

Family Law Conference 2009

CONTENTS

In session order

OPENING ADDRESS – THE THREE CHANGES I WOULD MOST LIKE TO SEE OCCUR IN THE NEXT THREE YEARS	331
<i>His Hon Principal Family Court Judge Peter Boshier (Appendix 1)</i>	
HOW TO RUN A CASE	337
<i>Nicholas Mostyn QC (UK) (Appendix 2)</i>	
THE COSTS CONUNDRUM – AFTER THE 2006 AMENDMENT TO THE DISTRICT COURT RULES 1992, WHAT EXACTLY IS THE COSTS JURISDICTION IN THE FAMILY COURT	349
<i>Robert Hacking and Jane Hunter (Appendix 3)</i>	
PROPERTY ISSUES: TRANS-TASMAN AND BEYOND – DEALING WITH THE INTERNATIONAL FAMILY: AN AUSTRALIAN PERSPECTIVE	5
<i>Ian Kennedy AM (Au)</i>	
DEALING WITH THE INTERNATIONAL FAMILY: NEW ZEALAND LAW AND JURISDICTION OF THE NEW ZEALAND COURTS	31
<i>Kevin Muir</i>	
DECONSTRUCTING THE PERMANENCY POLICY	53
<i>Allan Cooke and Sarah Lindsay</i>	
LET’S TALK ABOUT DEBT, BABY	85
<i>Deborah Hollings QC</i>	
LEVELLING THE PLAYING FIELD: ACTING FOR THE CLIENTS WHO DON’T HAVE THEIR HANDS ON THE MONEY	113
<i>Vivienne Crawshaw and David Dowthwaite</i>	
CROSS-EXAMINATION OF AN EXPERT IN THE FAMILY COURT	367
<i>Nicholas Mostyn QC, Claire Ryan and Dr Louise Smith (Appendix 4)</i>	
PARENTS AS PARTNERS	387
<i>Professor Gordon Harold (Appendix 5)</i>	
RULES OF EVIDENCE IN THE FAMILY COURT	153
<i>Helen Cull QC</i>	

JUDICIAL INTERVIEWS OF CHILDREN <i>Stephen McCarthy</i>	171
LIKE SAND THROUGH THE HOURGLASS, SO ARE THE DAYS OF OUR LIVES <i>Greg Kelly and Nicola Peart</i>	179
SECTIONS 59-61 OF THE CARE OF CHILDREN ACT 2004 <i>His Hon Judge Simon Maude</i>	213
CLASSIC HITS: REVISITING S 60 OF THE CARE OF CHILDREN ACT AND THE CHALLENGES IT POSES <i>Her Hon Judge Rosemary Riddell</i>	227
SECTION 128 – X V X / WARD V WARD – REFLECTING ON SOME PHILOSOPHICAL AND PRACTICAL ISSUES <i>Geoff Harrison</i>	237
THE IMPACT OF X V X AND WARD V WARD. SECTION 182 OF THE FAMILY PROCEEDINGS ACT – HOW EFFECTIVE AT ALL IS S 182 NOW? WHEN SHOULD THE MORE APPROPRIATE REMEDY BE FOUND IN THE TRUSTEE ACT? <i>Magnus Macfarlane</i>	245
SECTION 182 – THE CONTINUING PROBLEMS OF INTERPRETATION AND APPLICATION <i>Maureen Southwick QC</i>	257
LEGALITIES OR RESULTS – MEDIATION – WHY IS IT HOT? <i>Tony Lendrum</i>	269
LEGALITY VERSUS RESULTS – MEDIATION – WHY IS IT HOT? – THE ROLE OF THE LAWYER <i>Jason Wren</i>	283
GOING, GOING... GONE – TO RELOCATE OR NOT TO RELOCATE, THAT IS THE QUESTION <i>Professor Mark Henaghan</i>	293
 Appendices	
APPENDIX 1 Opening address – The three changes I would most like to see occur in the next three years <i>His Hon Principal Family Court Judge Peter Boshier</i>	331
APPENDIX 2 How to run a case <i>Nicholas Mostyn QC (UK)</i>	337
APPENDIX 3 The Costs Conundrum – After the 2006 amendment to the District Court Rules 1992, what exactly is the costs jurisdiction in the Family Court <i>Robert Hacking and Jane Hunter</i>	349

APPENDIX 4

Cross-examination of an expert in the Family Court 367
Nicholas Mostyn QC, Claire Ryan and Dr Louise Smith

APPENDIX 5

Parents as partners 387
Professor Gordon Harold

CONTENTS**Alphabetical by author/presenter**

AUTHOR		TITLE	PAGE
BOSHIER	His Hon Principal Family Court Judge Peter	<i>Appendix 1</i> Opening address – The three changes I would most like to see occur in the next three years	331
COOKE	Allan	Deconstructing the permanency policy <i>(Joint paper with Sarah Lindsay)</i>	53
CRAWSHAW	Vivienne	Levelling the playing field: Acting for the clients who don't have their hands on the money <i>(Joint paper with David Dowthwaite)</i>	113
CULL QC	Helen	Rules of evidence in the Family Court	153
DOWTHWAITE	David	Levelling the playing field: Acting for the clients who don't have their hands on the money <i>(Joint paper with Vivienne Crawshaw)</i>	113
HACKING	Robert	<i>Appendix 3</i> The Costs Conundrum – After the 2006 amendment to the District Court Rules 1992, what exactly is the costs jurisdiction in the Family Court <i>(Joint paper with Jane Hunter)</i>	349
HAROLD	Prof Gordon	<i>Appendix 5</i> Parents as partners	387
HARRISON	Geoff	Section 128 – <i>X v X / Ward v Ward</i> – Reflecting on some philosophical and practical issues	237
HENAGHAN	Prof Mark	Going, going... gone – To relocate or not to relocate, that is the question	293
HOLLINGS QC	Deborah	Let's talk about debt, baby	85

HUNTER	Jane	<i>Appendix 3</i> The Costs Conundrum – After the 2006 amendment to the District Court Rules 1992, what exactly is the costs jurisdiction in the Family Court (<i>Joint paper with Robert Hacking</i>)	349
KELLY	Greg	Like sand through the hourglass, so are the days of our lives (<i>Joint paper with Nicola Peart</i>)	179
KENNEDY AM	Ian	Property issues: Trans-Tasman and beyond – Dealing with the international family: An Australian perspective	5
LENDRUM	Tony	Legalities or results – Mediation – Why is it hot?	269
LINDSAY	Sarah	Deconstructing the permanency policy (<i>Joint paper with Allan Cooke</i>)	53
MACFARLANE	Magnus	The impact of <i>X v X</i> and <i>Ward v Ward</i> . Section 182 of the Family Proceedings Act – How effective at all is s 182 now? When should the more appropriate remedy be found in the Trustee Act?	245
MAUDE	His Hon Judge Simon	Sections 59-61 of the Care of Children Act 2004	213
MCCARTHY	Stephen	Judicial interviews of children	171
MOSTYN QC	Nicholas	<i>Appendix 2</i> How to run a case	337
		<i>Appendix 4</i> Cross-examination of an expert in the Family Court	367
MUIR	Kevin	Dealing with the international family: New Zealand law and jurisdiction of the New Zealand courts	31
PEART	Nicola	Like sand through the hourglass, so are the days of our lives (<i>Joint paper with Greg Kelly</i>)	179
RIDDELL	Her Hon Judge Rosemary	Classic Hits: Revisiting s 60 of the Care of Children Act and the challenges it poses	227
RYAN	Claire	<i>Appendix 4</i> Cross-examination of an expert in the Family Court	367
SMITH	Dr Louise	<i>Appendix 4</i> Cross-examination of an expert in the Family Court	367
SOUTHWICK QC	Maureen	Section 182 – The continuing problems	257

WREN

Jason

of interpretation and application

Legality versus results – Mediation –
Why is it hot? – The role of the lawyer

283