parties. Yet does that mean we should approach family law mediation differently from other forms of mediation? And if so, how? This session takes a practical and thought-provoking look at the challenges of mediating in the family law space. We will explore the tension between the facilitative model we are taught and the reality of family law practice and consider whether there are things we could be doing differently to improve the mediation experience for our clients and discuss tips and tools that can add value to your participation in Mediation. With mediation now firmly at the centre of family law practice, this session is relevant to every family lawyer and mediator — whether you are new to mediation or have been sitting around the mediation table for years. Come prepared to question what you think you know about family law mediation!
1445-1545	**Concurrent Sessions**
	Concurrent 3A: Safe & Together Workshop
	Since 2021, the Safe & Together Institute has trained judges, registrars, Court Child Experts and Family Consultants across the FCFCOA, and recent Family Law Act amendments reinforce the same coercive control lens. This session explores how legal practice can move with the court. After a short clip showing coercive control dynamics with Australian-context nuance, a perinatal case study demonstrates what every family violence analysis needs: a mapped perpetrator pattern, a clear account of how it reaches the child, and a careful reading of the protective parent's capacity and the intersecting factors shaping it. You'll learn the Safe & Together Model's Multiple Pathways to Harm framework for organising evidence for the court, consider how intersectional factors, including

	a perpetrator's status and a First Nations mother's identity and relationship to professional systems, shape that evidence, and leave with practical steps to take next week. **About the presenter:** David Mandel is the founder and CEO of the Safe & Together Institute, a co-founder of SafetyNexus, a startup focused on using technology to support domestic abuse systems change, and a leading international expert on domestic abuse-informed child welfare and family court practice.
	Concurrent 3B: Binding the Deal: Financial Agreements Built to Last and Withstand Challenge
	Binding financial agreements remain an important but sometimes daunting tool for family law practitioners. With concerns about enforceability, professional risk and an evolving body of case law, the challenge is not simply to prepare an agreement that is binding on execution, but one that is sufficiently robust to withstand scrutiny years later. This session will bring together judicial, barrister, and solicitor perspectives to examine what makes a financial agreement durable in practice. The panel will consider recent and significant decisions concerning agreements that have been upheld, set aside or otherwise challenged, and what those cases tell us about recurring areas of risk Discussion will focus on practical issues including disclosure, drafting and independent advice; pre-relationship and post-separation agreements; the circumstances in which a BFA may be preferred to consent orders; and the implications of changing circumstances over time. The panel will also explore common drafting and implementation problems, including the mixing and tracing of separate and joint property, periodic review, and emerging issues such as companion animals. Through practical examples, audience polling and Q&A, the session will consider how practitioners can better identify and manage risk while continuing to meet the genuine client need for carefully considered financial agreements.
	Concurrent 3C: Practical Technology for Court: Not AI
	This session will consider the use of technology in court (other than AI) from the perspective of judicial officers, counsel and solicitors and will include a demonstration of some practical tips and tricks.
	Concurrent 3D: Early Career Lawyers Workshop: Interim Hearings Workshop - From Preparation to Persuasion
	This interactive and dynamic workshop style session will provide an opportunity for early career lawyers to practice their advocacy skills in interim defended hearings. As the esteemed panel, the Hon. Peter Tree, KC and Teresa Farmer, SC, weave through two factual scenarios on both parenting and financial issues, the discussion and coaching will focus on what you need to know about the principles, evidentiary issues and practical considerations behind an interim appearance and hearing, equipping lawyers with the tools to develop and deliver clear, persuasive submissions.
1615-1715	**Plenary 2: Wellbeing: A Pillar of Practice**
	This interactive session explores wellbeing as a foundational pillar of practice for all lawyers—especially family lawyers—given the intensity and emotional demands of our work. Despite growing attention to wellbeing in many jurisdictions, surveys and self-reports, still show persistent challenges in the mental health and coping capacity of family practitioners. Given the attrition rate, this is becoming an emergency. Barbara will look at the practical solutions already available in the wellbeing space and how well they are working. Barbara thinks there is much more we can do and must do to move the dial, properly and in a meaningful way, on this issue. Barbara will lead a discussion and encourage the start of a movement of senior family practitioners showing as well as telling when it comes to wellbeing- not just talking about the subject and in the abstract but discussing their own challenges, what has been tried, what has worked and the intentional steps they have taken to retain robust mental health and build a sustainable career.
THURSDAY 22 OCTOBER 2026	
0830-0930	**Plenary 3: Kennon and Family Violence in Property Settlements: A Post-Reform Analysis**
	The 2025 family law reforms expressly recognise the relevance of family violence, including economic and financial abuse, in property settlement proceedings. But to what extent have the reforms achieved the government's stated goals? Has Kennon been codified and what challenges have emerged in their practical application? With insights from the session's chair, Judge Turnbull, Sheridan Emerson and Professor Lisa Young examine the developing post-reform case law, including the courts' interpretation of the new

	provisions, their impact on outcomes, and the implications for the conduct and resolution of property proceedings.
0945-1045	**Concurrent Sessions**
	Concurrent 4A: Post Amendment Financial Relief: What's Changed, What's Unclear and What to Do
	The recent Full Court decision of *Shinohara and Shinohara* [2025] FedCFamC1A 126, changes the way the Court has traditionally dealt with notional property. The ramifications of this decision go beyond "add backs" and include how the Court may now deal with wastage arguments, contingent liabilities, legal fees, partial property settlements and more. This session considers how Shinohara has changed previous case law, the results of such change and how to best run your case in the post- Shinohara world.
	Concurrent 4B: Following the Law Is Not Optional: Child Support in Practice
	This session offers practical guidance for lawyers advising clients in the complex area of child support. Presented by two self-identified and enthusiastic child support "nerds", it will address the statutory criteria for departure applications, the termination and enforcement of binding child support agreements, and payee enforcement. The presenters will also consider the impact of the recent Commonwealth Ombudsman's report, *Weaponising Child Support: When the system fails families*, and the government's response to its recommendations. Attendees will leave with a host of practical tips and a clearer understanding of the interaction between family violence, financial abuse and the child support system.
	Concurrent 4C: 7 Steps to Flipping a Parenting Expert in the Witness Box!
	Think you know how expert reports work? This session aims to unsettle a few assumptions, how they are commissioned, how they are treated at trial, why certain habits persist appropriately or inappropriately. The paper provided dives straight into the myths, misunderstandings and courtroom habits that shape how expert reports are commissioned, interpreted and challenged. The statutory framework will be mapped clearly, with the leading authorities, especially *Makita (Australia) Pty Ltd v Sprowles*, distilled into practical guidance for those working with family reports. The panel will take delegates on a lively, practical tour: what counts as expertise, how to read an expert report with forensic purpose, and what seasoned Counsel actually do when one lands on their desk. The discussion culminates in the panel's seven tried and tested techniques for persuading an expert to shift their opinion. Expect a dynamic, candid conversation with 15 minutes at the end for questions, perhaps peppered a war story or two.
	Concurrent 4D: Neurodiversity Matters: Transforming How Family Law Practitioners See, Hear and Respond
	The panel will present a practical approach to assist the profession in challenging how we as practitioners engage with the concept that 'a one size fits all approach' may not work when drafting parenting orders. We will discuss how best to approach Family Law Parenting matters where there are neurodevelopmental complexities over the developmental lifespan.
1115-1215	**Plenary 4: The Road Ahead: The Journey So Far – An International Perspective**
	The complex human relationships inherent in family law disputes create a need for those who work in this area to have as keen an interest in the process of dispute resolution as in the substantive law. As our understanding of the needs of people who come before the courts develops and changes, so too must our processes and approach. In this presentation, Sir Andrew McFarlane, immediate past President of the Family Division of the High Court of Justice, will reflect on the valuable relationship between the UK and Australian family law courts through times of great legal and societal change. Sir Andrew will highlight some key recent developments in family law practice in England and Wales which have assisted to support and protect families and children, including by giving children more of a voice in how processes are developed, and by encouraging judges to communicate with children. The session will be facilitated by Nicola Watts, Treasurer of the Family Law Section.
1215-1345	**The Chair's Lunch: Beyond the Courtroom: From the Family Court to the United Nations and the Communities We Shape - Why the role of Lawyers in Communities Matters More Than Ever**
	Join us for the Chair's Lunch, featuring Emma Mason, who is a mother, lawyer, and social media reform advocate. Drawing on her own journey, Emma will share what led her to fight for change beyond the courtroom, and why she believes lawyers have a unique responsibility to shape safer, stronger communities. It's a personal and powerful reminder of how the work we do can ripple far beyond individual cases – from family law right through to the international stage. The session will be chaired by **Jason Walker**, Chair of the Family Law Section of the Law Council of Australia, and is proudly sponsored by Nexia Edwards Marshall.
1345-1445	**Plenary 5: Children's Cases and Legislative Change: Are the Old Cases New Again?**
	This session explores the intersection between family law and social science for the purpose of examining how social science has influenced the legislative pathway and outcomes in parenting

	matters under Part VII of the Family Law Act. In turn, the session considers if the influence has positively contributed to the jurisprudence about the paramountcy principle The presentation will address legislative reforms which commenced in 2006, 2012 and 2024 and focus on an apparent tension between the right of children to meaningful relationships with both parents and protecting children from family violence. Associate Professor Zoe Rathus will outline key aspects of the legislative amendments through these timepoints and the case law that followed, this being a subject of her thesis published in October 2024. Justice Gill and Justice Taglieri will provide their perspectives and commentary about the impact social science has had on the statutory pathway in deciding parenting cases, focussing on the jurisprudence which has evolved and whether it has: • promoted the welfare of children; and • aided or detracted from the administration of justice.
1515-1615	**Concurrent Sessions**
	Concurrent 5A: "Doing Good Work Isn't Enough" — The Human Side of Business Development and What it Really Takes to Build & Maintain a Referral Practice
	Excellent legal work is essential for business development, but it does not, by itself, reliably generate the right referrals. This session explores the distinctive challenge facing family lawyers and barristers in business development: often, matters are intense, deeply personal, and episodic, meaning that even highly trusted professional relationships can disappear once the immediate work is complete. Michael will examine why good work makes a practitioner *referable*, but does not necessarily make them *referred*. The session will then explore why capable family lawyers often struggle to act consistently on something they already know matters including: workload, emotional exhaustion and the untested assumptions they may hold about reaching out. The session will conclude with a practical, service-oriented approach to building a referral practice: becoming clearer about the work you want to be known for, cultivating a focused ecosystem of trusted relationships and taking small, useful actions that do not require you to become a salesperson.
	Concurrent 5B: Aboriginal and Torres Strait Islander Families and the Court
	This panel will consider how the family law system can better recognise and respond to the cultural rights, strengths and needs of Aboriginal and Torres Strait Islander children and families. The discussion will examine the practical operation of the cultural considerations in s 60CC(3) of the *Family Law Act 1975*, including whether the provision has changed the Court's approach or the experience of First Nations families. Panellists will identify barriers that may prevent culture from being properly considered and explore how courts, practitioners and other professionals can reduce those barriers. The panel will also explain the Aboriginal and Torres Strait Islander Child Placement Principle, why it matters, and how its focus on prevention, partnership, placement, participation and connection may inform family law practice. It will consider the possible benefits of giving the Principle fuller legislative recognition and how that approach compares with the existing provisions of the Act. Drawing on practical experience, the panellists will discuss the evidence needed to support culturally responsive proposals and orders, provide examples of orders that meaningfully engage with the statutory cultural considerations, and identify useful resources for those representing First Nations clients.
	Concurrent 5C: From Client Advice to Cross Examination: Challenging Real Property and Enterprise Valuations
	Valuation evidence is fundamental to any property case. Kate Mooney KC and Denby Keer follow the issue from initial client advice through to cross-examination, exploring how to scrutinise real property and business valuations, identify weaknesses in expert evidence and test it effectively. Justice O'Brien chairs this practical session.
1630-1730	**Plenary 6: AI in Family Law: Friend or Foe?**

	This presentation will explore how artificial intelligence has moved from the laboratory and into the real world - and the particular implications this have for family law practitioners. Professor Santow will discuss some of the trends in how lawyers and other courts users are relying on AI. In particular, he will consider how the democratisation of legal information through generative AI can make the family justice system more accessible, while also bringing new challenges. Professor Santow will propose a cautious embrace of AI in family law practice - one that leans into the opportunities that AI brings, while always upholding the obligations and values that the justice system requires.

FRIDAY 23 OCTOBER 2026	
0900-1000	**Plenary 7: Neuroscience, Children's Brains and Decision Making**
	Adolescent brain development, decision-making, Gillick competence and informed consent: where neuroscience and law collide. In recent years he autonomy of young people has been prioritised in family law. Have we got the balance right? Professor Baxendale, neuropsychologist will present on what neuroscience research tell us about adolescent brain development and how young people make decisions. She will consider what to look for when considering a young person's decision-making capacity and, if a young person is asked to make a medical decision, what would a good model of informed consent looks like? Emma Scott Phd candidate will consider the issue of Gillick competence in Australia. Since the High Court's decision in Re Marion (1992), how have the Family Courts determined an adolescent's competency to make decisions? Are there principles that we can draw from the case law? What is the impact of a finding of Gillick competence in family law? Together we will consider whether we have balance between autonomy and protection right.
1000-1100	**Plenary 8: Peter Nygh Memorial Lecture**
	The presumption of innocence, the burden of proof and the assessment of risk. The House of Lords' judgment in Woolmington v Director of Public Prosecutions [1935] AC 462 established or confirmed that under the law of England and Wales the prosecution bears the burden of proof beyond reasonable doubt of the elements of a criminal offence. The High Court's judgment in Briginshaw v Briginshaw (1938) 60 CLR 336 addressed the manner in which a court resolves serious allegations of impropriety made against a party that are in issue in civil proceedings. Woolmington involved family violence. Briginshaw was a divorce case. Courts, especially courts exercising jurisdiction under the Family Law Act 1975 (Cth), are often required to address the existence or magnitude of the risk of harms arising from the possibility of future criminal behaviour. In doing so they are often confronted with and asked to resolve allegations of past criminal behaviour. How is that task undertaken? Is there a burden of proof? Is there a presumption of innocence? Justice Beech-Jones will explore this in the Peter Nygh Memorial Lecture.
1130-1230	**Plenary 9: Intergenerational Trusts: Are They Property, Have We Got Spry Right?**
	A recent increase in cases where Discretionary Trusts controlled by one generation with wealth built by a prior generation are testing the foundation upon which our jurisprudence is based and the operation of the new section 79(3)(a) of the Family Law Act. Join two of Australia's leading financial remedy lawyers unpick the flaws in the approach of the Court thus far and explore where the likely battle lines for fresh litigation in this area will be drawn.
1330-1430	**Parallel Sessions**
	Parallel Session A: Professional Responsibilities in Family Law: Ethics Hypotheticals
	Using a hypothetical matter based on real life scenarios that have arisen in practice, an expert panel will work through the difficult ethical questions that cause family lawyers to pause - where the answer is not obvious and competing interests must be finely balanced. The Hon. Justice Cuthbertson of the Supreme Court of Tasmania will provide the perspective from the Bench. Professor Gino Dal Pont, one of Australia's leading authorities on legal ethics, will contribute his specialist expertise. Brett McGrath, Principal of Marsdens Law Group, will offer the perspective of an experienced family lawyer. Drawing on recent disciplinary decisions and case law, the panel will offer practical guidance and valuable insights for even the most experienced practitioners.
	Parallel Session B: When Technology Enables Harm: Family Violence in the Digital Age
	This session considers the issue of family violence in the digital age from three different perspectives:

	Highly experienced solicitor, advocate and ICL Emma Mason will take a practitioner-focussed approach concentrating on interviewing clients, assessing risk, gathering evidence and presenting technology-facilitated abuse in court. Emma will look at some of the most relevant cases and provide a useful framework for family lawyers preparing digital evidence of family violence. E-safety Commissioner Richard Fleming will assist legal practitioners to understand what technology-facilitated abuse looks like, how children are being increasingly targeted and how behaviours that might appear 'normal' or are increasingly socially acceptable (such as location sharing and monitoring) might become abusive. Richard will look at how technology actually operates in abusive situations. His Honour Justice Riethmuller AM will then remind us that whilst technology has changed the manner in which family violence is perpetrated – and given people using violence more tools - the legal tests have not changed. His Honour will discuss the challenges of identifying, proving and contextualising digital conduct so that it falls within the statutory definition, some of the issues that arise in obtaining and presenting the evidence and take us through some recent authorities.
1455-1555	**Plenary 10: Competing Claims, Crypto and Chaos: Just Another Day in the Major Complex Financial Proceedings List**
	Fred and Wilma are getting divorced. He's sold the quarry and asked AI what to do with the money. Now nobody can find it, but she has two thousand screenshots. Then the creditors arrive. A wide-ranging hypothetical on artificial intelligence, crypto, disclosure, injunctions, search orders, joinder, bankruptcy and the Commissioner of Taxation. A hypothetical that just won't go to plan.