

Claim up to
9 CPD points!

4th annual queensland property law masterclass

14 February 2008 Pre-masterclass Workshop
15 February 2008 Masterclass
Stamford Plaza Brisbane

Supporting property
practice by highlighting
recent trends and issues

Explore the approach and details
of drafting, strategic priorities and
real world responses to disputes
through case studies and more
than a dozen court decisions
handed down in 2007.

Official Publication
Lawyers Weekly

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Thursday 14 February 2008

essential pre-masterclass workshop

Determining the Suitable Title and Body Corporate Structure According to the Type of Site

1:00

Workshop Registration

1:30

Welcome from Workshop Facilitator and Commencement of Workshop

This workshop is pitched at the property lawyer involved with the structure, creation and development of mixed-use strata schemes applicable to:

- Basic schemes,
- Staged and layered developments,
- Lease-back schemes and
- Progressive subdivisions.

2:45

Afternoon Tea

3:00

Resumption of Workshop

As a delegate you will be actively involved in structuring the body corporate and by-laws in a way that is suitable to the strata scheme title and necessary to maintain the common property.

Delegates will gain a highly developed practical working knowledge of:

- Creation by registration
- Original proprietor and the initial period
- Duties and restrictions on the original proprietor or during the initial period, and
- Development in stages

5:00

Workshop Close

Workshop Facilitator:

ABOUT YOUR FACILITATOR

Matthew Raven, Partner, **Gadens Lawyers**, has practised as a property lawyer for over 15 years, particularly in the property development area. He has worked on a range of projects including resort and mixed used developments, flat land subdivisions, development of leasehold property, joint ventures and funding arrangements and infrastructure projects. He has a detailed knowledge of the array of legislation governing these types of developments with particular expertise in developing workable and efficient titling and management strategies to meet project requirements.

To discuss sponsorship opportunities please email: sponsorship@lexisnexis.com.au

Friday 15 February 2008

masterclass program

8:00

Conference Registration

8:30

Welcome and Opening from the Chairperson

MEET YOUR
CHAIR

Amanda Stickley, Senior Lecturer, **Queensland University of Technology**, is with the Law Faculty of QUT in Brisbane. Prior to starting her academic career she was the Senior Research Assistant to the Faculty's Centre for Commercial & Property Law. At present Amanda teaches in the undergraduate subjects of torts and real property and in the postgraduate unit, Contemporary Issues in Torts. Amanda has been Torts Column Editor for the Queensland Lawyer since 2002 and has published regularly in the area of property law and torts, including the co-authored monograph, *Australian Torts Law*, LexisNexis, 2005. Currently Amanda is undertaking a doctoral study that involves research into consumer protection as well as carrying out collaborative research into consumer protection devices used in real estate transaction in Australia.

8:40

Property and Motor Dealers Act; a Year in Review of Updates and Case Law

- *Menniti v Chan* [2007] QSC 190
 - Considering both the seller's duty of disclosure & the buyer's right to terminate
- *Active Property Marketing Services v Joelco P/L* [2007] QSC 167
 - Identifying when an agent can claim a lien over a purchaser's deposit for payment of its commission
- *Johnston v Jewry and Anor* [2007] QCA 188
 - Highlighting the importance of attention to detail; the right to terminate & receive a refund of deposit due to incorrect order of documents
- *Lee and Anor v Surfers Paradise Beach Resort P/L* [2007] QSC 93
 - Pointing to the statutory obligations of disclosure by an agent

Matthew Derrick, Partner, **Deacons**

10:00

Morning Tea

10:15

Examining Residential Subdivisions

- Case study: *Charles and Howard Pty Ltd v Redland Shire Council* [2007] QCA 200
- Overview of the facts
- Identifying the powers with respect to planning schemes and the potential extent for reliance on by Council
- Considering the extent to which the Planning and Environment Court can rely on planning schemes
- Walking through the steps to be taken when seeking re-zoning and subdivisional approval; how, how much, how long
- Challenging conditions placed on development approvals

James Ireland, Senior Associate, **Hopgood Ganim**

11:15

Put and Call Options – When to use and how to Draft

- Explaining the definition and purpose of put and call options
- Highlighting the ways that put and call options can, and have been used in contracts for residential and commercial real estate
- The potential advantages and disadvantages of using either a put and call option; implications for the payment of stamp duty
- Drafting a put and call option in a contract

Ruby Rozental, Solicitor, **Hickey Lawyers**

12:00

Networking Lunch for Speakers and Delegates

1:00

Commercial Leases – Breaches and Approaches to Litigation

- Seeking an interlocutory injunction to enforce the provisions such as exclusivity
- Surrendering a premises when it is required for redevelopment; retail shop leases in older buildings
- Considering what conditions to include as clauses for options and agreements to purchase

Nicole Campbell, Senior Associate, **Hickey Lawyers**

1:45

Off-the-Plan Contracts – What to Include and What to Look out for

- *Chocolate Factory Apartments v Westpoint Finance and Ors* [2007] NSWCA 253
 - Responding to defective and incomplete work from a purchaser's point of view
- *Whitton as Trustee of the Estate of John Emmanuel Rose v Regis Towers Real Estate Pty Ltd (In Administration)* [2007] FCAFC 125
 - Considering the risk of a person becoming insolvent
- *Jobern Pty Ltd v BreakFree Resorts (Victoria) Pty Ltd and Ors* [2007] FCA 1066
 - Circumstances which give rise to rights to termination

Ian Hazzard, Partner, **McCullough Robertson**

2:30

Afternoon Tea

2:45

Off-the-Plan Contracts – Obligations of Buyer and Seller

- Overview of *Lymquartz Pty Limited v 2 Elizabeth Bay Road Pty Limited* [2007] NSWSC 457
- Duties & obligations of real estate agents during pre-contractual representations
- Marketing brochures as mere puffery or actionable as misleading or deceptive conduct
- Investing and the implications for advising commercial & residential clients

Rebecca Castley, Partner, **Mullins Lawyers**

3:30

Mixed-Use Developments

- An overview of Queensland trends in high density development
- Reviewing issues, arguments & reasoning associated with the case law concerning mixed-use developments during 2007

Anthony Boge, Senior Associate, **Hopgood Ganim**

4:15

Closing Remarks from the Chair

4:30

Conference Close

Special Conference Discount

There are strong ties between property and construction practice - with one area often requiring an up-to-date awareness of issues occurring in the other.

Attend both the property law and construction law masterclasses and receive a **\$200 discount**.

CPD points

Claim 6 CPD points for attending the Property Law Masterclass and 3 CPD points for attending the workshop

ABOUT THE PRESENTERS

Amanda Stickley, Senior Lecturer, **Queensland University of Technology**, is with the Law Faculty of QUT in Brisbane. Prior to starting her academic career she was the Senior Research Assistant to the Faculty's Centre for Commercial & Property Law. At present Amanda teaches in the undergraduate subjects of torts and real property and in the postgraduate unit, Contemporary Issues in Torts. Amanda has been Torts Column Editor for the Queensland Lawyer since 2002 and has published regularly in the area of property law and torts, including the co-authored monograph, Australian Torts Law, LexisNexis, 2005. Currently Amanda is undertaking a doctoral study that involves research into consumer protection as well as carrying out collaborative research into consumer protection devices used in real estate transaction in Australia.

Matthew Derrick, Partner, **Deacons**, advises on property and infrastructure development, land tenure and title issues, acquisitions and disposals, as well as structuring complex tenure and management regimes for mixed use projects. He is acknowledged for his expertise and involvement in some of Australia's most complex and innovative community title and volumetric deals.

James Ireland, Senior Associate, **Hopgood Ganim**, practices particularly in the areas of planning, environmental and liquor licensing litigation. He has advised on major planning appeals in Queensland over the last eight years. These appeals range from acting for clients on major retail development appeals to acting for large residential developers and extractive industry participants.

Ruby Rozental, Solicitor, **Hickey Lawyers**, has experience across a range of commercial law fields, especially property and development. Ruby specialises in commercial property projects, mergers and acquisitions of all business sizes, leasing, management rights, tourism and resort developments.

Ian Hazzard, Partner, **McCullough Robertson**, is a property law specialist he is renowned for his work on major property developments in Australia and overseas. Ian's expertise includes legislative requirements, including enabling legislation and the development of systems to manage volume conveyancing and purchaser communication. Ian leads the Asian Business group and works for many local, national and international clients on property projects, while also specialising in Japanese business dealings.

Rebecca Castley, Partner, **Mullins Lawyers** practises in a wide range of property law matters and acts for a number of developers of commercial, retail and residential projects with a particular interest in strata title developments. Rebecca was admitted in 1998, is an accredited property law specialist, and is also admitted to practice in England.

Anthony Boge, Senior Associate, **Hopgood Ganim** is an accredited specialist in property law and has extensive experience in all aspects of the acquisition, development, sale and leasing of commercial, industrial and retail property. Anthony has acted for a wide range of clients including public companies, government departments and government controlled bodies through to private individuals.

WHO SHOULD ATTEND:

- Property law accredited specialists
- Property lawyers
- Construction practitioners
- Barristers
- Government lawyers
- Corporate lawyers
- Developers

CONFERENCE DATE AND VENUE

14-15 February 2008
Stamford Plaza Brisbane
Cnr Edward & Margaret Streets
Brisbane, QLD 4000
Telephone: (07) 3221 1999

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 is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 26 January 2008. If we receive written notification between 27 January 2008 and 12 February 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 12 February 2008. You may nominate a replacement, however no refund will be issued.

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Tick here if you DO NOT wish to receive information about upcoming events

4 easy ways to register

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au

Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B and C

Conference code: **PD2608** CPD reference no. **CPD532**

A I would like to register for the 4th Annual Queensland Property Law Masterclass

ABN: 70 001 002 357

EARLY BIRD (expires 21 December 2007)

- One-day Property Masterclass \$850.00 + GST = \$935.00
Special combined deal
 Property & Construction Masterclasses \$1600.00 + GST = \$1760.00

STANDARD PRICES

- One-day Property Masterclass \$950.00 + GST = \$1045.00
 One-day Property Masterclass + Workshop \$1400.00 + GST = \$1540.00
 Property Workshop only \$450.00 + GST = \$495.00
Special combined deals
 Property & Construction Masterclasses \$1800.00 + GST = \$1980.00
 Property & Construction Masterclasses + Construction or Property Workshop# \$2100.00 + GST = \$2310.00
 Property & Construction Masterclasses + both Construction & Property Workshops \$2400.00 + GST = \$2640.00

#If only attending one workshop, please indicate which workshop

- Property Workshop OR Construction Workshop

CONFERENCE RESOURCES

I am unable to attend but would like to purchase a set of conference papers for 4th Annual Queensland Construction Law Masterclass \$300 + GST = \$330

TEAM DISCOUNTS*

Register a team of 3 to the conference 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

B Payment details Payment is due upon registration

- Enclosed is my cheque for \$ _____ made payable to LexisNexis
- Pay by credit card
Please charge \$ _____ to Mastercard Visa
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Expiry ____/____
- Name of cardholder _____
Signature of cardholder _____
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Account number _____
Signature _____

C Delegate details (for additional delegates please photocopy form)

Mr/Ms/Dr _____
First name Last name

Position _____
Organisation _____
Postal address _____
Suburb Postcode State

Telephone _____
Fax _____
Email _____

YES! I would like to receive information on upcoming events via email