

Critical
market
updates

Convenient
1 day format

5th Annual Commercial & Retail Leasing Conference

Limiting losses from defaults
and insolvency

16 June

Crowne Plaza Darling Harbour
Sydney

17 June

Stamford Plaza
Brisbane

19 June

Stamford Plaza
Melbourne



CLOSED

Don't miss this opportunity to:

- **Manage tenant transitions** when lessees become insolvent
- **Deal with defaults** in commercial and retail lease payments
- **Prevent attack strategies** being used against tenants
- **Identify the best strategy** for protecting rights and enforcing recovery
- **Distinguish your options** in administration, receivership, or liquidation

Hear authoritative presentations by experts including:

Jane Hodder, Partner, Freehills
Jennifer Ball, Partner, Clayton Utz
Ken Petty, Partner, Minter Ellison
Paul Venus, Partner, Holding Redlich
Michelle Power, Partner, Minter Ellison
Richard Brooks, Partner, Blake Dawson
Damian Salsbury, Partner, Blake Dawson
Anthony Poynton, Partner, Minter Ellison
Elizabeth Whitelaw, Partner, Minter Ellison
Bronwyn Badcock, Partner, Blake Dawson
Chris Brodrick, Senior Associate, Holding Redlich
Greg Wrobel, Partner, Holding Redlich
Michelle Harpur, Partner, Corrs Chambers Westgarth
Victoria Holthouse, Partner, Allens Arthur Robinson

Register Today! Ph: 1800 772 772
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Insolvency Practitioner's
Association of Australia



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Professional Development

CLOSED

5th Annual Commercial & Retail Limiting losses from defaults and insolvency

8:30 **Conference registration**

8:50 **Opening keynote address**

Insolvency Practitioner's Association of Australia

9:10 **Limiting loss in translation by getting what you bargained for in writing**

- Key approaches to verifying verbal conversations and understandings of the agreement
- Strategies for applying the right amount of pressure to concerns about misrepresentation
- How to determine rights of refusal by coordinating statutory rights with drafted documents
- Highlighting the true indicators of risk on return from a landlord's point of view

Elizabeth Whitelaw, Partner, Minter Ellison (Sydney)

Ken Petty, Partner, Minter Ellison (Brisbane)

Anthony Poynton, Partner, Minter Ellison (Melbourne)

9:50 **Precautionary and protective measures against tenants going insolvent**

- What to look for and where you'll find it when conducting due diligence
- How the best reports have combined practical considerations with pragmatic approaches
- Lifting the veil on how tenant structure is used to insulate a company from a subsidiary
- What you need to know about the retention of security and bond monies

Michelle Harpur, Partner, Corrs Chambers Westgarth (Sydney)

John Nicholas, Associate, Dibbs Abbott Stillman (Brisbane)

Jack Cyngler, Principal, Cyngler Kaye Levy Lawyers (Melbourne)

10:40 **Morning tea**

11:00 **Minimising risk with defaulting tenants in commercial and retail lease payments**

- Taking the right preliminary steps to enforcing a commercial lease with regard to:
 - dealing with default in payment as the type of breach
 - the remedies available to the landlord, and
 - the procedures to follow.
- Being clear on the rights of re-entry for breach other than failure to pay rent

- Key considerations for exercising re-entry and retaining goods
- Tips for avoiding a tenant seeking damages for loss of profit and wrongful retention

Jennifer Ball, Partner, Clayton Utz (Sydney)

Sonia Whitehouse, Senior Associate, Barry & Nilsson Lawyers (Brisbane)

Michelle Power, Partner, Minter Ellison (Melbourne)

11:50

How to choose the options for rent, recovery and rights available when tenants go insolvent



- Knowing what to do and the issues involved when a receiver is appointed by a secured creditor:
 - How the liability for rent varies during different periods of possession
 - What you need to do when re-taking possession of the leased premises
 - Organising a new lease with a purchaser while managing the tenant transition
- Taking the right steps for commencing action against guarantors of the tenants obligations
- What landlords can and can't do with security and requiring release of deposit
- Deciding to move forward with or move on from proceedings against the tenant to recover damages

Leonard McCarthy, Senior Associate, Henry Davis York (Sydney)

Marc Roberts, Senior Associate, Holman Webb Lawyers (Brisbane)

Susan Harris, Special Counsel, Clayton Utz (Melbourne)

12:40

Networking lunch for speakers and delegates

1:40

Choosing the best options for rent review provisions in a falling market

- Looking at the range of methodologies being used for rent review provisions
 - Distinguishing a market review on the basis of 'face rental' or 'effective rental'
- How to draft provisions which reflect incentives for occupancy, including:
 - Cash payments, rent-free periods, fit-out contributions, rental or make good payments
- Providing practical insight on how to adjust standard lease documents to reflect negotiated leases

Leasing Conference

16 June, Crowne Plaza Darling Harbour, Sydney

17 June, Stamford Plaza, Brisbane

19 June, Stamford Plaza, Melbourne

- Working effectively without a definition of effective rent by taking direction from recent decisions 4.20

Victoria Holthouse, Partner, **Allens Arthur Robinson**
Scott Argles, Senior Associate, **Deacons (Brisbane)**
Alex Peace, Senior Associate, **Allens Arthur Robinson (Melbourne)**

2:30 Advising on the imperatives for leases subject to administration and liquidation

- How to limit the losses of landlords as unsecured creditors
- What you need to ask and be aware of without assuming the role of an insolvency expert
- Your best options for minimising the time taken to recover possession and arranging new tenants
- Weighing the options and counterweights to terminating the lease and re-enter during liquidation

Greg Wrobel, Partner, **Holding Redlich (Sydney)**
Paul Venus, Partner, **Holding Redlich (Brisbane)**
Chris Brodrick, Senior Associate, **Holding Redlich (Melbourne)**

3:20 Afternoon tea

3:35 Taking care of the essentials - your ultimate checklist on leasing documentation

- Being across regulatory time frames, notice and disclosure requirements and rent reviews
- Highlighting the options that are available for different priorities for commercial clients
- Keeping up to date with the strengths and weaknesses of standard conditions being used
- Avoiding misconceptions and pitfalls providing avenues of escape from obligations

Anthony Herro, Principal, **Herro Solicitors (Sydney)**
Warren Wackerling, Senior Associate, **Holman Webb Lawyers (Brisbane)**
Nicholas Calleja, Special Counsel, **Freehills (Melbourne)**

Providing solutions to disputes in lease arrangements for green commercial buildings

- How green leases differ from a typical commercial lease in theory and practice
- How to address green lease issues in your heads of agreement
- Distinguishing the specified benchmarks or targets as mandatory or aspirational
- Containing the risks involving fit out and a tenant's operations on green buildings
- Methods for minimising risks from a landlord's and landlord's financier point of view

Bronwyn Badcock, Partner, **Blake Dawson (Sydney)**
Damian Salsbury, Partner, **Blake Dawson (Brisbane)**
Richard Brooks, Partner, **Blake Dawson (Melbourne)**

5.00 Close of conference

Future Events

- **NSW Property Law & Conveyancing**
13 – 14 May, Sydney
- **QLD Conveyancing Forum**
12 – 13 May, Brisbane
- **Harvard Law School Program on Negotiation**
4 – 5 June, Sydney
- **Advanced Litigation Skills: Enhancing performance in the law – planning, strategising and maximising outcomes**
See the website for dates and venues

For more information and training dates visit www.lexisnexis.com.au/pd for the full training catalogue or
Ph: 1800 772 772

Who should attend?

Practitioners working with:

- Property and development
- Commercial and retail leasing
- Insolvency and dispute resolution
- Restructuring and work-outs

Priority registration form 5th Annual Commercial & Retail Leasing Conference

4 easy ways to register

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au/pd
Mail: Conference Co-ordinator, LexisNexis
 Locked Bag 2222,
 Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B, C, D, E

Conference code: PD6309 NSW PD6409 QLD PD6509 VIC ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

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** to send conference confirmation

3rd Delegate FREE!

B Please tick as many practice areas you work in which apply:

- | | |
|--|---|
| <input type="checkbox"/> Banking & finance | <input type="checkbox"/> Family law |
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| <input type="checkbox"/> Criminal law | <input type="checkbox"/> Property |
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This will help us keep you informed about topics relevant to your business needs.

Please select business type:

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 or
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PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis will refund your registration fee in full less a \$165.00 administration cost if a request to cancel the registration is received in writing up to but not including 1 month prior to the event. If written notification is received any time up to but not including 2 weeks prior to the event, you will receive a 50% refund of your registration fee and seminar documents. No cancellation requests will be accepted after this time. You may nominate a replacement; however, no refund will be issued.

C Event Pricing (please tick your selection)

Advance price* (register and pay before 27 March 2009)

One day conference only# \$950 + GST = \$1,045

Early bird price* (register and pay after 27 March and before 8 May 2009)

One day conference only# \$1,050 + GST = \$1,155

Standard price (register and pay after 8 May 2009)

One day conference only# \$1,150 + GST = \$1,265

* Early Bird, team discounts and any other discount cannot be taken concurrently

Please select which city you wish to attend:

- Sydney
 Melbourne
 Brisbane

Please register me at the IPA member rate of \$1035 + GST = \$1,138.50

Member number: _____

CONFERENCE RESOURCES

I am unable to attend but would like to purchase a set of conference papers for 5th Annual Commercial & Retail Leasing Conference \$150 + GST = \$165.00

TEAM DISCOUNTS*

Register a team of 2 to the conference at the same time, from the same organisation and receive a free pass for the 3rd delegate.*

* Early Bird, team discounts and any other discount cannot be taken concurrently

PLEASE SEND ME MORE INFORMATION ON THE FOLLOWING LEXISNEXIS PROPERTY LAW PUBLICATIONS:

- Australian Property Law Journal
 Australian Property Law Reports

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