

Interactive discussion

Advance price expires 20 February 2009*

Early bird expires 3 April 2009*

Critical updates for 2009

Key industry presentations

Queensland: 6th Annual Conveyancing Forum

Essential sessions for conveyancers and supervising property practitioners

12 – 13 May 2009
Marriot Hotel
Brisbane

Day 1: Fundamentals & essentials for conveyancers

Day 2: Advanced sessions for property practitioners

Expert speakers include:

Pauline Barrow, President, **Australian Institute of Conveyancers**
Grant Dearlove, Managing Director, **ColliersPRD Residential**
Jenny Lang, Director, **Tribunals Review Project**
Warren Denny, Partner, **Flower & Hart Lawyers**
Brian Healey, Partner, **MacDonnells Law**
Scott Gregory, Principal, **Scott Gregory Lawyers**
Mark Winn, Special Counsel, **Sparke Helmore**
Daniel Beikoff, Senior Associate, **DLA Phillips Fox**
Mitchell Beck, Senior Associate, **Flower & Hart**
Justin McNally, Senior Associate, **Carter Newell**
Warren Wackerling, Senior Associate, **Holman Webb Lawyers**
Jeremy Chenoweth, Senior Associate, **Blake Dawson**
Stephanie Sanders, Associate, **MacDonnells Law**

Don't miss this opportunity to:

- Manage distressed property and powers of sale
- Examine the obligations for exercising powers of sale
- Discover tips for preventing opt-outs between pre-sale and sale
- Map the maze of effective exit strategies for property contracts

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Queensland: 6th Annual Conveyancing

Essential sessions for conveyancers and solicitors

Day One: 12 May 2009 – Fundamentals & essentials for conveyancers

8:30 **Conference registration**

8:50 **Keynote address**

Pauline Barrow, President, **Australian Institute of Conveyancers**

9:10 **Tackling standard contracts in cottage conveyancing**

Cottage conveyancing forms a large part of the work undertaken by conveyancing professionals. An in depth knowledge of the standard contract is an essential skill for conveyancers and in this session you will have the opportunity to evaluate these forms while also:

- Understanding the essential terms from the perspectives of purchaser and seller
- Practical strategies to ensure contractual due dates are met
- Preparing and completing standard contracts

Daniel Beikoff, Senior Associate, **DLA Phillips Fox**

9:50 **Understanding commercial, unit and community title scheme contracts**

In this session, the standard form contracts for commercial, unit and community title schemes will be outlined. Knowledge of these contracts is a must as commercial, unit and community title schemes contracts regularly arise in conveyancing practice.

- Outlining the forms of the relevant standard contracts:
 - REIQ Unit Contract
 - REIQ Commercial Contract
- The importance of disclosure forms
- Conveyancing process for a commercial or unit and community titles scheme property

Stephanie Sanders, Associate, **MacDonnells Law**

10:40 **Morning tea**

11:00 **Incorporating special conditions in the sale contract**

Preparing conveyancing contracts requires a strong understanding of vital special conditions and the ability to identify specific issues in relation to the drafting of these conditions. Use this opportunity to develop a practical approach of incorporating special conditions in the sale contract. This session explores:

- The importance of special conditions
- Typical special conditions included in conveyancing contracts
- Determining whether to include special conditions as part of the contract
- Drafting effective and precise special conditions

Brian Healey, Partner, **MacDonnells Law**

11:50 **Overview of the Property Agents and Motor Dealers Act (PAMDA)**

Demonstrating the application of PAMDA this presentation outlines the necessary steps to ensure compliance with the Act. Professionals engaged in conveyancing will benefit from this session focussing on:

- Summarising the essential provisions of PAMDA relating to conveyancing including the application to sales contracts for residences, Body Corporates and commercial property

- Executing contracts in compliance with PAMDA
 - Identifying the commencement date of the contract by reference to PAMDA requirements
 - Considering the consequences of non-compliance with PAMDA
- Annette Greenhow**, Lawyer to **Real Estate Institute of Queensland** and Assistant Professor, **Bond University**

12:40 **Networking lunch for speakers and delegates**

1:40 **Re-thinking your checklists for applying the Queensland Conveyancing Protocol to Sale Contracts**

Taking a contingency-base checklist approach to avoid a claim against you for negligence, this session examines the essential compliance provisions of the Queensland Conveyancing Protocol.

- Summarising important aspects of the Protocol and its impact on everyday conveyancing
- Developing strategies to ensure compliance with the Protocol
- Ensuring precedent documents meet with the requirements of the Protocol
- Examining the consequences of breaching or failing to comply with the Protocol

Mitchell Beck, Senior Associate, **Flower & Hart**

2:30 **Practical guide to making your contract enforceable**

- 10 Tips and tactics for conducting a commercial conveyance
- What you need to do to meet your disclosure obligations under the Environment and Protection Act
- Differences when dealing with vacant land and notices required by PAMDA
- Having the right checklist of what you need to consider for starting, enforcing and ending a contract

Justin McNally, Senior Associate, **Carter Newell**

3:20 **Afternoon tea**

3:30 **Your practical guide to avoiding common mistakes**

Apply knowledge, skills and behaviours required to successfully advise clients on critical timing issues associated with property transactions.

- When does time cease to be of the essence
 - Identifying your available options
 - Analysing and discussing what client can and can't do
- When does the right to terminate arise
 - Examining common circumstances that arise which cause breach of contract
 - Drafting exceptional and effective notices to complete
- How to exercise rescission and termination
 - Common circumstances that arise which cause breach of contract
 - Calculating damages where the buyer is breaching contract

Alexandra Fordyce, Associate, **McInnes Wilson**

5:00 **Close of day 1**



Hot Topic

PRACTICAL CHECKLIST

PRACTICAL GUIDE

Day Two: 13 May 2009 – Advanced sessions for supervising solicitors and property practitioners

8:30 **Conference registration**

8:50 **Keynote industry overview and outlook**

Dan Molloy, *Managing Director & CEO, Real Estate Institute of Queensland*

9:10 **Conducting due diligence when acting for a purchaser in a distressed property sale**

- What you need to be alive to when fronted by a forced sale
- Tips for conducting negotiations early before the contract is crystallised
 - Strategies for conducting due diligence when time is of the essence prior to sale
 - Advice for working without warranties or rights contained in biased mortgagee contracts

Brian Healey, *Partner, MacDonnells Law*



Hot Topic

9:50 **Hosing down fire sales and advising on a lender's power to sell**

Avoid fines of up to \$20,000 for non-compliance when:

- Advising on duties where the property is sold by a receiver under a delegated power or by the mortgagee as attorney for the mortgagor
- Protecting the borrower with specific substantive steps which must be followed
- Advertising the sale and obtaining reliable evidence of the property's value
- Prudent point for properties sought to be sold by auction

Scott Gregory, *Principal, Scott Gregory Lawyers*



Hot Topic

10:40 **Morning tea**

11:00 **Industry snapshot**

Issues and experiences during the last 12 months as well as expectations for the next 12 months in Queensland residential property sales.

Grant Dearlove, *Managing Director, ColliersPRD Residential*

11:20 **Documenting negotiated settlements for motivated sales in troublesome times**

- Being clear on the essential and non-essential elements of a settlement agreement
- Taking into account the issues of timing and the form of agreement
- Having an awareness of the tactics likely to be employed
- How practitioners have corrupted a sale with ill-conceived terms of settlement
- What to do when advising on repudiating or setting aside an agreement

Douglas Wilson, *Barister, Queensland Bar*

12:00 **Testing the limits of PAMDA being used to escape contracts for sale and pre-sale**

- Having an up-to-date awareness of how ss 366 and 367 of PAMDA are being used as exit strategies
- Dealing with the tricky triggers for termination
- Get what is bargained for and deal with attempts to terminate



Hot Topic

- Options for countering the consequences for non-compliance
- Learn from the latest cases and experiences with attempts to terminate
- Case study

Mark Winn, *Special Counsel, Sparke Helmore*

12:40 **How to use the new Protocol checklists when supervising a team of conveyancers**

- Oversee the conveyance with confidence by knowing what your conveyancing team are authorised to do and what they must refer to you
- Learn how to use the checklists as an interactive live file which flags irregularities for your attention
- How best to balance the use of checklists with urgent action on files in a busy conveyancing practice
- Reduce the risks of mistake in conveyancing without doing the transaction yourself

Warren Denny, *Partner, Flower & Hart Lawyers*

1.25 **Development experience & expectations in 2009**

Stewart Walls, *General Manager Developments, Aria Property International*

1:45 **Networking lunch for speakers and delegates**

2:30 **Conducting disputes in the new Civil and Administration Tribunal**

- Updating implementation, passage of legislation, and key dates
- Overview of QCAT including
 - Summarising the latest processes and procedures
 - Highlighting the effect on major jurisdictions with regard to rights and mechanisms of decision making
 - What you should know about operational aspects

Jenny Lang, *Director, Tribunals Review Project*

3:20 **Canvassing the case law coming through the courts and the implications for PAMDA**

- Conducting a border patrol and review of recent decisions throughout Queensland
- Pointing out the directions indicated for how and why applications of a like kind are getting up
- Avoiding a repeat performance on the same grounds that others have fallen down on

Warren Wackerling, *Senior Associate, Holman Webb Lawyers*

3:50 **Afternoon tea**

4:00 **What you didn't know about dealing with leasing issues in off-the-plan purchases**

- Distinguishing the obligations of builders and developers dealing with property at arms length
- Be aware of the issues that have arisen in association with QBSA licensing requirements
- How to negotiate prior to purchase with full awareness of the intricacies involved

Jeremy Chenoweth, *Senior Associate, Blake Dawson*

4:30 **Close of conference**

Priority registration form Queensland: 6th Annual Conveyancing Forum

4 easy ways to register

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Advance price* (register and pay before 20 February 2009)

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| <input type="checkbox"/> Two day conference | \$1850 + GST = \$2035.00 |
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* Early Bird, team discounts and any other discount cannot be taken concurrently

- # Please select day you wish to attend: Tuesday 12 May 2009
 Wednesday 13 May 2009

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for Queensland: 6th Annual Conveyancing Forum \$360.00 + GST = \$396.00

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

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