

# Family Law

**Thursday 15 August 2024**

**Session 5 – 2:45pm - 3:45pm**

## **Busting the trust: When are trust assets available for distribution in a family law proceeding?**

In a series of cases, and most notably the landmark High Court decision in *Kennon v Spry* [2008] HCA 56; (2008) CLR 366, courts have found that, in certain circumstances, trust property can constitute 'property of the parties to the marriage' for the purpose of s79 of the *Family Law Act 1975* (Cth). Through detailed case studies, the presenters aim to elucidate key concepts and arm practitioners with the necessary knowledge to guide them through this often complex, and quickly evolving, area of family law practice.

### **Meet the speakers**

#### **Farid Assaf SC, Barrister, Banco Chambers**

Farid Assaf SC is a commercial Silk with particular expertise in corporate insolvency, cross-border insolvency, company law, directors' duties, banking and financial services, corporate regulatory matters, and general commercial litigation. Farid has a national practice involving both trial and appellate work and is repeatedly recognised in Best Lawyers, Doyle's Guide, and Chambers and Partners for his commercial insolvency and advocacy expertise. Farid is a Fellow of INSOL International (with Honours, First in Class) and a leading author in insolvency matters. His two textbooks, *Statutory Demands and Winding up in Insolvency and Voidable Transactions in Company Insolvency*, both published by LexisNexis, are frequently cited by superior courts around Australia. Prior to being called to the Bar, Farid was an in-house lawyer with the Australian Securities and Investments Commission, where he developed expertise in and insight into corporate regulation and enforcement.

#### **Clarissa Amato, Barrister, Banco Chambers**

Clarissa Amato is an experienced trial advocate practising in commercial and media law from Banco Chambers in Sydney. Clarissa's commercial practice encompasses family law property disputes, breach of contract, cross-border insolvency matters and consumer law claims. Clarissa is listed in Doyle's Guide as a Leading Junior Counsel in Technology, Media and Telecommunications for 2023. Her practice encompasses defamation disputes of all kinds – from pre-publication work to final hearings, suppression/non-publication orders and breach of confidence. She has particular expertise in developments in the law of privacy, both under the *Privacy Act 1988* (Cth) and the emerging law of personal privacy in Australia. In addition to her appearance and advice work, Clarissa accepts appointments to act as mediator and is accredited with the Australian Disputes Centre under the National Accreditation Mediation Standards.