



Wills & Estates

Pressure points for wealth preservation

18 – 19 March 2010
Stamford Plaza Hotel
Brisbane

Program highlights

- Examine the do's and don'ts of **superannuation and taxation**
- Know how to deliver a sure-fire financial approach to **minimise risk and maximise returns**
- Assess the impacts of injury and illness when determining **testamentary capacity**
- How to deal with the avalanche of **disputed de facto claims** that are coming before the courts
- Actively participate in the **Ethics Discussion Panel**

Speakers



Glenn Dickson
Solicitor, Accredited Specialist - Succession Law



Scott Whitla
Partner, McCullough Robertson



Damien Mullins QC



Karen Gaston
Associate, de Groot's Wills and Estates Lawyers



Greg Cahill
Partner, Cooper Grace Ward

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Wills & Estates

Day 1 – Thursday, 18 March 2010

8:30 **Registration and Coffee**

9:00 **Opening Remarks from the Chair**

Glenn Dickson, Solicitor, Accredited Specialist - Succession Law

9:10 **Holding executors and trustees accountable**

What happens when trustees fail to exercise discretions as contemplated by the estate plan or where they mismanage trust property?

- Duties of Executors and Trustees
- Remedies available for breach of duty
- Removal of Executors and Trustees
- Case Summary *Burns v Burns* [2008] QSC 173

Scott Whitla, Partner, McCullough Robertson

9:55 **Death, divorce and divided families**

- Analysis of the modern farming family and estate litigation
- Evaluation of competing claims between siblings who work the farm
- Estrangement and bad filial behaviour – disentitling conduct?
- Complex rural estates – water, land and entitlements – a different approach?
- The dutiful widow – a paramount entitlement?

Damien Mullins QC

10:40 **Morning tea**

11:00 **De Facto, or not de Facto? That is the question**

- The definition of de facto spouse in family provision claims, including same sex relationships
- “But she’s just the carer” – practical evidence gathering tips for dis/proving de facto relationships
- What can be done at the estate planning stage to assist a later challenge
- Distressed relationships – where separation has occurred or is likely to occur in the near future – what steps can be taken and what evidence is required?

Gaite Brewer, Senior Associate, McInnes Wilson, Accredited Specialist - Succession Law

11:45 **Family Law - what every estate planner should know**

- Understanding how the Family Court views loans and gifts
- Dealing with companies and trusts in the Family Court
- Considering how Part VIIIAA Family Law Act may affect planning advice
- Prospective inheritances and the Family Court
- Using BFAs as an estate planning tool

Karen Gaston, Associate, de Groot's wills and estate lawyers

12:30 **Networking lunch for speakers and delegates**

1:30 **The Power of 3**

- Demonstrates how an accountant, adviser and lawyer work together to deliver a comprehensive estate plan to clients
- Using real client examples the session will highlight a process from client referral to estate plan implementation and ongoing review
- The session will clearly define each role and why working as a team delivers a much better outcome for clients

Brant Dillon, Director, Real Consulting Services

Neal Dallas, Special Counsel, McCullough Robertson

Rob McAdam FCPA, Director, McAdam Siemon Pty Ltd

2:15 **Practical aspects of making an application for a statutory will**

- Statutory Wills - Protecting the vulnerable
- How to make a will when you can't make a will
- Examining 'Fenwick' – the courts view
- A Case Study - a personal perspective - an acquired brain injury, accident compensation & a will
- Statutory Wills - a tool in protecting testators against unscrupulous individuals

Christine Smyth, Senior Lawyer, Robbins Watson

3:00 **Afternoon tea**

3:15 **Estate planning to protect the interests of vulnerable beneficiaries**

- An overview of the considerations involved when planning for a person with a disability
- The options to an estate planner - what tricks are up our sleeves
- Special Disability Trusts – the nuts and bolts

Sharon Winn, Special Counsel, Flower and Hart Lawyers

3:55 **Diminished capacity: The poisoned mind**

- Tainted or poisonous
- Episodic mental illness
- Paranoid delusions and ability to weigh considerations
- *Re: Clare (deceased)* [2009] QSC 403

Dr. Donna Callaghan, Barrister, Jeddart Chambers

4:35 **Closing Remarks from the Chair**

4:45 **Close of Day One**

Day 2 – Friday, 19 March 2010

8:30 **Registration and Coffee**

9:00 **Opening Remarks from the Chair**

Glenn Dickson, Solicitor, Accredited Specialist - Succession Law

9:10 **The value of mediation in estate matters**

- Recent decisions and trends
- Cases where mediation has triumphed
- Cases where mediation has not triumphed

Ian Hanger AM QC

9:55 **Duties; ethics; and conflicts**

- Duty of Confidentiality
- Conflicts of interest - who is your client?
 - Warring executors
 - Business succession matters who have differing interests
- Multiple applicants in FPAs
 - Enduring powers of attorney – critical capacity issues
 - Duty to Cease to Act
 - When a client will not take advice
 - When a will becomes litigious
 - When family members influence
- Duty to Prepare a Will v an Enduring Power of Attorney

Kate McQueeney, Associate, de Groot's wills and estate lawyers

10:40 **Morning tea**

11:00 **Ethics: conflicts and conundrums**

The estate planners nightmare

Chaired by Glenn Dickson, Solicitor - Accredited Specialist, Succession Law

Open panel discussion featuring...

Paul Gleeson, Principal, Gleeson Lawyers

John Briton, Commissioner, Legal Services Commission

Neil Watt, Senior Ethics Lawyer and Ethics Officer, Queensland Law Society

Gaite Brewer, Senior Associate, McInnes Wilson, Accredited Specialist Succession Law

Barbara Hamilton, Lecturer, School of Law, Queensland University of Technology

12:30 **Networking lunch for speakers and delegates**

1:30 **The do's and don'ts of dealing with superannuation**

- Have you identified all possible beneficiaries?
- Why binding death benefit nominations are often dangerous and when they can be useful
- Have you properly dealt with the tax issues?

Scott Hay-Bartlem, Partner, Cooper Grace Ward

2:15 **Estate planning issues where substantial assets are held in discretionary trust**

- Strategies to ensure client can transfer control of trust assets on death
- Importance of reviewing and amending trust deeds to ensure the deed does not frustrate clients' estate planning strategy
- Role of appointor/principal on death of original controllers
- Is it possible to convert a discretionary trust to a fixed trust on death without tax and duty implications?
- Importance of dealing with unpaid beneficiary entitlements
- Strategies where clients want to transfer control of different trust assets to different beneficiaries

Greg Cahill, Partner, Cooper Grace Ward

3:00 **Afternoon tea**

3:15 **Estate Administration, insolvency and the abatement of gifts**

- Payment of debts in solvent estates
- A practical example of the abatement of gifts
- Issues regarding the use of life insurance proceeds for the payment of debts
- The effect of abatement on the settlement of FPA's
- Payment of debts in insolvent estates
- Distributions to bankrupt beneficiaries including how to protect the inheritance of a bankrupt

Rebecca Burness, Senior Associate, de Groot's wills and estate lawyers

4:00 **Practicalities of obtaining complex grants:**

- Foreign grants and limited grants; what they are and what they mean to estate practitioners
- Applications incorporating documents under section 18; and
- Being aware of other unusual application

Prudence Poole, Associate, de Groot's wills and estate lawyers

4:45 **Closing Remarks from the Chair**

5:00 **Close of Conference**



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B Please provide me with more information on:

- Succession Law and Practice NSW (formerly Wills Probate and Administration Service NSW)
- Wills Probate and Administration Service Victoria
- Australian Retirement and Estate Planning Bulletin
- Australian Superannuation Bulletin
- Hutley's Australian Wills Precedents - 7th Edition book.
Author: Rowland, C, Published: April 2009
ISBN: 9780409323719 - Softcopy

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C Event Pricing (please tick your selection)

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<input checked="" type="checkbox"/>	One day conference	1	\$900 + GST = \$990	\$990
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or Group Booking Price (per person, available anytime)**

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CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the Wills & Estates papers for \$360 + GST = \$396

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