

Early bird expires 6 June*

Claim over
10 CPD
points

4th Annual Wills, Estate Planning & Agreement Management

Protecting property, de facto,
marriage & dealing with
blended families

16 - 17 July 2008
Brisbane

Integrate knowledge & practice addressing

KNOWING the expanding grounds
& strength of claims in Family Provision
applications

EFFECTIVELY quarantining assets with
Financial Agreements and wills for blended
families

PROTECTING property in the exploding
number of defacto relationships

WORKING with the court's preferences
for determining child support, residence &
contact disputes

Separately bookable days & workshops.
See back page for details

Accredited succession & family law specialists & experts including:

Dr John De Groot, *Partner*, De Groot Lawyers

Fred Smith, *Partner*, McInnes Wilson

Michele Sheehan, *Principal*, Sheehan & Co

Tim Whitney, *Partner*, McCullough Robertson

Justine Woods, *Partner*, Cooper Grace Ward

Kay Feeney, *Special Counsel*, Cooper Grace Ward

Scott Whitla, *Senior Associate*, McCullough
Robertson

Susan Gardner, *President*, Guardianship &
Administration Tribunal

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4th Annual Wills, Estate Planning

Latest issues on protecting property - de fa

DAY ONE: Wednesday 16 July 2008

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8:00 **Conference registration**

8:30 **Opening remarks from the chair**

Fred Smith, Partner, McInnes Wilson Lawyers

8:40 **Family provision claims & the Family Court of Australia**

- Entitlement on intestacy as it exists in [2008]
 - Looking at the nature and increasing number of disputes over provisions in a will
- Increasing powers of the court in adjudicating claims
 - Lump sum awards, extensions in time to bring an application and exonerating parts of an estate
- More grounds than ever before with entitlement on intestacy and classes of eligible applicants
 - From spouses and children to former spouses, defacto spouses, same sex partners and dependants
- Applying the Re Adams 2-stage test to adequacy and ought in submissions on claims
 - The current approach to the relativity of 'adequacy', 'proper' and 'reasonableness' regarding maintenance and support
 - Taking into account need and moral claims when advising on what provision 'ought' to be made and in which circumstances
 - Recognising conduct disentitling on the part of the applicant for estrangement and proper provision

Dr John De Groot, Partner, De Groot Lawyers

10:10 **Morning tea**

10:30 **Reducing cost & delay with Practice Direction 8 of 2001**

- What is working, what is not, and what are the likely upcoming changes
- Why we have it and why we need it
 - The thrust of having information available at the earliest practicable date and your role assessing the realistic prospects for all parties
 - Knowing how and when to encourage early consensual resolution of applications
 - When minimising the number of appearances necessary to dispose of family provision applications is problematic

Tim Whitney, Partner, McCullough Robertson

11:15 **Pre-marital agreements & defacto disputes**

- Protecting the division of property and financial resources following separation
- Drafting financial agreements for asset protection
 - Lessons learned with respect to binding financial agreements sought to be relied upon by clients who have separated
 - Quarantining inheritances and family businesses or wealth under Agreements
 - What to include in a memorandum of wishes to assist in clarity and guidance for executors
 - Dovetailing agreements with wills and testamentary trusts
- Drafting recognised agreements for defacto relationships
 - Some practical approaches to drafting cohabitation and separation agreements
 - Defining the terms of the relationship and how financial matters are to be settled
 - Protecting assets from property settlement claims in the event of regular 'adult sleepovers'

Justine Woods, Partner, Cooper Grace Ward

12:00 **Businesses & rural property in succession planning**

- Protecting testamentary freedom by giving legal effect to intentions for business and estates
- Creating an estate plan or trust for the financial security of beneficiaries
 - Experiences with setting up a discretionary trust in a will with regard to the family business
- Maximising the benefit from an estate
 - How to take advantage of the tax position of each beneficiary to minimise capital gains tax
- Non-estate assets requiring special provisions in the will
 - Ensuring the assets not actually owned by the testator are dealt with adequately

Michele Sheehan, Principal, Sheehan & Co

1:00 **Networking lunch for speakers and delegates**

2:00 **Child support, residence & contact disputes**

- Changes to child support agreements effective as of 1 July 2008
 - The new method for assessing the rate of child support
 - Knowing the parameters of the two new categories of child support agreements; binding and limited
 - Impacts on the right of parents to decide the level of child support between themselves

Kay Feeney, Senior Counsel, Cooper Grace Ward

2:30 **Residence: separation, relocation & with whom the children live**

- Factors that fall for consideration as a new circumstance; the significance of parenting agreements in place prior to proceedings
- The right of children to have a meaningful relationship with both parents and their relationship with significant persons other than their parents
- Equal, substantial and significant time in parenting plans and reasonably practicable arrangements

Mike Emerson, Mediator, QLD Collaborative Law

3:00 **Contact: discerning a proper path of reasoning in submissions**

- Triangulation in the family system; sole care, equal share, and significance of time between mother, father and children in 2008
- Weight to the wishes of the children; assessing the merits of your submissions by knowing what factors are taken by the court to advance a child's best interests in 2008
- Conduct disempowering of a parent; addressing competing proposals, identifying issues in dispute at interim hearings, and agreeing to or contesting relevant facts
- Applying for or rebutting the s61DA assumption that equal shared parental responsibility is in the best interests of the child

Kay Feeney, Senior Counsel, Cooper Grace Ward

3:30 **Afternoon tea**

3:45 **The Guardianship and Administration Tribunal in 2008**

- Knowing when the best decision that you can make is to refer matters to the Tribunal
- Appointing appropriate decision-makers to act on the adult's behalf and working out support arrangements
- Representing in matters of alleged inadequate guardianship concerning the day-to-day affairs of an adult with impaired decision-making capacity
 - The approaches and ambit of the Tribunal, and how they gel with your practice group: knowing when and how to refer clients to the Tribunal and why they will thank you for it
- Advising on the merits of disputes concerning administrators appointed by the Tribunal to manage the financial matters of an adult
 - Drafting applications and responses with the Tribunal; pointing your clients in the right direction for matters that are bound to property planning and succession
 - Turning on the test of capacity for working out support arrangements in association with property disputes and distribution

Susan Gardiner, President,

Guardianship & Administration Tribunal

4:30 **Closing comments**

4:45 **Conference close**

DAY TWO: Thursday 17 July 2008

Workshop Registration 30 mins prior to start

9:00 - 11:00

Financial & recognised agreements for marriage & de facto relationships

Pen to paper practical skills

- Drafting of clauses for asset protection against third parties
 - Quarantining inheritance, family business and personal wealth
- Advising on re-structuring existing arrangements and writing the clauses
 - Dovetailing wills, agreements and testamentary trusts
- The most important elements of cohabitation and separation agreements

Justine Woods, Partner, Cooper Grace Ward

12:00 - 2:00

Writing skills for wills & blended families

When wills must be right the first time for resilience against family provision claims

- Weighing the options for ownership of assets, joint tenancy and family trusts
- Finding the balance between testamentary discretionary trusts and life interests
- Whether mutual wills and binding Financial Agreements are appropriate
- Considering Family Provision applications
- Not forgetting superannuation and binding death benefits

Scott Whitla, Senior Associate, and Betty Leung, Solicitor, McCullough Robertson

2:15 - 4:15

Methods of passing different businesses & properties with estate & succession plans

Ensuring that the right assets end up with the right people

- Knowing how to review the affairs of clients; what to ask and what to be mindful of for the establishment of a family trust
- Preserving estate assets and protecting intended beneficiaries
- How to go about drafting documents and arrangements for testamentary discretionary trusts in inter-generational succession plans
- Taking into account the rising importance of capital gains tax, trusts and superannuation

TBC

Priority registration form

4th Annual Wills, Estate Planning & Agreement Management Conference

16-17 July 2008
Stamford Plaza Brisbane
Cnr Edward & Margaret Streets
Brisbane, QLD 4000
Telephone: 07 3221 1999

Please complete sections A, B, C, D

Conference code: PD6008 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: _____

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Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

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3rd Delegate FREE!

B Event Pricing (please tick your selection)

Early Bird Special* (register & pay before 6 June 2008)	
<input type="checkbox"/> 1 Day Masterclass	\$850.00 + GST = \$935.00
<input type="checkbox"/> 1 Day Masterclass +3 Workshops	\$1300.00 + GST = \$1430.00
Standard Price (register & pay after 6 June 2008)	
<input type="checkbox"/> 1 Day Masterclass	\$950.00 + GST = \$1045.00
<input type="checkbox"/> 1 Day Masterclass +3 Workshops	\$1400.00 + GST = \$1540.00
Workshops only	
<input type="checkbox"/> Financial & recognised agreements	\$249.00 + GST = \$273.90
<input type="checkbox"/> Wills for blended families	\$249.00 + GST = \$273.90
<input type="checkbox"/> Estate & succession plans	\$249.00 + GST = \$273.90

C Payment details

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- Criminal Law
- Energy and resources
- Environment and planning
- Family Law
- Insolvency & restructuring
- Insurance and risk
- Property
- Wills and Estates
- Workplace relations, employment and safety
- Other: _____

This will help us keep you informed about topics relevant to your business needs.

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the 4th Annual Wills, Estate Planning & Agreement Management \$270.00 + GST = \$297.00

TEAM DISCOUNTS

- Register a team of 2 for 4th Annual Wills, Estate Planning & Agreement Management 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

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 20 May 2008. If we receive written notification between 21 May 2008 and 3 June 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 3 June 2008. You may nominate a replacement, however no refund will be issued.

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