SESSION OVERVIEWS

As at 25 October 2024

WEDNESDAY 30 OCTOBER 2024	
0900-1100	**Plenary 1: State of the Nation**
	This important session is the traditional opening of the National Conference. This year, the current President of the Law Council of Australia, Greg McIntyre SC, a proud Western Australian, will welcome you to Perth and share his observations about the importance of our meeting place in the context of his decades long work with the Whadjuk Noongar people of the Nyoongar Nation. The Chair of the Family Law Section, Di Simpson, will formally open the conference and will introduce our speakers: 1. The Commonwealth Attorney-General, the Hon. Mark Dreyfus KC, MP will present his plans for the new Government's engagement with the Courts and the family law system and will highlight policy issues of important to the Government; 2. The Head of Jurisdiction, the Honourable 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), will review the work of the Courts including following the amendments to the Act this year and other changes and will outline his vision for the future operation of the Courts and the family law system; and 3. The Chief Judge of the Family Court of Western Australia, the Honourable Justice Sutherland, will welcome you to Perth and provide a summary of the work of the FCWA. The Chair will address issues of importance to FLS members and what she sees as the challenges ahead for our profession. 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: Spousal and De Facto Partner Maintenance: Does the End Justify the Means?
	This paper is a meander through the usual suspects of the authorities, some ancient, some newish, that family law practitioners are expected to know. The paper poses the question for practitioners and judicial officers of why there are relatively few judicially determined spousal or de facto maintenance orders? The writer posits that this is not from the lack of enthusiasm of family lawyers for having a crack at an interim spousal or de facto maintenance order but because of the fact of life that in the great bulk of cases, that is the modest or common house and garden cases, although there will often be a need for maintenance, after marginal rates of income tax, payment of assessed child support and the high cost of the putative payers rental accommodation and modest living expenses there is often very little or nothing left over to demonstrate a capacity to pay much at all. The paper is more or less as provided by the writer in mid 2023 to those indefatigable diligent souls in the engine room of the Family Law Act Courts: the Senior Judicial Registrars ('the SJR'S). It is likely your success or failure to obtain an interim spousal maintenance order has been, and will be, determined by the SJR's, at least at first instance. The writer asks that practitioners always keep the legislative provisions front of mind and cautions that over reliance on principles extracted from time honoured authorities including *Mitchell & Mitchell (1995) FLC 92-601, 19 Fam LR 44* and *Bevan & Bevan (1995) FLC 92-600, 19 Fam LR 35* can get parties quickly into the dangerous deep waters of legal costs being disproportionate to the benefit of short term or interim orders. The paper will discuss examples of recent authorities and attempt to inform that analysis by looking at the underlying facts of those examples, as well as the principle or method applied to get to the decision.
	Concurrent 1B: Order Up! A World Tour of Australian Legal Enforcement Strategies in Financial Matters
	In a world of global mobility it is common for couples from different countries and cultures to form relationships. The difficulties arising from relationship breakdown are compounded when resolution of their financial affairs potentially involves a number of jurisdictions. In this session a panel of international experts from both common and civil law systems discusses the essentials of managing multi-jurisdictional financial disputes against the background of a case study examining how different jurisdictions deal with common issues such as property and asset division, financial agreements, trusts and inheritance, superannuation and pension entitlements and child support, and considers the common key factors in international matters: Which courts have jurisdiction? What law applies? Which court is best able to deal with the issues? Where can effective orders be sought and obtained? How can orders be put into effect? This session will better equip practitioners to recognise and understand the problems arising with international couples where more than one jurisdiction may be involved, and the complexities which need to be addressed in dealing with them.

	Concurrent 1C: Relocation: Evidence and Judicial Considerations Where Vast Empty Space Divides Two Homes
	Whilst there is no such thing as a "relocation case", the reality is such cases are common. People form relationships with others from all over the country, and all over the world. When the relationship breaks down, and the circumstances of a parent change, often there are competing positions as to where, and with whom, the children should live. Issues for the court to consider include the proposed care arrangements of the children, the distance and the respective locations proposed, and the right to freedom of movement. Using a hypothetical fact scenario this session will discuss the issues raised with such an application, what evidence is relevant and how that should be presented, and the judicial consideration of those cases, together with insight into how Courts in Canada consider the same questions.
1330-1430	**Concurrent Sessions**
	Concurrent 2A: Hadkinson Orders: Enforcement by the Back Door?
	***Hadkinson* Orders. What are they?** Simply put, a *Hadkinson* order means that a party in contempt will not be heard by the Court until they comply with its orders. Although not commonly deployed in family law, *Hadkinson* orders can be a useful tool for dealing with contemptuous litigants. In this Paper, Her Honour Judge Dickson explores the historical roots of this legal doctrine, from its inception in 1618 to its modern-day application, and provides an in-depth look at how these orders can be applied in contemporary Australian family law. Through engaging case studies from various legal jurisdictions, you will gain valuable insights into how *Hadkinson* orders can ensure compliance with and enforcement of Court orders.
	Concurrent 2B: Child Support: Cutting Through the Complexity
	The Australian child support system is the envy of many countries around the world. But does anyone actually understand (a) how it works; (b) its methods of assessment, collection and enforcement; and (c) if, when and how clients can depart from the formula? What about shared-time cases? Are your eyes glazing over already? This session on a typically dry and boring topic aims to be highly engaging. The first speaker (Smyth) will talk about children's needs, love and money, adequacy and equity, strategic bargaining over parenting time and money; and gendered accounting systems in this complex and highly contested space. The second speaker (Young) will discuss the various pathways for departing from the formula, and the pros and cons of each. The final presenter (Devine by name, devine by nature) will offer some 'edge cases' to highlight some of the thorny problems that child support can throw up for lawyers and clients. All three presenters aim to tunnel away intelligently towards a final single slide: 6 take-home messages about child support for use in applied legal practice with clients. 14 minutes in this hour of power for questions.
	Concurrent 2C: AIFLAM: Child-Inclusive Mediation – Bringing the Voice of the Child to FDR
	Children's best interests are the central focus of Family Law parenting proceedings. For children, separation brings a fundamental change in the operation of their family systems. A mediated outcome often best suits the parents, but what about the child's views? There is a growing trend to have the children physically attend the mediation with their parents so they can be heard. This session looks at how, when and where to bring the voice of the child into mediation drawing on international experience and leading edge local practice.

1445-1545	**Concurrent Sessions**

Concurrent 3A: Are Arrangements Safe Enough?

As a result of an overdue spotlight on family violence in family law matters, and better triage, matters involving serious risk are being identified earlier and more no time orders are being made. Yet, orders for no time are not regularly sought, especially on an interim basis. No doubt this is because of a combination of factors. Is it reluctance on the part of lawyers to be bold and put the case to the court where it should be? Is it that child experts are hesitant to provide strong and clear recommendations as to time, or lack thereof on the basis of risk? Is it that judicial officers see findings of unacceptable risk and no time orders as applying in only the most exceptional of cases? Is it a lack of understanding on the part of family law professionals about family violence and its impacts on children and victim survivor parents? Is it a lack of experience and skill in eliciting a history of abuse so that the information can be put to the court?

This session will unpack some of the distinguishing features of a no time case from one where risk can be managed by way of supervision in a contact centre. We will also discuss how to prepare and argue the case right from that very first appointment and through court events.

This conversation will better equip all of us in the family law system to assess risk and to ensure that any evidence of unacceptable risk is appropriately put before the court so that in turn, the Court can determine whether the risk of exposing a child to harm or violence is too great for a time with order to be made.

Concurrent 3B: Beyond the Grave: Acting for Deceased Estates in the Family Courts

The death of a party to property proceedings has a profound impact on the future conduct before the Court. In this session we address the practical questions connected with what a prudent practitioner might do in those circumstances along with an examination of the legislation and the applicable case law. The hope is that by providing an understanding of the law the practicalities of what steps need to be taken will be clearer to any practitioner when they are faced with this predicament in their day to day practice.

We will examine topics like:

- Evidence gathering with pre and post death?
- Increasing the potency and admissibility of a deceased person's evidence
- Expedition and the evidence that is required
- Practical evidence gathering where you act for an estate and no pre death affidavit was obtained from the deceased
- The impact of death on Section 75(2) adjustments
- The sections of the Rules and Act that need to be at the forefront of a practitioner's mind.

This session will discuss the practical navigation of the above issues and more.

	Concurrent 3C: Donor Conceived or Deceived • 50million people have handed their DNA to private companies like Ancestry.com. In most cases they learn something interesting about their ancestors' geographical origin. But for some people, they find out that their entire identity is other than they have been brought up to believe. • Fiona Darroch will speak to her personal experience as a donor conceived person, who's biological father is her mother's fertility doctor and who, at the last counts, had 'fathered' 200 to 300 sibling children. • Legislation and regulation of artificial reproductive technology using donated gametes (sperm and eggs) is not uniform throughout Australia. • In 2018, the state of Victoria retrospectively removed anonymity which had been 'guaranteed' for sperm donors in the 1980's. • Queensland, South Australia and WA state governments, and the ACT, are currently drafting legislate to similar effect. • An issue that has arisen particularly since *Masson v Parsons* [2019] HCA 21 is who is a parent of a child born through assisted reproductive treatment – whether assisted in clinics or through 'home insemination' • There are increasing reports of informal donor arrangements between parties who circumvent regulated donor practices and international 'trade' in gametes. • In 2019, a large group of donor conceived children presented to the Hague on a Charter of Rights that they advocated for. • What are the implications of all these developments for family lawyers? • What sort of work and advice may be sought by or on behalf of families impacted by donor arrangements into the future?
1615-1715	**Plenary 2: An A-Z of Advocacy** In this session, the speaker will seek to draw together some 'dos and don'ts' about advocacy, gleaned from his own experience as an advocate and judge, as well as points borrowed from the experience of others. It is a well-worn idea that advocacy is the art of persuasion. But, as has been said before, successful advocacy is rarely the result of a single overriding or natural ability. Rather, it comes from the accumulation of positive skills and the avoidance of often small but annoying negative features. At bottom, advocacy is a performance skill that can be taught. As with any piece of advocacy, the talk will range over matters of the bigger picture to matters of the smaller details. But do not expect a straight line from macro to micro. Any structure is better than no structure, where both shapeless advocacy and shapeless talks on advocacy are not usually pleasing. The gathered points are somewhat disparate, and the speaker may not be the sharpest knife in the drawer. So the best structure which he can come up with is alphabetical order. Hence, the title: 'An A to Z of Advocacy'.

THURSDAY 31 OCTOBER 2024	
0830-0930	**Plenary 3: A Blurred Line: The Jurisdictional Boundary Between Family Misconduct and Criminal Culpability**
	Understanding and considering allegations of family violence plays a crucial role in family law. The legal definition and social awareness of what constitutes family violence has grown exponentially to now encompass a much broader and more nuanced understanding of family violence behaviours and the impacts on victim survivors. As the legal definition and social awareness has broadened, the demand for criminal culpability for the perpetration of family violence behaviours has followed. However, the process of criminal prosecution and culpability for family violence behaviours presents a unique challenge to the civil family law system which is tasked so often with determining ongoing safety and risk issues and impact of family violence within a family system. His Honour Judge Peter Lodder KC will provide valuable commentary on how the English and Welsh justice system has navigated these challenges within the criminal and family jurisdictions, and what lessons we can take from their experience. Justice Jacoba Brasch will prompt you to consider the possible evidential, procedural and substantive challenges and intersections between Coercive Control where criminal culpability attaches and family law, and then draw on the unexpected area of sports law to invite thoughts on how they deal with family violence.
0830-1100	**Appellate Advocacy Workshop** *Pre-registration required. Applications have now closed.*
	As an added feature to the program for the 20th National Conference, we are pleased to announce a specialist **Appellate Advocacy Workshop.** The two-hour workshop will be limited to 24 participants only and will focus on the preparation for and conduct of an appeal. Participants will be expected to analyse a judgment, draw grounds of appeal and advance oral arguments in support. This session will require preparatory work and active participation, including advocacy, and will be available by **pre-registration only** to a limited number of conference registrants. Prior advocacy experience is not required but a desire to develop advocacy skills and a willingness to actively prepare for and engage in the session is!
0930-1030	**Plenary 4: Parenting Law After 2024: Simplification or Change of Direction?**
	On 6 May 2024 the *Family Law Act 1975* parenting provisions were substantially changed for the first time in 18 years. The main purpose of the amendments was to simplify parenting cases and decisions, emphasise the importance of ensuring the safety of children and those caring for them, and ensure that the best interests of children are at the centre of all parenting decisions. This session provides an overview of the philosophy of those amendments, the impetus for change, and the practical effect of the amendments. Professor Richard Chisholm who has written extensively about the need for simplification of the *Family Law Act 1975* will provide an in depth look at the effects of the amendments and the reasons for them. Minal Vohra SC will consider practical application of the amendments and recent case law.

1100-1200	**Concurrent Sessions**
	Concurrent 4A: The Art of War: Third Party Financial Relief
	The Art of War - Third Party Financial Relief: Family law litigation which involves strangers to the relationship is fraught with complexity. While the underlying law about the interest of a third party is well published, the strategic and tactical tensions that underly the decisions about the conduct of that litigation gets much less attention. Unlike traditional family law dispute resolution – third party negotiations and litigation involve a much more complex and dynamic environment. Join three of Australia's pre-eminent third party litigators in a conversational panel that use Sun Tzu's timeless treaty on warfare to explores these tensions including issues around timing of joinder, the pros and cons of pleading, the risks costs play, the disclosure landscape and decisions about the scope of relief sought.
	Concurrent 4B: Safety: A Legal or Social Science Concept? Does it Matter? Let's Talk About How We Get There
	The Family Law Amendment Act 2023 introduces, or at the very least emphasises, the concept of the ***safety*** of children. Thus, it is possible that the concept of ***safety*** may now become a central, and possibly determinative, consideration in making decisions about children under the Family Law Act. But what does ***safety*** mean? Is it just a legal concept to be construed in accordance with ordinary rules of statutory construction, or is it in fact a social science concept? Do the legal and social science constructs of safety overlap? How does social science inform the proof and assessment of safety in cases? How do family lawyers take instructions, gather, and present evidence, and make submissions about safety? To what extent is social science literature and research about safety admissible in court cases where this is an issue? How does the concept of safety apply in cases involving allegations of coercive or controlling behaviour that constitutes family violence for the purposes of s.4AB of the Family Law Act? Justice Altobelli and Dr Lyn Greenberg consider and discuss the different approaches and the challenges facing family lawyers when the concept of "safety" can be interpreted through the lens of many different disciplines.
	Concurrent 4C: Evidence in Family Law: Is it Just the Vibe?
	Documents, submissions and relief, drafted in accordance with the laws of evidence inspire confidence and admiration. The session will provide a practical, high-level consideration of the breadth of evidentiary issues that can arise in property and parenting matters and the applicability of the Evidence Acts of the Commonwealth and Western Australia, the Rules of the FCFCOA and the FCWA and relevant case law. The session will traverse how to ensure evidence is admissible and what evidence is objectionable, including improperly or illegally obtained evidence and confidential communications. The principles regarding opinion evidence, waiver of legal professional privilege and the privilege against self-incrimination will be discussed. The utility of Notices to Admit, the pitfalls regarding subpoenas and the usefulness of s. 50 Notices will also feature. The session aims to remind practitioners that it's not a matter of relying on "the vibe" if a case is to be properly prepared and litigated.

	Concurrent 4D: Specialised Case Management: From Little Things Big Things Grow
	Much has changed and is changing in family law and while early case management in the Federal Circuit and Family Court of Australia (Division 1) and (Division 2) has moved from Judges to Registrars, the enduring principles remain: knowing the Act, anchoring yourself in the Rules and being suitably prepared. An understanding of the Courts' specialist lists and the nuanced case management offerings the next essential skill set for practitioners. Join three Senior Judicial Registrars for a highly practical discussion that provides insight and guidance about how to successfully navigate: • The internationally award-winning Evatt List/Lighthouse screen with particular focus on domestic and family violence screening tools which adopt and foster a trauma informed approach; • The new national Information Sharing practices in which information from Child Protection Agencies and Police is prioritised; • The Magellan list which continues to ensure that cases which involve the vulnerable children where notification or allegations of sexual abuse or serious physical abuse of a child are present continue to be dealt as efficiently and carefully as possible; • The nationalised case management approach to Priority Property Pool cases in which parties with a total asset pool of up to $550,000 (excluding superannuation) are able to file truncated material and move to early resolution through careful case management designed to address risks including systems abuse and coercive control; • The Specialist Indigenous Lists in which culturally responsive case management affords First Nations Families the opportunity to access supports, early decision making and meaningful dispute resolution opportunities; and • Court based dispute resolution conferences whenever safe and productive at which all of the nuanced case management opportunities are seen to shape matters for resolution.
1330-1430	**Concurrent Sessions**
	Concurrent 5A: Ethics: Navigating the Legal Labyrinth with Integrity
	As officers of the Court, we as Family Lawyers have an overriding duty to the Court, to the exacting and high standards of the profession, and to the public. Balanced against that duty is our duty to our client and in the case of parenting matters, consideration of a child's best interests. Complicating these duties are ever increasing client demands, technology and the rapid pace and complexity of disputes. It is within this context that our panel will explore contemporary family law practice through an ethical lens, focusing on: • The use of generative AI (e.g., chat bots and LLMs) to assist with legal tasks, including client management, legal research, drafting and document analysis. • Applying technology agnostic rules of ethics to new (and old) technology. • Navigating ethical duties in and out of Court. • The application of the overarching purpose of the family law practice and procedure to facilitate the just resolution of disputes. • Costs.

Concurrent 5B: Single Expert Witnesses: To Infinity and Beyond!

In recent years, a controversial light has been shone on Single Expert Witnesses ("SEWs") and practices relating to reports produced in parenting matters. Based on the current landscape, what does the future hold for obtaining an independent view of family dynamics and best interests of children?

Currently, legal practitioners find it difficult to engage SEW's with enough capacity to write a report; and SEW's embarking on this area of work are faced with complaints to AHPRA or other grievances. This panel style session promises a lively and thought-provoking discussion, as it examines the competing perspectives and potential solutions for litigants, the SEW's, Independent Children's Lawyer's and the ultimate decision makers - our Judicial Officers.

Concurrent 5C: Australia's Implementation of the 1980 Hague Convention: Navigating a Changing Legal Landscape

Around a million Australians live overseas and many more have family overseas.[1] In 2020, 35% of marriages and 48% of divorces in Australia involved at least one party who was not born in Australia.[2]

These overseas connections can raise serious legal problems if there is a parenting dispute involving a child who has either been taken overseas or brought to Australia.

You might be asked to seek the return of a child taken out of Australia without your client's consent, or to represent a parent in Australia who has left an abusive relationship abroad and wants to defend an application for an order requiring the return of the children.

Where would you start? How would you advise your client about how Australia deals with abducted children? How would you explain how the 1980 Hague Abduction Convention and the 1996 Child Protection Convention are going to affect the case? How would you go about defending an application for a return order?

Our session will tell you all about this and explain how abduction cases differ from ordinary parenting cases, and examine the recent legislative changes and the impact of family violence in international child abduction matters.

[1] Smarttraveller, https://www.smartraveller.gov.au/before-you-go/activities/living-overseas#:~:text=At%20any%20time%2C%20there%20are,Australians%20living%20and%20working%20overseas

[2] Marriages and Divorces, Australia, 2020, Australian Bureau of Statistics (abs.gov.au)

	Concurrent 5D: Mediation in a Court Context: The Beginning, the Middle and the End
	Wise legal advisers understand that dispute resolution is about more than just what happens at a mediation. Dispute resolution is not a single event – it is the process at the very heart of our work as family lawyers. Dispute Resolution is embodied in the overarching purpose set out in the Family Law Act, the Federal Circuit and Family Court of Australia Act and the Family Court Act (WA) and it requires, from the first client meeting, equal amounts of legal expertise, strategic focus and refined communication skills. Maintaining a resolution focus is, in many ways, harder than building a litigation focus and this session will explore why refined dispute resolution skills are so essential in a rapidly changing legal environment. In comparing dispute resolution drivers in both the pre-filing and court contexts, attendees will gain practical insights into how to advise on, prepare for, and succeed at a suite of dispute resolution opportunities.
1500-1600	**Plenary 5: Apples and Oranges: Unlocking the Secrets of Comparable Cases in Family Law Property Cases**
	Section 79 of the *Family Law Act 1975* gives the Court a broad discretion in adjusting parties' property interests. Pursuant to section 79(4) of the Act, there are a number of considerations (usually categorised under the broad descriptors of "contributions" and "future needs") that must also be taken into account when making such orders. The process of "intuitive synthesis" undertaken by the decision maker is largely the same process that must be undertaken in sentencing in criminal matters, albeit obviously with very different considerations and outcomes. To date the Full Court of the Family Court has largely eschewed the use of comparable cases by judges in the exercise of their discretion. The Full Court in *Wallis & Manning* [2017] FamCAFC 14 held that "comparable cases can and perhaps should far most often be used so as to inform relevantly assessment of contributions within section 79". However, in the same year in *Anson & Meek* [2017] FamCAFC 257, the Full Court expressed strong views against looking to comparable cases for the purposes of identifying arrange. As a general proposition, in family law property cases parties will not (indeed, perhaps cannot) provide a list of comparable cases to a trial judge to assist in the exercise of their discretion to what may or may not be appropriate outcomes. This presentation contrasts the approach taken in the family law with that undertaken in criminal law where the use of comparable cases is a regular occurrence. The format will be a moderated debate. Dr Smith, a Melbourne family law barrister, will argue for the status quo being that comparable cases are of little use in a broad discretionary jurisdiction where each case will turn on its own facts. Justice Forrester will bring her experience from the criminal law world to debate the opposite, namely that comparable cases can and should be used by parties and the Court to ensure consistency in the exercise of discretion.

1600-1700	**Plenary 6: Tomorrow's Lawyers: The Future of Legal Service and the Impact of AI on the Law**
	Richard Susskind OBE KC (Hon), the world's most cited author on the future of legal services, advises law firms and governments around the globe. He has written 10 books, including the bestsellers, *Tomorrow's Lawyers* (2013, 2016, 2023) and *The Future of the Professions* (with D Susskind, 2015, 2032). He wrote his doctorate at Oxford on AI and law in the mid-80s. His next book, *How to Think About AI*, will be published in early 2025. Richard's discussion will cover: • Mindset – how to think about the future. • Technology – trends and impact. • AI – how it will affect the work of lawyers. • Future jobs for lawyers. • How to succeed in an era of AI.
FRIDAY 1 NOVEMBER 2024	
0900-1000	**Plenary 7: When One Size Doesn't Fit All: How the System Recognises Indigenous Issues**
	There has been a 119% increase in Aboriginal child removals in the past 10 years, bringing us to the same levels as the 'stolen generations'. According to evidence, Aboriginal families experience systemic racism from the point of initial contact, with child maltreatment assessments having inherent bias and attachment theory and associated norms excluding Aboriginal families from the critical research. The outcome is that courts are presented with evidence that fails to differentiate cultural differences from risk, and prevention programs remain myopic and monocultural. In systems, 94% of staff are non-Indigenous. Yet there exist no measurable minimum standards of cultural competence, despite evidence indicating that Indigenous families fear these systems so much that they do not reach out for therapeutic support. Dr Westerman will provide a roadmap to change based on 25 years of clinical practice with Aboriginal clients.
1000-1100	**Plenary 8: Peter Nygh Memorial Lecture: Pre and Post Nuptial Agreements, Vitiating Factors, and the Role of the Trial Judge**
	What is the history of the "financial agreements" recognised by the *Family Law Act* and sometimes described as pre-nuptial and post-nuptial agreement? What are some of the circumstances in which these agreements might be held to be invalid by primary judges? What is the role of the trial judge in assessing the validity of these agreements and how is that role relevant to any appeal from a decision by the trial judge? This presentation will explore the answers to these questions, showing that the answers require knowledge and understanding of the history and development of law in the ecclesiastical courts, the common law courts and the court of Chancery and the role of the modern trial judge.
1130-1230	**Parallel Sessions**
	Parallel Session 6A: Termination of BFA's for Fundamental Breach Brought About by Conduct
	After parties enter into a Financial Agreement what if: 1. One party is subjected to significant family violence or other coercive control. 2. One party has a significant undiagnosed psychiatric condition. 3. One party develops a significant drug or alcohol addiction. 4. The party with the benefit of the BFA is injured and the other spouse must go to extraordinary lengths to care for the injured spouse.

	5. The party who is denied benefits under the BFA is injured and has significant future needs. Is there a basis to imply that the parties enter into such an agreement on the basis/assumption that the relationship will be reasonable and will not require one party's contributions to be unduly arduous? Should a spouse be allowed to use the BFA as a shield to any financial claims by the disadvantaged party? Is there liability on solicitors who fail to draft a BFA that contains an appropriate escape clause, or where inadequate advice on these points is provided to their client? Section 90KA states that the question whether a financial agreement is valid, enforceable or effective is to be determined by the court according to the principles of law and equity that are applicable in determining the validity, enforceability and effect of contracts and purported contracts… Is there a basis at law and equity on which a BFA (otherwise valid) can be found invalid, unenforceable or ineffective because of subsequent conduct outlined above? This session will explore the important issues of whether the conduct of one spouse that arises during the relationship amounts to a fundamental breach of the agreement and so should be terminated.
	Parallel Session 6B: Cross Examination: Should it be Banned in Parenting Matters?
	The time spent in the cross-examination of lay witnesses – often including both parents – in parenting trials is enormous. Yet to what benefit, and at what cost? This session aims to critically evaluate whether the time has come to abolish, or at least dramatically curtail, such cross-examination. Particular focus will given to the prospective nature of all parenting orders, which is rarely assisted by the exhaustive investigation of historical events. A senior family law silk will respond to the primary speaker, which should ensure a lively debate.
1340-1440	**Plenary 9: Compassion and Compartmentalisation: The Psychological Risks of Being a Family Lawyer**
	Now, more than ever, family law practitioners and other professionals working in our field are exposed to a high level of difficult subject matter on a frequent basis. The stakes are high and the outcomes for users of our system, and for children, are significant. We feel personal responsibility to our workplaces, to our clients and to the Court – which is often at odds with our responsibilities to ourselves, our families and ensuring that we are meeting our own needs. In this important panel discussion, we invite a diverse group of experts to discuss and address the complex psychological challenges faced by family lawyer practitioners. The discussion will explore various manifestations of psychological risk, including:

	• Vicarious trauma, where practitioners may experience secondary trauma from their clients' distressing experiences or sensitive case material; • Burnout, characterised by emotional exhaustion, reduced professional effectiveness, and a sense of disillusionment due to the intense demands of family law clients and matters; and • Compassion fatigue, where the continuous empathy and emotional investment in our work can erode our ability to empathise, remain engaged and work effectively. Panellists will share their experiences of these issues for practitioners and highlight strategies for managing these risks, including the importance of effective compartmentalisation to separate professional and personal life, self-care practices, and the role of supportive professional networks. By addressing these issues, the panel aims to provide a comprehensive view of how family law practitioners can better navigate the emotional challenges of their profession and maintain their overall wellbeing.
1440-1540	**Plenary 10: Gladiators: The Great Debate**
	The final session has traditionally been both thought-provoking and fun. This year will be no different. Sheridan Emerson plays host to international and national titans of family law – judges, senior counsel and some of our more garrulous and yet humble lawyers – as they go head-to-head on topics of controversy with you, the audience, to act as judge, jury and executioner. What rebuttable presumptions do we really need, is mediation a waste of time, should discretion be killed off, are Sydney lawyers truly the pits or do they have competition for that title? A finale not to be missed.