

Register 2 and a 3rd attends free

Early bird expires 20 August 2008\*

New interactive format

Claim over 15 CPD/CLE points

# 18th Annual credit law conference

## Navigating a labyrinth of regulation

1 – 3 October 2008 • Hyatt Regency • Sanctuary Cove • Queensland

### Key benefits:

- Hear **Senator the Hon Nick Sherry** discuss the government's national action plan on credit regulation
- Acquire thorough insight into the recent **Privacy Law recommendations**
- Discuss and analyse **industry codes of conduct** in financial services
- Discover **ASIC's** investigation priorities for 2009

### Expert speakers include:

**Senator the Hon Nick Sherry**,  
Minister for Superannuation and Corporate Law

**Ian Clyde**, Chair, UCCCMC

**Mark Hummerston**, Assistant Privacy Commissioner

**Tom Saywell**, Former Managing Director and Head of Mortgage Banking, Merrill Lynch, New York

**Greg Kirk**, Director, Consumer Protection, ASIC

**Andrew Smith**, General Counsel, GE Money

**Andrea Beatty**, Partner, Mallesons Stephen Jaques

Register today! Phone 1800 772 772 or [www.lexisnexis.com.au/CreditLaw](http://www.lexisnexis.com.au/CreditLaw)

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**LexisNexis**  
Professional Development

## Program at a glance

### Pre-conference interactive forums

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Interactive forum 1 – Implementing National Personal Property Securities Reform

Interactive forum 2 – ASIC issues workshop

### Conference – day one

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**Keynote address – Credit regulation for the 21st century: the government's national action plan**

Considering changes to the *UCCC under national regulation*

Regulatory round up 2008

Examining the impact of *First Home Savers Accounts*

Discussing recommendations from the final '*Review of Australian Privacy Law*'

Analysing *credit reporting recommendations* of the privacy law amendments

Delivering a legal perspective on the issue of fees

Addressing the *concept of fairness*: the new touchstone for regulation of fees

Justifying fees from an industry perspective: what is reasonable?

### Conference – day two

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**Keynote address – Analysing the origins of the global credit crisis and discussing its impact on Australian consumers**

**Panel discussion** – The question of self regulation: examining industry codes of conduct in financial services

Considering the discussion paper on the *EFT code* and themes in financial literacy

Examining the issue of *extending unfair contract terms* across Australia and considering the impact for consumers

Examining credit regulation and providing updates of *essential ASIC activities*

Preparing for stage 2 of the *December AML reforms*

Insights into *responsible lending and enforcement*: the consumer perspective

Future directions for credit regulation

# 18th Annual credit law conference

Navigating a labyrinth of regulation | 1 – 3 October 2008 • Hyatt Regency • Sanctuary Cove • Queensland

*“There are a few similar conferences available throughout the year. This is the one I chose. Subject and quality of presenters were excellent.”*

*Kim Morris, Credit Analyst,  
The Summerland Credit Union.  
17th Credit Law Conference  
2007, Delegate*

#### Dear Delegate,

The consumer credit industry is as dynamic as ever with changes forecast in wide ranging areas including national regulation of credit, personal property securities, the Review of Australian Privacy Law and self regulation.

Now in its 18th year, the LexisNexis Credit Law Conference is pleased to be hosting you in the luxury surrounds of the Hyatt Regency Hotel, Sanctuary Cove, Queensland.

This year's program will provide you with a wealth of exciting and engaging speakers, and returns from “in demand” favourites. Expect this year's conference to surpass all previous conferences in terms of value, variety, subject matter, speakers and engaging discussion.

We are pleased to welcome such high calibre speakers as Senator the Hon Nick Sherry, Minister for Superannuation and Corporate Law and Mark Hummerston, Assistant Privacy Commissioner as well as in-house counsel, law firm partners, consumer law advocates, Attorney-General's department representatives, industry associations and ASIC executives. Delegates will benefit from a variety of expert perspectives on wide ranging issues affecting their industry.

Featuring an outstanding social program to encourage valuable networking opportunities for delegates and speakers, this event is your opportunity to participate in one of the largest and firmly established industry forums in Australia.

We encourage you to bring along your partner and family so that they can take advantage of the partner program. This wide ranging program incorporates activities for all tastes, from whale watching to Camp Hyatt for kids.

We look forward to seeing you at the 18th Annual Credit Law Conference at the Hyatt Regency Sanctuary Cove Resort.

Kind regards,

**The LexisNexis Professional Development Team**

#### 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

#### 4 reasons why you should attend

1. Australia's largest and most established Credit Law event
2. Outstanding speaker faculty including **Senator the Hon Nick Sherry**, Minister for Superannuation and Corporate Law and **Mark Hummerston**, Assistant Privacy Commissioner
3. Great networking opportunities and social functions for delegates and families
4. Comprehensive 2 ½ day program

#### You will be in good company

##### Speakers from:

- ASIC
- Consumer Affairs
- Mallesons Stephen Jaques
- Allens Arthur Robinson
- Gadens Lawyers
- Blake Dawson
- Australian Finance Conference
- MFAA
- Abacus Australian Mutuals
- Veda Advantage
- Westpac

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To register now ph: 1800 772 772 or fax: 02 9422 2338 or visit: [www.lexisnexis.com.au/CreditLaw](http://www.lexisnexis.com.au/CreditLaw)

## Pre-conference interactive forums

Wednesday, 1 October 2008

### 11.00 Interactive forums registration

#### 11.30 Interactive forum 1

##### Implementing National Personal Property Securities Reform

The consultation process on the *Personal Property Securities Bill 2008* (PPS) has raised significant policy issues for consideration in the implementation of a single national online register. This interactive forum will present an overview of the policy issues raised in the consultation process and equip delegates with the knowledge to navigate the complexities of the new regime.

**Issues for facilitator and delegate consideration include:**

- Personal property securities reform – update
- Increasing certainty and consistency, reducing complexity and cost
- Developing a single, national, online PPS register
- Learning from the international experience
- Priorities
- Extinguishment
- Enforcement and remedies
- Practical considerations – transitional issues

*Robert Patch, Principal Legal Officer, Personal Property Securities Branch, Australian Attorney-General's Department and Craig Wappett, Partner, Piper Alderman*

### 1.30 Networking lunch for speakers and delegates

#### 2.30 Interactive forum 2

##### ASIC issues workshop

This interactive forum will be an opportunity to gain the regulator's perspective on a range of credit related issues that have arisen in the last 12 months or are likely to arise in 2009.

**Issues for facilitator and delegate consideration include:**

- ASIC's current role in credit regulation
- ASIC regulatory action update
- ASIC investigation priorities (including product concerns) for 2009
- Misleading or deceptive advertising – recent work by ASIC
- Recent case law on advertising
- Unconscionable conduct – issues for lenders and intermediaries

*Greg Kirk, Director, Consumer Protection and Michael Saadat, Lawyer, Consumer Protection, ASIC  
Andrea Beatty, Partner, Mallesons Stephen Jaques and Katherine Forrest, Partner, Mallesons Stephen Jaques*

### 4.30 Close of interactive forums

#### 7pm Pre-conference welcome drinks

Relax on the pool-side terrace overlooking the lagoon at the pre-conference canapés and welcome drinks. This is a great opportunity to catch up with old contacts and meet some fresh faces in a beautiful, relaxed atmosphere.

*Dress: Smart casual*

8.00 **Conference registration**

9.00 **Opening remarks from the Chair**

*Jon Denovan, Partner, Gadens Lawyers*

## 9.10 KEYNOTE ADDRESS

### “Credit regulation for the 21st century: the Government’s national action plan”

There is now widespread acknowledgment that credit needs to be reformed at a national level and consumer credit law needs to be consolidated under federal jurisdiction. But the question remains, what direction will national regulation take?

*Senator the Hon Nick Sherry, Minister for Superannuation and Corporate Law*

10.00 **Considering changes to the UCCC under national regulation**

- Implications of the extent to which Federal Government regulates credit and broking
- Options for continued State/Territory involvement
- Changes to UCCC agreed but not yet implemented
- Opportunities for improved regulation under a national (federal) scheme
- Implementation of a new national approach

*Ian Clyde, Chair, Uniform Consumer Credit Code Management Committee (UCCC)*

10.50 **Morning tea**

11.20 **Regulatory round-up 2008**

- A year in review – key consumer credit changes
- Discussing margin lending
- Implementing the findings of the Productivity Commission Report
- The finance brokers model
- Review of the Code of Banking Practice

*Andrea Beatty and Katherine Forrest, Partners, Mallesons Stephen Jaques*

12.20 **Examining the impact of the First Home Savers Account**

- Discussing the regulatory issues and lending arrangements
- Operational issues and the lending process
- Analysing the impact upon lenders
- Practical considerations: the story so far

*Ryan Bloxsom, Legal Counsel, Westpac*

1.00 **Networking lunch for speakers and delegates**

2.00 **Discussing recommendations from the final “Review of Australian Privacy Law”**

- The findings of the report and its implications for credit providers
- Recommendations on the issue of comprehensive credit reporting

- What do the privacy changes mean for the credit sector?
- The final report on data breach notification and its recommendations to government

*Mark Hummerston, Assistant Privacy Commissioner, Office of the Privacy Commissioner*

2.45 **Analysing the credit reporting recommendations of the privacy law amendments**

- Examining the shift in legal architecture
- Discussing the interaction between legal changes and the credit code
- Considering strategic questions around competition
- Anticipating D-day and its consequences
- Learning from the international experience

*Chris Gratton, Head of External Relations and Compliance, Veda Advantage*

3.30 **Afternoon tea**

4.00 **Delivering a legal perspective on the issue of fees**

- The general law treatment of fees
- UCCC treatment of fees
- Other relevant legislation
- Impact of proposed legislative changes

*Peter Jones, Partner, Allens Arthur Robinson*

4.30 **Addressing the concept of fairness: the new touchstone for regulation of fees**

- Considering the application of fairness to mortgage entry and exit fees
- Approaches for challenging unfair fees
- Proposals to amend the UCCC and their potential affect on consumers
- Discussing fairness in the context of bank penalty fees

*Gerard Brody, Director, Policy and Campaigns, Consumer Action Law Centre*

5.00 **Justifying fees from an industry perspective: what is reasonable?**

- What is a ‘fee’, why are fees charged and what is the purpose of fee regulation?
- Do all fees relate to specific costs? What is acceptable?
- Controlling fees and distorting markets
- Regulating fees and its impact on product innovation
- Will fee regulation lead to fewer fees or more fees?

*Andrew Smith, General Counsel, GE Money*

5.30 **Closing remarks from the Chair**

6.30 **Pre-dinner drinks**

7.00 **Official conference dinner**

Join your fellow delegates and speakers at the pool-side terrace, Hyatt Regency, Sanctuary Cove. A wonderful opportunity to relax and network in a beautiful setting. Partner’s and guests are welcome.

9.00 **Opening remarks from the Chair**  
*Jon Denovan, Partner, Gadens Lawyers*

## 9.10 KEYNOTE ADDRESS

Defaults in the US sub-prime mortgage market have affected all major financial institutions and spread to other markets around the globe. Tom Saywell lends his experience to provide an analysis of the origins of the mortgage crisis, discussing how it has spread to other markets and the impact it continues to have in Australia and overseas.

**“Analysing the origins of the global credit crisis and discussing its impact on Australian consumers”**

*Tom Saywell, Former Managing Director and Head of Mortgage Banking, Merrill Lynch, New York*

## 10.00 INTERACTIVE PANEL DISCUSSION

**The question of self regulation: examining industry codes of conduct in financial services**

In this session panellists will discuss general aspects of their relative codes before opening the discussion to the floor on broader issues including:

- How do these codes fit into a regulatory regime for lenders?
- Voluntary codes as consumer protection mechanisms
- Differing provisions, similar concepts – what’s the ideal approach? Ideas in best practice sharing
- Self regulation as an alternative to legislation – how do the codes differ from external dispute resolution?

*Calvert Duffy, Head of Legal and Compliance, MFAA and Michael Funston, Senior Lawyer and Manager, Abacus Australian Mutuals*

10.50 **Morning tea**

11.20 **Considering the discussion paper on the EFT code and themes in financial literacy**

- Raising industry issues surrounding the current EFT code
- Examining the progress of the review
- Anticipating recommendations
- Discussing themes in financial literacy

*Delia Rickard, ACT Regional Commissioner & Deputy Executive Director Consumer Protection, ASIC*

12.10 **Examining the issue of extending unfair contract terms across Australia and considering the impact for consumers**

- Overview of the Productivity Commission’s recommendations
- Applying unfair terms to credit contracts
- Discussing terms that are detrimental to consumers
- Varying contracts and avoiding consumer exploitation
- Considering the UK experience

*Dr Elizabeth Lanyon, General Manager, Consumer Policy and Programs, Consumer Affairs Victoria*

1.00 **Networking lunch for speakers and delegates**

2.00 **Examining credit regulation and providing updates on essential ASIC activities**

- Detailing ASIC’s new structure and credit regulation
- Discussing ASIC’s review of mortgage entry and exit fees
- ASIC’s report into equity stripping
- Addressing ASIC’s work on reverse mortgages

*Michael Saadat, Lawyer, Consumer Protection, ASIC*

2.50 **Preparing for stage 2 of the December AML reforms**

- Anticipating the substance of the new legislation
- Considering the new standards for tranche 2 entities
- Obligations of real estate services providers, business services providers and professional services providers

*Philip Trinca, Partner, Blake Dawson*

3.30 **Afternoon tea**

4.00 **Insights into responsible lending and enforcement: the consumer perspective**

- Falling of credit standards and increased delinquencies
- Lenders’ predatory practices and what’s being done about it
- Helping victims of predatory lending

*Amy Kilpatrick, Director, Public Interest Law Clearing House*

4.50 **Future directions for credit regulation**

- The life of credit: highlights for 2008
- Key elements of pending and proposed changes to the regulatory framework of credit
- What does the future hold for the industry?

*Helen Gordon, Regional Director and Corporate Lawyer, Australian Finance Conference*

5.20 **Closing remarks from the Chair**

5.30 **Close of conference**

18th Annual  
credit law  
conference



## Partner Program

### Whale Watching

**Thursday 2 October 2008 – Departs 08:00 and returns 13:00**

\$90 per person (includes return transfers & whale watching)

See the magnificent Humpback Whale breach. Hear their great tail slap the water. Feel the waves rock the boat. Marvel at their playfulness. After a brief (and often entertaining) safety induction, the tour commences with a scenic canal cruise through the Nerang River. Gaze at the amazing architecture as the knowledgeable crew point out the spectacular homes of the rich and famous.

Your cruise continues past South Stradbroke Island to the nearby waters of the **Australian Whale Sanctuary**. Be prepared to encounter humpback **whales**, **bottlenose dolphins**, giant loggerhead **turtles**, killer **whales** and various **sea birds**.

### Shopping Spree

**Thursday 2 October 2008 – Departs 09:00 and returns 13:00**

\$30 per person (includes returns transfers and VIP shopping card)

Take time out for some well deserved shopping at Gold Coast's unique outlet shopping centre 'Harbour Town', where quality brands sell direct for up to 60% less every day. The shopping adventure begins in the Tourism Lounge where you can enjoy complimentary refreshments in air-conditioned comfort. Each person receives a Tourism Club Card that entitles the holder to discounts, gifts and other value-add incentives throughout the centre at participating retail stores and restaurants. Shop till you drop then transfer yourself and your goodies back to your accommodation in your comfortable luxury coach.



### Mt Tamborine and Gold Coast Hinterland Tour

**Friday 3 October 2008 - Departs 09:30 and returns 16:00**

\$110 per person (includes return transfers, craft shopping, wine tasting, lunch)

Set in a tranquil mountaintop rainforest environment, Mt Tamborine is an eclectic mix of National Parks, boutique wineries, bed & breakfast's, antique shops and art and craft galleries. This quaint township is home to a local cheese maker offering a large array of dips, cheeses and ice-creams. Visit a local winery for a taste of some great Qld wines and follow this by shopping time at the famous Gallery Walk. Lunch is at Cedar Creek Estate Winery overlooking a tranquil lake and gorgeous gardens.



### Theme Park Adventure

**Saturday 4 October 2008 – Departs 09:00 and returns 16:00**

\$80 per adult, \$60 per child (includes transfers & theme park admission)

Chose from Dreamworld, Seaworld or Movieworld for a day of action and adventure. We will transport you there and back in a luxury vehicle and provide admission to the theme park of your choice. Spend a day at leisure in the park.



### Camp Hyatt

The Hyatt Regency Sanctuary Cove offers Camp Hyatt, run by a team of qualified childcare professionals which provides activities for kids aged four to twelve years. You can enjoy a massage or round of golf while the kids engage in the many activities and/or offsite excursions. Cost ranges from \$40 for the half day and \$70 for the full day. For further details and to book please contact the Hyatt Regency directly on 07 5530 1234.

## Guest registration form

Please register the following guests to the following activities:

1: \_\_\_\_\_

2: \_\_\_\_\_

3: \_\_\_\_\_

Activity	Price	Guest (please tick)
Whale Watching	\$90	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
Shopping Spree	\$30	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
Mt Tamborine & Hinterland Tour	\$110	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
Theme Park Adventure (please tick option below)	\$80 ADULT	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
<input type="checkbox"/> Dreamworld <input type="checkbox"/> Seaworld <input type="checkbox"/> Movieworld	\$60 CHILD	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
Conference pre-dinner drinks & dinner (Thur)	\$140	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>

### Payment details Payment is due upon registration

Please charge the same credit card on the delegate registration form (if supplied with this form)

Enclosed is my cheque for: \$ \_\_\_\_\_ made payable to LexisNexis

Pay by credit card: Please charge \$ \_\_\_\_\_ to

Mastercard  Visa  American Express

Card number: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Expiry: \_\_\_\_/\_\_\_\_

Name of cardholder: \_\_\_\_\_

Signature of cardholder: \_\_\_\_\_

**Please note**, numbers are limited so please make sure get in early to avoid disappointment. LexisNexis and their agents act only as organisers of these activities and do not accept responsibility for any act or omission on the part of the service providers. No liability is accepted for delay, damage, inaccuracy, misdescription, or injury. All information is correct at time of printing and is subject to change without notification.

# Priority registration form 18th Annual Credit Law Conference

**4 easy ways  
to register**

**Phone:** 1800 772 772  
**Fax:** (02) 9422 2338  
**Online:** [www.lexisnexis.com.au/CreditLaw](http://www.lexisnexis.com.au/CreditLaw)  
**Mail:** Conference Co-ordinator, LexisNexis  
Locked Bag 2222,  
Chatswood Delivery Centre, Chatswood NSW 2067  
or: DX 29590 Chatswood

Please complete sections A, B, C, D

Conference code: PD2608 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: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

\*\* to send conference confirmation

3rd Delegate FREE!

## B DELEGATE SOCIAL PROGRAM

All delegate social activities are incorporated in the event pricing.

Delegate 1	<input type="checkbox"/> I will be attending the pre-conference welcome drinks on Wednesday evening <input type="checkbox"/> I will be attending the pre-dinner drinks on Thursday evening <input type="checkbox"/> I will be attending the official conference dinner on Thursday evening
Delegate 2	<input type="checkbox"/> I will be attending the pre-conference welcome drinks on Wednesday evening <input type="checkbox"/> I will be attending the pre-dinner drinks on Thursday evening <input type="checkbox"/> I will be attending the official conference dinner on Thursday evening
Delegate 3	<input type="checkbox"/> I will be attending the pre-conference welcome drinks on Wednesday evening <input type="checkbox"/> I will be attending the pre-dinner drinks on Thursday evening <input type="checkbox"/> I will be attending the official conference dinner on Thursday evening

### CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the 18th Annual Credit Law Conference \$500.00 + GST = \$550.00

### TEAM DISCOUNTS\*

- Register a team of 2 for the 18th Annual Credit Law 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

## C Event Pricing (please tick your selection)

### Early Bird Special\* (register and pay before 20 August 2008)

- |  |                          |
|--|--------------------------|
| <input type="checkbox"/> 2 Interactive forums + 2 day conference | \$2545.45 + GST = \$2800 |
| <input type="checkbox"/> 2 Day Conference                        | \$2090.91 + GST = \$2300 |

### Standard Prices (register & pay after 20 August 2008)

- |  |                          |
|--|--------------------------|
| <input type="checkbox"/> 2 Interactive forums + 2 day conference | \$2818.18 + GST = \$3100 |
| <input type="checkbox"/> 2 day conference only                   | \$2272.73 + GST = \$2500 |

### Accommodation Booking

Delegates are entitled to a special discounted rate for accommodation.  
Guest room per night rate is \$285 (including gst).

Please indicate which nights are required:

- Wednesday, October 1
- Thursday, October 2
- Friday, October 3

### Endorsing Association Member Discount

I claim my 10% discount as a member of:

ABACUS / AFC / FBAA / IFS / SOCAP / ACLA (please circle)

Membership No. \_\_\_\_\_

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

## D Payment details Payment is due upon registration

- Enclosed is my cheque for: \$ \_\_\_\_\_ made payable to LexisNexis
- Pay by credit card: Please charge \$ \_\_\_\_\_ to
- Mastercard     Visa     American Express

Card number: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Expiry: \_\_\_\_/\_\_\_\_

Name of cardholder: \_\_\_\_\_

Signature of cardholder: \_\_\_\_\_

- Charge to my LexisNexis account: \$ \_\_\_\_\_

Account number: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of approving manager: \_\_\_\_\_

### 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 is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 3 September 2008. If we receive written notification between 3 September and 17 September 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 17 September 2008. You may nominate a replacement however no refund will be issued.

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- Tick here if you DO NOT wish to receive information about upcoming events