

THE 17TH ANNUAL **creditlaw** CONFERENCE

19 – 21 September 2007 • Palazzo Versace • Gold Coast • Australia

OUTSTANDING SPEAKER FACULTY

- ASIC
- Visa
- ANZ
- Westpac
- UCCCMC
- ALRC
- Attorney General's Department
- Consumer Affairs Victoria
- Banking and Financial Services Ombudsman

and many more

Australia's premier industry forum for legal and finance professionals working with or advising on credit products and services

Endorsed by



Phone: 1800 772 772
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 **LexisNexis**[®]
Professional Development

THE 17TH ANNUAL **creditlaw** CONFERENCE

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Dear Delegate,

It's back and it's better than ever!

Now in its 17th year, the LexisNexis Credit Law Conference is Australia's premier event for legal and finance professionals working with or advising on credit products and services.

This year's event will be held at the stunning Palazzo Versace on the Gold Coast and will feature a host of Australian and international experts. A perfect combination of valuable social and networking events, world-class speakers and superior opportunities to participate and influence the direction of credit law in 2008.

The focus in 2007 is on practical, comprehensive and forward thinking discussion from our expert speaker faculty, which features presenters from the legal profession, industry, regulators, government agencies and advocacy groups.

Featuring an outstanding social program to facilitate valuable networking opportunities for delegates and speakers, this event is your opportunity to participate in one of the largest and most established industry forums in Australia. Social and networking opportunities include the Pre-Conference Welcome Drinks, the Official Dinner Reception and more. Family and guests of delegates are welcome to participate in the social program and are encouraged to do so.

LexisNexis warmly welcomes you, your colleagues and your family to take part in Australia's premier conference for the credit industry.

We look forward to seeing you at the 17th Annual Credit Law Conference on the Gold Coast.

Kind regards,

The LexisNexis Professional Development Team

P.S Register by 10 August and stay at the Palazzo Versace for free!



Conference Date and Venue Information

19 – 21 September 2007
Palazzo Versace
Sea World Drive
Main Beach, QLD
Phone: 1800 098 000 (Toll Free)
Fax: 07 5509 8888
Online: www.palazzoversace.com.au



Leisure Options for Delegates and Families

The Gold Coast offers a vast array of leisure and entertainment options for visitors. Some of these include:

- Dreamworld • Sea World • Movie World • Whitewater World
- Wet 'n' Wild • Jet Skiing • Parasailing • Surfing Lessons
- Luxury Cruises • Sailing • Deep Sea Fishing • Golf • Tennis
- 4WD Tours • Helicopter Flights • Hot Air Balloon Flights
- Bungee Jumping • Horse Riding • Mt Tamborine Vineyards
- and much more!

To receive a Leisure Options brochure please contact
Marsha Scandurra on ph: 02 9422 2427 or email
marsha.scandurra@lexisnexis.com.au



Team Discounts

Register a team of 4 for the 17th Annual Credit Law Conference at the same time, from the same organisation and receive a free pass for the 5th delegate.

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

Who Should Attend

- Lawyers specialising in financial services, banking and consumer credit
- Corporate Lawyers and Legal Counsel from the banking and finance industry
- Consumer Advocates
- Compliance Managers and Executives
- Loan Managers
- Finance Companies
- Credit unions
- Friendly Societies
- Mortgage Originators
- Finance Brokers and other consumer credit providers

Early Bird Offer

Stay at the Palazzo Versace for free!

Register your place at the 2 day conference by 10 August 2007 and receive 1 night accommodation* at the Palazzo Versace for free!

To take advantage of this amazing offer, complete the early bird section of the registration form overleaf, register and pay by 10 August 2007.

This offer is strictly limited. Registration and payment must be received by 10 August 2007. Details of how to redeem this offer will be provided upon receipt of payment. No time extensions available.

* Offer valid on "Superior Room" only. Valid 18 – 21 September 2007 only.

REGISTER TODAY

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WHY YOU SHOULD ATTEND

- Australia's largest and most established Credit Law event
- Outstanding speaking faculty including **Professor Les McCrimmon**, Commissioner, **Australian Law Reform Commission** and **Dr James Popple**, First Assistant Secretary, Personal Property Securities Division, **Australian Attorney General's Department**
- Great networking opportunities and social functions for delegates and families
- Comprehensive 2 1/2 day program

YOU WILL BE IN GOOD COMPANY

Speakers from:

- ASIC
- Visa
- ANZ
- Westpac
- Uniform Consumer Credit Code Management Committee
- Australian Law Reform Commission
- Freehills
- Mallesons Stephen Jaques
- Attorney General's Department
- Consumer Affairs Victoria
- Banking and Financial Services Ombudsman
- Australian Finance Conference
- Dibbs Abbot Stillman
- Consumer Action Law Centre

Pre-conference Interactive Forums

Wednesday 19 September 2007

11.30 Interactive Forums Registration

12.00 - 2.00

Interactive Forum 1

Building a Business Case for Regulation – ASIC Forum

This interactive forum will explore how your organisation can balance its regulatory and financial pressures in practice. This is your opportunity to discuss your questions and concerns with the regulators themselves, as well as some of Australia's leading banking and finance lawyers.

The forum will provide a unique opportunity to develop and/or perfect your organisation's practices to ensure they are compliant, efficient and economically viable.

Facilitators and delegates will explore:

- The role of ASIC in Australian credit regulation
- Misleading and deceptive advertising – case studies and lessons learnt
- Unconscionable conduct – issues for lenders and intermediaries
- Common issues facing businesses in creating feasible compliance systems in practice and how to address them
- The future of credit regulation – will you be left behind and what will be the consequences?

Regulatory Facilitator: Tim Gough and Michael Saadat, Lawyers, Consumer Protection – Compliance and Campaigns, ASIC

Legal Facilitators: Ros Grady, Partner and Katherine Forrest, Partner, Mallesons Stephen Jaques

2.00 Afternoon Tea

2.30 - 4.30

Interactive Forum 2

Anti-Money Laundering and Counter Terrorism Financing

This interactive forum will deal with how to implement and manage Anti-Money Laundering and Counter Terrorism Financing Act 2006 (AML/CTF Act) compliance programs as well as taking an in depth look at the AML/CTF Act's reporting obligations. In this forum, you will be given the opportunity to consider and debate and concerns or questions you may have with expert legal advisors.

Your facilitators will provide a practical and valuable forum for examining the operation of AML/CTF legislation now and in the future.

Facilitators and delegates will explore:

- The draft and final AML/CTF Rules
- Implementing compliant and risk-based AML/CTF programs
- Issues in customer identification procedures and customer record maintenance
- Correspondent banking obligations
- Applicable criteria and timeframes for reporting suspicious activities and suspected terrorism
- Conflicts of law within the AML / CTF framework

Facilitators: Andrea Beatty, Partner and James Moore, Special Counsel, Mallesons Stephen Jaques

4.30 Close of Interactive Forums

Pre-conference Welcome Drinks

The networking begins! Mingle with your fellow conference delegates poolside before the commencement of the two day conference program. This is your chance to catch up with old contacts and meet some fresh faces in a beautiful, relaxed atmosphere.

Time: 7.00pm Location: Fountain Terrace, Palazzo Versace
Dress: Business or Smart Casual



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Conference - Day 1 Thursday 20 September 2007

8.30 Conference Registration

9.00 Opening Remarks from the Chair

Recent Developments in Credit Law – The Consumer Perspective
Ian Clyde, Manager, Credit Policy and Projects, Consumer Affairs Victoria and Chair, Uniform Consumer Credit Code Management Committee

9.10 International Keynote

Trans – Tasman Tales: Credit Contracts and the New Zealand Consumer Perspective

This session will highlight the impact that the *New Zealand Credit Contracts and Consumer Finance Act* (the Act) has had on the New Zealand banking industry and the consumers it services. Understanding the operation of the Act, which became law in 2005 and is only now starting to have a major effect in the market from a consumer perspective, is an important step in appreciating New Zealand customer concerns. Whether you are dealing with trans-Tasman customers and organisations more and more, or are looking for a fresh perspective from which to compare, contrast and evaluate your own best practice models, this session is bound to be enlightening.

- Credit and Consumer Credit Contracts - definitions and comparisons
- New rules around interest and unfair fees
- Cancellation, early repayment and hardship rules
- A review of the increased role for the NZ regulator

Bill Bevan, Author, "Consumer Credit" (LexisNexis New Zealand)

10.00 Regulatory Round Up 2007

- A year in review - key consumer credit changes
- Anti-money laundering and credit
- CCC e-commerce in practice
- Finance brokers – new rules
- EFT Code, privacy and unfair contract terms update

Andrea Beatty and Ros Grady, Partners, Mallesons Stephen Jaques

10.50 Morning Tea

11.20 Recent Cases in Credit Law

This session will be an in-depth review of a number of the most significant recent cases relevant to Credit Law. This not-to-be-missed case law update will provide delegates with an invaluable opportunity to review and discuss the most important case law developments in 2007.

Angela Quintarelli, Special Counsel, Freehills

12.10 Review of the EFT Code

- Understanding liability in cases of internet fraud and identity theft
- Analysing the impact of extending protections under the Code to small business
- Terms and Conditions disclosure
- A review of providers' obligations for mistaken payments
- Compliance monitoring and ASIC's administrative function

Delia Rickard, Deputy Executive Director of Consumer Protection, ASIC

1.00 Networking Lunch for Speakers and Delegates

Il Barocco Restaurant

2.00 Personal Property Securities Reform

- An overview of why Personal Property Securities (PPS) reform is needed and a review of the international experience
- What will PPS reform mean for financial services and consumers?
- How will the new national online register function?

Dr James Popple, First Assistant Secretary, Personal Property Securities Division, Australian Attorney-General's Department

2.50 Privacy in Credit Reporting

- The ALRC's approach to the reform of Part IIIA of the *Privacy Act 1988* (Cth)
- Examining the case for more comprehensive credit reporting
- The principle of 'reciprocity' in the regulation of access to credit information files
- The role of the Office of the Privacy Commissioner and External Dispute Resolution schemes in complaint handling

Professor Les McCrimmon, Commissioner, Australian Law Reform Commission

3.30 Afternoon Tea

4.00 National Finance Broking Regulation

- Who will be covered by the regulation?
- An overview of obligations for brokers
- Exploring licensing and discipline issues
- Uniformity of finance broking regulation

Ian Clyde, Manager, Credit Policy and Projects, Consumer Affairs Victoria and Chair, Uniform Consumer Credit Code Management Committee

4.40 The Future of Payments Systems in Australia

- The effect of recent and future reforms on financial institutions and customers
- The impact of market structure and competition forces on payment systems
- Authentication solutions for card payments – credit, debit and pre-paid
- Mobile payments – the convergence of electronic payments and mobile technology

Andrew Woodward, Director, Corporate Relations, Australia, New Zealand and South Pacific, Visa

5.20 Closing Remarks from the Chair

5.30 Close of Day 1

6.30 Pre-Dinner Drinks

Join us for drinks on the terrace to relax and mingle before dinner

7.00 Official Conference Dinner

Join your fellow delegates and speakers in the Grand Medusa Ballroom, Palazzo Versace for the Official Conference Dinner. A wonderful opportunity to relax, network and enjoy fine dining in truly exquisite surrounds. All delegates, speakers, partners, families and guests welcome.

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Conference - Day 2 Friday 21 September 2007

9.00 **Opening Remarks from the Chair**

Recent Developments in Credit Law – The Industry Perspective
Helen Gordon, Regional Director and Corporate Lawyer, Australian Finance Conference

9.10 **Australian Keynote**

Current Issues and Future Trends in Credit Disputes: What's on the Radar?

- Overview of the credit-related issues in disputes before the BFSO
- Comparison with the UK – disputes under the UK Financial Ombudsman Service's credit jurisdiction
- Future trends and challenges in credit regulation and law-making – credit products in the context of concerns about elder abuse

Elisabeth Wentworth, Special Counsel to the Ombudsman, Banking and Financial Services Ombudsman

10.00 **Nuisance Communications and the Credit Industry – Understanding the Spam Act and Do Not Call Register**

- An historical and contextual overview of the Spam Act and Do Not Call Register
- Pertinent points in the legislation and regulations
- Understanding what constitutes compliance and how it is achieved
- Identifying what constitutes consent (and particularly inferred consent)
- War stories - case studies of serious breaches in Australia and abroad
- Practical tips and tricks for compliance

Mark Morrison, Counsel and Head of Legal, Banking Products Group, Westpac

10.50 **Morning Tea**

11.20 **Panel Discussion**

Equity Release – Baby Boomers and Beyond

- Understanding the scope of the Australian Equity Release market
- Are equity finance mortgages (EFMs) the way of the future? Key features of and issues with EFMs
- What's working and what isn't? Possible future legal and regulatory challenges
- Should additional consumer protection be made available in the flourishing reverse mortgage market? If so, what are they?

Facilitator:

Kevin Conlon, Head of Education, Sequel

Panelists:

Christopher Joye, Managing Director, Rismark International
Peter McGuinness, CEO, Bluestone Equity Release
Australian Consumers' Association (Choice)

12.10 **Responsible Lending and Borrower Over Commitment**

- Exploring consumer credit and the increasing rate of bankruptcy
- Creating solutions to unsustainable levels of debt for customers in financial difficulties
- Gambling and credit – legal and social obligations
- ANZ's approach to responsible lending

Nigel Dunn, Head of Credit Risk - Consumer Credit Cards, ANZ Bank

1.00 **Networking Lunch for Speakers and Delegates**

Il Barocco Restaurant

2.00 **Debate Session**

Consumer v Industry: The Great Exception Fees Debate

- An analysis of the impact of exception fees on consumers
- How can consumers avoid exception fees?
- Are competitive pressures keeping exception fees in check?
- Can improved disclosure assist consumers?
- International comparison – the UK experience

Panelists:

David Bell, CEO, Australian Bankers' Association

Paul Gillett, Co-Director – Legal Practice,

Consumer Action Law Centre

2.50 **Credit and Unfair Contract Terms**

This session will examine the rationale behind applying unfair contract terms legislation to consumer credit contracts and how the application of such legislation may operate.

- Examining the potential impact of unfair contract terms legislation on credit contracts
- What terms might be classed as "unfair"?

Dr Elizabeth Lanyon, General Manager, Corporate Programs and Projects, Consumer Affairs Victoria

3.30 **Afternoon Tea**

4.00 **Consumer Credit Providers Listing on the ASX**

- An analysis of the recent listing on the ASX of companies who operate predominantly in the consumer credit market
- The impact of consumer credit legislation as it relates to disclosures in prospectuses and ongoing listing requirements
- Opportunities for growth of business within the consumer finance sector

David Carter, Partner, Dibbs Abbott Stillman

4.50 **Closing Remarks from the Chair**

5.00 **Close of Conference**

