



REGIONAL
LAW SOCIETY
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THE LAW SOCIETY
OF NEW SOUTH WALES

The Blue Mountains Regional Law Society

2020 SUCCESSION CONFERENCE

A three-day conference organised by the Blue Mountains Law Society
at the Hydro Majestic, Medlow Bath NSW

FRIDAY 11, SATURDAY 12 & SUNDAY 13 SEPTEMBER 2020

PROUDLY SPONSORED BY



NSW Trustee
& Guardian



DAY ONE – FRIDAY 11 SEPTEMBER 2020

12.45-1.15pm

REGISTRATION

1.15-3.15pm

Workshop: Life cycle of a family provision claim in NSW: a practical walk through: The workshop will cover, through practical exercises and demonstrations, the entire life cycle of a family provision claim (for both plaintiffs and defendants); from the Initial client Interview, to mediation to the final hearing. Topics that will be discussed include evidence preparation, document production and discovery, approaches to mediation, hearing preparation and advice.

Hugh Morrison and Patricia Muscat

Hugh is a practicing barrister primarily practicing in probate, family provision and equity litigation. Patricia is a practicing barrister practicing primarily in probate, family provision and equity litigation.

3.15-3.30pm

AFTERNOON TEA

3.30-5.15pm

Workshop: Life cycle of a family provision claim in NSW: a practical walk through (continued)

DAY TWO – SATURDAY 12 SEPTEMBER 2020

8.30-9.00am

REGISTRATION / ARRIVAL TEA & COFFEE

9.00-10.00am

Opening

Justice Arthur Emmett AO QC

Justice Arthur Emmett was admitted as a barrister in New South Wales in 1978. He was appointed Queen's Counsel in 1985. Justice Emmett was a judge in the Federal Court of Australia from 1997 to 2013. From 2013 to 2015, Justice Emmett was a judge of Appeal of the Supreme Court of New South Wales and since October 2015 he has been an acting Judge of Appeal also sitting in the Commercial and Real Property Lists of the Equity Division.

10.00-11.10am

Estate Litigation to Challenge Tainted Dispositions: This topic considers some of the situations in which an estate might challenge dispositions of property that a deceased had made either inter vivos or by will, that were the product of influence, misrepresentation or pressure, or were made on the basis of a promise or undertaking that was later not kept. It also considers some of the various remedies that might be available in such situations.

Professor Joe Campbell

Professor Joe Campbell was admitted to the bar in 1975 and appointed silk in 1988. He was appointed to the Equity Division of the Supreme Court of NSW in 2001 and to the Court of Appeal in 2007, retiring from the Court in 2012. Since then he has been an Adjunct Professor at Sydney University, lecturing and writing in equity, interpretation, property and commercial law and legal history.

11.10-11.30am

MORNING TEA

11.30am-12.45pm

Accountability - the universal problem in the administration of estates affected by incapacity or death: Problems associated with the performance of fiduciary obligations can present themselves in a different light, at different times, in the process of administration of an estate affected by incapacity or death. A common denominator is a need to consider the availability or otherwise of systems for the supervision of fiduciaries and auditing their performance.

Justice Geoff Lindsay

Justice Lindsay sits in the Equity Division of the Supreme Court of New South Wales and manages the Protective List. He is editor of the Australian Bar Review and Senior Vice President of the Francis Forbes Society for Australian Legal History.

12.45pm-1.15pm

LAWCOVER (SPONSOR) Electronic witnessing regulation 2020: This will involve a discussion of the *Electronic Transactions Amendment (COVID-19 Witnessing of Documents) Regulation 2020* and claims in the wills and estates space.

Jen McMillan, Accredited Specialist (Wills and Estates) TEP, Manager - Practice Support Services at Lawcover.

1.15-2.00pm

LUNCH

2.00-3.15pm

Inheritance contracts (also known as Deed of Mutual Wills) - what role can they play in estate planning, especially for blended families? Mutual Wills (as distinct from mirror Wills) are a sub-group of the law of contract. They can be written and oral, express and Implied. They rule from the grave. They can be a brutal and cruel tool, especially in the hands of an inexperienced (or incompetent) legal practitioner

Lindsay Ellison SC

Lindsay Ellison was admitted as a solicitor in 1983 and called to the Bar in 1985. He was appointed Senior Counsel in 2005. He has appeared in many leading probate and family provision cases at trial and on appeal. Doyles Guide describes him as "market leader".

3.15-3.45pm

AFTERNOON TEA

3.45-5.30pm

Panel discussion – Darryl Browne, Facilitator

Various speakers will discuss a range of topical, difficult or “burning” issues including those submitted by attendees at the conference. Justice Geoff Lindsay, Lindsay Ellison SC, Natalie Darcy - Accredited Specialist in Wills & Estates, Professor Joe Campbell.

6.30pm

DRINKS OUTSIDE THE BALLROOM FOR THOSE ATTENDING THE CONFERENCE DINNER

7.00pm

CONFERENCE DINNER AND SIR ANTHONY MASON ORATION BY JUSTICE STEPHEN GAGELER

(THE DINNER INCLUDES A THREE COURSE MEAL, DRINKS AND ENTERTAINMENT)

DAY THREE – SUNDAY 13 SEPTEMBER 2020

8.30-9.00am

ARRIVAL TEA & COFFEE

9.00-9.50am

A practitioner’s guide to the Guardianship Division of NCAT: This session covers the basics of the jurisdiction of the Guardianship Division, highlighting some distinguishing features, offering some practical tips from the coalface and discussing some of the challenges that can arise.

Linda Rogers

Linda Rogers is a solicitor with a private practice in adult guardianship, mental health and administrative law. Linda appears in the Guardianship Division of the NSW Civil and Administrative Tribunal, often in cases involving significant family conflict.

9.50-10.10am

Hints from the bench of the Guardianship Division: This session will include brief commentary on Linda Roger’s presentation and discuss the role of legal practitioners in the Guardianship Division of NCAT. There will be a discussion of current developments in relation to guardians appointed with coercive powers, with a focus on the role of a guardian in consenting to the use of restrictive practices in aged care.

Malcolm Schivens

Malcolm Schivens was appointed the Deputy President of the former Guardianship Tribunal of New South Wales in October 2008 and subsequently President of that Tribunal. on 1 January 2014, he was appointed as a Deputy President of NCAT and the Division Head for Guardianship.

10.10-10.25am

ADAM DENT, CEO, NSW TRUSTEE & GUARDIAN (SPONSOR)

10.25am-11.25am

Estate Litigation Mediation: This session will be an Interactive presentation about preparing for and effectively participating in mediations involving estate matters.

Keith Mason AC QC

Keith Mason was President of the NSW Court of Appeal from 1997 to 2008. He was the original co-author of the NSW Probate Practice, Mason & Handler. Following judicial retirement his activities have included mediation in estate matters.

11.25-11.45am

MORNING TEA

11.45am-12.45pm

Digital Records - Including them in estate planning; dealing with them with estate

administration: This session will identify the recommendations relevant to estate planning and estate administration set out in the NSWLRC’s report “Access to digital records on death or Incapacity”, consider Issues faced by executors, attorneys and others when dealing with digital records and discuss practical issues to consider when advising clients, including at the estate planning stage.

Natalie Darcy Accredited Specialist in Wills & Estates

Natalie Darcy is Senior Solicitor Estate Planning, Legal and Professional Services at NSW Trustee & Guardian. She is a member of the Law Society of New South Wales Elder Law, Succession and Capacity Committee.

12.45-1.45pm

Making a superannuation death benefit claim where there is no valid binding nomination: This session covers the why, what and how of the “claims staking” process - notifying the fund that a member has died, making a claim, the fund trustee decision and the appeals process.

Michelle Dixon

Michelle Dixon is a lawyer with nearly 20 years experience in wills, estate planning and administration, including contested estates. Michelle is now a lawyer with First State Super Legal Pty. Limited. First State Super is the first superannuation fund in Australia to have its own estate planning service.

1.45-2.30pm

CONFERENCE CLOSE – LUNCH

Registration is simple; complete the form below and fax or post your registration to us:

Blue Mountains Law Society C/- Browne Linkenbach Legal Services, 21 Grose Street, Leura 2780
Phone: (02) 4784 2177 Fax: (02) 4784 2145 Email: slee@browne-link.com.au Enquires: Shani Lee

Please register me for the **2020 Succession Conference** – to be held at the Hydro Majestic, Medlow Bath on **Saturday 12 & Sunday 13 September 2020 (with a half day workshop on Friday 11 September 2020)**

- Early Bird Registration for Sat 12 & Sun 13 Sep 2020** – \$825.00
(for registrations made on or before Friday 31 July 2020)
- Full Price Registration for Sat 12 & Sun 13 Sep 2020** – \$935.00
- Current Blue Mountains Law Society Members' Registration for Sat 12 & Sun 13 Sep 2020** – \$715.00
- Workshop: Life cycle of a family provision claim in NSW on Fri 11 Sep 2020** – \$300.00
- Young Lawyer/Law Student for conference & workshop** – \$550.00 (limited availability)
- I cannot attend the conference, but **wish to purchase the conference papers** – \$180.00
(note: the papers will not be available for dispatch until approx. 2 weeks after the conference has been held)
- Dinner** – \$150.00 per person. (This includes a three-course meal, drinks and entertainment)

NOTE: Attendees will earn 1 CPD unit for each hour they attend the conference.

PERSONAL DETAILS

Mr / Mrs / Miss / Ms First Name

Last Name

Preferred Name for nametag (*if different from above*)

Position

Firm Name

Email

Postal Address

Phone Fax

PAYMENT DETAILS

Cheque

I enclose cheque for \$.....
payable to **Blue Mountains Regional Law Society**

Direct or Internet Bank Deposit

Blue Mountains Law Society
Commonwealth Bank of Australia
BSB: 062 559 Account No: 10249336

GENERAL CONFERENCE INFORMATION

Conference Registration Fee: The registration fee includes attendance at the conference, conference papers, refreshment breaks and lunch. The registration fees do not include any travel or accommodation.

The Conference Venue: The Ballroom, Hydro Majestic Hotel, Great Western Highway, Medlow Bath – a map of the conference venue will be provided with registration confirmation.

Conference Accommodation: Delegates are advised to make their own accommodation arrangements directly with the Hydro Majestic. Hotel Reservations: (02) 4782 6885 Email: reservations@hydromajestic.com.au
Website: www.hydromajestic.com.au

Conference Dress: Smart casual attire is suitable.