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Hot Topics

New South Wales: 7th Annual

Wills, Succession & Estate Planning Conference

Essential updates on the legal complexities and financial aspects of wills, succession and estates

**10 – 12 March 2009,
The Grace Hotel
Sydney**

Don't miss this opportunity to:

- Discover the intricacies of **taxation for multi-jurisdictional and overseas assets** and the latest changes to tax and superannuation rules in a new regime
- Evaluate the impact of the **latest statute developments** in de facto and same sex laws
- Analyse **recent case law** on testator's family maintenance, estate litigation and probate
- Gain **expert advice** on testamentary trusts, family trusts, business succession, binding death nominations and superannuation

**Register Today! Ph: 1800 772 772
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Expert speakers include:

Tim Somerville, Partner, **Somerville & Co**
Jenny McMillan, Head of Estate Planning, **Trust Company Ltd**
Robert Monahan, Estate Planning Specialist, **Australian Executor Trustees Limited**
Michael Kobras, Partner, **Schweizer Kobras**
Richard Neal, Partner, **Teece Hodgson & Ward**
John Armfield, Barrister
John Poole, Principal, **Maurice Buckley, CT Poole & Son**
Kevin Munro, Principal, **Munro Lawyers**

Plus: Don't miss the workshops on:

Essential Will Drafting
Christine Page, Lawyer, **David Landa Stewart**

Taxation issues in estate planning
Peter Bobbin, Partner, **The Argyle Partnership**

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Day one: Tuesday 10 March 2009

8.30 **Conference registration**

9.00 **Opening remarks from the chair**
Jenny McMillan**, Head of Estate Planning, **Trust Company

Hot Topic

9.15 **Considering the *Succession Amendment (Family Provision) Act 2008***
- Chapter 3 of the *Succession Act 2006*;
  - Prescribed period reduced to 12 months; no extension by consent;
  - Regulations allowed on advertising; mediation and costs;
  - "Small estates" - $750,000

Richard Neal**, Partner, **Teece Hodgson & Ward

10.00 **Effective mediation in family provision matters**
Conducting effective mediation in relation to family provision matters is vital. This session will provide an outline on the appropriate way in which to prepare and then conduct a mediation, from the perspective of the advocate, the instructing solicitor and also the mediator.
Martin Gorrick**, Barrister, **Federick Jordan Chambers

10.45 **Morning tea**

11.15 **Examining issues in relation to advising non traditional families, blended families, second marriages, family breakdown, de facto and same sex relationships**
- Drafting wills for non traditional families
- Investigating the same sex relationships (*Equal Treatment in Commonwealth Laws – General Law Reform) Bill 2008* – emerging legislation on de facto and same sex relationships and implications for wills and estate planning, taxation and superannuation
- Providing for orderly and enforceable succession in cases of family breakdown – before and after death
- Analysing the effects of divorce and remarriage on a will, claims of second or subsequent wives
- Ownership of assets and joint tenancy, the impact of binding financial agreements
- Gauging the potential of family provision applications

Jenny McMillan**, Head of Estate Planning, **Trust Company

12.00 **Examining cross border estate planning and overseas assets**
- Overseas assets and foreign inheritance taxes – avoiding snags, traps and pitfalls
- Pinpointing issues in relation to drafting foreign wills and issues in relation to different jurisdictions
- Assessing to which jurisdiction domestic law applies
- Issues to consider when drafting a will when the testator or an intended beneficiary is a foreign national
- Making provisions for overseas investments
- Navigating civil law entities, Islamic trusts etc

Michael Kobras**, Partner, **Schwelzer Kobras

12.45 **Networking lunch for speakers and delegates**

Case Law Update

1.45 **Recent developments in case law in deceased estate litigation, probate and contesting wills**
- Contesting the validity or interpretation of a will
- Breach of duty by executor
- Procedures and rules
- Interstate estates under the *Administration and Probate Act*
- Cross-jurisdictional issues
- Examining caveats and grounds for lodging caveats against grant of probate/ administration, forms, duration and procedure

***John Armfield**, Barrister*

2.30 **Protecting the Inheritance – Bankruptcy and Family Law Issues**
- Should inherited assets be treated any differently to other assets?
- Bankruptcy & Inheritances – Can or should creditors share in Grandma's estate?
- Family Law & Inheritances – Can or should the "Outlaws" share in an Inheritance?
  - Inheritances before separation
  - Inheritances after separation
  - Prospective Inheritances
- Testamentary Trusts and asset protection
- Inheritance Protection Agreements
- Review of Recent Cases

***Robert Monahan**, Estate Planning Specialist,*
Australian Executor Trustees Limited

3.15 **Afternoon tea**

3.45 **SMSFs and Estate Planning Issues**
- SMSF as a wealth creation vehicle
- SMSF as a wealth protection vehicle
- SMSF as an estate planning vehicle
- Passing control of an SMSF
- Strategies to deal with super death benefit taxes
- Case studies

***Donal Griffin**, Senior Associate, **Clarendene Estate Planning Lawyers.** A Business Unit of PricewaterhouseCoopers Australia*

4.45 **Closing remarks from chair**

5.00 **Close of day one**

Day two: Wednesday 11 March 2009

8.30 **Conference registration**

9.00 **Opening remarks from the chair**
Tim Somerville**, Partner, **Somerville & Co

9.15 **Maximising asset protection and minimising tax liabilities in business succession**
- Examining issues in relation to generational change of control of ownership
- Understanding the true tax profile of the family and business assets
- Reorganising a trust, company or partnership
- Utilising the CGT small business concessions
- Pinpointing buy and sell arrangements and funding options
- Maintaining asset protection
- The importance of the management succession plan

Tim Somerville**, Partner, **Somerville & Co

10.00 **The importance of accurate estate accounting and the entitlement of executors to commission**
- When accounts are needed
- Is a payment or receipt capital or income?
- Estate accounts for purposes of distributions and income tax
- Statutory basis and exercise of discretion
- Professional persons as executors

John Poole**, Principal, **Maurice Buckley, CT Poole & Son

10.45 **Morning tea**

11.15 **Analysing the current ATO compliance regime and the implications for estate and succession planning**

Tax Update

- Overcoming the intricacies of death and taxes in a new tax regime
- Reviewing tax considerations for estate planning and succession
- Assessing the most tax effective options for intended beneficiaries
- Assessing tax obligations of executors
- CGT and decreased estates: pre and post CGT assets, accessing CGT concessions
- Examining stamp duty property and land tax issues

Kevin Munro**, Principal, **Munro Lawyers

12.00 **Testamentary Trusts in estate planning**
- Establishing when it is necessary to create a testamentary trust
- Creating a balance between protection and flexibility
- Avoiding common drafting errors
- Examining practical tax benefits
- Fiduciary, financial and administrative duties of trustees – empowering and restricting the executor and trustee
- Testamentary trusts as an asset protection strategy
- Indemnity clauses
- Terminating the testamentary trusts

Michael Fitzpatrick**, Solicitor, Barrister & Partner, **Clarendene Estate Planning Lawyers** a business unit of **PricewaterhouseCoopers Australia

12.45 **Networking lunch for speakers and delegates**

1.45 **Preventing abuse of Power of Attorney**
- Recognising when your client is a victim of financial abuse
- Steps to take for prevention of further abuse
- Outlining who can assist in this process?
- Ensuring legal protection for elderly Australians
- Issues in guardianship, enduring medical guardianship and the role of the tribunal

Wayne Fielding**, Principal, **Elder Abuse Prevention Programs Inc

2.30 **Examining succession planning and challenges in Family Trusts**
- Examining options for succession
- Control of family trusts and trust deeds
- Reviewing cloning and splitting trusts and passing trusts onto second and third generations
- Assessing tax advantages and reviewing comparisons with testamentary trusts and avoiding de facto inheritance tax
- Evaluating administration issues in regard to family trust election versus imposed entity
- Debts, beneficiary, loan accounts, overseas beneficiaries

Andrew Frankland**, Partner, **Bartier Perry

3.15 **Afternoon tea**

3.45 **Incorporating philanthropy and charitable giving into estate planning**
- Moulding philanthropy to the clients interests
- Weighing the merits and weighing charitable giving through wills
- Defining charity and a charitable gift
- Reviewing taxation, legislation and regulations considerations
- Which entities are entitled to Deductible Gift Recipient (DGR) status?
- Examining clauses for making a charitable bequest
- Assessing tax deductions and exemptions

Catherine Dwyer**, Estate Planning Lawyer – Northern States, **ANZ Trustees

4.45 **Discussion session: examining risk management issues for practitioners**

Hot Topic

- Considerations in giving effect to clients instructions, ensuring that will is validly executed and attested
- Advising against accidental revocation
- Breach of duties which amount to negligence – examining liability of practitioners
- Evaluating risks associated with duty to beneficiaries
- Civil liability risks to prevent undue influence and fraud

Tim Somerville**, Partner, **Somerville & Co

5.30 **Closing remarks from chair**

5.40 **Close of conference**

Post-Conference Workshops: Thursday 12th March 2009

Workshop A: Essential Will Drafting

8.30 **Workshop A registration**
Morning tea included

9.00 **About the Workshop**
Armed with comprehensive information about your client, the practitioner can now proceed to draft the will. The session will refine all levels of skill to ensure that formal requirements, commercial considerations and personal relationships are woven together in the most effective manner for your client.

Workshop Agenda
- How to draft standard clauses
- Assessing and setting up appropriate trusts
- Understanding precedents

Workshop Leader
Christine Page*, Lawyer,* ***David Landa Stewart*** *was admitted in 1981 and specialises in wills, probate and estate planning, having worked with Trust (formerly Permanent Trustee Company) for many years and now Accredited Specialised in Wills and Estate Law*

12.30 **Networking lunch for full day delegates**

Workshop B: Taxation issues in estate planning:

1.30 **Workshop B registration**
Afternoon tea included

2.00 **Workshop Agenda**
- Understanding what types of taxes can be triggered in estate planning: CGT, land tax/stamp duty, personal income tax
- Looking at the types of vehicles used in estate planning: wills and inter vivos arrangements, trusts and superannuation
- A review of the types of transactions which engage taxation liabilities: asset transfers, income streams, trust distributions
- Examining death benefits under SMSF and non-SMSF
- Working through some common scenarios and possible outcomes

Workshop Leader
Peter Bobbin*, Partner,* ***The Argyle Partnership***

5.30 **Close of workshop**

Register 2 and 3rd attends FREE!

Register a team of 2 for the 7th Annual Wills, Succession and Estate Planning at the same time, from the same organisation and receive a **free pass for the 3rd delegate**.

(See registration page for details)

Upcoming events:

Contract Law Masterclass: 10-12 February 2009, Sydney

NSW Property & Conveyancing Conference: 13-14 May 2009, Sydney

Employment Law for HR Professionals: 1 April 2009, Sydney

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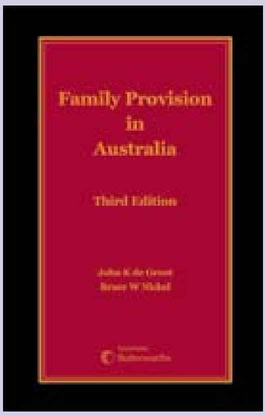
- Wills and probate lawyers
- Estate planning lawyers
- Succession law practitioners
- Barristers
- Trustee companies
- Financial planners
- Taxation advisers working in the area of estate planning



Family Provision in Australia - 3rd Edition

John K de Groot & Bruce Nickel

Family Provision in Australia – 3rd Edition is an easy-to-use, practical guide for legal practitioners detailing the practice and procedure of family provision law on a state-by-state basis. The text incorporates a comprehensive checklist, case tables, forms, precedents and a reproduction of state and territory family provision legislation.

Publication date: September 2007

Hard Cover ISBN: 9780409323948

To order your copy please use the registration form or for more information please contact your LexisNexis Customer Relations Representative on 1800 772 772

Priority registration form
NSW: 7th Annual Wills, Succession and Estate Planning 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
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DX 29590 Chatswood

Please complete sections A, B, C, D

Conference code: **PD1909** ABN: 70 001 002 357

WEB

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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: ______

Email (required**): ______

Delegate 3 details

3rd Delegate FREE!

Mr/Ms/Dr: ______ First name ______ Last name

Position: ______

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** to send conference confirmation

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C Event Pricing *(please tick your selection)*

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☐ Two Day Conference + 2 Workshops	$2400 + GST = $2640.00
☐ Two Day Conference + 1 Workshop#	$2150 + GST = $2365.00
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If attending one day only, please select: ☐ Day one or ☐ Day two

If attending one workshop only, please select: ☐ Workshop A or ☐ Workshop B

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CONFERENCE RESOURCES

☐ I am unable to attend but would like to purchase a set of conference papers for the 5th Annual Wills, Succession and Estate Planning $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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LexisNexis® Professional Development

Event date & venue

10-12 March 2009
The Grace Hotel
77 York Street, Sydney
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