



4th Annual International Family Law Conference 2014

Shanghai

The Westin Bund Centre, Shanghai
17 - 19 September 2014

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4th Annual International Family Law Conference

Join us at the 4th Annual International Family Law Conference, taking place in Shanghai, China between 17 and 19 September 2014.

Throughout the three days of this unique conference, delegates will have the opportunity to hear presentations from acclaimed Australian and China based speakers plus actively participate in a number of hands-on panel sessions covering each of the conference themes.

Enjoy the Intrigue of Shanghai

From humble beginnings as a fishing village in 1842, Shanghai has grown to become Asia's leading city. Formerly known as the "Paris of the East", today Shanghai is a global, financial and cultural centre, home to the world's largest metropolitan population of over 24 million. Boasting an architectural heritage like no other city, Shanghai is a mecca for business' and tourists alike. With the city's cosmopolitan glamour and cutting edge embrace of new technology, Shanghai is now known as the "Engine of China's Future".

What our delegates from our past International Family Law Conferences have said:

'This was a great conference in all aspects.'

'Thank you for organising such a wonderful conference!'

'Top conference. Excellent spread of topics. Great Speakers. I learned a great deal and enjoyed the formal and informal aspects. Keep up the good work.'

Your 2014 Conference Package includes:

- ✓ Welcome cocktail reception
- ✓ 3 day conference held at the luxurious Westin Bund Centre, Shanghai's most iconic hotel located in the heart of downtown Shanghai
- ✓ Comprehensive papers prepared by leading Australian and Chinese judiciary, solicitors, barristers and academics
- ✓ Local cuisine lunches for each day of the conference
- ✓ One conference dinner
- ✓ Visit to the Intermediate Peoples' Court Shanghai

While you are in Shanghai...

- Walk along the Bund, Shanghai's famous waterfront which has been regarded as the symbol of Shanghai for hundreds of years
- Explore the Old Town of Shanghai where you will be surrounded by reminders of Shanghai's past. Don't miss a stroll through the Classical Yuyuan Garden
- Take in the atmosphere of the world famous French Quarter
- Wander through the relaxing oasis of The People's Park and visit the Shanghai museum and the Shanghai Urban Planning Exhibition Centre where you will see a magnificent scale model of the city of Shanghai
- Discover the waterways of Shanghai on The Huangpu River cruise
- Indulge in some retail therapy in China's premier shopping street, Nanjing Road
- Explore the artistic side of Suzhou Creek
- Go to Xiantiandi – an affluent car-free shopping, eating and entertainment district
- Pay a visit to the precious Jade Buddha Temple
- In Pudong, visit the Shanghai World Financial Centre, the tallest building in China and second tallest in the world
- Experience the ancient water town of Qibao, with a history spanning over 100 years and Zhujiajiao 'Shanghai's Venice'.

We look forward to
welcoming you in
Shanghai.



4th Annual International Family Law Conference Shanghai – Conference Program

Wednesday 17 to Friday 19 September 2014

DAY ONE: WEDNESDAY, 17 SEPTEMBER 2014

Insights into China and Family Law in an International Context

Conference Welcome by the Chair and Facilitator

The Hon. Peter I. Rose QC, Mediator, Adjunct Professor, Faculty of Law, The University of Sydney and Former Justice, Family Court of Australia

Opening Address

» Presented by **Alice Cawte**, Australian Consul-General, Shanghai, China

Understanding Chinese Legal Culture

- Unpacking present day guanxi culture
 - The present day gift giving culture
 - Getting to grips with negotiating tactics in a different culture
 - Chinese business etiquette and protocol
 - Chinese negotiation style
- » Presented by **Hongliang Liu**, Special Counsel, Hunt & Hunt, Shanghai

Setting the Scene: The Chinese Legal System

- Introduction to the legal system of the People's Republic of China
- The elements and institutions of the Chinese legal system
- Civil Law in China
- The role law plays in modern China

» Presented by Associate **Professor Wen Du**, Associate Professor, Civil, Commercial & Economic Law School, China University of Political Science and Law, Beijing

Life of a Shanghai Lawyer

Gary is a senior partner at a medium sized law firm in Shanghai. He will provide some fascinating insights into the practice of law in China and Shanghai.

» Presented by **Gary Gao**, Senior Partner /Attorney-at-law, Haworth & Lexon, PRC Lawyers

Marriage and Divorce Law for the Expat Community in China

- The role of the court in upholding traditional Chinese values and culture and its application to decisions about divorce even when one party is a foreign national
 - Pre-nuptial agreements
 - Treatment of division of property and parenting decisions
- » Presented by **Li Dahong**, Partner, Zhonglun W&D Law Firm

Asset Protection and Family Law Property Disputes in China

With the growth of the Chinese economy, family lawyers are increasingly representing clients who control different kinds of assets to clients in previous times, more particularly, assets held off shore. This presentation will offer insights into the challenges Chinese lawyers face in their day-to-day experience of resolving property disputes where parties hold property overseas.

» Presented by **Max Shao**, Whole Guard Law Firm

Family Law Financials

Latest and Greatest in Property Cases

- Analysis of the 2014 decision of the Full Court of the Family Court of Australia in *Kane* rejecting the concept of "special" contributions
- Development of the concept of special contributions- *Ferraro, Figgins, JEL v DDF*; a gendered agenda?
- Reconciling *Kane* with the High Court's 1984 statement of principle in relation to evaluation of contributions in *Malle*;
- Practical implications of the decision in *Kane*- a radically new approach to evaluating contributions or business as usual justified differently?

» Presented by **The Hon. Ian Coleman SC**, Cullwulla Chambers, Recently Retired Justice, Family Court of Australia

Avoiding Unwanted Taxation Expenses when Resolving Property Disputes

- Examining common tax issues in family law; CGT, companies, trusts, deemed dividends and Australian Taxation Office Draft Ruling TR2013/D6 and its impact on property settlements cases where one party seeks to retain a company and make a payment from that company to the other party, either by cash payment or transfer of property
 - Case studies exploring options to extract assets or the business from a company or trust
 - Exploring the differences between the ways the Court may treat tax issues in comparison to how the parties might treat tax issues in negotiations
- » Presented by **Suzanne Dellbridge-Bailey**, Principal, Dellbridge Forensic Accounting

Superannuation in 2014

- Valuing superannuation, accumulated and potential
- Options for splitting
- Flagging agreements
- Splitting SMSF with complex investments

» Presented by **Judge Michael Baumann AM**, Federal Circuit Court of Australia

The Operation of Defined Superannuation Benefits and Techniques to Bring to a Settlement or Hearing to Assist Your Client

» Presented by **Suzanne Dellbridge-Bailey**, Principal, Forsythes Forensic Accounting

A View from the Bench

Take advantage of this opportunity for meaningful dialogue with members of the judiciary regarding the legal issues concerning you.

» Facilitated by **The Hon. Peter I. Rose**, Mediator, Adjunct Professor, Faculty of Law, The University of Sydney and Former Justice, Family Court of Australia

Panel includes:

Chief Judge Pascoe AO CVO, Federal Circuit Court of Australia

Judge Michael Baumann AM, Federal Circuit Court of Australia

Judge Grant Riethmuller, Federal Circuit Court of Australia

The Hon. Ian Coleman SC Recently Retired Justice, Family Court of Australia

DAY TWO: THURSDAY, 18 SEPTEMBER 2014

The Family Lawyer: Law, Practice and Practising

Practising Family Law in a Digital World

In an inescapably electronic world, cases will be rife with social media evidence. This paper will cover issues including:

- Authentication and admissibility of electronic documents
- Interacting with the court in an increasingly electronic world
- The detrimental impact of a party's social media footprint in family court proceedings
- Types of issues in family disputes that can be clarified by evidence obtained on Facebook, Twitter, YouTube etc
- Family law in a linked and stalked society; safety and security for you and your clients

» Presented by **Judge Grant Riethmuller**, Federal Circuit Court of Australia

Heaven, Hell and Purgatory: Marriage Divorce and Nullity the Australian Way

- What is marriage?
 - Recognition of foreign marriages and effect of overseas divorce
 - Validity and nullity
 - Persons under a disability
- » Presented by **Ian Kennedy AM**, Senior Partner, Kennedy Partners

Self Represented Litigants

With the increased appearance of the self-represented litigants in family law proceedings, the likelihood of lawyers and judges encountering an unrepresented party grows. Many of these litigants know little about the legal process and this creates a number of challenges. This presentation will offer suggestions for day to day practice for the lawyer on the other side and includes a discussion of strategies to manage the obsessive compulsive litigant such as charging a litigant with contempt.

» Presented by **Kathryn McMillan QC**, Queensland Bar

'When the Judge is the Only Lawyer in the Court'

A critical consideration of the role of the Court when the case involves one or more litigants in person.

Commentary: **Judge Michael Baumann AM**, Federal Circuit Court of Australia

Parenting and Children's Issues

Inter-Country Surrogacy

- The current position in Australia regarding international surrogacy arrangements
 - Relevant rights of the surrogate child and the surrogate mother
 - Status of a surrogate child, born overseas, upon returning to Australia
 - The current conflict between federal and state laws concerning the practice of inter-country surrogacy
- » Presented by **Chief Judge John Pascoe AO CVO**, Federal Circuit Court of Australia

Parenting Cases Involving More 'Difficult' Children

- "Special needs" children where behavioural or psychological issues are involved
 - Children who resist contact
 - The behaviourally disturbed child who is anxious, aggressive or both
 - Special needs of children with developmental problems; Autism Spectrum Disorders
 - Lessons from clinical practice that are relevant to the Family Court
 - The importance of containing the anxiety of the child, parents, lawyers and the Court
 - The need for therapeutic jurisprudence
- » Presented by **Vincent Papaleo**, Psychologist, Vincent Papaleo & Associates

How the Court Treats Parenting Cases Involving 'Difficult' Children

» Presented by **Judge Grant Riethmuller**, Federal Circuit Court

Understanding Vicarious Trauma and Managing Compassion Fatigue

High conflict divorce and family court litigation often create trauma for children and their parents. Thus, families involved in high conflict divorce are often in need of a variety of intense professional interventions, including counselling, evaluation, representation and parenting coordination. These cases can be stressful; therefore, it is not uncommon for legal and court professionals to feel emotionally and physically fatigued. This session will explore factors leading to vicarious trauma, compassion fatigue and burnout.

» Presented by **Vincent Papaleo**, Psychologist, Vincent Papaleo & Associates

Commentary from the Coal Face

» Panel includes:

Chief Judge John Pascoe AO CVO, Federal Circuit Court of Australia and **Ian Kennedy AM**, Senior Partner, Kennedy Partners

DAY THREE: FRIDAY, 19 SEPTEMBER 2014

Visit the Intermediate People's Court, Shanghai organised in conjunction with Deputy President **Huang Xiangqing**, Intermediate Peoples Court of Shanghai.

Ethics Hypothetical – Back By Popular Demand

Judge Baumann will conduct and facilitate a lively interactive forum that will take the conference participants through a hypothetical world of realistic scenarios and situations that will challenge their individual moral compass.

» Facilitated by **Judge Michael Baumann AM**, Federal Circuit Court of Australia

» Panel includes:

Kathryn McMillan QC, Queensland Bar
The Hon. Ian Coleman SC, Cullwulla Chambers, Recently Retired Justice, Family Court of Australia

Registration Form

5 Easy Ways to Register

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DX 12072 Bondi Junction

☎ 02 9387 8133

☎ Fax: 02 9387 8711

✉ accounts@legalwiseseminars.com.au

🏠 www.legalwiseseminars.com.au

CONFERENCE FEE:

Standard Rate \$2650
Extra Conference Dinner Guest \$175
(All prices quoted are in AUD\$)

VENUE DETAILS:

The Westin Bund Centre Huangpu, Shanghai,
17 - 19 September 2014

ACCOMMODATION IN SHANGHAI - THE WESTIN BUND CENTER - LIMITED TO 40 ROOMS

There is a discounted single rate for deluxe room of 1,200RMB per night including breakfast (published price 3100RMB) for the dates of the conference - Tuesday 16 September to Friday 19 September. Surcharges apply for more than one guest.

Please tick this box if you would like to receive more information on room rates at The Westin Bund Center.

Please complete this form and return to Legalwise Seminars.

(ABN 40 049 329 749 ACN 102 742 843)

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Contact in Australia in case of emergency: _____

Please register me for the 4th Annual International Family Law Conference Shanghai

- Standard Conference Registration
 Extra Dinner Guest
 Please contact me about accomodation at The Westin

PAYMENT DETAILS

Electronic Funds Transfer:

For EFT payment please call accounts on (02) 8070 9915 for details.

Important: Please email your remittance advice to accounts@legalwiseseminars.com.au. Include your full name and Sha2014 as a reference when paying by EFT.

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TERMS AND CONDITIONS:

For full terms and conditions visit our website www.legalwiseseminars.com.au **CONFERENCE PACKAGE:** Not included in the conference fee is cost of travel including flights, taxis and transfers, accommodation at the conference and any travel documentation (passport etc.) or cost of Chinese visa. The conference package does not include personal or travel insurance of any kind. You MUST have travel insurance to attend the conference. All insurance is the responsibility of delegates and accompanying persons. The conference organisers do not take any responsibility for any delegate failing to adequately insure. Australian delegates are required to hold a passport for six months from the date of arrival. **SUBSTITUTES:** Should you be unable to attend, you are welcome to arrange for a substitute delegate to attend in your place. Please notify our office with their details by email to accounts@legalwiseseminars.com.au. **CANCELLATIONS:** If you are unable to attend the 4th Annual International Family Law Conference: Shanghai, please notify our office in writing to accounts@legalwiseseminars.com.au. A cancellation fee of \$200 will apply if your cancellation is received by COB Friday 13 June 2014. No refunds will be made for any cancellation after COB Friday 13 June 2014. Additional cancellation terms may apply for any flights or other travel arrangements ancillary to the conference registration. **PROGRAM VARIATION:** Legalwise Seminars Pty Ltd retains the right to vary the program to deal with unforeseen circumstances. This includes cancelling or rescheduling the conference and changing speakers or content if the occasion obliges it to do so and to alter the package inclusions in the event of circumstances outside their control. **ACCREDITATION:** If this program is relevant to your immediate or long term needs in relation to your professional development and practice of law, you may claim one MCLE/MCPD/CPD points for each hour of attendance excluding refreshment breaks, or to the maximum permitted by the Rules governing your admission and practice in the state in which you are admitted.

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