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Queensland: 5th Annual

Wills, Estates & Succession Conference

Hot Topic: SMSFs

3 interactive workshops

New developments in administration and litigation

12 – 13 March 2009
Marriott Hotel
Brisbane

Don't miss this opportunity to:

- **Navigate the complexities of Self Managed Super Funds** in estate planning
- **Discover best practice approaches to drafting skills** for complex estates
- **Identify strategic approaches** to compulsory mediation
- **Explore the latest developments** in family provision applications
- **Provide protection** with formal Agreements

Hear from experts including:

Scott Hay Bartlem, Partner, **Cooper Grace Ward**
Margaret McNamara, Partner, **Thynne & McCartney**
Tim Whitney, Partner, **McCullough Robertson**
John de Groot, Partner, **de Groots Wills & Estates Lawyers**
James O'Neil, Barrister, **Queensland Bar**

Plus practical workshops on:

The authoritative roadmap and tool kit for conducting FPA applications
Karen Gaston, Lawyer, de Groots Wills & Estates Lawyers

Maximising your chances of settling in compulsory mediations involving estates
Ben Wessling-Smith, Barrister, Queensland Bar
Brett Charrington, Barrister, Queensland Bar

Quarantining assets with formal agreements in estate planning
Justine Woods, Partner, Cooper Grace Ward

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Queensland: 5th Annual Wills, Estates

New developments in administration and litigation

Day one: Thursday, 12 March 2009

8.30 **Conference registration**

8.50 **Welcome from the Chairperson**

Caite Brewer**, Associate, **McInnes Wilson

9.00 **Dealing with Self Managed Superannuation Funds in estate planning**

Hot Topic

- Know what to consider when deciding to whom death benefits should be payed
- Understand the benefits and risks associated with whether a death benefit should be used
- What to be aware of when advising on which form the benefit should it take
- Be able to identify the tax issues involved

Scott Hay Bartlem**, Partner, **Cooper Grace Ward

9.45 **Applying the best practice approach to the fundamentals of drafting wills**

- Update your checklist of contingencies for what to ask when taking instructions
- Know which arrangements have the highest potential for problems on execution of a will
- Write clauses which accommodate for the growth or reduction in value of an estate
- Compare the range of popular will structures according to different circumstances
- Receive guidance on how to convert the traditional legalese into plain English for popular clauses

Kent Dalziel**, Lawyer, **McCowans Solicitors

10.25 **Morning tea**

10.40 **Advanced will drafting techniques for complex estates**

- Tips for adapting precedent clauses to increasingly complex estates
- Directions for determining the extent of assets and liabilities
- Recognising which items do not fall within the estate
- Having regard to judicial criticisms of will drafting; what went wrong and why
- Applying the lessons learnt from recent Queensland decisions

Margaret McNamara**, Partner, **Thynne & McCartney

11.20 **Achieve ideal outcomes sooner with disclosure under Practice Direction 8 of 2001**

- Having regard to what is working, what is not, and what are the likely upcoming changes
- How you can use it to reduce time and cost and as economic imperative in 2009
- How you can manage information and the timing of its disclosure to provide the best prospects advice
- How and when to encourage early consensual resolution of applications based on experience

Tim Whitney**, Partner, **McCullough Robertson

12.15 **Administering and litigating Family Provision Applications**

Expert Author

- Exploring the latest developments concerning need and moral claims
- Planning your approach with regard to the issue of estate size when making or defending an FPA
- Key considerations for drafting effective clauses which contracting out of potential claimants rights
- Respond to issues of estrangement by knowing which claims have been given merit and why
- Identify the future trends with specific regard to recent reforms

John De Groot**, Partner, **de Groots Wills & Estates Lawyers

1.00 **Networking lunch for speakers and delegates**

1.45 **Tools for Interpreting Testator's Intentions in response to the new section 33C of the *Succession Act 1981***

- What is admissible to assist in the interpretation of a Will
- How to determine the testator's intentions
- Distinguish the meaningful from the "meaningless'
- Work with restrictions regarding ambiguities and surrounding circumstances
- Why there has been a survival of the "armchair" rule
- Debating the admissibility of extrinsic evidence to ascertain actual intention in the face of ambiguity.

James O'Neil**, Barrister, **Queensland Bar

2.30 **Taking strategic approaches to compulsory mediation**

- Identifying the hallmarks of a coordinated approach to Rules and Practice Directions for compulsory FPA mediations
- Weighing the benefits and detriments of early or pre litigation mediations
- Knowing what materials need to be prepared and how
- Having regard to particular merits and options when advising on whether or not to settle
- Anticipating the effects flowing from post-mediation formal offers to settle in estate matters
- Highlighting the key approaches to mediation which are useful in estate matters compared with commercial dealings
- How to best exercise restraint with ethical issues concerning conflicts and disclosure

Ben Wessling-Smith**, Barrister, **Queensland Bar
Brett Charrington**, Barrister, **Queensland Bar

3.15 **Afternoon tea**

3.30 **Taxing issues and benefits associated with Testamentary Trusts**

- Recent developments and experiences involving testamentary trusts
- Taking a checklist approach to when and why financial advisors may suggest using a testamentary trust
- Getting a practical understanding of how benefits can be drafted to protect against bankruptcy
- Have a clear understanding of how to incorporate the interests of beneficiaries into an estate plan
- Draft clauses with specific regard to the effect of key provisions in the *Bankruptcy Act* and *Family Law Act.*

Craig Spink, *Associate*, ***McInnes Wilson***

4.15 **Protecting inheritance with Binding Financial Agreements in estate planning**

- Know how to advise clients on the use BFAs and Recognised Agreements in Estate Planning
- Be aware of how and why others have failed to quarantine inheritance with an Agreements
- What to emphasise when guarding against a Family Provision Application with an Agreement
- Have a comprehensive checklist for the common traps fallen into by estate planners when drafting Agreements

Kate McQueeney, *Lawyer*, ***de Groots Wills & Estates Lawyers***

5.00 **Close of day one**

Day two: Friday, 13 March 2009 Mini Workshops

8.30 **Workshop registration**

9.00 **The authoritative roadmap and tool kit for conducting FPA applications**

- Receive a step by step guide to drafting a direction order, while dealing with special features such as:
- Disclosure requirements and obligations
- Multiple applicants and separate representation
- Small estates and large estates
- Special types of assets such as businesses and trusts
- Special types of applicants
- Uncertainty about the size of an estate or which will governs an estate and the impact of that on FPA proceedings
- Agreements purporting to contract out of FPA rights

Karen Gaston, *Lawyer*, ***de Groots Wills & Estates Lawyers***

11.00 **Morning tea**

11.20 **Maximising your chances of settling with strategy in compulsory mediations involving estates**

- Debating and defining the boundaries of ethical professional practical in unique situations
- Acting with and advising on issues which threaten professional indemnity unless dealt with adequately
- When and how your best chances of success will be determined by what you suggest and why
- Tips, tactics and traps for recording instructions as a means of self preservation for the practitioner

Ben Wessling-Smith, *Barrister*, ***Queensland Bar***
Brett Charrington, *Barrister*, ***Queensland Bar***

1.00 **Networking lunch for speakers and delegates**

2.00 **Quarantining assets with formal agreements in estate planning**

- Drafting the key features of Binding Financial Agreements
- Writing water tight Recognised Cohabitation Agreements under the current law
- Giving Agreements real effect with specific regard to reforms relating to de facto property under the *Family Law Act*
- Adjusting BFAs to accommodate for the intersection of family and estates law

Justine Woods, *Partner*, ***Cooper Grace Ward***

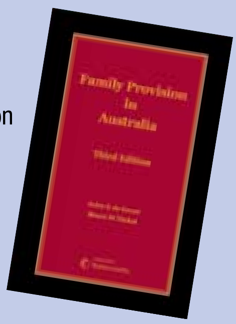
4.00 **Close of workshops**

Who should attend?

- **Wills & probate lawyers**
- **Estate planning lawyers**
- **Succession law practitioners**
- **Barristers**
- **Trustee companies**
- **Financial Planners**
- **Estate planning professionals**
- **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.

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