



Last Will

7th Annual Wills and Estates Conference WA

Wealth preservation and practical guidance

2-3 November 2011, Duxton Hotel Perth

Program highlights

- Death, divorce and divided families: an update from the bar
- Discussion Panel: Dementia and the role of the GP and the lawyer in assessing testamentary capacity
- When and how to get court assistance to interpret a Will
- What you do and don't include in your Affidavit under the Inheritance (*Family and Dependants Provision*) Act 1972 (WA)
- Estate planning to protect the interests of vulnerable beneficiaries
- Case law involving de facto claims around the inheritance act
- Tax considerations in disputed estates litigation
- Demystifying Business Succession
- Understanding special disability trusts
- Enduring power of attorney

Claim over 12 CPD/MCLE points

Product of:



Speakers

- **John Butler**, Principal, **Butlers Barristers and Solicitors**
- **Peter MacMillan**, Barrister, **Francis Burt Chambers**
- **Rebecca Lee**, Barrister, **Francis Burt Chambers**
- **Michael Hawkins**, Barrister, **Francis Burt Chambers**
- **Michael Sayer**, Principal, **Corporate Will Company**
- **Frederik Z van der Walt**, Assistant Manager Private Enterprise, **KPMG**
- **Meredith Elliott**, Principal Barrister and Solicitor, **Elliott and Co**
- **Elizabeth Heenan**, Special Counsel, **Culshaw Miller Legal Group**
- **Dr. Roger Clarnette**, Consultant Physician, Clinical Associate Professor, **School of Medicine and Pharmacology, University of Western Australia**

Early bird discount expires 7 October 2011

Register Today!

Visit: www.lexisnexis.com.au/pd

7th Annual Wills and Estates Conference WA

Wealth preservation and practical guidance

Wednesday, 2 November 2011

- 8:30 Registration
- 8:50 Welcome from the Chairperson
- 9:00 **Death, divorce and divided families: an update from the bar**
Drawing on recent case law and three decades of practice, Peter MacMillan will provide an authoritative overview of the Wills and Estates landscape in Western Australia. Understanding this unique jurisdiction will help you better serve your clients with practical guidance and hard-earned imparted wisdom.
Peter MacMillan, Barrister, Francis Burt Chambers
1 CPD point in substantive law
- 9:45 **When and how to get court assistance to interpret a Will**
 - When to apply
 - How to apply
 - Some Common law principles of construction
 - Some Statutory provisions with respect to construction
 - Some recent Western Australian cases**Meredith Elliott, Principal Barrister and Solicitor, Elliott and Co**
1 CPD point in substantive law
- 10:30 Morning tea
- 11:00 **Discussion Panel: Dementia and the role of the GP and the lawyer in assessing testamentary capacity**
 - A consultative approach before it's too late
 - Proving dementia prior to death
 - Family involvement: When and how?**Elizabeth Heenan, Special Counsel, Culshaw Miller Legal Group**
Dr. Roger Clarnette, Consultant Physician, Clinical Associate Professor, School of Medicine and Pharmacology, University of Western Australia
Third speaker tbc
1.5 CPD points in ethics/professional responsibility
- 12:30 Networking lunch for speakers and delegates
- 1:30 **Enduring power of attorney (medical treatment)**
 - Statutory basis/provisions
 - How to draft it - what to include; formalities
 - What to do with it once drafted
 - Benefits and pitfalls**Charmaine Holyoak-Roberts, Barrister, John Toohey Chambers**
.75 CPD point in substantive law
- 2:15 **Estate planning to protect the interests of vulnerable beneficiaries**
 - Vulnerability of beneficiaries – e.g. intellectual incapacity; drug or alcohol dependency; financial instability
 - Effect of gifts or interests in trusts on eligibility for social security payments
 - Available trust structures – e.g. protective or discretionary trusts; special disability trusts; life interests
 - Appointment of trustees – family members; friends or professional trustee
 - Relevance of Inheritance (*Family and Dependants Provision*) Act 1972**Patrick Hughes, Special Counsel, Jackson McDonald**
.75 CPD point in substantive law
- 3:00 Afternoon tea
- 3:30 **Family provision claims involving small estates**
The session looks at the practical considerations needed to be taken into account when dealing with small estates, including a comparison of some relevant legislative provisions around the country.
The main concern of all parties will be achieving a quick and successful resolution of the claims without costs consuming the estate. A discussion of tactics will benefit all who act in this area.
Rebecca Lee, Barrister, Francis Burt Chambers
.75 CPD point in substantive law
- 4:15 **What you do and don't include in your affidavit under the Inheritance (*Family and Dependants Provision*) Act 1972 (WA)**
 - Taking instructions
 - Sticking to the facts
 - What to leave out – and explaining why to the client
 - Importance (or otherwise) of financial information
 - Annexures
 - Different requirements when acting for
 - Executor
 - Plaintiff
 - Defendant**Sally Bruce, Senior Associate, Jackson McDonald**
.75 CPD point in legal sills and practice
- 5:00 Close of day one

Who should attend?

- Wills and probate lawyers
- Estate planning lawyers
- Succession law practitioners
- Barristers
- Trustee companies
- Financial planners
- Taxation advisers working in the area of estate planning

Claim CPD/MCLE points with all LexisNexis Professional Development events

Last Will

2-3 November 2011, Duxton Hotel Perth

Thursday, 3 November 2011

- 8:30 **Registration**
- 8:50 **Welcome from the Chairperson**
John Butler, Principal, Butlers Barristers and Solicitors
- 9:00 **Drafting affidavits in family provision disputes**
This session is designed to accelerate your skills in drafting effective and admissible affidavits in family provision applications, with tips on how to avoid commonly encountered pitfalls. John Butler is a barrister and solicitor of the Supreme Court of Western Australia and on the Roll of Legal Practitioners for the High Court of Australia. John has been admitted to practice for over 38 years, and has worked in the law for over 44 years.
John Butler, Principal, Butlers Barristers and Solicitors
.75 CPD point in substantive law
- 9:45 **When and how to claim commission for an executor/trustee**
Commission is not often applied for where the estate's affairs are fairly straight forward however where the estate administration involves a lot of work, the executor may apply for commission for the "Pains and Troubles" incurred in the estates administration. This paper will examine in detail the ins and outs of executor's commissions.
Speaker TBC
.75 CPD point in legal skills and practices
- 10:30 **Morning tea**
- 11:00 **Tax considerations in wills and estates**
Problems with Business Succession via Deceased Estates
 - Pitfalls and Critical Issues
 - Indirect Taxes
 - Company Losses – Trust Losses & Trust Loss Election
 - Related party LoansTax considerations in Wills and Estates
 - Implication of Capital Gain Tax
 - Small business concession
 - Disputed estates litigation
 - When does an asset pass to a beneficiary?
 - Deed of arrangement to resolve a dispute
 - Implications for Separating Couples
 - Marriage and Relationship Breakdown Same Asset Rollover
 - SMSF**Frederik Z Van Der Walt, Assistant Manager Private Enterprise, KPMG**
Ag Vacca, Partner, KPMG
.75 CPD point in substantive law
- 11:45 **Commercial aspects of buy sell – moving business owners to action**
 - The succession conspiracy
 - Why succeed?
 - Triggers to action**Michael Sayer, Principal, The Corporate Will Company**
.75 CPD point in substantive law
- 12:30 **Networking lunch for speakers and delegates**
- 1:30 **Elements of buy sell agreements**
 - What are they and why do we need them?
 - Funding
 - Mechanism
 - Choices for the clients to make**Richard Staynor, Senior Counsel, Willpower Legal**
1 CPD point in legal skills and practices
- 2:30 **Afternoon tea**
- 3:00 **Claims under *Inheritance (Family and Dependents Provision) Act* by de facto**
 - Eligibility
 - Effect of gender
 - Effect of separation
 - Evidence required
 - Effect of *Acts Interpretation Act*
 - Effect of *Administration Act*
 - Effect of marital status and concurrent de facto relationship**Michael Hawkins, Barrister, Francis Burt Chambers**
- 3:20 **Why, when and how to prove a Will in solemn form**
 - What is "solemn form"
 - Why apply for grant of probate in solemn form
 - When to apply for grant
 - Court determination necessary even if application is consensual
 - Evidence required**Michael Hawkins, Barrister, Francis Burt Chambers**
- 3:40 **Why, when and how to get assistance from the Court for an executor/trustee**
 - Court's inherent jurisdiction
 - *Trustees Act* sections 75, 89, 92
 - Protection of trustee
 - Protection of assets of a trust
 - To sue, or not to sue; to defend, or not to defend; to discontinue, or not to discontinue; are these the questions?
 - Process**Michael Hawkins, Barrister, Francis Burt Chambers**
1 CPD point in substantive law
- 4:00 **Close of conference**

To register now visit: www.lexisnexis.com.au/pd or ph: 1800 772 772 or fax: 02 9422 2338

Priority registration form

7th Annual Wills and Estates Conference WA

4 easy ways
to register

Online: 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: PD6511 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:

- Retirement & Estate Planning Bulletin
- Australian Superannuation Bulletin
- Family Provision in Australia – 3rd Edition Book
- Hutley's Australian Wills Precedents – 7th Edition Book
- Mason & Handler's Introduction to the Succession Act 2006 – The Law of Wills
- Succession, Families, Property and Death: Text and Cases – 3rd Edition
- Estate Planning – A Practical Guide for Estate and Financial Service Professionals – Second Edition
- Construction of Wills in Australia (Softcover)
- Kelly's Draftsman 19th edition Set (includes mainwork and supplement) with CD-ROM
- LexisNexis Practical Guidance – Family Law Module

For more information on these products call 1800 772 772

Earn CPD/MCLE Points:

Lawyers can earn 12 CPD/MCLE points

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

<input checked="" type="checkbox"/>	One day conference	1	\$900 + GST = \$990	\$990
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Advance price (register and pay before 9 September 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$1800 + GST = \$1980	
	One day Conference*		\$900 + GST = \$990	

Early bird price (register and pay after 9 September 2011 and before 7 October 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$1950 + GST = \$2145	
	One day Conference*		\$1050 + GST = \$1155	

Standard price (register and pay after 7 October 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$2050 + GST = \$2255	
	One day Conference*		\$1150 + GST = \$1265	

Conference Resources (I am unable to attend but please send me conference papers)

Please Select	Options	Qty	Price	Subtotal
	7th Annual Wills and Estates Conference WA		\$360+ GST = \$396	

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

TOTAL

* I would like to attend:

- Day 1 Day 2

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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