Earn up to
10 CPD points!

6th annual wills, succession and estate planning conference

20 - 22 February 2008 **Stamford Plaza** Melbourne

Grasp the latest issues impacting wills and estate planning professionals.

Sharpen your legal skills and knowledge, and increase your competitive edge in this rising sector.

Benefit from the array of 17 leading professionals including:

- Allan Swan
- David Haines QC
- Richard Phillips
- Carolyn Sparke

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

LexisNexis®
Professional Development

Day 1 Wednesday 20 February 2008 wills and estate essentials

8:30
Conference Registration

9:00
Welcome and Opening from the Chair

MEET YOUR CHAIR

Mark Maier, Partner, **McNab McNab & Starke** is an accredited specialist in Wills and Estates. He primarily practices in deceased estate litigation. He is a member of the Wills & Estates Advisory Committee to the Law Institute specialisation scheme. He is also a member of the International Society of Trust and Estate Practitioners. Mark holds a Practitioner's Certificate in Mediation and Conciliation through the Institute of Arbitrators & Mediators Australia, of which he is an associated member.

Drafting Skills for the Astute Professional

9:10
Advanced Practical Insight to the Drafting of Modern Wills

- How far do you probe your clients to understand their wishes and position when taking instructions?
- Analysing the situation and advising the best approach
- Choosing the appropriate executors and trustees
- Common mistakes and their implications in complex will drafting
- Is a testator bound by your mistakes? Reviewing the courts' power to rectify wills

Speaker to be advised

10:00
When Freedom of Testation is Curtailed: Testators Family Maintenance Claims (TFM)

- Testators ability to assess propriety of their wishes
- Do not follow instructions blindly: Alerting clients of TFM requirements when taking will-drafting instructions
- Considering the factors which must be taken into consideration when drafting a will
- *Schetzer v Trathen & Anor, Diver v Diver & Ors, Ansett & Anor v Moss & Ors*
- Preparing evidence in TFM proceedings
- Time limitation for bringing a claim

Richard Phillips, *Barrister*

10:50 Morning Tea

Important Considerations in Estate Planning: Taxation, Asset Distribution and Jurisdiction

11:10
Give the Tax Man Only What Belongs to Him: Taxation Implications on Estate Planning

- The basic Capital Gains Tax (CGT) rules
- Reviewing the main residence exemptions
- Discussing the tax position of gifts to non-residents and charities
- Surrender of life interests

Dr John Glover, *Barrister*

12:10
Broadening the Horizon of an Estate

- Understanding how to get full instructions from clients
- Using NSW Notional Estate provisions to boost assets in Victorian Testators Family Maintenance (TFM) disputes
- Claims to superannuation benefits: Who can claim? How to promote the chances of success?
- Running parallel TFM claims and a complaint to the Superannuation Complaints Tribunal
- Life insurance as an asset: What happens if a life insurance policy is rejected?
- Accessing assets in Self-Managed Superannuation Fund (SMSF)

Terry Johansson, *Principal,* ***Johansson Solicitors***

1:00 Networking Lunch for Speakers and Delegates

2:00
Protecting the Elderly: Factors Which Undermine Testators' Capacity and Intention

- Considering your client's world: Identify the context for instructions
- Evaluating the circumstances in which you are taking instructions
- Is your client's behaviour befitting the paradigm?
- The effect of undue influence and unconscionable conduct by others
- Managing with sensitivity the appropriate responses and recommendations
- Risk management for practitioners

Carolyn Sparke, *Barrister*

2:50
Looking Beyond Jurisdictional Boundaries in Will Drafting and Estate Planning

- Domicile and residence (including dual citizenship)
- Nature and location of inter-state or overseas assets
- Taxation implications on multiple jurisdictions assets
- Possibility of inheritance or provision for overseas sources
- Consideration of interest controlled by executors or trustees
- Complex jurisdictional issues in preparing a will
- Is it necessary to have a will in every jurisdiction?

Barry Fry, *Partner,* ***Maddocks***

3:30 Afternon Tea

An In-Depth Examination of Trusts in Estate Planning

3:50
Using Testamentary Trust As an Estate Planning Tool

- Establishing a testamentary trust: When is it necessary to create a trust?
- Practicality of creating a testamentary trust
- Spendthrift and vulnerable beneficiaries
- Understanding trustee's power, discretion and limitations
- Benefits of tax advantage
- How to terminate a testamentary trust

Daniel Kelliher, *Senior Associate,* ***Russell Kennedy***

4:50
Closing Remarks from the Chair

5:00
Close of Day 1

Post Conference Workshop A Friday 22 February 2008 - 9:30 - 12:30

Practical Insight to Preparing and Drafting Wills

The process of preparing and drafting a will may appear to be a straightforward task; simply follow the testator's wishes. Perhaps, this is why many practitioners are afraid to admit that they need to obtain higher techniques to perfect their will-drafting skills. In actual fact, will drafting is one of the most difficult tasks in estate planning. It is the foundation upon which all estate planning works are built. Your will drafting skills will either make or break the estate planning and estate administration of your clients and their surviving beneficiaries.

Key Learnings from this workshop include how to:

1. Prepare and Obtain Instructions

- Understand the testator from all perspective • Recognise and respond to all threshold issues
- Review the estate • Consider strategies for preservation of estate
- Identify with intended beneficiaries, executors and trustees

2. Draft Wills

- Standard Clauses • Setting up appropriate trusts • Following precedents
- Reviewing common drafting mistakes

ABOUT YOUR FACILITATOR

Andrew Byrne, Partner, **BJT Legal** has extensive experience in wills and estates and has been an accredited Wills and Estates Specialist since 1994. He is the Chairman of Directors and is in-charge of the Wills and Deceased Estate's Department of his firm. He provides advice in relation to wills, estates and Guardian & Administration Board maters. Andrew is also a Director of Victorian Securities Corporation Ltd.

Day 2 Thursday 21 February 2008 estate and business planning

8:30

Conference Registration

8:50

Opening Remarks from the Chair

MEET YOUR CHAIR

Kathy Wilson, Special Counsel, **Aitken Walker & Strachan** is an accredited specialist in Wills and Estates and has worked almost exclusively in the area of succession planning and wills and estates for over 18 years. She has a keen interest in promoting legal education in the community. Kathy has conducted many seminars and workshops for practitioners and members of the public focusing on practical issues arising in wills and estates as well as powers of attorney and guardianship matters. Kathy has served on a number of education and advisory committees including as Past President of The Institute of Legal Executives.

9:10

Special Disability Trusts: Protect Vulnerable Beneficiaries from Predators

- Establishing Special Disability Trusts: Requirements and limitations under the *Social Security Act 1991*
- Selecting the appropriate trustees
- Effect and exemptions of the Special Disability Trusts: Gifts and contributions and their restricted usage
- Special Disability Trusts and their taxation consequences
- Understanding your obligations to protect vulnerable beneficiaries from being victimised
- Alternative solutions for the protection of vulnerable beneficiaries

Angela Cursio,** Solicitor, **Trust Company Limited

Financial Planning and Superannuation Considerations

10:10

Superannuation 2008: Binding Death Benefit Nominations and Their Control Element

- Reviewing the legislative changes as of 1 July 2007
- When to use a binding death nomination: Certainty vs Flexibility
- Defining the term 'dependants'
- Payments of death benefits nominations including death benefits lump sum
- Impact on means tested pension eligibility
- Control of funds after decease: The extent of trustee's discretion
- Protecting death benefits from subsequent relationships and the Superannuation Complaints Tribunal

Allan Swan, Principal, **Moores Legal** is a principal of his firm and its associated training arm Moores Training. He provides advice and consulting services to various professionals including lawyers, financial advisors and accountants in the areas of estate, business succession and asset protection planning, as well as matters of trusts, investments and taxation. Allan is a regular and sought-after speaker across Australia. He is also the author of various publications including the forthcoming 2nd edition of Financial Planning in Australia. He is accredited by the SPAA as an SMSF specialist advisor and is a fellow at the Taxation Institute of Australia.

11:10 Morning Tea

11:30

Estate Planning for Second Marriages and "Blended" Families

- Considering the rights of the beneficiaries of blended families
- Advising children from marriages that are not included in the will
- Does a former spouse have a right to the estate funds?
- Contesting claims between a former legal spouse and a current de facto partner
- How do the courts view such concerns? Case laws and legislations updates

David Haines, Queens Counsel, **South Australian Bar** has extensive experience in all aspects of succession law, family law and equity. He was initially admitted to the SA Bar as a barrister and solicitor and later to the Supreme Courts of NSW, VIC, ACT and NT. He was appointed Queens Counsel in November 1999. David is the author of several publications including the recently published book LexisNexis' *Construction of Wills in Australia* (2007).

12:30 Networking Lunch for Speakers and Delegates

1:30

Superannuation 2008: From the Taxation Perspective

- Distinguishing tax treatments between dependants and non-dependants
- Be tax savvy: Should death benefits be paid as a lump sum or as an income stream?
- Considering the impact on pension arrangements
- Entitlements and requirements for a tax offset
- Effect of contributions tax

***Peter Pascoe,** Barrister*

Corporate Social Responsibility in Will Drafting

2:30

Philanthropy and Charitable Giving

- Defining the terms 'charitable gift' and 'charity'
- Creating and administering a charitable trust under the *Charities Act 2006*
- Doctrine of Cy-Pres: Assessing the options for gifts under wills and how to avoid invalid or impractical gifts
- Deductible Gift Recipient and Exempt Entities under the *Income Tax Assessment Regulations*

Rikki Andrews,** Philanthropy Manager, **Trust Company Limited

3:20 Afternoon Tea

3:40

Business Succession Planning

- Best approach in deciding a business structure – status of business and wishes of intended successors
- Retaining the business life: Shareholders restrictions, mandatory sell/buy agreements or Put and Call Option
- Determining a time frame and reviewing succession plan
- Transferring of assets including intellectual property rights
- Are transitional arrangements required for continuity of operation?
- Taxation of transfers and income stream
- Maximise tax benefits: Capital Gains Tax (CGT), income tax and any available concessions

Andrew O'Bryan,** Partner, **Hall & Wilcox

4:50

Closing Remarks from the Chair

5:00

Close of Day 2

Post Conference Workshop B Friday 22 February 2008 - Time 1:30 - 4:30

A Foolproof Guide to Creating Testamentary Trusts

As modern society becomes more aware of the need to be responsible for their wealth and assets, a will may no longer be the sufficient tool in estate planning. Many people today are also mindful of the importance of protecting their assets and beneficiaries to ensure that their hard-earned wealth do not fade away in just one generation. A testamentary trust provides the benefit of taxation advantages and the protection of bequeath assets and beneficiaries from financial or other difficulties that the beneficiaries may suffer.

This workshop is designed to give you an in-depth practical and skills based knowledge on incorporating a testamentary trust in a will.

Key Learning's in this Workshop include how to:

- Review the testator's estate and consider a need to create a testamentary trust
- Strategise the formation of a testamentary trust and choose a testamentary trust option
- Shape the trust including choosing trustees, restricting powers and rights of trustees and executors, and determining beneficiaries
- Draft a testamentary trust
- Minimise taxation liabilities: Income splitting and CGT

ABOUT YOUR FACILITATOR

Jennifer Dixon, Principal, **Moores Legal** is an accredited Wills & Estates specialist and an accredited Self Managed Super Fund (SMSF) specialist advisor with the SMSF Professionals' Association of Australia. She practices in a wide range of complex estate and business succession planning matters including superannuation, trusts, asset protection, administration of estate and taxation. Jennifer is a presenter for her firm's training arm and is a regular speaker across Australia in her area of expertise.

LexisNexis® Professional Development

6th annual wills, succession and estate planning conference

ABOUT THE PRESENTERS

Rikki Andrews, Philanthropy Manager, **Trust Company Limited** has extensive experience in business development, cause-related marketing and charitable trust administration. She is currently undertaking a Masters in Philanthropy and Social Investment at Swinburne University to complement the development of Philanthropy best practice at her company. Rikki has established a philanthropic trust with a group of friends and is a member of three non-profit organisations.

Angela Cursio, Solicitor, **Trust Company Limited** is a solicitor having commenced practice in Victoria in 1997. She has previously worked in both corporate and private practice and has been with Trust Company Limited since 2005. Her areas of practice include Wills, Estates, Estate Planning and Estate Litigation.

Barry Fry, Partner, **Maddocks** is an accredited specialist in Wills and Estates and has over 40 years experience in litigation, property transactions and wills and estates. He has handled various significant estate cases in the superior courts and is a trustee of several perpetual charitable trusts. Barry acts as a LEADR accredited mediator in commercial and estate disputes. He was an appointee of the Attorney General's Department for the inquiry into the assets of the Public Trustees. Barry is also the author of numerous publications on wills and estate.

Dr John Glover, Barrister, **Victorian Bar** has practiced as a barrister since the 1980s. In 2005, he re-signed the roll of counsel and all commercial areas are now within his field of practice. John is also an Associate Professor at Monash University. He is the author of several legal texts including over 45 book chapters and articles in refereed law journals. His book LexisNexis' *Equity, Restitution & Fraud* (2004) was sold out with re-impression pending.

Terry Johansson, Principal, **Johansson Solicitors** is an accredited Wills and Estate specialist and has extensive experience in many aspects of estate planning including wills and estates, estate litigation and taxation. He practices and conducts TFM cases in both VIC and NSW. Terry is admitted as a solicitor in England and Wales and was licensed by the Dubai's Ruler's Court to practice as an international lawyer in Dubai. He was instrumental in establishing Society of Trust and Estate Practitioners (STEP) in Australia and Dubai.

Daniel Kelliher, Senior Associate, **Russell Kennedy** has been an accredited Wills and Estates specialist since 1996. He heads his firm's Estates and Estate Planning Department. His practice encompasses all aspects of estate planning, probate and estate administration, estate litigation and superannuation complaints. He is a committee member of the Melbourne branch of STEP and a member of the LIV Specialist Wills & Estates Study Group.

Andrew O'Bryan, Partner, **Hall & Wilcox** leads his firm's Taxation, Superannuation and Family Business & Wealth management practice groups. He has extensive knowledge of taxation and commercial practice on many aspects of business including business succession and estate planning. Andrew draws clients from industry and commerce, publicly listed companies and high-net-worth private business groups.

Peter Pascoe, Barrister, **Victorian Bar** was called to the Victorian Bar in 1998. He has established a wide ranging practice in the areas of wills and estate, superannuation, equity, property, domestic relationship property and commercial law. Prior to 1988, Peter practiced in chartered accounting and as a solicitor. He was also a senior lecturer at Swinburne University and has served as a private secretary to the Commonwealth Attorney-General.

Richard Phillips, Barrister, **Victorian Bar** was called to the English Bar of Lincoln's Inn in 1979. In 1982, he was admitted to the Supreme Court of Victoria and signed the Victorian Bar Roll in 1983. He specialises in the area of wills, estates, probate, testator's family maintenance (TFM), trusts, equity and property law. He has significant trial experience in contested wills and TFM cases. Richard is an Accredited Advanced Mediator by the Victorian Bar and has conducted many successful mediations. He is the co-author of LexisNexis' Wills, Probate and Administrative Service Victoria and has presented at many conferences and seminars.

Carolyn Sparke, Barrister, **Victorian Bar** has an extensive practice in commercial work, specialising in equity, trusts and deceased estates. She also practices in Guardianship work and is a representative on the VCAT Guardianship List users committee. She is an accredited mediator and the author of numerous publications including the LexisNexis' Wills, Probate and Administrative Service Victoria. Carolyn is an advocacy instructor and a regular presenter at seminars.

WHO SHOULD ATTEND?

- Legal Practitioners in a wills, probate or estate planning practice
- Estate Planners
- Financial Planners and Advisors
- Trust Administrators
- Tax Advisors working in the area of estate and succession planning

CONFERENCE DATE AND VENUE

20 – 22 February 2008
Stamford Plaza Melbourne
111 Little Collins Street, Melbourne VIC 3000
Tel: (03) 9659 1000
Fax: (03) 03 9659 0999
Web: www.stamford.com.au/spm/

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 23 January 2008. If we receive written notification between 24 January 2008 and 6 February 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 6 February 2008. You may nominate a replacement, however no refund will be issued.

IMPORTANT PRIVACY NOTICE:
The information you provide on this form is collected by Reed International Books Australia Pty Limited for the purposes of processing your registration or enquiry and keeping you informed of upcoming products, services and events. The information is disclosed from time to time to our related bodies corporate for these purposes. The provision of this information by you is voluntary but if you do not provide some or all of the requested information we may be unable to properly process your registration. You have both a right of access to the personal information we hold about you and to ask us to correct it if it is inaccurate or out of date. Please direct your enquiries to privacy@lexisnexis.com.au

☐ 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: **PD0308** ABN: 70 001 002 357

WEB

A I would like to register for **6th annual Wills, Succession and Estate Planning Conference**

	Early Bird* (expires 18 December 2007)	**Standard Price**
☐ Two-day Conference only	$1704.55 + GST = $1875.00	$1909.09 + GST = $2100.00
☐ Two-day Conference + both workshops	$2545.45 + GST = $2800.00	$2727.27 + GST = $3000.00
☐ One-day conference#	$854.55 + GST = $940.00	$950.00 + GST = $1045.00
☐ One workshop only*		$500.00 + GST = $550.00
☐ Two workshops only		$863.64 + GST = $950.00

If only attending one-day conference, please indicate which day ☐ Day One ☐ Day Two
*If only attending one workshop, please indicate which workshop ☐ Workshop A ☐ Workshop B

CONFERENCE RESOURCES
☐ I am unable to attend but would like to purchase a set of conference papers for 6th Annual Wills, Succession and Estate Planning Conference $300 + GST = $330

TEAM DISCOUNTS*
Register a team of 3 for the 6th Annual Wills, Succession and Estate Planning 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

I would like to purchase a copy of*:

☐ ***Construction of Wills in Australia*** (1st edition), Haines D M for $165 inc GST (ISBN: 9780409320954 - softcover)

☐ ***Wills Probate and Administration Service Victoria***, Collins, K; Phillips, R; Sparke, Carolyn; Boaden, R for $641.30 inc GST (includes updates for 12 months) (Product Code 915521 - looseleaf)

☐ ***Succession Law in South Australia*** (1st edition), Haines D M for $135 inc GST (ISBN: 9780409319149 - softcover)

*Prices of books were correct at the time of printing. LexisNexis reserves the rights to amend the prices at any time if required.

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 ☐ Amex

Card number ____ / ____ / ____ / ____

Expiry __ / __

Name of cardholder ________

Signature of cardholder ________

☐ Charge to my LexisNexis account: $ ________

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