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LAW SOCIETY  
— recognised by —  
THE LAW SOCIETY  
OF NEW SOUTH WALES

**The Blue Mountains Law Society**

# 2021 SUCCESSION CONFERENCE

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

**FRIDAY 19, SATURDAY 20 & SUNDAY 21 NOVEMBER 2021**

PROUDLY SPONSORED BY



NSW Trustee  
& Guardian



# DAY ONE – FRIDAY 19 NOVEMBER 2021

12.45-1.15pm

## REGISTRATION

1.15-5.15pm

**Workshop: Estate Administration:** The workshop will cover all aspects from the first contact with the client (and identifying the assets and non-assets of the deceased), application for a grant (especially Probate and Letters of Administration but probably not intestacy), complications with informal wills; assisting the executor/administrator with legal aspects of the administration of the estate and advising on non-legal aspects, and discussing some tricky aspects with distribution of the estate (such as unascertained beneficiaries, overseas assets, especially real estate, adoptions, forfeiture and the like).

### Katelin Whitley

Katelin Whitley is the principal of Bestic Law and practices primarily in succession and trust matters. Katelin is an accredited specialist in wills and estates. Katelin has considerable experience advising and acting on contested estate litigation.

### Louise Brown

Louise Brown is Senior Solicitor & Manager (Genealogy) Legal & Professional Services, NSW Trustee & Guardian. Louise was the Registrar in Probate, Supreme Court of NSW from 2013 to 2019.

# DAY TWO – SATURDAY 20 NOVEMBER 2021

8.30-9.00am

## REGISTRATION / ARRIVAL TEA & COFFEE

9.00-10.00am

## OPENING: Justice Julie Ward Chief Judge in Equity, Supreme Court of New South Wales

10.00-11.00am

## Professional responsibilities when preparing a Power of Attorney, acting as an attorney or acting for a third party

### Professor Wendy Lacey

Professor Wendy Lacey is Executive Dean – Faculty of Business, Government and Law - University of Canberra. Professor Lacey has held academic positions at the Universities of Adelaide, Tasmania and South Australia and was the Dean of Law at the University of South Australia from 2014-2019. Professor Lacey is the author and co-author of three books and numerous articles. In the last decade, Professor Lacey has focused on better outcomes for vulnerable older Australians.

11.00-11.30am

## MORNING TEA

11.30am-12.30pm

## A Conversation between Dr. Hayley Bennett and Professor Matthew Kiernan – Assessing Mental Capacity: This topic gives an opportunity to open up some important issues around medical evidence and the role of solicitors.

### Dr. Hayley Bennett

Dr Hayley Bennett was called to the NSW Bar in 2009, having previously worked as a clinical and research neuropsychologist. In this field Hayley has numerous qualifications, including a PhD in Clinical Neuroscience. She has provided expert opinion to courts and tribunals where mental capacity and decision-making were an issue and sat on the Guardianship Tribunal of NSW. Hayley is a recognised expert at the intersection of neurobiology and the law.

### Professor Matthew Kiernan

Professor Matthew Kiernan is the University of Sydney's Brain and Mind Centre Co-Director – Discovery and Translation. Professor Kiernan leads a research group across the clinical neurosciences to improve research outcomes and facilitate the translation of research innovations into clinical practice for the benefit of patients and the community.

12.30pm-12.45pm

## LAWCOVER (SPONSOR)

12.45-1.35pm

## LUNCH

1.35-2.35pm

## If I had known that it would be like this, I never would have started it – Reflections on estate litigation

### Reginald Barrett AO

The Honourable Reg Barrett was a Judge, Judge of Appeal and Acting Judge of Appeal of the Supreme Court of New South Wales (2001-2015). He has been a partner in Mallesons Stephen Jaques, general counsel for Westpac Banking Corporation and a 20 year partner with Allen Allen & Hemsley. Reginald Barrett was presented with an Order of Australia in June 2019 for his distinguished service to the law and to the judiciary.

2.35-2.50pm

## Legal Aid Pilot on Elder Abuse (Not-for-Profit Speaker)

### Mary Lovelock



2.50-3.50pm	<b>The handling of disputed claims for death benefits by Australian Financial Complaints Authority (AFCA)</b>  <b>Anne Maree Howley, Ombudsman Superannuation AFCA</b> Prior to joining AFCA in 2019, Anne Maree Howley had extensive experience as a financial services lawyer. Anne Maree's experience includes in-house legal roles in superannuation and life insurance companies and working as a solicitor for a top tier law firm.
3.50-4.10pm	<b>AFTERNOON TEA</b>
4.10-5.30pm	<b>Panel discussion</b>  Various speakers will discuss a range of topical, difficult or "burning" issues including those submitted by attendees at the conference.
6.30pm	<b>DRINKS OUTSIDE THE BALLROOM</b> FOR THOSE ATTENDING THE CONFERENCE DINNER
7.00pm	<b>CONFERENCE DINNER AND SIR ANTHONY MASON ORATION JANE NEEDHAM SC – "LITERATURE IN LAW AND LAW IN LITERATURE"</b> (THE DINNER INCLUDES A THREE COURSE MEAL, DRINKS AND ENTERTAINMENT)

## DAY THREE – SUNDAY 21 NOVEMBER 2021

8.30-9.00am	<b>ARRIVAL TEA &amp; COFFEE</b>
9.00-11.00am	<b>Options with Aged Accommodation:</b> This joint presentation includes: <ul style="list-style-type: none"> <li>• The options for an aged person when they can't, or don't want to continue to live at home. The options will include granny flat arrangements, contracts for retirement village accommodation and entry to aged care facilities.</li> <li>• The pros and cons of each option.</li> <li>• Information for practitioners that will assist their clients deal with the various issues.</li> </ul> <b>Richard McCullagh</b> Richard McCullagh is a legal practitioner, author and teacher. Richard has practised in the law relating to retirement villages since 1985 for operators, big and small, in-house and externally and for residents. Richard is the author of "Retirement Village Law in NSW" and "Australian Elder Law". Richard is a lecturer in Elder Law at University of Western Sydney.
	<b>Arthur Koumoukelis</b> Arthur Koumoukelis has specialised in aged care and the retirement village industry since 1995. He is a partner at Thomsom Greer and holds degrees in both accounting and law. Arthur's background allows him to advise on all aspects of the structuring, acquisition, disposal, development and operation of aged care, assisted living and independent living retirement living environments. Arthur has developed extensive expertise in this area.
11.00-11.30am	<b>MORNING TEA</b>
11.30am-12.30pm	<b>Judicial advice:</b> the ins, outs and roundabouts. Who may apply, what are the circumstances where that is most useful, and what material should be furnished when an application is made?  <b>Justice Geoff Lindsay</b> Justice Lindsay sits in the Equity Division of the Supreme Court of NSW 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.
12.30pm-12.45pm	<b>NSW TRUSTEE &amp; GUARDIAN (SPONSOR)</b>
12.45-1.45pm	<b>Tax and Duty issues arising on administration of a deceased's estate:</b> This session will be address a diverse range of issues, including: <ul style="list-style-type: none"> <li>• <i>S63 Duties Act</i> (and that could lead to a discussion of DFAs and remedial family provision orders).</li> <li>• Foreign persons as beneficiaries of a testamentary trust, including a consideration of <i>Re Dion Investments Pty Ltd</i> [2020] NSWSC1661 and <i>Cecil Investments Pty. Limited</i> [2021] NSWSC 211.</li> <li>• The obligations and practical impediments with lodging tax returns for a deceased.</li> <li>• Tax on death benefits.</li> </ul> <b>Kay Papadopoulos</b> Kay Papadopoulos is a solicitor at NSW Trustee & Guardian. She has a Masters of Applied Law (Wills & Estates) and is a (full) member of STEP. Kay joined NSW Trustee and Guardian two years ago after fourteen years in private practice, where she worked at an international firm, mid tier firms and in house, undertaking taxation, corporate and estate matters. Kay now focuses on wills and estates matters, and in that capacity acts for NSW Trustee & Guardian in a range of matters including family provision, contested probate, judicial advice, next of kin and providing advice generally.
	<b>Michael Mobberley</b> Michael Mobberley is a corporate solicitor at NSW Trustee & Guardian. He has a Masters degree in Law in Corporate, Commercial and Taxation Law and is an Accredited Specialist in Wills & Estates. Michael provides advice and manages legal matters in various areas of law affecting persons and estates under the supervision of NSW Trustee & Guardian. Michael's role focuses on matters involving complex assets, such as interests in superannuation (including self-managed funds), trusts, companies, businesses and farming interests.
1.45-2.30pm	<b>CONFERENCE CLOSE – LUNCH</b>

# 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](mailto:slee@browne-link.com.au) Enquires: Shani Lee

Please register me for the **2021 Succession Conference** – to be held at the Hydro Majestic, Medlow Bath on **Saturday 20 & Sunday 21 November 2021 (with a half day workshop on Friday 19 November 2021)**

- ☐ **Early Bird Registration for Sat 20 & Sun 21 Nov 2021** – \$825.00  
(for registrations made on or before Friday 15 October 2021)
- ☐ **Full Price Registration for Sat 20 & Sun 21 Nov 2021** – \$935.00
- ☐ **Current Blue Mountains Law Society Members' Registration for Sat 20 & Sun 21 Nov 2021** – \$715.00
- ☐ **Workshop: Estate Administration on Fri 19 Nov 2021** – \$300.00  
(limited availability, please check before booking)
- ☐ **Young Lawyer/Law Student for conference & workshop** – \$550.00  
(limited availability, please check before booking)
- ☐ 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](mailto:reservations@hydromajestic.com.au)  
Website: [www.hydromajestic.com.au](http://www.hydromajestic.com.au)

**Conference Dress:** Smart casual attire is suitable.