



## Personal Property Securities 2011

Essential guidelines for the new PPS laws

2 June 2011, PARKROYAL Darling Harbour, Sydney

3 June 2011, Post-conference workshop

### Program highlights

- The National PPS Registrar discusses the new register and transitional arrangements
- Learn how to update your documentation and create new protected security arrangements
- Analyse insolvency case law from international jurisdictions, which may have a bearing on how the Australian courts will deal with these issues
- Practice workshop to cement your knowledge of the law in practice
- Sensible advice for what businesses should be doing in preparation
- Insight on how the PPSA is affecting different industries, such as mining and construction, and hear how companies can best manage these changes

### Speakers

- Bruce Whittaker, Partner, Blake Dawson
- David Bergman, Assistant Secretary, PPS Branch, Attorney General's Department
- Wayne Bobbin, Principal Legal Officer, PPS Branch, Attorney General's Department
- Craig Wappett, Partner, Piper Alderman
- Steve Edwards, Director, CreditWise
- Tony Coburn, Partner, Freehills

Early bird discount expires 25 April 2011

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# Personal Property Securities 2011

## Essential guidelines for the new PPS laws

### Day One: 2 June, 2011

8:30 Registration and coffee

8:50 Opening remarks from the Chair

**Bruce Whittaker**, *Partner*, **Blake Dawson**

9:00 Navigating the national PPSA register and understanding the transitional arrangements- traps & pitfalls

The PPSA Register will replace more than 70 separate Acts that currently regulate personal property and more than 40 existing registers. Get an insider look into the workings of the PPSA register:

- A look into the layout, feel and navigation of the register
- Describing personal property collateral accurately
- Discussion of the transitional arrangements that are in place
- What is the progress of the migration of data from other registers?
- Dealing with security interests that are already registered, including how to renew these interests
- What to be aware of as the new system comes in, and the troubleshooting areas over the next 12 months

**David Bergman**, *Assistant Secretary*, **PPS Branch, Attorney General's Department**

**1.5 CPD/MCLE points in substantive law**

10:30 Morning tea

10:45 Clarifying how to attain perfection and some priority rules

- The steps involved with perfecting a security interest, including the difference between control and registration for financial instruments
- What you need to know about the new priorities regime, which will be very different for some arrangements (e.g.– Retention of title)
- Examining some extinguishment rules and exceptions
- Timing issues for perfection:
  - Vesting rules in the PPSA and the *Corporations Act 2001*
  - Purchase money security interests (PMSIs)
  - S 64 of the PPSA

**David Proudman**, *Partner*, **Johnson Winter & Slattery Lawyers**

**0.75 CPD/MCLE points in substantive law**

11:30 Altering your documentation & practice – best practice guidelines & drafting tips

In this time of transition, practitioners will be in demand to assist clients in reviewing existing contracts, and for designing new enforceable security agreements. This session will equip you with practical and manageable ways in which to examine these issues.

- A look at some frequently used financial products, such as:
  - invoice finance
  - finance leases
  - all-assets securities
  - specific asset securities
- Analysing model agreements in the construction industry
- Tips on due diligence and what to look out for when dealing with security documentation
- “Contracting out” of any provisions of the Act?
- Discussing opportunities for simplifying documentation

**Tony Coburn**, *Partner*, **Freehills**

**1 CPD/MCLE point in professional skills**

12:30 Pre-recorded interview

Q & A session – 4 Key issues in the *Personal Property Securities Regulations 2010*

**Craig Wappett**, *Partner*, **Piper Alderman**

12:45 Networking lunch for delegates and speakers

1:45 What happens when a company becomes insolvent?– Lessons from New Zealand and Canada

NZ and Canada have both adopted PPS regimes, which can give some insight into what we may have to prepare for in the coming years. This session deals with some important principles established in these jurisdictions:

- Understanding the remedies available under the PPSA
- A look into the most important New Zealand and Canadian case law and experience
- Analysing whether the same outcomes would have been reached in Australia, highlighting some of the main differences and concerns that the Australian PPS regime presents

**Linda Widdup**, *Special Counsel*, **Blake Dawson**

**1 CPD/MCLE point in substantive law**

#### Future events

- Banking & Finance 2011, Sydney, Brisbane & Melbourne (April)
- 21st Annual Credit Law Conference, Gold Coast, QLD (September)

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## 2 June 2011, PARKROYAL Darling Harbour, Sydney 3 June 2011, Post-conference workshop

### 2:45 Practical preparation tips– what should businesses be doing?

This session will focus on practical advice for businesses and their advisors in the coming few months, before and after the start date for the PPS register, including:

- What should financial officers be doing about registering their balance sheets, including washing of data and which parts of the balance sheets should be registered
- The importance of IT systems:
  - Business processes to capture the data needed
  - Protecting the security of your registrations – how can this be done?
  - Reviewing the adequacy of customer service systems

**Maria Townsend**, *Partner, Hunt & Hunt*

**0.5 CPD/MCLE points in substantive law**

### 3:15 Afternoon tea

### 3:30 Panel discussion – How will the PPSA affect different industries?

The broad-ranging reforms will have significant impacts on the operations of many business sectors.

- Considering how some of the key industries that will be affected, including:
  - Leasing finance
  - Mining & resources
  - Construction
- Understanding the government's perspective and policy what they were trying to achieve with the changes for these industries including exclusions from the Act
- Tackling some of the practical issues with how the PPSA will work e.g.– Retention of title

Panel includes:

Chair: **Steve Edwards**, *Director, CreditWise*  
**Wayne Bobbin**, *Principal Legal Officer, PPS Branch, Attorney General's Department*  
**David East**, *Partner, DLA Phillips Fox*

**1 CPD/MCLE point in substantive law**

### 4:50 Closing remarks from the Chair

### 5:00 Close of Conference

## Day Two: 3 June, 2011

9:00-12:00 (Morning tea included)

### Half-day workshop: PPSA case studies

Throughout this conference, we have taken a look at the major aspects of the PPS reforms that you will need to be up-to-date with in this changing environment. Aspects that have been explored include:

- Drafting techniques for existing and new security agreements
- The national PPSA register
- The new priority rules
- Enforcement and insolvency issues that may come up

In this half-day workshop, we will explore familiar scenarios which are designed to strengthen your understanding of the previous sessions in context.

We will explore the situation from the beginning to end of a security documentation process- from entering the security interest on the register appropriately, to what will happen if you need to enforce the interest/or if the interest get enforced upon your client.

Don't miss the closest experience to seeing the PPSA in action, well before the implementation date!

### Facilitator to be announced

**3 CPD/MCLE points in substantive law**

## Who should attend?

- Partners
- All levels of solicitors
- Banking & finance professionals
- In-house Counsel
- Directors, CFOs, CEOs and General Counsel
- Risk & compliance practitioners
- Credit Managers and Financial Advisors

## Are you prepared for the changes and register?

The LexisNexis Personal Property Securities in Australia service is still available to purchase. As a practical guide, it will assist you in the implementation of the legislation and keep you up to date on developments as they occur.

Visit [www.lexisnexis.com.au/ppsa](http://www.lexisnexis.com.au/ppsa) for details

# Priority registration form Personal Property Securities 2011

4 easy ways  
to register

Online: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)  
Phone: 1800 772 772  
Fax: (02) 9422 2338  
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

TAX INVOICE

Conference code: PD2611 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

## B PLEASE SEND ME MORE INFORMATION ON:

- Personal Property Securities in Australia – Looseleaf service & Online
- Butterworths Introduction to Commercial Law – Book
- Australian Consumer Credit Law – Looseleaf service
- Competition and Consumer Law Journal, Vol 17 Pt 2
- Australian Banking and Finance Law Bulletin – Online & Newsletter
- Financial Services Newsletter – Online
- Financial Services – Looseleaf service

For more information on these products call 1800 772 772

### Earn CDP Points:

Conference: Up to 6 points Workshop: Up to 3 points

### CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the Personal Property Securities 2011 conference papers for \$180 + GST = \$198.

### 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 has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

1. One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
2. Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
3. 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

## C Event pricing (please tick your selection)

### EXAMPLE

One day conference	<input checked="" type="checkbox"/>	\$900 + GST = \$990	<b>\$990</b>
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### Advance price (register and pay before 11 March 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	Conference + workshop		\$1350 + GST = \$1485	
<input type="checkbox"/>	Conference only		\$900 + GST = \$990	
<input type="checkbox"/>	Workshop only		\$450 + GST = \$495	

### Early bird price (register and pay after 11 March 2011 and before 25 April 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	Conference + workshop		\$1600 + GST = \$1760	
<input type="checkbox"/>	Conference only		\$1050 + GST = \$1155	
<input type="checkbox"/>	Workshop only		\$550 + GST = \$605	

### Standard price (Register and pay after 25 April 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	Conference + workshop		\$1800 + GST = \$1980	
<input type="checkbox"/>	Conference only		\$1150 + GST = \$1265	
<input type="checkbox"/>	Workshop only		\$650 + GST = \$715	

TOTAL

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

- AFC member 10% discount off all pricing structures.  
Member company name: \_\_\_\_\_

Where did you hear about this event? \_\_\_\_\_

- Please add me to the LexisNexis Monthly Professional Development email list

### GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the advanced price per person.

## D Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for GST upon completion of payment.

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

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

- Mastercard  Visa  American Express

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

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