

Reviewing Your Trust Deeds

Friday, 30th March 2012

9.30 am - 1.15 pm

Increasingly, you are asked to advise accountants and business people about trust deeds. Often, you have drawn the deed or obtained it from a "shelf company" firm. The purpose of this seminar is to give you a framework for reviewing your standard documentation and for making constructive suggestions when asked to review trust deeds referred to you for advice. Some of the issues that will be covered in this seminar include:

Parties

- Who should be the settlor?
- What provision should be made for an appointor?
- Deciding on a suitable trustee and replacing trustees

Beneficiaries

- Classes of beneficiaries
- Differences between unit trusts and discretionary trusts
- Width of classes of beneficiaries
- Tax and stamp duty constraints

The Perpetuity Period

- Classes of beneficiaries
- Why a perpetuity period must be chosen
- Selecting the proper law of the trust to avoid the rules against perpetuities and accumulations
- Changing the proper law of the trust to an exotic jurisdiction
- Consequences of not understanding the rule against perpetuities - gifts to other trusts

Scope of Trustee Powers

- Whether to rely on statutory trustee powers or pro forma powers
- Choice of law and statutory trustee powers

Particular Powers

- Consequences of different wording for powers to appoint income and capital
- Necessary timing for exercise of powers of appointment
- Required form of exercise of power of appointment
- Powers to amend deed and revenue consequences of amendment

Unit Trust Deeds

- Consequences of different forms of definition of unit holders' interests
- Ability of unit holder to caveat claiming an interest in trust land
- Revenue consequences of different forms of powers in unit trust deeds – whether the trust is truly "fixed"



Compulsory CPD Core Area

Professional Skills

1.0 Points



Compulsory CPD Core Area

Substantive Law

2.5 Points

About the Presenter

The presenter at this seminar will be David Marks. David has been a barrister for more than 10 years, before which he practised at a top-tier firm for over 10 years in tax and revenue. He still principally practises tax and revenue law, but inevitably also appears in trust, estate, commercial and corporate litigation.

www.cpd.com.au

Recent Developments in Property Law

Friday, 30th March 2012

2.00 pm - 5.15 pm

Legal practitioners operate in an environment of constant change. Property lawyers in particular are faced with changing market conditions, a changing statutory environment and changes brought about by administrative and judicial determinations.

Knowledge is essential to equip property law practitioners with the necessary tools to face this challenging environment.

This seminar is designed to assist legal practitioners who practise in property by providing a review of the law and an update on developments in diverse areas that are linked by their relevance to practising property lawyers.

The topics that will be covered in this seminar will include:

Australian Consumer Law

Section 18 of the Australian Consumer Law (misleading or deceptive conduct) and its impact on property transactions. This will include a particular emphasis on its role in negotiations of property contracts (such as leases and land sale agreements) and its interaction with the terms of property contracts.

Subject to Contract

Developments in the always challenging area of 'subject to contract' understandings. When is the line crossed? When does an 'understanding' become an agreement? In what circumstances will a party be potentially estopped from denying an agreement has been reached?

Caveats

A range of caveat related topics will be addressed. This will include an update on recent decisions on what constitutes an interest in land sufficient to support a caveat, issues with respect to the drafting of a caveat, the need for and the time within which it is necessary to institute court proceedings to support a caveat that has been lodged, how proceedings should be instituted (application or claim) and what evidence is necessary to support any proceedings that are instituted.

Easements

In particular, the steps that need to be taken to enforce an easement by court action.

Indefeasibility of Title

Including a review of recent cases in the area. The less common but still potentially relevant exceptions to indefeasibility will also be discussed (for example, title by adverse possession).

This seminar will focus on providing practical knowledge to assist practitioners in this diverse and often complex area of legal practice.



Compulsory CPD Core Area

Substantive Law

3.0 Points

About the Presenter

The presenter at this seminar will be John Davies. John is a barrister who practises in the areas of commercial and property disputes. He has practised for over 25 years both in Australia and overseas and has experience in both branches of the profession. Prior to his admission as a barrister in 2001, John was a partner in a national law firm.

www.cpd.com.au

CPD Information

Mandatory Continuing Education Scheme

The CPD year begins on 1 April and ends on 31 March the following year. In each year, a Queensland practitioner must complete a minimum of 10 CPD units to maintain their practising certificate. CPD units can be attained through a variety of activities. Attending a CPDS seminar, practitioners will be able to claim 1 unit per hour of attendance (refreshment breaks not included).

Compulsory CPD Core Areas

There are three compulsory CPD core areas:



Practical Legal Ethics



Practice Management



Professional Skills

Practitioners must accumulate one CPD unit for each core area annually. Compulsory area points count towards the annual CPD Scheme unit requirement and are not an additional requirement.

Seminars that do not include a compulsory core area are usually designated by CPDS as:



Substantive Law

Enquiries

For all enquiries regarding application of CPD points to individual seminars:

Continuing Professional Development Seminars
Postal Address: PO Box 598, North Melbourne, VIC 3051
Telephone: (03) 9328 2688
Facsimile: (03) 9328 4688
Email: seminars@cpds.com.au
Website: www.cpd.com.au

Please note that the above is provided for informational purposes and is based on information supplied by the Queensland Law Society at the time of publication. Practitioners should make their own enquiries before relying on the information supplied above.

www.cpd.com.au



Reviewing Your Trust Deeds

Recent Developments in Property Law

Domestic Building Disputes

Affidavit Preparation in Family Court Trials

CPDS Seminars March 2012

Brisbane | Hilton Hotel
190 Elizabeth Street

Domestic Building Disputes in Queensland

Friday, 30th March 2012

9.30 am - 1.15 pm

In this seminar we will discuss the important issues and possible pitfalls to be aware of in dealing with a domestic building dispute in Queensland. We will also concentrate on the following:

- The commercial realities of pursuing claims for either party
- The ramifications of the legislation inherent in these disputes
- A possible framework for carrying out litigation in this area

Domestic building work in Queensland is affected by three main pieces of legislation:

- The Queensland Building Services Authority Act 1991 (the QBSA Act)
- The Domestic Building Contracts Act 2000 (the DBC Act)
- The Queensland Civil & Administrative Act 2009 (the QCAT Act)

Attached to each of these, are also their respective regulations.

The QBSA Act, *inter alia*, sets up a licensing regime for builders, a statutory authority to control builders after licensing and a statutory insurance scheme to cover defective and/or incomplete work by builders. The latter two are referred to as the Building Services Authority and the Building Services Authority Insurance Scheme.

The DBC Act legislates that certain terms and conditions are implied or must be included in any domestic building contract. For example, owners may not be liable for variations unless certain statutory conditions have been complied with and builders can only claim for money once certain stages of the building have been completed.

The QCAT Act essentially sets out the mechanisms by which a domestic building dispute is to be litigated in Queensland.

A majority of domestic building disputes essentially coalesce as follows:

- The usual claim by the builder for unpaid money under the contract
- The usual counterclaim by the owner/s for defective and/or incomplete work

This seminar will cover all these issues in depth.



Compulsory CPD Core Area

Substantive Law

3.5 Points

About the Presenter

The presenter at this seminar will be Richard Poiner. Richard was admitted to the Bar in Queensland and the ACT in 1998. He is also a registered architect in Queensland and was registered as a Builder in Queensland from 1984 to 2007. He is certified as an Adjudicator in the states of NSW, Tasmania and the ACT. Richard practises almost exclusively in the area of construction law.

Affidavit Preparation in Family Court Trials

Friday, 30th March 2012

2.00 pm - 5.15 pm

I want to go to trial so that I can tell my story ...

How often have you heard that comment from your clients? What you say in response will greatly affect the way in which the trial will proceed and to some extent how successful your client may be.

The material to be included in affidavits filed in the Family Court and Federal Magistrates Court should be considered carefully both in terms of content and in terms of the provisions contained within the *Evidence Act 1995*, *The Family Court Act 1975*, *The Family Court Rules* and the *Federal Magistrates Rules*.

Attendees at this seminar will be given practical advice on how to manage client's expectations and why it is unhelpful, and perhaps potentially harmful, to your client's case to include some information.

It is also very important to have an understanding of the current attitude of the courts in relation to the nature and type of evidence your client may want you to present.

This seminar will explore how the various rules of the "two family courts" impact upon the Evidence Act in both property and children's matters.

Topics to be covered in this seminar will include:

- Relevant provisions of the *Evidence Act 1995*
- Relevant provisions of the *Family Law Act 1975*
- Relevant provisions of the *Family Law Rules 2004*
- Relevant provisions of the *Federal Magistrates Rules 2001*

Practitioners who attend will also be given practical advice on how to best prepare your client's case in relation to allegations such as:

- Domestic Violence
- Child abuse
- Drug and alcohol abuse
- Supervision



Compulsory CPD Core Area

Professional Skills

1.0 Points



Compulsory CPD Core Area

Substantive Law

2.0 Points

About the Presenter

The presenter at this seminar will be Steve Middleton. Steve began his career in law as a police officer in the NSW Police force in 1985. In 1988 he became a police prosecutor and began practising as a solicitor in 1995. Steve has always practised in family law as well as crime, employment law and personal injury law. Before joining the Queensland Bar in 2007, Steve was a partner of a law firm for four years. He is predominantly engaged in Family Court work in the Federal Magistrates Court, Family Court and Full Bench of the Family Court.

Registration Form & Tax Invoice

Please Register me for:

- Reviewing Your Trust Deeds
- Recent Developments in Property Law
- Domestic Building Disputes in Queensland
- Affidavit Preparation in Family Court Trials

Registration Fees \$395 each seminar

Registration fees are inclusive of 10% GST. A tax invoice will be issued upon payment. Discounts are also available for early registration, online registration and group bookings – see below for details.

Name: _____

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Signature _____ Exp. Date /

Complete this registration form with your credit card details and fax it to: (03) 9328 4688 or post with cheque attached to:

CPDS
PO Box 598
North Melbourne, VIC 3051

Venue

Level 8 Conference Rooms
Hilton Hotel
190 Elizabeth Street
Brisbane

Discounts

A discounted registration fee of \$375 is available for all fully paid registrations received at least 30 days prior to the date of the seminar. A group discount of 10% off the full registration fee is offered for bookings of three or more persons from the same firm. Please send all registrations together clearly labelled "group booking". A discounted registration fee of \$375 is also available for all online registrations. You can search and register for all CPDS seminars at www.cpd.com.au. Only one discount category can be claimed for each registration.

Cancellations

Registrations may be cancelled up to 14 days prior to the seminar or workshop and a refund will be provided but an administrative fee of \$44 will be deducted. No refunds will be available within 14 days of the seminar or workshop. Should a seminar or workshop be cancelled by CPDS for any reason, a full refund of all fees paid will be made. CPDS reserves the right to cancel or reschedule courses, and to change speakers or revise content as necessary.

Mandatory CPD Schemes

If this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one "unit" for each hour of attendance, refreshment breaks not included. Further Information is provided on the back of this brochure.

Enquiries

For all enquiries regarding the course content or registration: Continuing Professional Development Seminars
ABN 17 126 054 466
Postal Address: PO Box 598, North Melbourne, VIC 3051
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