# YOUR NOVEMBER CPD GUIDE

#### **MELBOURNE**

22 - 25 November 2016 InterContinental Melbourne, The Rialto





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#### **SCHOOL LAW CONFERENCE**

**TUESDAY, 22 NOVEMBER 2016** 9.00AM TO 5.15PM

For the first time ever, Melbourne's premier School Law Conference now offers two streams, allowing you to delve deeper into the issues their role. Legal risk. It's the number one concern for many schools. And if it isn't, it should be. From duty of care to dealing with aggressive leading school law conferences offers pragmatic advice from legal experts to guide you through today's challenges that could present

that you encounter. Choose to move between streams, or send multiple staff so that everyone benefits from tailored training specific to parents, schools are bombarded with tricky situations that staff may not necessarily be prepared or trained to deal with. Our industry you with a serious legal risk tomorrow.

1611V01C

#### **MORNING SESSION: 9.00AM TO 1.15PM**

#### CHOOSE STREAM A OR B

\$480

## STREAM A: EMPLOYMENT LAW AND HEALTH AND SAFETY CONCERNS IN SCHOOLS

1611V01A

» Chair: Louise Houlihan, Principal, Sladen Legal

## Serious Incident Management: From Notification to Prosecution

- Incident management: What must a school have in place?
- When is an incident notifiable to the Regulator?
- Incident investigations: preserving the school's position
- Dealing with third parties: families, media and stakeholders
- What happens if the school is prosecuted for a safety incident?
- » Presented by **Patrick Barry**, Barrister, Howard Zelling Chambers

#### Addressing Mental Health Issues in the Workplace

Education involves high risk employment where staff mental health concerns are common. How can schools cope?

- Best practice in managing health and safety, attendance and performance
- Medical information and privacy
- Avoiding discrimination and adverse action claims
- » Presented by **Catherine Dunlop**, Partner, Maddocks

## Responding to Staff Complaints: A Staff Bullying Case Study

- The difference between informal and formal complaints
- Getting the initial response to a complaint right
- Deciding whether to appoint an external investigator and rely on legal professional privilege
- Tips for an effective investigation and traps for the unwary school
- Dealing with vexatious complaints
- » Presented by **Ben Tallboys**, Senior Associate, Russell Kennedy

## **Speaking out of School: Social Media and After-Hours Staff Conduct**

- What are schools entitled to know about the background of school staff?
- When does conduct outside of work hours become a workplace issue?
- Social media governance: when a click of the mouse creates an extension of the workplace
- » Presented by Michaela Moloney, Partner and Katie Sweatman, Senior Associate, K&L Gates

## STREAM B: ON THE FRONT LINE: STUDENT WELLBEING AND THE LAW 1611V01B

» Chair: Tim Jezard, Head of Student Services, Overnewton Anglican Community College

#### **LGBTIQ Students and Sexuality Issues in Schools**

- The legal considerations that arise in the context of LGTBIQ students, including:
- A school's duty of care to students
- Obligations under anti-discrimination legislation
- Obligations under health and safety legislation
- How to navigate the legal framework when dealing with the practical day to day issues arising in schools
- » Presented by Justine Kelly, Special Counsel, Norton Gledhill

#### **Students with Disabilities and Additional Learning Needs**

- Disabilities defined
- Obligation to make 'reasonable adjustments'
- When 'reasonableness' goes too far: 'unjustifiable hardship'
- Key issues in practice: managing enrolments, challenging
- behaviour and unreported disabilities
- Case examples
  - » Presented by Nicholas Duggal, Partner and Elizabeth Aitken, Associate, Tress Cox Lawyers

#### Cyber-Bullying and Social Media: The Current Reality

- Educating students, parents and teachers
- At what point must the school step in?
- Recent case studies and issues involving schools and cyberbullying
- Serious consequences that bullies can face
- » Presented by Tony Carbone, Managing Partner, Nowicki Carbone; Deputy Chair, Bully Zero Australia Foundation

#### Student Discipline

- Discipline options
- Suspension and expulsion
- Student searches and restraint
- Harmful items
- Sexual misconduct
- » Presented by Steven Troeth, Partner, Gadens; Member, ANZELA

#### AFTERNOON SESSION: 2.00PM TO 5.15PM

STREAM A: LEGAL COMPLIANCE CONCERNS FOR SCHOOLS

» Chair: Felicity Cara-Carson, Senior Associate, Pointon

#### The Enrolment Contract: Getting it Right

- Who are the parties and when is a contract formed?
- Essential parts of the contract: express and implied terms
- Variation of the contract
- Australian Consumer Law
- Discrimination

Partners

- Breach of enrolment contract: issues around fees
- » Presented by Leneen Forde, Principal, Norton Gledhill; Sessional Member, Victorian Institute of Teaching

#### Role of the School in Family Law Processes

- Responsibilities of the school in enforcing court orders and subpoenas
- Understanding parenting arrangements and shared parental responsibility
- Parent and student consent: best practices for working with separated parents and divided and blended families
- Privacy issues for students
- Giving evidence in proceedings
- » Presented by Tim Mulvany OAM, Partner, TJ Mulvany & Co; President, Children's Protection Society

#### **Child Safe Standards Update**

- Update on the Child Safe Standards: What have we learnt?
- Legal aspects of a claim of child abuse
- How to respond to complaints of child abuse
- Record keeping and confidentiality
- Practical case studies from child abuse claims
- » Presented by Skye Rose, Senior Lawyer, Moores Legal

Have been coming for over 10 years and enjoying legal opinion

**CHOOSE STREAM A OR B** 

STREAM B: DUTY OF CARE POLICIES WORKSHOP: SCHOOL RESPONSIBILITY AND RISK MANAGEMENT 1611V01D

#### **Duty of Care Policies: An Interactive Workshop**

This workshop will consider example policies and discuss their points of strength and their weaknesses. Utilise this valuable policy interpretation workshop to tighten your school's duty of care policies. The workshop will also discuss important points for your staff to know if a duty of care complaint is made against them.

#### **Duty of Care for Schools and Teachers**

- Understanding your Duty of Care
- Obligations on yard duty
- Before and after school care
- Sport and other injuries
- Record keeping and risk management

#### Bullying and Effective Risk Management

- When are schools and teachers liable?
- Does the duty of care extend outside the school gates?

## Technology and Online Misconduct

- What are the legal consequences of misuse of technology in schools?
- Avoiding misuse of technology by students
- Appropriately dealing with online incidents

#### Camps and Excursions

- Duty of care on camps
- What should your school's policy cover?
- Risk assessments for camps and excursions

#### **Policy Review and Workshop**

- Analysis of example policies and their strong and weak points
- Utilising this valuable policy interpretation workshop to tighten your school's policies and stay on top of your Duty of Care obligations

Bring your questions and your insights for a lively and informative workshop and Q&A where you can find the answers to your most pressing duty of care and policy questions.

» Presented by Marini Mann, Special Counsel, Gilchrist Connell





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#### **MAKING ADMINISTRATIVE DECISIONS**

1611V02

**TUESDAY, 22 NOVEMBER 2016** 9.00AM TO 1.15PM \$480

When are reasons for decisions required, where does criminal law stop and administrative law begin and how do procedural indulgences show in decision making and reviews? These are all topics that challenge the predictability and expected outcome of legal proceedings in administrative law. Decision makers and those practising in administrative law cannot afford to miss this program.

» Chair: His Honour Tom Wodak, former County Court Judge, former Principal Character Decision Maker, Department of Immigration and Citizenship

#### Interplay Between Administrative Law and Coextensive **Criminal Proceedings**

- Do the McMahon v Gould right to silence stay principles need to be recalibrated in light of the 'the companion rule expressed' in X7, Lee No. 1 & 2, and Zhou?
- When an administrative inquiry will be in contempt and how to avoid it: the rule in Hammond
- How to marshal the evidence to make a stay application
- How to resist a stay application, or get around one, and when to concede
- » Presented by Justin Wheelahan, Barrister, Owen Dixon Chambers West

#### **Preparing Reasons for Administrative Decisions**

- When are reasons for decisions required to be given by a
- How can reasons be drafted to effectively communicate a
- Understanding where reasons often fail to be understandable and defensible
- How can you reduce the prospects of reasons being challenged in a court or tribunal
- » Presented by **Kylie Evans**, Barrister, Owen Dixon Chambers

#### **Procedural Indulgences for Applicants in Administrative Decision Making and Reviews**

- Indulgences: adjournment, delay, further opportunity and the nature of administrative proceedings
- Procedural fairness: assistance to be provided by the administrative decision maker
- Valid and invalid reasons for refusing indulgences: balancing competing interests
- Recent trends and attitudes by courts
- » Presented by Angel Aleksov, Barrister, Castan Chambers

#### **Administrative Law Developments in 2016**

- Procedural fairness and unrepresented litigants: AMF15 v Minister for Immigration and Border Protection [2016]
- Legal unreasonableness: Minister for Immigration & Border Protection v Eden [2016]
- Statutory requirements in commercial decisions: Acquista Investments Pty Ltd & Anor v. The Urban Renewal Authority
- Public sector integrity bodies in Victoria: challenges and
- » Presented by Gerard O'Shea, Barrister, Joan Rosanove Chambers

#### ATTEND AND EARN

4 CPD units in Substantive Law



#### **CPD MANDATORIES FOR IN-HOUSE COUNSEL:** YOU AGAINST THE WORLD

1611V03

TUESDAY 22 NOVEMBER 2016 2:00PM TO 5:15PM \$480

In-house counsel used to be seen as a resource. Now they're cost centres that must demonstrate value or suffer the consequences. You may be great at your job, but if you can't prove your worth, you'll pay the price. Master how to take control of your career and your future.

» Chair: **Eugene Foo**, Senior Legal Counsel, Latitude Financial Services (Formerly GE Capital).

#### **Practice Management & Business Skills Proving Your Worth to the Wider Organisation**

Executives can point to profits. Lawyers in firms can trumpet their billable hours. But how can you irrefutably demonstrate your value when being more cost-effective than external counsel simply isn't enough anymore?

- Quality and value: half as costly and twice as good as external counsel
- Efficiency: leveraging an intimate knowledge of the company and all its facets
- Team player: improving the inner workings of the company
- Responsibility and accountability: taking charge
- » Presented by Pearl Dreier, Chief Legal Counsel, RACV Legal Services

## **Ethics & Professional Responsibility** When In-House Counsel and Management Don't See Eye

You explain to management why the company can't do something. They then proceed to do exactly what you said they shouldn't. What now?

- Your ethical duty: obligations when management acts against your advice after you raised ethical concerns; what to document and when to notify a third-party
- Your duty to the company: What if there's a strong commercial incentive for an action that falls in a murky grey area ethically? Finding the balance, suggesting alternatives and getting management to see it your way
- What about you? Protecting yourself, your job and your professional future while still meeting your ethical duties
- » Presented by John Snowdon, Chief Legal Officer, Northern Health

#### **Professional Skills**

#### A Seat at the Table: Governance Skills, Corporate Boards, and Becoming a Business Partner

What better way to become an irreplaceable asset than by branching out beyond legal advice and securing a spot on the corporate board?

- What directors want from you
- The skills needed in the boardroom to succeed and how to cultivate them
- Influence and power: making your voice heard in the decision-making process
- Leveraging assertiveness, leadership and your legal skills
- » Presented by Brendan Earle, Partner, Herbert Smith Freehills

#### ATTEND AND EARN

- 1 CPD unit in Practice Management & Business Skills
- 1 CPD unit in Ethics & Professional Responsibility
- 1 CPD unit in Professional Skills



# **Lunchtime Web Seminars** series

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\$155

Pick and choose your sessions, or sign up for a bundle with great discounts on bulk bookings with our Membership Program for Individuals or Corporate Subscription Packages for firms. Compulsory core areas will be included throughout the CPD year. LOG THESE UPCOMING DATES IN YOUR DIARY:

- 2 Practice Management: Risk Management Planning For Your Firm
- 16 Intellectual Property Law: Copyright versus Design Law
- 30 Ethics & Professional Responsibility: Ethical Issues Outside of the Workplace: Did I Just Say Too Much?

- 14 Workplace Law: Best Practice in Drafting and Negotiating Employment Contracts?
- 28 Practice Management & Business Skills: Stress Management: A Survival Guide for Lawyers
- 28 Professional Skills: Assert Yourself: Success Through Assertiveness

#### NOVEMBER

18 Wills and Estates: Integrating Super into Estate Planning

#### DECEMBER

Property Law: Misleading or Deceptive Conduct in Contracts for the Sale of Land

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# **INAUGURAL** REGULATORY ENFORCEMENT CONFERENCE

**WEDNESDAY, 23 NOVEMBER 2016** 

9.00AM TO 5.15PM

1611V06

\$860

\$480

An ominous letter from ASIC. The Ombudsman or handle your business. Master how to do the latter treacherous world of regulatory enforcement.

would like a word. Three missed calls from the ATO. The ACCC is at your door. You have two options: PANIC with real-world guidance from the experts and the Regulators on navigating the increasingly frequent and

#### SESSION 1: REGULATORY PRACTICE AND PROCEDURE

\$480

1611V06A

2.00PM TO 5.15PM 1611V06B

» Chair: Carmen Currie, Barrister, Scottish House Chambers

» Presented by **Michael Pearce SC**, Owen Dixon Chambers

#### An Uninvited Guest: What to do When the **Regulator Comes Knocking**

» Chair: David Grant, Partner, Logie-Smith Lanyon Lawyers

- Step-by-step guide for navigating, and surviving, the process
- Being prepared before the Regulator ever darkens your
- Communicating with the Regulator
- Critical documentation issues
- Above all else, what not to do
- Know your foe: coercive investigatory powers
- Understanding the powers to compel
- Identifying the scope of the powers
- Important limitations: what the Regulator can and cannot do with your information
- Admissibility issues

9.00AM TO 1.15PM

» Presented by Fred Prickett, Partner; Best Lawyers, Litigation and Xuelin Teo, Special Counsel, Clayton Utz

#### **Ethics & Professional Responsibility Exceptions: Privileges, Privacy and Critical Ethical Issues**

- Legal Professional Privilege
- Privilege against self-incrimination
- Privacy concerns
- Conflict of interest: who acts for the company and who for the director?
- Chambers West

#### **HEAR FROM THE OMBUDSMAN**

#### **Case Study: Financial Ombudsman Service**

In-depth case study illustrating a real-world situation that arose involving the FOS, how they approached the situation, what the parties involved did correctly or incorrectly, and how the situation was resolved.

» Presented by **Philip Field**, Lead Ombudsman - Banking and Finance, Financial Ombudsman Service

**INSIGHTS FROM ASIC** 

investigations regarding the use of false documents and the

Fraud: Investigating the Art of Deception

An exploration of what ASIC has seen in contemporary

• Demonstrations concerning the creation of false

• The Why? Some of the drivers to false document

• Technologies seen and used to create fraudulent

Services Enforcement, Australian Securities and

• Observed failures and consequences in not verifying

» Presented by Tony Creef, Senior Investigator, Financial

business of 'fraud document' production

• How fraudsters subvert verification

Investments Commission

documents

production

# **Royal Commissions and Inquiries**

• A roadmap for the civil litigation route

**Civil Litigation and Penalties:** 

**SESSION 2: REGULATORY DISPUTES** 

• What to expect: tips and traps

**Anything but Civil?** 

• Settling civil penalty litigation

- Responding to notices to produce, compiling witness statements and preparing for a hearing
- Making it out unscathed, more or less
- Handling matters involving the increasingly active IBAC
- » Presented by Howard Rapke, Managing Partner, Best Lawyers 2017, Litigation, and Roxanne Burd, Senior Associate, Holding Redlich

#### **Taking Your Medicine: Enforceable Undertakings and Other Regulatory** Settlements

- Is it a viable alternative to defending an alleged breach?
- A delicate balance: the risks and the rewards
- When to propose one and how to prepare
- » Presented by Zaven Mardirossian, Partner, Arnold Bloch

#### It Could Get Worse, a Lot Worse: **Criminal Consequences**

- Insider trading
- Foreign bribery legislation
- Anti-money laundering
- Whistleblower considerations
- » Presented by W Brind Zichy-Woinarski QC, Aickin Chambers

» Presented by Rod Saunders, Barrister, Owen Dixon

## THE IN-HOUSE PERSPECTIVE

#### **Strategies to Avoid Enforcement Actions: An Ounce of Prevention is Worth a Pound of Cure**

Getting through a regulatory enforcement action in one piece is all well and good, but not having to go through the process at all is even better. Gain practical insights and strategies to ensure regulatory compliance.

» Presented by Megan Fincher, Senior Legal Counsel, CSIRO

THE HOT GROWTH AREA YOU CAN'T **AFFORD TO IGNORE** 

#### ATTEND AND EARN

7 CPD units including: 0.5 units in Ethics & Professional Responsibility



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#### COMMERCIALISING COPYRIGHT: **INNOVATION AND THE** 'IDEAS BOOM'

1611V04

**WEDNESDAY, 23 NOVEMBER 2016** 9.00AM TO 1.15PM \$480

Australia's 'ideas boom' and drive towards innovation will have a profound impact on the work of legal professionals working within copyright law. Master how to establish and commercialise copyright and intellectual property whilst considering key regulatory and industry developments.

» Chair: Frances Wheelahan, Partner, Corrs Chambers Westgarth

#### **Key Developments and Hot Topics in Copyright Law**

- The Copyright Amendment (Online Infringement) Bill in
- The test case: The Village Roadshow & Foxtel
- The Productivity Commission's Report: Does Australia's copyright practice need modernisation and what could this mean for lawyers?
- Copyright Amendment (Disability Access and Other Measures) Bill 2016
- » Presented by Warwick Rothnie, Barrister, Owen Dixon Chambers East

#### **Copyright for Start-ups in the Ideas Boom**

- The line between 'inspiration' and 'copying'
- Raising money: issues with collaborations and crowdfunding
- Tips and tricks for online businesses
- Brand protection: copyright, trademarks, business names, domain names, or all four?
- Commercialising IP: key concepts for lawyers
- » Presented by Natalie Hickey, Barrister, Owen Dixon Chambers West

#### Copyright in Social Media: Practical Risk Management

- What does fair usage mean in the context of social media?
- What does a social media copyright infringement look like?
- Pitfalls of posting and repining
- Who owns a social media account?
- Advising on social media policy with respect to copyright
- Crisis management
- Sevin vs Taylor: Look out for 'copyright trolls'
- » Presented by Sharon Givoni, Principal, Sharon Givoni Intellectual Property Lawyers

#### **Copyright Law and Digital Innovations**

- Licensing digital services in light of new distribution methods
- The Commissioner of Taxation v Seven Network Limited: protection for digitally created data streams and understanding which statutory protections apply
- Big Data and cloud technology: How does copyright law apply to shared services?
- » Presented by Emily Kleidon, Senior Associate, Corrs Chambers Westgarth

#### ATTEND AND EARN

4 CPD units in Substantive Law



#### **CPD MANDATORIES:** FORGET THE LAW, SHOW ME THE MONEY

1611V05

#### **WEDNESDAY, 23 NOVEMBER 2016** 2.00PM TO 5.15PM \$480

Money makes the world go 'round, so put the law aside and make an investment in honing your financial skills while knocking out your mandatory CPDs. If you want to provide sage financial advice to your clients and be prepared for the future all while getting paid, then let our panel show you how to make dollars make sense.

» Chair: Melissa Kirby, Legal Director, Sharpe & Abel

#### **Ethics & Professional Responsibility** The Price of Greed: Money, Ethics and the Law

"The main thing about money, Bud, is that it makes you do things you don't want to do." - Wall Street

- Your ethical obligations when you suspect unscrupulous financial activity by a client
- You notice suspicious financial figures in your firm or business: Now what do you do?
- When can you or your client profit where you know a third-party is operating on incorrect information?
- When does strong leverage veer into taking an unfair advantage?
- Tough disclosure issues: financials and transparency
- How open should you be with financial figures and your emplovees?
- » Presented by Theo Alexander, Barrister, Owen Dixon Chambers West

#### **Professional Skills**

#### Stick 'em up! Negotiating to Get Paid

Whether you're a commercial lawyer, a litigator, or in-house counsel, you'll never escape the fact that at the end of the day a great many issues boil down to one inevitable factor: money.

- Master how to negotiate money matters to seal a deal, settle a dispute, or satisfy a client
- Trying to identify the other side's true bottom line
- Making an irrefutably persuasive argument: if there is such
- Tips on handling a client or third-party upset about a
- » Presented by David Brett, Consultant, McKean Park

#### **Practice Management & Business Skills Operating Legal Practice Trust Accounts in Victoria**

Borrowing, comingling or failing to properly track funds in a trust account is not a great idea, to put it mildly. Avoid disaster and get a handle on some of the most important and potentially problematic trust changes that came into play with the Uniform Law.

- Uniform Law and the consequences for trusts
- Changes to trust year and how it might affect you
- Understanding new legal forms for trust accounts
- » Presented by Jeffrey Luckins, Director, William Buck

#### ATTEND AND EARN

3 CPD units including: 1 unit in Ethics & Professional Responsibility 1 unit in Practice Management & Business Skills 1 unit in Professional Skills



#### **ESTATE DISPUTES: DUCKING THE** RISING COSTS OF LITIGATION

THURSDAY, 24 NOVEMBER 2016 9.00AM TO 1.15PM \$480

Navigating estate disputes has become an ever more costly and time-consuming process. Master how to navigate estate litigation to secure successful and efficient outcomes for your client without wasting your, or your client's, time.



Chair and Opening Address: Judge Kathryn Kings, County Court Victoria

#### **Solicitors' Duty of Care**

- Update on Calvert v Badenach
- Instances of liability
- Can problems be fixed?
- Ethical issues
- » Presented by Carolyn Sparke QC, Owen Dixon Chambers

#### **Testamentary Capacity: Recent Cases Contesting Capacity**

One of the most frequent ways to dispute a will is to contest capacity. This session analyses recent cases where claims have been successful or where they have failed. Know and understand both sides of the story.

» Presented by **Ursula Stanisich**, Barrister and Nationally Accredited Mediator, Isaacs Chambers

#### **Time Limits in Challenging Wills**

Understand the applicable time limits, whether time can be extended, what legal principles apply, and the practice and procedure related to extension applications.

- Family Provision claims
- Rectification of wills
- Challenges to validity of wills: testamentary capacity, knowledge and approval, undue influence, fraud
- Revocation of probate
- Will construction cases
- R 54 applications
- Executors' commission applications
- » Presented by **Richard Phillips**, Barrister, Isaacs Chambers

#### **Recent Cases: Update and Analysis**

The most recent cases in the area of succession, including Family Provision, construction of wills, statutory will applications. The cases will be discussed and the principles applied through a case study.

» Presented by Nathan McOmish, Barrister, Isaacs Chambers



#### ATTEND AND EARN

4 CPD units in Substantive Law



#### **TECHNOLOGY AND CYBER SECURITY FOR LAWYERS**

1611V08

**THURSDAY, 24 NOVEMBER 2016** 2:00PM TO 5:15PM \$480

We live in a digital world where it is critical for lawyers to stay on top of technology and their privacy obligations. Let our specialists guide you on staying up-to-date with technology in your practice, keeping clients' information safe and adhering to your privacy law obligations. Don't miss this opportunity to keep your practice modern, efficient and compliant, all while gaining your core CPD points.

» Chair: Sarah Fountain, Senior Associate, DLA Piper, Founder of InsurTech Melbourne

#### **Ethics & Professional Responsibility** Cyber Breaches: Staying on Top of Your Professional Responsibilities

- Ethical obligations in the event of a cyber breach
- Penalties for breach of ethical obligations
- Avoiding potential claims for duty of care and negligence
- Creating a 'bullet-proof' data storage policy to ensure you keep on top of your ethical obligations
- » Presented by **Dudley Kneller**, Partner, Madgwicks Lawyers

## PERSPECTIVES FROM THE PANEL

#### How to Keep Your Clients' Data Safe

**Professional Skills** 

- The types of attack, and adversaries, you are likely to face
- Carrying out security and privacy risk assessments
- The role of cyber security insurance
- Implications of the new Australian Cyber Security Strategy
- Data breach disclosure and incident response
- Avoiding litigation and ransom demands and having a plan to respond
- » Panellists:

Nick Ellsmore, Founder & Chief Apiarist, Hivint Geoff Stooke, Managing Director, Modern Risk Solutions Sarah Fountain, Senior Associate, DLA Piper, Founder of InsurTech Melbourne

#### **Practice Management & Business Skills** Running a 'Mobile' Practice: New and Emerging **Technologies**

The way we communicate is changing rapidly with the emergence of new technologies. It is important to stay on top of new mobile technologies to ensure that you do not lose touch with your clients and that your legal practice remains accessible and adaptable.

» Presented by Kurt Falkenstein, Founder & Partner, General Standards

#### ATTEND AND EARN

3 CPD units including: 1 unit in Ethics & Professional Responsibility

1 unit in Practice Management & Business Skills 1 unit in Professional Skills

# INTERSTATE LIVE WEB SEMINARS

#### AGRIBUSINESS: A \$5 BILLION OPPORTUNITY

\$480

THURSDAY 10 NOVEMBER 2016 9:00AM TO 1:15PM

#### Water Rights and Licensing: Rights and Key Issues

» Presented by James Levinson, Principal, Botten Levinson Lawyers; Recognised Planning and Environment Lawyer, Doyle's Guide 2016

#### **Capital Access and Foreign Investment in Agribusiness**

» Presented by Tara Page, Partner- Adelaide, Thomson Geer; Recognised Agribusiness Lawyer, Doyle's Guide 2016

#### **Food Labelling and Advertising Changes**

» Presented by Rebecca Halkett, Director, Kain Lawyers

#### **Brand Protection**

» Presented by Louise Emmett, Partner, Madderns

## **Penetration of Foreign Markets: Doing Business Overseas**

» Presented by Susan O'Rourke, Managing Director, Four Winds Legal

#### **6TH ANNUAL MARITIME AND SHIPPING LAW SEMINAR**

WEDNESDAY 16 NOVEMBER 2016 9:00AM TO 1:15PM 1611W04

#### **Latest Developments in Maritime Law**

» Presented by Robert Corboy, Barrister & Solicitor, Corboy

#### **Maritime Insurance; Policy Changes in Practice**

» Presented by Richard Edwards, Partner, DLA Piper

#### A Study of Recent High Profile Cases in Ship Arrests and Insolvency

» Presented by: Hazel Brewer, Partner, Holman Fenwick Willan

#### **Tips and Traps in Shipbuilding Contracts**

» Presented by Dr Patricia Saraceni, Director, Litigation and Dispute Resolution, Clifford Chance

#### **Ports Reform in Western Australia**

» Presented by: Richard Donaldson, General Counsel, Pilbara Ports Authority

#### FOOD LAW: NEW RULES, NEW STRATEGIES

\$480

THURSDAY 24 NOVEMBER 2016 9:00AM TO 1:15PM

#### Managing Food Safety Risks Through Product Recall or Withdrawal

» Presented by Alan Edwards, Senior Food Incident Response & Complaints Co-ordinator, NSW Food Authority

#### **Country of Origin: Fact, Fiction and the New Requirements**

» Presented by Chris Preston, Director, Legal and Regulatory, Australian Food and Grocery Council

#### **Intellectual Property and the Food Industry**

» Presented by Spiro Pappas, Director, Craft Legal

#### Advertising and Labelling Compliance Requirements in the Sale of Food

» Presented by Janine Curll, Food Labelling and Regulatory Affairs Specialist/Director, Food Labelling Matters

#### LEASING AND VALUATION FUNDAMENTALS WORKSHOP

1611V09

WEDNESDAY, 23 NOVEMBER 2016

9.00AM TO 5.15PM

\$860

\$480

One size rarely fits all when it comes to leasing. Attend this interactive workshop to explore the step by step process in drafting a watertight lease for any transaction. Participate in a series of interactive workshops and a live Q&A with experienced practitioners where all your questions will be answered.

» Chair: Max Cameron, Partner, Minter Ellison

**SESSION 1: INTERACTIVE LEASE DRAFTING WORKSOP** \$480 9.00AM TO 1.15PM 1611V09A

#### **Fundamentals of Drafting Leases**

- Assignment of leases and subleases
- Adding value for the tenant
- Common clauses to include
- Rights and responsibilities of the tenant and landlord
- Determination of commencement date
- » Presented by Mark Flynn, Partner, Mckean Park Lawyers

#### Formalities and Legalities of Leases

- Statutory consents
- Lease formalities
- What you need to know about the Retail Leases Act
- Examples and cases of what went wrong and how to
- » Presented by Robert Hay QC, Barrister, Owen Dixon Chambers West

#### **Dispute Resolution in Leasing**

- Strategies for dealing with defaults
- Section 146 notices
- Options for termination
- Re-entry: tips and traps
- Claiming damages • Abandoned goods
- » Presented by David Dickens, Senior Associate, Hall & Wilcox Lawyers

#### Live Q&A

Participate in a live Q&A where any questions you have had throughout the day can be asked and answered by an experienced practitioner.

» Presented by Max Cameron, Partner, Minter Ellison

**SESSION 2: VALUATIONS IN LEASING WORKSHOP** 

2.00PM TO 5.15PM 1611V09B

#### A Valuer's Perspective on Leases

- How leases affect capital values
- The trend of side agreements to leases and what valuers need to know
- Common mistakes valuers find in leases
- Market update: what you need to know today
- » Presented by Jason Stevens, Director, Herron Todd White

#### The Lawyer and Valuer's Role in Market Rent Review Clauses

Market rent review clauses are frequently heavily negotiated in leases by lawyers, but do lawyers really understand how valuer's interpret and apply these clauses? In this session we look at how valuer's approach common rent review provisions

- The valuation process and the Retail Leases Act
- What information to provide to valuer's
- Case review: market rent reviews, the issues faced when it doesn't work and how to deal with it
- » Presented by Margot Sharpe, Partner, Holding Redlich and Jason Stevens, Director, Herron Todd White

#### **Critical Leasing and Valuation Issues**

- Negotiation, settling and disputes
- Effective rent/face rent and valuation determined incentives
- Obligations to repair and maintain
- Assignment of lease: tips
- Discounted rents for non-commercial tenants
- Drafting best practices for market rent review clauses

• Rent reviews that take into account tenant business performance

Bring your questions and your insights for a lively and informative Q&A where you can find the answers to your most pressing leasing and valuation issues.

» Panelists:

Michael Westaway, Partner, HWL Ebsworth David Gabriel-Jones, Principal, The Public Land Consultancy

Richard Brooks, Partner, Ashurst

ATTEND AND EARN



#### WORKERS' COMPENSATION CONFERENCE

1611V10

FRIDAY, 25 NOVEMBER 2016 9.00AM TO 5.15PM \$860

You wanted a timely and practical workers' compensation seminar and we've delivered. Hear about the latest cases and guidelines, pick up practical tips and checklists, master how to find success in the ever-growing area of psychiatric injury cases, discover how to streamline your WorkCover practice, and gain your CPD mandatories all in one day.

**SESSION 1: LATEST DEVELOPMENTS AND ISSUES** IN WORKERS' COMPENSATION

\$480

9.00AM TO 1.15PM

2.00PM TO 5.15PM 1611V10A

» Chair: Catherine Kusiak, Barrister, Owen Dixon Chambers

#### Workers' Compensation: Latest Developments and **Decisions**

» Chair: Mary Anne Hartley QC, Owen Dixon Chambers West

- Magistrates' Court
- Serious injury applications (new Ministerial Guidelines)
- Damages actions
- Other relevant jurisdictions
- Appeals
- » Presented by: **Nick Horner**, Barrister, Douglas Menzies Chambers

#### When did the Injury Occur? During Work of Course! When are Injuries at Work not Really 'in the Course of **Employment'?**

- Application of the Hatzimanolis principle
- Fly-in/ fly-out workers
- Injuries sustained in 'overall period of employment'
- Checklist of factors
- Recent cases
- » Presented by: Jing Zhu, Barrister, Douglas Menzies

#### Assessing Psychiatric Injuries and Analysing Medical **Findings**

- Guidance on assessments
- What do psychiatrists look out for?
- Interpreting psychiatric reports
- » Presented by: Nigel Strauss, Psychiatrist, Occupational Psychiatry

#### **Building a Mental Stress Case**

- Assessing stress as a clinical medical condition
- Gathering evidence in a claim for a stress injury
- Pre-existing conditions and aggravations/ exacerbations
- Multi-factorial causes/ contributions
- Issues affecting quantum in statutory benefits cases and common law damages cases
- Examples of successful stress cases
- » Presented by: Campbell Hangay, Barrister, Owen Dixon Chambers East

#### SESSION 2: CPD MANDATORIES FOR WORKERS' **COMPENSATION LAWYERS**

\$480

1611V10B

#### **Ethics & Professional Responsibility Key Ethical Considerations for Workers' Compensation** Lawyers

- Ethical considerations when instructing a medical
- Dealing with a self-represented or unrepresented opposing
- Working with a client who has a mental illness
- » Presented by Saide Bittar, Solicitor & Specialist in Workers' Compensation & Risk, National Australia Bank; Former Legal Advisor to VIC Medical Panels

#### **Professional Skills**

#### **Evidence and Pleadings in Workers' Compensation Cases**

- Common mistakes in pleadings
- Drafting pleadings in compliance with the Civil Procedure Act 2010
- Interaction between pleadings and evidence
- » Presented by: Karina Popova, Barrister, Owen Dixon Chambers West

#### **Practice Management & Business Skills Streamlining the WorkCover Claims Processes**

- Creating a structure to enable the handling of a large number of claims
- Efficient processing of WorkCover claims: understanding the inner workings of WorkCover
- Managing your practice to achieve the best results for clients
- » Presented by: Carolyn Ford, Senior Associate, Maurice

Very informative and interesting; great presenters



# ATTEND AND EARN

7 CPD units including:

4 CPD units in Substantive Law

1 CPD unit in Ethics & Professional Responsibility

1 CPD unit in Professional Skills

1 CPD unit in Practice Management & Business Skills

#### **CONTRACT LAW: RISKY BUSINESS**

1611V11

**FRIDAY, 25 NOVEMBER 2016** 9.00AM TO 1.15PM

\$480

Participate in this practical half day seminar to equip yourself with the knowledge and tools to mitigate any risk in contract drafting and keep one step ahead of the game.

Chair: Rohan Millar, Barrister, Melbourne Chambers



#### NEW LEGISLATION ALERT

#### Preparing for the New Regime: Australian Unfair **Contract Terms**

- Terms in a standard form that are deemed unfair
- Understand how the change of legislation for standard form contracts will affect you
- Explore how the Australian Consumer Law assists in protecting against unfair contract terms
- The consequences of void terms in standard form
- Misleading and deceptive conduct and unconscionable conduct claims and their impact on contracts
- » Presented by Laura Young, Special Counsel, HWL Ebsworth

#### Contracts and International Parties: Don't Miss the Boat

International contracting is on the rise. Even if your clients don't contract with international parties it's likely that the parties they do deal with have international links. Be prepared for the increasing global economy and what to watch out for.

- International clauses and understanding which laws apply
- Local contracts dealing with international suppliers
- What to consider before agreeing to a governing law and jurisdiction clause
- » Presented by Robert Boadle, Barrister, Castan Chambers



#### CASE STUDY

#### **Navigating the Complexities of Negotiation to Avoid** Risk: A War Story

- Managing the road blocks
- Tips on how to assess your opponent's weakness
- Improving success rates in win win contracts
- Drafting risk allocation clauses: indemnity, limitation, exclusionary, agreed damages, liquidated damages
- » Presented by William Khong, Partner, Holding Redlich



## Dispute Resolution Clauses: Winning the War Before it

- The importance of an effective dispute resolution clause
- Common dispute resolution processes
- The advantages and disadvantages of each process
- How a well drafted dispute resolution clause can give you an edge in any dispute
- Tips and what to avoid when drafting a dispute resolution
- » Presented by **Suzanne Kupsch**, Barrister, Owen Dixon **Chambers West**

#### ATTEND AND EARN

4 CPD units in Substantive Law

## PROPERTY LAW WORKSHOP: TAX, TAX AND MORE TAX

1611V12

\$480

**FRIDAY 25 NOVEMBER 2016** 2.00PM TO 5.15PM

New compliance strategies must be implemented and understood in today's new property tax regime. Equip yourself with the tools to navigate the new tax rules with workshops delivered by our panel of experts and the OSR to uncover and master how the new changes will affect you.

» Chair: David Marriott, Partner, HWL Ebsworth



## Foreign Resident Capital Gains Withholding

The operation of the new regime requires new compliance considerations and will have an impact on all future transactions. Explore the implications from every angle.

- What do the new special conditions include?
- The exceptions to the regime
- Obtaining a clearance certificate
- Exploring the various requirements for CGT assets, foreign residents and excluded transactions
- Practical implications for the purchasers, vendors and secured parties
- » Presented by **Robert Lissauer**, Taxation and International Business Director, Sothertons Melbourne

#### Panel Discussion: Exploring the Foreign Resident CGT Withholding Rules

» Panelists:

Simon Tisher, Barrister, Owen Dixon Chambers West Rachel Wu, Client Director, Pitcher Partners **Robert Lissauer**. Taxation and International Business Director, Sothertons Melbourne



#### GST, STAMP DUTY & LAND TAX WORKSHOP

#### Preparing for the Changes: GST Update, Stamp Duty and Land Tax Foreign Surcharges

- Current GST issues for property transactions
- Victorian stamp duty and land tax changes for foreign
- Seeking exemptions from the Victorian stamp duty and land tax surcharges for foreign investors
- Overview of NSW and Queensland stamp duty land tax surcharges for foreign investors
- » Presented by Matthew Missaghi, Special Counsel and James Hamblin, Senior Associate, Minter Ellison

#### Round Table Discussion: Hear From the OSR

Participate in a live panel with and talk through the implications of the recent changes to GST and Stamp Duty. Bring your questions and insights and master how to deal with the new status quo.

» Panellists:

Sue Bosch, Senior Revenue Specialist, State Revenue

Matthew Missaghi, Special Counsel, Minter Ellison James Hamblin, Senior Associate, Minter Ellison

#### ATTEND AND EARN

3 CPD units in Substantive Law



#### Would you like to gain your CPD points from the comfort of your desk, sofa or coffee shop?

Listed below is a small sample of available seminar recordings. As with our face-to-face seminars you will have access to the full written seminar materials with the click of a mouse. Victorian practitioners can claim 1 CPD point per hour (up to a maximum of 5 CPD points per year) from listening to recorded seminars. See our website for our full range.

Polyton   Poly	Code	Practice Area	CPD Hours	Price	Code	Practice Area	CPD Hours	s Price
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Section   Proceedings   Procedings   Proce	OND167L01	Drafting Enforceable Termination Clauses: Retaining Rights and Gaining Leverage (July 2016)	1	\$155	OND163N18	9th Annual In-House Counsel Conference (NSW March 2016)	7	\$710
No.   1	OND167L02	Spotlight on Spousal Maintenance Claims and Interim Financial Applications (July 2016)	1	\$155	OND163N18A	Session 1: Current Issues for In-House Counsel (NSW March 2016)	4	\$405
No.   1	OND168L03	Ethical Issues Arising from Moving Firms, Partnership Dissolution or Merger (August 2016)	1	\$155	OND163N18B	Session 2: CPD Mandatories Made Easy for In-House Counsel (NSW March 2016)	3	\$330
CONTRACT NAME	OND168L04	All Things Executor: Exploring Less Common Aspects of Executorship (August 2016)	1	\$155				
CONTICATOR   State Americal Conferences (Conferences (C	OND168L05	Compensation Issues in Employment Related Discrimination Matters (August 2016)	1	\$155		INTELLECTUAL PROPERTY		
No.					OND166V06	7th Annual Patent and Trade Marks Conference (VIC June 2016)	7	\$710
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CAPICAL SUM			3		OND163V04	4th Annual Intellectual Property Law Conference (VIC March 2016)	7	\$710
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FAMILY LAW   FAMILY LAW   FAMILY LAW   FAMILY LAW   FAMILY Law Practice and Procedure (QLD March 2016)   7   \$710   771					OND163V18	Conveyancing Fundamentals (VIC March 2016)	4	\$405
OND163Q13         6th Annual Family Law Conference (QLD March 2016)         7         \$710         OND163V19B         Heads of Agreement, Variation and Permitted Use (VIC March 2016)         3         \$330           OND163Q13A         Family Law Practice and Procedure (QLD March 2016)         4         \$405         OND163V09P         Property Law Conference (VIC March 2016)         7         \$710           OND163Q13B         CPD Compulsory Core Areas for Family Lawyers (QLD March 2016)         3         \$330         OND163V09A         Current Concerns in Property Law (VIC March 2016)         4         \$405           OND163N07A         Family Law Advocacy Essentials (NSW March 2016)         4         \$405         OND163V09B         CPD Mandatories Made Easy for Property Lawyers (VIC March 2016)         3         \$330           OND163N04A         8th Annual Family Law Conference (NSW March 2016)         7         \$710         WILLS AND ESTATES           OND163N04A         Current Issues Affecting Family Lawyers (NSW March 2016)         4         \$405         OND163V30         Wills and Estates Conference (VIC March 2016)         4         \$405				****	OND163V19	Retail and Commercial Leasing Conference (VIC March 2016)	7	\$710
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GOVERNMENT AND ADMINISTRATIVE LAW OND163V30B Will Drafting and Administration (VIC March 2016) 3 \$330		GOVERNMENT AND ADMINISTRATIVE LAW			OND163V30B	Will Drafting and Administration (VIC March 2016)	3	\$330
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OND163N32A Current Issues for Government Lawyers (NSW March 2016) 4 \$405		·	4				4	
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	School Law Conference	1611V01	\$760	\$860		]		
Postal address	Stream A, Session 1: Legal Responsibilities of Staff	1611V01A	\$395	\$480		]		
	Stream A, Session 2: Legal Concerns for Executive Staff	1611V01B	\$395	\$480				
	Stream B, Session 1: Student Wellbeing and the Law Stream B, Session 2: Duty of Care Policies Workshop: School Responsibility and Risk Management	1611V01C 1611V01D	\$395 \$395	\$480 \$480		]		
City State Postcode	Making Administrative Decisions	1611V02	\$395	\$480		1	$\overline{\Box}$	
DX	CPD Mandatories for In-House Counsel: You Against the World	1611V03	\$395	\$480				
UN.	Commercialising Copyright: Innovation and the 'Ideas Boom'	1611V04	\$395	\$480		]		
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	Leasing and Valuation Fundamentals Workshop	1611V09	\$760	\$860				
PAYMENT DETAILS:	Session 1: Interactive Lease Drafting Worksop	1611V09A	\$395	\$480				
All registrations must be paid in full prior to the date of the event. All prices	Session 2: Valuations in Leasing Workshop	1611V09B	\$395	\$480			<u> </u>	
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	Session 1: Latest Developments and Issues in Workers' Compensation	1611V10A	\$395	\$480	Ļ	]		
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