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CPD Compliance in CAMBODIA 2015

The Sofitel Angkor Phokeethra
Golf & Spa Resort
8 - 9 OCTOBER 2015

WHERE ELSE WOULD YOU RATHER
BE TO GAIN ALL OF YOUR
10 CPD POINTS?

Conference Speakers



Julian W.K. Burnside AO QC is an Australian barrister, human rights and refugee advocate, and author. He practices principally in commercial litigation, trade practices and administrative law and was listed in the Australian Financial Review's Best Lawyers list in 2015 for Commercial Law, Human Rights Law, Intellectual Property Law and Litigation. In 2009, Julian was awarded an Officer of the Order of Australia (AO) for his work as a human rights advocate and for his services to the arts and the law.



Therese Catanzariti is a barrister and the Intellectual Property lecturer in the Diploma of Law, Legal Practitioners Admission Board of NSW. She also lectures Designs and previously lectured in Copyright in the Masters of IP at the University of Technology Sydney. Her intellectual property professional practice has included entertainment law, patent standardisation, open source licensing, IT licensing and IP piracy litigation. Therese also has a parallel practice in wills and estates and family provision law, and is one of the editors of Lexis Nexis Retirement and Estate Planning Bulletin and regularly presents at UNSW Master Classes and Tax Institute.



Dr John de Groot is a Special Counsel with de Groot's Wills & Estate Lawyers. He is an author of many publications including: *Wills Probate & Administration Practice (Queensland)* and *Family Provision in Australia*, and the Australian content of the 4th edition of *International Succession*. He is Adjunct Professor at the T.C. Beirne School of Law at the University of Queensland and was the Director of Legal Practice at the Law Faculty, Queensland University of Technology (QUT). He is an experienced educator, presenter and practitioner.



Max Howlett is an Australian Lawyer who has worked in Cambodia for over the past 20 years in public international law, rule of law development and private practice. He has held multiple positions, including as a Solicitor in Australia and Legal Adviser in Cambodia with various non-government organisations, the United Nations and on bilateral law and justice programs for AusAID and USAID. He currently works as a Senior Adviser with DFDL Cambodia.



Judge Agnieszka Klonowiecka-Milart, currently serves as an international judge on the Supreme Court Chamber of the Extraordinary Chambers of the Courts of Cambodia. She previously was UN-appointed International Judge on the Supreme Court of Kosovo. She was Assistant-Professor, University in Lublin, Poland and was seconded to the Ministry of Justice to work on harmonisation of Polish laws with international standards and has also worked on UN judicial and legal reform programmes in Bosnia and Afghanistan.



Tim Matthews QC is the senior barrister at Chambers at 15 Inns of Court in Brisbane and is a qualified and Court Approved Mediator and Case Appraiser of the Supreme and District Courts of Queensland 1996 and BAQ Accredited Mediator (National Accreditation). He has a wide practice in many areas but particular interests in common law, building and construction cases and alternative dispute resolution. He is an extremely experienced trial and appellate barrister.



Gary Newton is a partner in the Property and Development Group of Colin Biggers & Paisley and winner of the 2015 Best Lawyer for Real Property in Australia. He is author and co-author of many books including: *Newton's Fourth Edition of Real Property Law Australian Cases*; *Real Property Law Case Summaries Australian Wide 4th Edition 2015 edition*; *LexisNexis Butterworths NSW Conveyancing Service*; and the co-author and co-editor of the 2014-2015 edition of the *Annotated Conveyancing and Real Property Legislation* in NSW. Gary is the National Chairman of the Australia Property Law Group of the Law Council of Australia General Practice Section.



Chris Robinson is an Australian lawyer with over 18 years' experience in the Corporate and Commercial area. Chris is Deputy Managing Director of DFDL in Cambodia and head of DFDL's Corporate & Commercial Practice Group in Cambodia. His practice focuses on mergers and acquisitions, private equity, capital markets, governance and corporate advisory matters. He has a vast experience in the Asia-Pacific region and has been recognised as a leading lawyer by IFLR 1000 and Asia Law in Cambodia and Vietnam.

Looking for something different? Why not gain all your 10 CPD points in Cambodia this year?

Join us from 8 – 9 October 2015 at the stunning Sofitel Angkor Phokeethra Golf & Spa Resort in Siem Reap to hear from eminent members of the Australian and Cambodian legal profession including judiciary, senior barristers and leading lawyers. You will have the opportunity to gain all of your 10 CPD points whilst experiencing the unique colours and light of Cambodia including sunrise at UNESCO's World Heritage Temple of Angkor Wat, one of the most spectacular monuments ever conceived. Legalwise Seminar's CPD Compliance in Cambodia Conference promises to be the most unforgettable CPD conference you will ever attend! We hope to see you all there!



DAY 1. THURSDAY, 8 OCTOBER 2015

Opening remarks from the Chairperson, **Julian Burnside AO QC**, Aickin Chambers

Lunch

Luncheon Address: Cambodia: Law, Culture and the Scales of Justice

Presented by **Max Howlett**, Senior Adviser, DFDL Cambodia

Property Law Cases

Australian Real Property Cases

- A review of an interesting Real Property law case from every State and Territory of Australia
- Recent leading High Court cases, both summary and fact situation
- Recent developments on Real Property law at a National level e.g. UTTA and retail leasing

Presented by **Gary Newton**, Partner, Colin Biggers & Paisley

Family Law

When Short Term Relationships Go Belly Up: Family Court Approach to Property Distribution

- Is the property "pool" determined differently?
- Are pre relationship assets effectively quarantined from the pool?
- Are financial contributions diluted by non-financial contributions?
- Do section 75(2) factors play any and, if so what, role in the final division?

Presented by **Tim Matthews QC**, 15 Inns of Court

Wills and Succession Roundup

Chair: **Therese Catanzariti**, Barrister, Wentworth Selborne Chambers

Estate Planning: Testamentary Trusts and Self Managed Superannuation Funds (SMSFs)

- Issues for Testamentary Trusts
 - Who controls the Trust and when will another do so?
 - Death of all potential beneficiaries of the Testamentary Trust
 - Attitude of the Family Court to Testamentary Trusts in property disputes
 - General benefits of Testamentary Trusts

- Issues for SMSFs
 - Binding death benefit nominations (BDBNs)
 - Advantages and disadvantages of a BDBNs
 - Challenges to BDBNs
 - Exit strategy

Presented by **Dr John de Groot**, Special Counsel, de Groots Wills & Estate Lawyers

When Notional Estates Issues Cross the Border from NSW

- Jurisdiction: *lex domicile, lex situs and section 64 Succession Act 2006*
- "Relevant property transaction"
- Types of notional estate: jointly owned property, superannuation, discretionary trust
- Time limits

Presented by **Therese Catanzariti**, Barrister, Wentworth Selborne Chambers

Recent Developments in Family Provision Claims

- Costs issues in Family Provision claims
- Impact of prevailing community attitudes towards applicant's claims
- Relevance of estrangement in these applications
- Requirements of affidavit material
- Mediation and settlement issues

Presented by **Dr John de Groot**, Special Counsel, de Groots Wills & Estate Lawyers

Dinner

Dinner Address: Doing Business with ASEAN: A Legal Perspective

- Understanding the current ASEAN business dynamics
- Cultural sensitivity issues
- Negotiation with an ASEAN counterpart: getting the deal done

Presented by **Chris Robinson**, Deputy Managing Director, DFDL Cambodia

Commentary by **Max Howlett**, Senior Adviser, DFDL Cambodia

DAY 2. FRIDAY, 9 OCTOBER 2015



Sunrise Tour UNESCO World Heritage Temple of Angkor Wat,

Angkor is one of the most important archaeological sites in South-East Asia. Stretching over some 400 km², including forested area, Angkor Archaeological Park contains the magnificent remains of the different capitals of the Khmer Empire, from the 9th to the 15th century. They include the famous Temple of Angkor Wat and, at Angkor Thom, the Bayon Temple with its countless sculptural decorations.

Lunch

Keynote Luncheon Address: Khmer Rouge Trials

Presented by **Judge Agnieszka Klonowiecka-Milart**, International Judge, Supreme Court, Extraordinary Chambers in the Courts of Cambodia (ECCC)

Lunchtime Moderator: **Julian W.K. Burnside AO QC**, Aickin Chambers

Ethics and Professional Skills

Chair: **Julian W.K. Burnside AO QC**, Aickin Chambers

Ethics:

'The Ethical Issues of Being a Legal Practitioner'

Panellists:

Therese Catanzariti, Barrister, Wentworth Selborne Chambers

Dr John de Groot, Special Counsel, de Groots Wills & Estate Lawyers

Gary Newton, Partner, Collins Biggers & Paisley

Max Howlett, Senior Adviser, DFDL Cambodia

Professional Skills:

Are Lawyers Really Negotiators or Simply Middle Men in Mediations? The 'Blue Vase'

Presented by **Tim Matthews QC**, 15 Inns of Court

Commercial and Corporate

Chair: **Tim Matthews QC**, 15 Inns of Court

Contractual Interpretation: Do I Mean

What I Say?

- What is the correct approach to interpreting contracts?
- Ambiguity and uncertainty
- The real world: looking to the "commercial purpose" and the "genesis of the transaction"

Presented by **Julian W.K. Burnside AO QC**, Aickin Chambers

"There's a Bear in There (and a Chair as Well)": Uncovering the Intellectual Property and Consumer Law Issues in Commercial Operations, Transactions and Joint Ventures

- Overview of copyright, trade mark, patent, confidential information, passing off and misleading and deceptive conduct
- Identifying the intellectual property and consumer law issues in commercial operations
- Addressing intellectual property and consumer law issues and risks in commercial negotiations

Presented by **Therese Catanzariti**, Barrister, Wentworth Selborne Chambers

The Liability of Directors for Breaches of the Corporations Act: Is it still safe out there?

- Business Judgment Rule
- The sections 1317S and 1318 "exculpatory" defences

Presented by **Julian W.K. Burnside AO QC**, Aickin Chambers

Close of Conference and Farewell Gala Dinner



Additional tours, activities & travel options for you and your partner

- **Discover the surrounding countryside and villages on a buffalo and oxen cart trek**
Experience the beauty of the surrounding landscape and witness the seasonal farming methods and other daily activities of local people. Take some time to walk through rural communities, meet local families, and learn mat weaving.
- **Take a boat trip on the Tole Sap Lake to explore the extraordinary floating/stilted villages**
The great Tonle Sap Lake is a natural wonder of Cambodia, an ecological hotspot and a UNESCO designated biosphere. It is also the largest fresh-water lake in SE Asia and the richest fishing lake in the world. The Floating Village at Chong Khneas & Kompong Phluk, the Flooded Forest at Kompong Phluk and the Bird Sanctuary at Prek Toal are must-see locations for tourists visiting Siem Reap.
- **Taste the best of Siem Reap's street food with a night tour or enjoy a traditional cooking class**
Learn to make traditional Cambodian Cuisine in Siem Reap a rural village. Classes are usually run daily by a head chef and some include a visit to a local family to learn about cooking in a traditional Khmer household.
- **Spend the day bicycling among the ruins of the Angkor Kingdom**
Try cycling through the Angkor Wat complex. It is one of the best ways to experience the temples and to interact with the locals.



5 WAYS TO REGISTER



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REGISTRATION FORM

CPD COMPLIANCE IN CAMBODIA

8 - 9 October 2015

The Sofitel Angkor Phokeethra Golf & Spa Resort, Siem Reap

REGISTRATION FEE

- EARLY BIRD RATE** (Offer ends 31 July 2015) **\$3250**
- STANDARD RATE** **\$3550**
- PARTNERS RATE** **\$750**

DELEGATE CONFERENCE PACKAGE INCLUDES:

- Two day conference fee including lunches
- 10 CPD points
- Comprehensive conference papers
- Three nights' accommodation at The Sofitel Angkor Phokeethra Golf & Spa Resort in a Superior Room including breakfast
- Cambodian Dinner on Day 1
- Sunrise Angkor Wat tour with breakfast, guided tour and return transfers to the hotel
- Return transfers to and from the airport to the hotel
- Farewell Gala Dinner

PARTNERS PACKAGE INCLUDES:

- Three nights' shared accommodation (max 1 partner per room) at The Sofitel Angkor Phokeethra Golf & Spa Resort in a Superior Room including breakfast
- Cambodian Dinner on Day 1
- Lunch on both days of the conference
- Sunrise Angkor Wat tour with breakfast, guided tour and return transfers to the hotel
- Return transfers to and from the airport to the hotel
- Farewell Gala Dinner

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Last Name:
Special Dietary Requirements:



PAYMENT

All registrations must be paid in full prior to the date of the event.

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Electronic funds transfer. For EFT payment details please call accounts on (02) 8070 9915. Please email your remittance advice to accounts@legalwiseseminars.com.au

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FOR FULL TERMS AND CONDITIONS: EARLY BIRD OFFER: Book by 31 July 2015 and receive the early bird rate. **CONFERENCE PACKAGE:** Not included in the conference fee is cost of travel including flights and taxis, any travel documentation (passport etc.) and visas for Cambodia. The conference package does not include personal or travel insurance of any kind. You MUST have travel insurance to attend the conference. All insurance is the responsibility of delegates and accompanying persons. The conference organisers do not take any responsibility for any delegate failing to adequately insure. Australian delegates are required to hold a passport for six months from the date of arrival. **SUBSTITUTES:** Should you be unable to attend, you are welcome to arrange for a substitute delegate to attend in your place. Please notify our office with their details by email to accounts@legalwiseseminars.com.au.

CANCELLATIONS: If you are unable to attend the event, please notify our office in writing to accounts@legalwiseseminars.com.au. A cancellation fee of \$200 will apply if your cancellation is received by COB Friday 31 July 2015. No refunds will be made for any cancellation after COB Friday 31 July 2015. Additional cancellation terms may apply for any flights or other travel arrangements ancillary to the conference registration. **PROGRAM VARIATION:** Legalwise Seminars Pty Ltd retains the right to vary the program to deal with unforeseen circumstances. This includes cancelling or rescheduling the conference and changing speakers or content if the occasion obliges it to do so and to alter the package inclusions in the event of circumstances outside their control. **ACCREDITATION:** If this program is relevant to your immediate or long term needs in relation to your professional development and practice of law, you may claim one MCLE/CPD points for each hour of attendance excluding refreshment breaks, or to the maximum permitted by the Rules governing your admission and practice in the state/ territory or region in which you are admitted. **PRIVACY:** Information you provide is collected only for use by Legalwise Seminars Pty Ltd with processing your registration and providing you with the latest news and information on the latest events of Legalwise Seminars. A list of the delegate name, company and job title is provided to all presenters prior to the event. Legalwise Seminars Pty Ltd does not at any time pass your information on to external companies. Legalwise Seminars Pty Ltd would like to keep you up to date with topical and relevant news on our latest events. Please tick this box [] if you do not wish to receive this information by mail. Please tick this box [] if you do not wish to receive updates by email. By giving us your email you are allowing us to contact you by email.

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