CHAIR



Anita Chan QC, Barrister, Dunedin

Anita's practice is in complex relationship property and child law cases, often with an international aspect. She is a former Chair of the NZLS Family Law Section and former Vice-President of the International Academy of Matrimonial Lawyers (London) (IAML). Anita has presented at numerous national and international family law conferences including in Seoul, Brisbane, Shanghai, Adelaide, Capetown, Vancouver, Singapore, Buenos Aires and Budapest. She is the author of the New Zealand chapter of *Family Law – Jurisdictional Comparisons*, Thomson Reuters, the 'go-to' book for international family lawyers around the world. Anita is a regular guest lecturer at the University of Otago. She is a director of FairWay Resolution Ltd and a former director of ChildFund (New Zealand). Anita served on the inaugural NZLS Continuing Legal Education Board.

INTERNATIONAL SPEAKERS



Ian Kennedy AM, Kennedy Wisewoulds, Melbourne

Ian is Senior Partner of Kennedy Partners, Melbourne, with an extensive national and international practice. He is a former President of the International Academy of Matrimonial Lawyers, a past Chairman and current executive member of the Family Law Section, Law Council of Australia and editor of *Australian Family Lawyer*. His other memberships include the Australian Institute of Family Law Arbitrators and Mediators, the Family Law Sections of Law Asia and the NZLS, and various other Australian and international professional associations. He was appointed a Member of the Order of Australia (AM) in 2004 for his services to law, legal education and professional organisations, and received the inaugural Law Institute of Victoria President's Award in 2004 for outstanding contributions by a practitioner in specialised practice. He lectures widely on family law and related issues nationally and internationally and is an author of many articles, papers and publications on family law and associated topics.



Mike Mason, BDO, Southhampton, UK

Mike is the head of BDO's Forensic Services team in Southampton, England and BDO's leading expert in matrimonial disputes. He has been involved in over 2,000 forensic accounting assignments. Mike is also a Barrister working out of chambers in London at 2 Kings Bench Walk. He has given evidence on numerous occasions in the High Court, the Technology and Construction Court, the County Court, the Crown Court, the Family Court and at Military Courts Martial. He has also assisted in arbitrations and mediations. Mike is responsible for and runs the Bar Council Forensic Accountancy training course for family, criminal and civil barristers. This course is compulsory for all newly qualified barristers. He is an experienced fraud investigator having spent eight years as the external forensic accountant for the Ministry of Defence Police Fraud Squad, assisting them in investigating large-scale procurement fraud. Mike is Welsh and married to an Italian – they have three noisy and expressive children plus foster children who add to the general mayhem.



Thomas Sasser, Sasser, Cestero & Sasser PA, USA

Thomas received his undergraduate degree from The College of William and Mary in 1992, he received his law degree from the University of Florida, College of Law in 1995. He was admitted to the Florida Bar in 1995. Thomas is Board Certified as a Marital and Family Law Specialist and a member of the executive council of the Family Law Section of the Florida Bar.



Dr Bruce Smyth, Australian National University, Canberra

Bruce is an Associate Professor at the Australian Demographic and Social Research Institute, Australian National University (ANU), and an Australian Research Council Future Fellow. Prior to moving to the ANU, Bruce worked at the Australian Institute of Family Studies, and was a member of the Ministerial Taskforce on Child Support. He has published widely in the area of post-separation parenting, and is on the editorial boards of *Family Court Review* (USA), *Journal of Family Studies*, and *Australian Journal of Family Law*.



Vicki Ammundsen, Vicki Ammundsen Trust Law, Auckland

Vicki is a trust practitioner. She has an appreciation of the issues that confront older clients in the context of and interaction between estate planning, residential care subsidy concerns, relationship, family and trust related issues.



Robert Bowe, Ministry of Social Development, Wellington

Practising in England and then New Zealand since 1974, Robert has worked extensively in the family law area. He joined Child, Youth and Family in 2003. As Principal Solicitor in the Office of the Chief Legal Advisor Robert's focus is CYF litigation.



Vanessa Bruton, Barrister, Auckland

Vanessa is an Auckland barrister, practising almost exclusively in trust and estate disputes, including relationship property disputes where trusts are involved. Her practice includes both domestic and international trust disputes where there is a New Zealand law or jurisdiction aspect. She is a member of STEP (Society for Trust and Estate Practitioners) and a frequent speaker at NZLS, ADLS and other seminars.



Jan Chappell, Inland Revenue Department – Legal, Hamilton

Jan has been with Inland Revenue for nine and a half years. She specialises in child support matters, advising and appearing on legislative, administrative and litigation functions on behalf of the department.



Paul Collins, Barrister, Auckland

Paul is a barrister practising at Shortland Chambers, Auckland. He has wide experience in areas of professional discipline and regulation in the legal profession. Paul has prosecuted numerous cases in the Disciplinary Tribunal and has also appeared in the High Court and Court of Appeal in cases relating to professional discipline and other aspects of regulation of the legal profession. He is a convenor of the National Standards Committee and has been extensively involved in Standards Committee training since the outset of the LCA. Paul is the author of the Practice Note concerning the functions and operations of lawyers' Standards Committees and was the consulting editor for *The Laws of New Zealand: Lawyers and Conveyancers*.



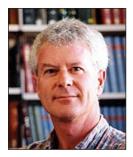
Dr Allan Cooke, Barrister, Auckland

Allan is a practitioner who has a particular interest in proceedings under the CYPTF Act, and within that, a specific focus on issues related to the permanent placement of children who are in care. He has been on the Executive of the NZLS Family Law Section since 2011 and is the current chair of the Section. Allan received his doctorate in August 2014 for his thesis *State Responsibility for Children in Care*.



Vivienne Crawshaw, Barrister, Unity Chambers, Auckland

Vivienne has been in practice as a barrister sole since 2008. She has appeared as counsel in a number of relationship property and children's cases. Vivienne has presented papers on a range of family law issues to NZLS CLE and other conferences.



Professor John Dawson, University of Otago, Dunedin

Professor Dawson was educated in New Zealand and North America, at Otago and Harvard universities, and has taught as a visitor at McGill in Montreal and at the University of Toronto. ohn's particular interests are in mental health law, the law governing health information, public law and socio-legal research.



Dr Anthony Duncan, Capital Coast District Health Board, Porirua

Anthony has worked in the psychiatry of old age for over 30 years. He is a Fellow of the Royal Australian and New Zealand Psychiatrist and a member of the Faculties of Forensic Psychiatry and the Psychiatry of Old Age. He holds an appointment as visiting psychogeriatrician at Wairarapa District Health Board.



Ewan Eggleston, Barrister, Tauranga

Ewan is a barrister specialising in all aspects of family law including complex relationship property disputes. He has been in practice for over 16 years. His experience is broad based having worked both in New Zealand and for a number of years in Sydney, Australia. Ewan holds dual practicing certificates and a Masters degree in International Law. He has previously presented at the Lexis Nexis forum and the Australian Family Law Conference.



Hana Ellis, Barrister & Mediator, Auckland

Hana (Ngā Puhi/Ngāti Porou) is a barrister and mediator practising family law. She has a background in criminal and mental health law and is currently on the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 roster and the mediation list. Hana has been on the Lawyer for Child list since 1999.



Associate Prof Shelley Griffiths, University of Otago, Dunedin

Before joining the University, Shelley practised with a major international chartered accountancy practice in corporate and tax advisory work. Her current research is in taxation, particularly the role of human rights in taxation administration, and capital market regulation. Shelley has published on these topics in New Zealand and overseas.



Frances Gush, Family Lawyer, Wellington

Frances has been a family lawyer with over 25 years' experience both as a Partner in a law firm and a Barrister sole. Her experience covers all aspects of family law but more recently her main interest is in the area of relationship property and trust law. She is also a National Specialist Adviser for Legal Aid Services.



Professor Harlene Hayne, University of Otago, Dunedin

Professor Harlene Hayne is the Vice-Chancellor (President) at the University of Otago. Her specialist research interests include memory development, interviews with children in clinical and legal contexts, and adolescent risk-taking. Professor Hayne is a Fellow of the Royal Society of New Zealand and of the American Psychological Society. She is the Associate Editor of Memory and of the New Zealand Journal of Psychology. In 2009 she was awarded the New Zealand Order of Merit for services to scientific and medical research and in 2012 she was awarded an Honorary Doctor of Science from Colorado College. Professor Hayne is also the Co-chair of the Office of the Prime Minister's Science Advisory Committee Working Party on Reducing Social and Psychological Morbidity during Adolescence and the Co-Director of the New Zealand Innocence Project.



Professor Mark Henaghan, University of Otago, Dunedin

Mark specialises in family law and is a Barrister and Solicitor of the High Court of New Zealand. He is co-author of *Family Law Policy in New Zealand* (4th ed LexisNexis 2012) and joint author of *Family Law in New Zealand*, (16th ed LexisNexis 2014). Mark is the joint author of *Relationship Property on Death* (2004 Thomson Brookers, which won the 2005 J F Northey prize for the best published law book in New Zealand), *Relationship Property Consolidated Legislation and Analysis* (2001 Brookers Thomson Group) and sole author of Care of Children (2005 LexisNexis). He is the sole author of *Health Professionals and Trust* (2012 Routledge). Mark was the principal investigator of the Human Genome Project – Ethical and Legal Implications – funded by the New Zealand Law Foundation.



Ruth Herbert, The Impact Collective

Ruth is well known for her research and work trying to improve New Zealand's family violence response. She has written and spoken extensively on the issue. She has a Masters in Public Policy (dist.), has been the Executive Director of the Glenn Inquiry and the Family Violence Director at MSD. In 2013 Ruth established The Impact Collective, a specialist consultancy committed to making effective and sustainable change in family violence. Twelve months ago she published an independent report entitled *'The Way Forward'* proposing the establishment of a new integrated system to address the epidemic of intimate partner violence and child abuse and neglect in New Zealand.



Jane Hunter, Barrister, Auckland

Jane is a barrister practising from Southern Cross Chambers in Auckland. She graduated with an LLM (Hons) from Auckland University. Jane has practised law since 1990. She now concentrates on family, specialising in cases involving trusts, or closely held companies and parallel claims in equity, agency or for breach of contract.



Belinda Inglis, Belinda Inglis Lawyers, Masterton

Belinda has practised in Masterton since 1996 doing a wide range of family law work. Prior to 1996 she worked in Wellington doing a broader range of litigation work. Belinda's current work includes appointments as lawyer for the child, for the subject person in PPPR Act proceedings, and in Mental Health Act proceedings. She is approved to conduct mediations for the Family Court and under the new FDR process. Belinda has a post-graduate certificate in children's issues from the University of Otago. She was a member of the FLS CYPTF Act standing committee, and is now a member of the FLS Advisory Panel.



Alastair Logan, Ross Dowling Marquet Griffin, Dunedin

Alastair has a diverse common law practice. While local government and resource management work is currently the most substantial part of his practice, he also has expertise in civil, family, and criminal law. He was a member of the FLS Practice and Procedure Committee and a co-presenter of the 2005 seminar on the Care of Children Act.



Her Hon Judge Ida Malosi, District Court, Manukau

Judge Malosi has a long history of involvement in the care and protection and youth justice areas, having been both counsel for child (as it then was) and youth advocate for many years before being appointed to the Bench in 2002. In early 2013 she was seconded to the Supreme Court of Samoa where she was instrumental in establishing the Family and Family Violence Courts there, as well as strengthening its Youth Court jurisdiction. Having returned to New Zealand in July of last year Judge Malosi is once again sitting in the Pasifika Youth Courts, back in the Family Court fold, and leading the Crossover Court at the Manukau Youth Court.



Stephen McCarthy, Barrister, Manukau

Stephen practises in family and civil litigation. He has a particular interest in property and estate disputes. Stephen has practised as a barrister since early 2006 and prior to that was a litigation partner in a Manukau City firm for over 20 years. He was convener of the ADLS Mental Health and Disability Law Committee 1991-1995 and Family Law Committee 2001-2003. Stephen has presented Law Society seminars and conference papers on mental health, family and property law topics.



Emily Morrow, Executive Consultant, Auckland

Emily, BA (Hons), JD (Hons, Juris Doctor), was a lawyer and senior partner with a large firm in Vermont, where she built a premier trusts, estates and tax practice. Having lived and worked in Sydney and Vermont, Emily now resides in Auckland and provides tailored consulting services for lawyers, barristers, in-house counsel, law firms and barristers' chambers focusing on non-technical skills that correlate with professional success; business development, communication, delegation, self presentation, leadership, team building/management and the like.



Her Hon Judge Jill Moss, District Court, Wellington

Judge Moss has been a Family and Youth Court Judge for 20 years, following a practice in Family and Medico Legal work. She presided over a Family Violence Court for 6 years. Her presentations and writing have focussed on matters of excellent practice, and principled understanding of family violence and all aspects of child Law.



Caryl O'Connor, Community Law Otago, Dunedin

Caryl is the Managing Solicitor and has worked at this community law centre for 20 years. She also assists with advising local social service charitable organisations on legal issues, manages the volunteer programme involving law students and lawyers, and participates in the community legal education programme.



Jessica Palmer, University of Otago, Dunedin

Jessica is a senior lecturer at Otago University and teaches courses in contract, equity and commercial law. She has published articles and essays on issues of equity and restitution and is an author of *Equity and Trusts in New Zealand* (Butler (ed), 2nd ed, Thomson Brookers, 2009). Jessica is a graduate of Auckland and Cambridge Universities and has worked at a large national law firm and as a judges' clerk.



Iris Reuvecamp, Partner, Claro, Wellington

Iris has specialised in health law for over a decade. While practising in the UK, She acted for a range of healthcare regulators, and advised the National Health Service on a wide range of matters, with a particular focus in primary care. On returning to New Zealand in 2006, She took up a role as Senior Legal Counsel at a large DHB. Since returning to private practice, Iris has advised on all aspects of the law relating to the provision, regulation, management, and funding of health and disability services. Iris has a particular interest in issues relating to capacity, and has extensive expertise in the law relating to the provision of aged care, mental health and disability services.



His Hon Judge Laurence Ryan, Principal Family Court Judge, Wellington

His Honour Judge Ryan was educated at Selwyn College, obtained an LLB at Auckland University and was admitted to the Bar in 1973. He joined the late Brian Shenkin in partnership in 1975, becoming a Barrister sole in 1988 specialising in Family Law. Judge Ryan was appointed to the District Court bench in 1996 and has been Principal Family Court Judge of New Zealand since November 2012. Judge Ryan has been a member of various Judicial Reference Groups and Working Groups, and a member of the Family Court Education committee where he helped co-present at a number of seminars and conferences for Family Court Judges. He is also, together with the Chief District Court Judge, one of New Zealand's Hague Network Judges.



Dorothy Thresher, Deputy Legal Complaints Review Officer, Ohaupo

Dorothy Thresher is a LCRO, with long-standing interest in professional ethics. She has practiced as a barrister and solicitor, been a local Law Society Council and Standards Committee member, Waikato University lecturer and IPLS instructor.



Bridgette Toy-Cronin, University of Otago

Bridgette has recently submitted her PhD thesis on litigants in person in the NZ civil courts. She has a BA and LLB(Hons) from Auckland and a LLM from Harvard. She has previously worked as a Judges' Clerk and a civil litigator.



Stephen van Bohemen, Barrister, Christchurch

Stephen is a barrister, practising in Christchurch. He is a member of Atticus Chambers. His practice is predominantly family law and his current caseload is approximately 60% relationship property and 40% child law. Stephen has presented seminars both locally and internationally on a variety of family law topics. He is a contributing editor to Brookers *Family Law – Family Procedure and Family Property*.



Jason Wren, Barrister, Christchurch

Jason has practised exclusively in the area of family law in both the North and South Island for over 20 years. His areas of expertise relate primarily to relationship property and care of children disputes. At the same time, Jason regularly represents children in the Family Court in all matter of proceedings. He has presented often in legal education settings.

CONTENTS

In session order

The Family Court Post-reforms His Honour Judge David Smith (Appendix A) The Art of Practising Family Law Professor Mark Henaghan (Appendix B) Technology Thomas Sasser (Appendix C) **Child Support** Dr Bruce Smyth **Child Support**

Counting Sleeps Care Arrangements and Recognised Care Under the	
Amended Child Support Formula Act	25
Jan Chappell	

Interim Relief and Costs – a toolbox

Interim Relief - Property (Relationships) Act	
Frances Gush	

Interim Relief and Costs – a toolbox

Interim Maintenance and Costs	57
Alastair Logan	

Broaden the Scope of your Practice – Surviving the Changing Times Broadening the Scope of your Practice and Thriving in Changing Times
Vulnerable Children – CYF'S and a Practitioner's Perspective
Vulnerable Children – a practitioner perspective
Dr Allan Cooke and Hana Ellis
Vulnerable Children – CYF'S and a Practitioner's Perspective
Vulnerable Children: the Ministry's perspective
Robert Bowe
Hot Topics in the Interaction Between Trusts and Relationship Property
Trusts Update
Vanessa Bruton and Jessica Palmer
Ethics
Ethics
Paul Collins and Dorothy Thresher
Spousal Maintenance – are we too timid?
Spousal Maintenance – are we too timid?
Jane Hunter
(Appendix D)
Capacity
The Legal Concept of Capacity
Professor John Dawson
Capacity
A Clinical Perspective on Capacity Assessment in the Elderly
Dr Anthony Duncan
Capacity
The Family Lawyer's Role in Balancing the Principles of Autonomy and
Beneficence in the Appointment of EPOAs
Iris Reuvecamp

Tax Implications of Relationship Property Settlements Relationship Property Settlements and TaxAssociate Professor Shelley Griffiths(Appendix E)
Business Valuations in Family Law Cases Business Valuations in Family Law Cases Mike Mason
The High-conflict Post-separation Shared-time FamilyEnduring Child Custody Disputes – high-conflict or pathological hatred?
Children's Memory – implications for the Court Children's Memory – implications for the Court
Past, Present and Future of Pre-nuptial AgreementsThe Past, Present and Future of Pre-nuptial Agreements265Ian Kennedy AM
Lawyer for Child – has the landscape really changed? Lawyer for the Child – has the landscape really changed?
International Financial Disputes International Aspects of Financial Cases: the tussle for jurisdiction
International Financial Disputes Trans-Tasman Proceedings Act and Family Law
Wills and Estates – challenges in practice Wills and Estates: challenges in practice from the practitioner's perspecitve 369 <i>Vicki Ammundsen</i>

Wills and Estates - challenges in practice

Family Violence – a complex issue 569 Family Violence – a complex issue 569 Ruth Herbert and Her Honour Judge Ida Malosi (Appendix G) Domestic Violence in the New Evidential Environment 00 Domestic Violence Act Proceedings – new rigour in evidence and proof 399 Her Honour Judge Jill Moss and Stephen van Bohemen 399 Searching for a Legal Oasis – legal service provision and the "justice gap" 411 Bridgette Toy-Cronin 411 Searching for a Legal Oasis – legal service provision and the "justice gap" 419 Community Law Centres and Access to Justice 419 Caryl O'Connor 419 How to Cross Examine an Expert 443

Mike Mason

Section 15 – Property (Relationships) Act

Section 15 Refined	
Vivienne Crawshaw	

APPENDICES

Appendix A His Honour Judge David Smith Appendix **B** Professor Mark Henaghan Appendix C Thomas Sasser Appendix D Jane Hunter Appendix E Associate Professor Shelley Griffiths Appendix F Professor Harlene Hayne Appendix G Ruth Herbert

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Ammundsen	Vicki	Wills and Estates – challenges in practice	369
Bowe	Robert	Vulnerable Children – CYF'S and a practitioner's perspective	121
Bruton	Vanessa	Hot Topics in the Interaction Between Trusts and Relationship Property Joint paper with Jessica Palmer	141
Chappell	Jan	Child Support	25
Collins	Paul	Ethics Joint paper with Dorothy Thresher	167
Cooke	Dr Allan	Vulnerable Children – CYF'S and a practitioner's perspective <i>Joint paper with Hana Ellis</i>	75
Crawshaw	Vivienne	Section 15 – Property (Relationships) Act	463
Dawson	Prof John	Capacity	181
Duncan	Dr Anthony	Capacity	187
Eggleston	Ewan	International Financial Disputes	347
Ellis	Hana	Vulnerable Children – CYF'S and a practitioner's perspective Joint paper with Dr Allan Cooke	75
Griffiths	Assoc Prof Shelley	Tax Implications of Relationship Property Settlements	557

Gush	Frances	Interim Relief and Costs – a toolbox	45
Hayne	Prof Harlene	Children's Memory – implications for the court	569
Henaghan	Prof Mark	The Art of Practising Family Law	495
Herbert	Ruth	Family Violence – a complex issue Joint paper with Her Hon Judge Ida Malosi	581
Hunter	Jane	Spousal Maintenance – are we too timid?	541
Inglis	Belinda	Lawyer for Child – has the landscape really changed? Joint paper with Jason Wren	287
Kennedy AM	Ian	Past, Present and Future of Pre-nuptial Agreements International Financial Disputes	265 321
Logan	Alastair	Interim Relief and Costs – a toolbox	57
Malosi	Her Hon Judge Ida	Family Violence – a complex issue Joint paper with Ruth Herbert	581
Mason	Mike	Business Valuations in Family Law Cases How to Cross Examine an Expert	207 443
McCarthy	Stephen	Wills and Estates – challenges in practice	383
Morrow	Emily	Broaden the Scope of your Practice – surviving the changing times	71
Moss	Her Hon Judge Jill	Domestic Violence in the New Evidential Enviornment Joint paper with Stephen van Bohemen	399

O'Connor	Caryl	Searching for a Legal Oasis – legal service provision and the "justice gap"	419
Palmer	Jessica	Hot Topics in the Interaction Between Trusts and Relationship Property Joint paper with Vanessa Bruton	141
Reuvecamp	Iris	Capacity	197
Sasser	Thomas	Technology	521
Smith	His Hon Judge David	The Family Court Post-reforms	489
Smyth	Dr Bruce	Child Support The High-conflict Post-separation Share- time Family	9 243
Thresher	Dorothy	Ethics Joint paper with Paul Collins	167
Toy-Cronin	Bridgette	Searching for a Legal Oasis – legal service provision and the "justice gap"	411
van Bohemen	Stephen	Domestic Violence in the New Evidential Enviornment Joint paper with Her Hon Judge Jill Moss	399
Wren	Jason	Lawyer for Child – has the landscape really changed? Joint paper with Belinda Inglis	287