Early Bird expires 30 September*

CPD points may be applicable

Separately bookable days

5th Annual

Wills, Succession & Estate Planning

Your comprehensive guide to the latest developments in Wills and estates

11-12 November 2008
Rydges Hotel
Perth

Don't miss this opportunity to:

- Discuss the practicalities of contesting Wills following the ***Inheritance (Family and Dependents Provision) Act*** **amendments**
- Minimise the risk of professional negligence claims when dealing with **charities and bequests**
- Navigate around unwanted financial consequences when **providing for persons with disabilities**
- Avoid the sting of **unforseen tax consequences** in succession planning
- Find out about **trust cloning**- the hottest thing in tax

Expert speakers include:

Brett Davies, Brett Davies Tax Lawyers

Peter MacMillan, Francis Burt Chambers

Susan Fielding, Jackson McDonald

John Armfield, Wentworth Chambers

Register Today! Ph: 1800 772 772
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Day one: Tuesday 11 November 2008

8.00 **Conference registration**

8.30 **Opening remarks from the chair**

8.40 **Minimising your risk of negligence in the Will drafting process**
- Detailing the finer points of your duty to give effect to clients' instructions
- Meeting the duty to advise against accidental revocation
- Minimising the risk of claims against you by addressing your duty to beneficiaries
- Limiting your civil liability risks with measures to prevent undue influence and fraud
- Case examples: Where do solicitors go wrong?

Speaker to be advised

9.40 **Avoiding conflicts of interest when dealing with charities and bequests**
- The ethics of providing pro bono Will drafting services to charities
- Approaching the topic of making a charitable bequest- the fine line of suggestion
- Examining the promotional activities of charities to law firms
- The role of the solicitor in preventing undue influence or fraud

Speaker to be advised

10.40 **Morning tea**

11.00 **Preventing unintended financial consequences when providing for dependents and people with disabilities**
- Evaluating Special Disability Trusts and protective trusts
- Considering the implications for Centrelink entitlements
- Advanced drafting techniques for trust documents

Michael Sayer, Corporate Will Company

12.00 **Considering the practical implications for contesting Wills under the new *Inheritance (Family and Dependents Provision) Act 2007***
- Re-assessing potential claims of step children according to the new section 12 of the *Inheritance Act*
- the preventing claims
- Defending claims and evidence provision amendments- section 20A and 20B of the *Inheritance Act*
- How do the amendments alter cost implications of making a claim?

John Butler**, Partner, **Butlers Barristers and Solicitors

12.50 **Networking lunch for delegates and speakers**

1.30 **Overcoming the challenges for executors and their advisors**
- Dealing with aggressive creditors
- The *Evidence Act* and appearing in court
- Understanding the courts interpretation of 'testamentary duty'
- Navigating the minefield of conflict of interest
- Executors as trustees

Speaker to be advised

2.20 **Afternoon tea**

2.30 **Exploring the mine-field of mutual Wills**
- Taking precautions when advising clients
- Advising the surviving party
- Contending with remarriage and revocation
- The new *Inheritance Act 2007* incorporating step-children

Peter MacMillan,** Barrister, **Francis Burt Chambers

3.20 **Avoiding the common pitfalls when dealing with capacity, undue influence and moral duties**

Practitioners' obligations with respect to:
- Testamentary capacity
- Undue influence
- Guarding against claims under the *Inheritance (Family & Dependents Provision) Act 2007*

John Armfield**, Barrister, **Wentworth Chambers

4.10 **Close of day one**

Day two: Wednesday 12 November 2008

8.00 **Conference registration**

8.30 **Opening remarks from the chair**

Brett Davies**, Managing Principal, **Brett Davies Tax Lawyers

Brett Davies has lectured in Estate Planning, Financial Planning and Tax at Curtin and Western Sydney University. He sits on numerous committees within the Tax Institute, Law Society and Law Council and is Deputy Convenor of the Law Society's Legal Management & Development Committee.

Brett has 6 degrees including 3 law degrees and one of the few lawyers to complete a Masters in Law in tax and Masters of Business Administration in accounting and tax. Brett is currently completing his Doctorate at UWA.

Brett Davies Lawyers was in the first group of lawyers to receive the Law Society Quality Assurance Standard and the second firm globally to be listed on the ASX in 2007.

8.40 **Clarifying CGT and income tax issues in estate planning**

- The estate-present entitlement, net income, rate of tax
- Beneficiary perspective of tax issues
- *Cajkusic v Commissioner of Taxation*
- Issues in the application of *Tax Laws Amendment (2007 Measures No. 4) Act 2007*
- Examining the *Tax Laws Amendment (2008 Measures No.4) Bill* 2008

Peter Gell**, Partner, **Hunt & Hunt

9.30 **The debate on Trust Cloning- the hottest thing in tax**

- Summarising the current status of TR 2006/4
- Contrasting trust cloning and trust splitting
- When trust cloning can best be utilised in estate planning
- CGT, stamp duty and income tax implications
- Debateable issues- the ATO views vs advisors
- Recent ATO pronouncements

Speaker to be advised

10.20 **Morning tea**

10.40 **Your essential guide to trust selection- which to use and when**

- Review of trust characteristics and the unseen pitfalls
- Testamentary Trusts – structures to stand the test of time
- Transferring ownership and control of discretionary trusts
- Whish trusts work best when?
- Checklist for easy identification of the best trust strategy

Brett Davies**, Partner, **Brett Davies Tax Lawyers

11.30 **Maximising the success of exit strategies in business succession planning**

- Clarifying your clients' objectives in exiting the business- the essential questions
- Mapping out the exit options
- Rectifying weaknesses to enhance the business for potential buyers
- Why timing is critical-plan now and benefit later
- Structuring to minimise tax at time of exit
- Defining the role of financial/accounting experts in your succession and estate planning practice

David Edwards**, Associate Director, **Deloitte Touche Tohmatsu

12.20 **Networking lunch for delegates and speakers**

1.10 **Examining the practical implications of the 2007 changes to superannuation law**

- What's on the superannuation horizon
- Delving into self-managed super funds
- Determining the best method of transferring benefits to dependants-lump sum or annuity payments?

Speaker to be advised

2.00 **Afternoon tea**

2.10 **Protecting property in times of debt and relationship breakdown**

- Family Court jurisdiction in relation to bankruptcy matters
- Identifying bankruptcy issues in estate planning:
  - Disposal of assets
  - Superannuation contributions
  - Bankruptcy clawback provisions
- Wills and estate issues in relationship breakdown

Speaker to be advised

3.00 **The latest update on Enduring Power of Attorney and Living Wills**

- Update on the *Advance Health Care Planning Bill* 2006
- Obligations of the Donee of an Enduring Power of Attorney

Susan Fielding**, Special Counsel, **Jackson McDonald

3.50 **Close of conference**

Who Should Attend

- Estate planning and succession planning lawyers
- Family lawyers
- Financial planners
- Trust company delegates
- Estate planning professionals
- Accountants

Priority registration form

5th Annual Wills, Succession and Estate Planning

4 easy ways to register

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Online: www.lexisnexis.com.au/pd
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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**): ____________

3rd Delegate FREE!

Delegate 3 details

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

Position: ____________

Telephone: ____________

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B **Please tick as many practice areas you work in which apply:**

- ☐ Banking & finance
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- ☐ Environment and planning
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C

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Early Bird Special* (register & pay before 30 September 2008)	
☐ Two Day Conference	$1850 + GST = $2035.00
☐ One Day Conference	$950 + GST = $1045.00
Standard Price (register & pay after 12 September 2008)	
☐ One Day conference	$1050 + GST = $1155.00
☐ Two Day conference	$1950 + GST = $2145.00

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 $300.00 + GST = $330.00

TEAM DISCOUNTS*

☐ Register a team of 3 for the 5th Annual Wills, Succession and Estate Planning at the same time, from the same organisation and receive a free pass for the 4th delegate.

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

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☐ Yes, please send me more information on the Retirement and Estate Planning Bulletin

WEB

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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 14 October 2008. If we receive written notification between 15 October 2008 and 28 October 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 28 October 2008. You may nominate a replacement, however no refund will be issued.

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LexisNexis® Professional Development

Event date & venue

11–12 November 2008
Rydges Hotel
Cnr Hay & King Streets, Perth
Ph: 08 9263 1800 www.rydges.com