

5th ANNUAL



# NATIONAL PRACTICAL BANKRUPTCY CONGRESS & COCKTAIL PARTY

**CONGRESS: Wednesday, 6th December, 2017**  
**Wesley Conference Centre, 220 Pitt Street**  
**COCKTAIL PARTY: The ArtHouse Hotel, 275 Pitt Street, Sydney**

**OPTIONAL CONCURRENT FULL AND HALF DAY  
PRE-CONGRESS WORKSHOPS:  
Tuesday, 5th December 2017**

**TOPICS INCLUDE:**

- The One Year Bankruptcy Regime
- Insolvency Law Reform Act - How is it changing Bankruptcy Practice? Areas of Uncertainty?
- AFSA regulation, remuneration, liaison with ASIC, ARITA's role and other regulation of Trustees, including Q & A.
- Voidable Transactions
- The Famous Family Law Experts In Conversation
- Collection of Costs Orders
- Reviews of Recent Decisions Impacting on Practitioners
- Tax Issues – including new technologies, and new laws on Credit Records for ABN Holders
- How Trust Assets Interplay with the Section 109 Priorities?
- Trustees' Fiduciary Duties

**PANEL INCLUDES:**

**John Melluish**, Bankruptcy Trustee, Conference Chair  
**Bob Cruickshanks**, Personal Insolvency Consultant  
**Sally Nash**, Consultant Solicitor,  
O'Neill Partners Lawyers  
**Stephen Mullette**, Principal, Matthews Folbigg Lawyers  
**Michael Murray**, Principal, Murrays Legal  
**Peter Harrison**, Partner, Kemp Strang Lawyers  
**Michael Heath**, Barrister  
**Michael Lhuede**, Partner, Piper Alderman  
**Ross Burns**, Director, Significant Debt Management  
Service Delivery (Debt), Australian Taxation Office  
**Gail Hopley**, *Director, Project lead for Transparency of Tax Debts*, Australian Taxation Office  
**Megan Zhou**, *Associate Solicitor*, O'Neill Partners  
**Sandrah Foda**, Barrister, Tenth Floor, St James Hall Chambers  
**Mark Findlay**, *Director Regulation & Enforcement* Australian  
Financial Security Authority  
**Dave Maher**, *Senior Lawyer, Legal & Governance*, Australian  
Financial Security Authority  
**Margaret Pavey**, *Special Counsel*, SLF Lawyers  
**Bernie Walrut**, *Senior Associate*, Norton Rose Fulbright Australia

**MEDIA PARTNER:**



**FOR FURTHER DETAILS ON REGISTERING, PRESENTING OR SPONSORING PLEASE CONTACT:**  
**ROSIE TRAILL Ph 02 9449 8919 M 0405 136 001 F 02 9475 4314**  
**Organised by TRAILL & ASSOCIATES PTY LIMITED ABN:47085 482 533**

Email [rtraill@traillassociates.com.au](mailto:rtraill@traillassociates.com.au)

Website [www.traillandassociates.com](http://www.traillandassociates.com)

**7.30 REGISTRATIONS OPEN**

**8.30 CONFERENCE COMMENCES – Opening Remarks from The Chair**

John Melliush, *Bankruptcy Trustee*

**8.40 – 9.30 Voidable Transactions**

One of the most popular sessions at every conference is the voidable transactions update, presented again this year by **Stephen Mullette**. Stephen will review a host of recent cases, including at least (no doubt there will be a couple more by the time we get to the Congress!):

- ***Mogilevsky v Leroy (Trustee)*** [2017] FCAFC 52 (29 March 2017)
- ***Carrafa v Gomez & Anor (No.3)*** [2016] FCCA 3139 (7 December 2016)
- ***Pekar v Holden (Trustee)*** [2017] FCA 596
- ***Rambaldi (Trustee) v Commissioner of Taxation, in the matter of Alex (Bankrupt)*** [2017] FCA 567
- ***Lo Pilato (Trustee) v Kamy Saeedi Lawyers Pty Ltd, in the matter of Adzic (Bankrupt)*** [2017] FCA 34
- ***Woods & Lombe as Trustees of the Bankrupt Estate of Ulusoylu v Ulusoylu*** [2017] FCCA 935 (12 May 2017)
- ***Jones v Official Receiver & Anor (No.4)*** [2017] FCCA 1101 (16 June 2017)

Stephen Mullette, *Principal, Matthews Folbigg Lawyers*

**9.30 – 10.20 Important Tax Issues and Recent Developments**

**A:** The Tax Office's burgeoning activity in the securities area might mean that more cases are resolved through secured arrangements resulting in fewer bankruptcies and liquidations. However, other side of the coin is that the Tax Office is set to become the new kid on the block who joins the banks as a major appointee of receivers. **Ross Burns**, will address:

- The ATO's new technological capabilities and how this affects Trustees
- The relatively-new ability to take mortgage security in respect of tax debts – how when and where will the ATO use this power and how will this play out in terms of statutory priorities
- The very recent ***Keris Pty Ltd (Trustee) v Deputy Commissioner of Taxation*** [2017] FCAFC 164 (13 October 2017) decision and its implication about the tax office's powers to issue a Security Bond Demand.

**Ross Burns, Director, Significant Debt Management Service Delivery (Debt), ATO**

**B:** **Gail Hopley** is the Director and Project Leader for the Transparency of Tax Debts measure, which essentially is the new law being introduced to allow for the ATO to provide information on taxpayers with ABNs to Credit Reporting Bureaus, she will outline details of this legislation.

**Gail Hopley, Director, Project lead for Transparency of Tax Debts, Australian Taxation Office**

**10. 20 – 10.50 How Trust Assets Interplay With The Section 109 Priorities?**

Most of you who practise in corporate insolvency will be aware of the ***Amerind/Independent Contractor*** (and other) decisions. ***Lane (Trustee), in the matter of Lee (Bankrupt) v Deputy Commissioner of Taxation*** [2017] FCA 953 is the August 2017 'equivalent decision' for personal insolvency practice. I have asked our **Bernie Walrut** to review the case and explain how it will affect personal insolvency practice.

**Bernie Walrut, Senior Associate, Norton Rose Fulbright Australia**

## 10.50- 11.10 Morning tea

### 11.10 – 11.40 Section 50 Appointments

Section 50 allows the Court to make interim orders to protect property *in advance* of a possible appointment. Our speaker will explain what they are, how they work (how you will be remunerated!), referencing the following recent cases:

- *Trust Company (PTAL) Limited (Trustee for the LM Managed Performance Fund*
- *Taylor (Trustee), in the matter of Jarvie (Bankrupt) v Jarvie*
- *Axess Debt Management Pty Ltd v Haykal, in the matter of Haykal*
- *Makinna Pty Ltd (in liq) v Trives*

**Margaret Pavey, Special Counsel, SLF Lawyers**

### 11.40 – 12.30 The New Bankruptcy Schedule 2 And The Practice Rules – What Impact Are They Having On Bankruptcy Practice – AFSA Address followed by Panel And Audience Discussion

With all of the ILRA changes now having been in operation for three months and more, we are going to invite our AFSA representatives to explain how they think it is all going, what guidance they have issued and what more is to come, and what changes they are seeing – are creditors being more active, for example, are there disputes over reasonable requests. We will then have our moderator ask some testing questions – are the claimed benefits real, are creditors more informed, are the transitional provisions understood, and are AFSA and ASIC interpreting the same harmonized laws the same way - and also invite questions from the audience on where trustees are finding problems and uncertainty and what should be done to improve things. We aim to have the session to be of mutual benefit to both trustees and to our AFSA representatives.

**Moderator: Michael Murray, Murrays Legal**

**Mark Findlay, Director Regulation & Enforcement AFSA Sydney**

**Dave Maher, Senior Lawyer, Legal & Governance, AFSA Canberra**

### 12.30 – 1.00 One Year Bankruptcy And Its Consequences - Bankruptcy Amendment (Enterprise Incentives) Bill 2017 – Panel and Audience Discussion

Assuming our team survive that last session and the expected barrage of questions, they will then segue into what seems to be a controversial reform – the reduction on the period of bankruptcy to one year, under this Bill now before parliament.

This was in fact announced by the government some time ago. The team will *try* and explain the rationale behind it, and how it will work, for example with the enforcement of income contributions which will continue for the full three years.

As with the last session, after some short explanations from our team, our moderator will ask for questions, (and will answer these whether asked or not!):

- What happens to existing bankrupts, especially those with a 'current' objection?
- What happens to the objection to discharge rules?
- What practical changes need to be made to assess and collect income contributions post-discharge?
- What should trustees do in each estate prior to commencement
- What lead time will there be

**John Melliush, Bankruptcy Trustee**

**Mark Findlay, Director Regulation & Enforcement AFSA Sydney**

**Dave Maher, Senior Lawyer, Legal & Governance, AFSA Canberra**

**Michael Murray, Murrays Legal**

## 1.00 - 1.50 Lunch

## 1.50 - 2.30 Recovery Of Property

There continue to be a steady stream of cases dealing with a trustee's ability to recover and realise property. **Michael Lhuede will review some of the most recent cases, including:**

- ***Francis In His Capacity As Trustee Of The Bankrupt Estate Of Franco v Franco*** [2016] FCCA 2882 – Application for orders for sale of property and to vacate land.
- ***Quin v Smalley*** [2017] FCCA 594– Application to obtain vacant possession of real property.
- ***Yeo & Rambaldi v Arifovic & Anor*** [2017] FCCA 604 - Trustee's application for sale of real property purchased solely in bankrupt's name which deals with issues of a constructive trust & and examination of complex banking arrangements between bankrupt and his de-facto partner.
- ***Juratowitch as Trustee of the Bankrupt Estate of McDougall v McDougall & Anor*** [2017] FCCA 446 - Which deal with a bankrupt "selling" land to her daughter on the day of the sequestration order, as well as issues of constructive trusts.

**Michael Lhuede, Partner, Piper Alderman**

## 2.30 - 3.20 Bankruptcy / Family Law - Experts In Conversation

Practitioners tell me that the interactions between Family Law and Bankruptcy Law continue to evolve and develop and that this panel session with three of the foremost experts 'in conversation' continues to be one of the most practically useful sessions on the program.

**Sally Nash, Stephen Mullette and Bob Cruickshanks** will take you through the very latest cases:

- ***Official Trustee in Bankruptcy & Galanis*** [2017] FamCAFC 20 - An application to set aside a section 90D agreement entered after discharge from bankruptcy which dealt with a property acquired prior to bankruptcy and subject to a caveat lodged by the trustee. The Full Family Court had to determine whether the FamCA had jurisdiction to deal with the trustee's claim to have the agreement set aside under section 90K of the FLA.
- ***Beaman v Bond (No. 2)*** - A party to Family Law proceedings applied to the FCCA seeking an order to annul her former partner's bankruptcy under section 153B of the BA on the basis that his debtor's petition should not have been presented because related party loans should have been ignored.
- ***Weston v McAuley*** [2017] FCCA 1 – What is the current state of case law regarding the principle of equal ownership of matrimonial property discussed in the High Court's decision in *Cummins*? This case tested whether this principle applied to a property registered in the name of the non-bankrupt spouse as to 95% and 5% to the bankrupt.
- ***Needham & Trustees of Bankrupt Estate of Needham*** (2016) FamCAFC 102 - where the Full Court reduced the Trustee's claim to 20% after a review of the wife's post-separation payments.
- ***Young v State of New South Wales (No 2)*** [2013] NSWSC 330 (11 April 2013)

**Bob Cruickshanks, Personal Insolvency Consultant**

**Sally Nash, Consultant Solicitor, O'Neill Partners Commercial Lawyers**

**Stephen Mullette, Principal, Matthews Folbigg Lawyers**

## 3.20 – 3.40 Afternoon tea

## 3.40 – 4.20 Accelerate The Collection of Costs Orders

Late last year the Federal Court issued a new a Practice Note offering new procedures for the early determination of costs. Although the changes are not exclusive to Bankruptcy Trustees they are particularly suited to insolvency and trustee cases. I've asked Barrister **Michael Heath** to review some cases including:

- ***Fewin Pty Ltd v Burke (No 3) [2017] FCA 693;***
- ***Kirunda v Commissioner of Police, New South Wales Police Force (No 3) (30 August 2017) [2017] FCA 1029;***
- ***Beach Petroleum N L v Johnson (No 2) 1995 57 FCR 119***

to explain:

- The procedure for the early determination of costs
- What practitioners and their lawyers can do to place themselves in the best position to take advantage
- What the recent cases have shown us – traps, and best practice

**Michael Heath, Barrister, 8 Wentworth Chambers**

#### **4.20 - 4.50 Trustee's Fiduciary Duties - *Young v Thomson* - Commentary**

- In September 2017 the Full Federal Court handed down judgement in ***Young v Thompson*** (formerly trustee of the property of Young) [2017] FCAFC 140 in a wide ranging decision that dealt with a s 178 application to set aside a litigation funding agreement. The Trustee was criticized for:
- 'Burdening the estate' with a funding agreement to pay funder 35% of all recoveries.
- Failing to properly disclose properly information
- Incurring substantial legal fees without receiving approval from creditors or seeking directions or advice from the Court
- Failing to act in a commercially sound way under s 19(1)(k)
- Acting while subject to a conflict of interest and duty
- Contra this case with the first instance decision and also in *Winn v Yeo and Rambaldi as former Trustee estate of Goodwin (a bankrupt)* [2017] FCCA 2528
- Also contempt Judgment against Mrs Smith in *Young v Smith (No 4)* [2017] NSWSC 1443
- Fine of \$50,000.00
- 6 months imprisonment

I've asked **Sally Nash** to review the decision and identify the lessons that insolvency practitioners should take from the decision.

**Sally Nash, Consultant Solicitor, O'Neill Partners Commercial Lawyers**

#### **4.50 – 5.30 Exceptions to Divisible property s116(2)**

Sub-section 116(2) sets out a number of different exceptions to 'divisible property.' In this session our speaker will take you through a 'grab-bag' of different recent decisions: including:

- ***Trustees of the Property of Morris (Bankrupt) v Morris*** dealt with protection of superannuation as regards payments from a spouse's superannuation fund; with life insurance payments to the widowed bankrupt spouse; and super generally. What obligations does a Trustee have re a SMSF where the bankrupt is the sole director and sole shareholder?
- ***Berryman v Zurich*** [2016] WASC 196 – dealt with a TPB claim.
- ***Ramsay (Trustee) v Upson*** – questions of tracing of compensation money into the purchase of a property.
- ***Cunningham (Trustee) v Gapes*** – dealt with a distribution to a beneficiary under a will

#### **5.30 Closing Remarks from the Chair and Close of Congress**

#### **5.40 Move to The ArtHouse Hotel Cocktail Party**





## 5th Annual National Practical Bankruptcy Congress, Cocktail Party & Optional Workshops

Dear Bankruptcy Friends,

As always, a great deal of research goes into the development of a program that will meet your needs: relevant, up-to-date, and cost effective. And because every session includes the very latest developments and the very latest cases, every session will be of interest to senior practitioners wanting to “keep up to date”, as well as to those who are still building their skill and knowledge base.

Of course, with such a strong attendance from the key players in Bankruptcy, the event offers fantastic opportunities for networking and business development, even more so at the cocktail party.

**The Cocktail Party** is a great way to make some new and valuable connections, catch up with old friends and find out what’s happening in the personal insolvency industry.

As usual there will be optional **concurrent workshops on 5<sup>th</sup> December** which offer the chance to develop and expand the conference material, with either a full day or half-day session in a relaxed but educational context. Our workshop leaders are so knowledgeable and generous with their information that participants have consistently told me how invaluable these sessions are which is why I continue to bring them to you. The collective experience of the audience also adds so much to the quality of the learning. **It is definitely a great use of your time.** You will come away with knowledge and valuable strategies that you can implement in your practice straight away.

Please make sure that you let me know if there are any aspects that you would like the presenters to address – I’ll do our best to make sure that every session is as helpful and relevant as possible.

Finally, please help me to grow the event by forwarding details to your network and in particular to those whom you would like to meet at the event.

I look forward to welcoming you personally and assisting you with making those valuable connections. Thank you once again for all your on-going support of this Congress.

Warmest regards

*R. Traill*

Rosie Traill

**PS. Register now** as numbers for the Congress and Workshops are limited to ensure maximum participation, and at these rates and with the track record of very satisfied attendees re-attending each year, will fill up quickly.

### **TESTIMONIALS: Here’s a small sample of what delegates wrote on their Evaluation Form from previous Congresses:**

“Excellent, 5 out of 5. Great conference. Fills a very important gap in the market. I look forward to it again next year!”

**David Mansfield, Partner, Deloitte**

“An excellent program. being recognised and supported by the profession. Well done.” **Wade Ballantyne, Pitcher Partners**

“5 out of 5. An informative and well organised event. Topics are useful and presented in a thought-provoking way. “

**Eloise Validum, Aravanis Insolvency**

“If you practice in the field of personal Insolvency you cannot miss the Bankruptcy Congress as the contents are always relevant and topical.”; **Moir Carter, Principal, BRI Ferrier**

“5 out of 5. Excellent Congress! A great avenue of keeping updated with the views and issues facing the industry.”

**Andrea Kalik, Jirsch Sutherland**

“It’s a great conference dedicated to bankruptcy for anyone interested in bankruptcy law and practice.”

**Con Nottas, Principal, Hutchinson Legal**

**OPTIONAL FULL-DAY PRE-CONGRESS WORKSHOP**  
**TUESDAY 5TH DECEMBER 2017**  
**9.30am - 3.30pm**  
**PRACTICAL STRATEGIES FOR SUCCESSFUL OUTCOMES**  
**Interactive Intensive Bankruptcy Session**

**WORKSHOP PRESENTERS**

**Bob Cruickshanks, *Personal Insolvency Specialist***

**Peter Harrison, *Partner, Kemp Strang***

**Sandrah Foda, *Barrister, Tenth Floor, St James Hall Chambers***

A team of personal insolvency experts will deal in-depth with some of the complex areas posing the greatest concerns for practitioners. Some of the areas which will be covered may include:

**Insolvency Law Reform Issues:**

- 1) The amendments were sold as “*the most significant suite of reforms to Australia’s bankruptcy and corporate insolvency laws in twenty years and is an integral component of the Federal Government’s agenda of improving economic incentives for innovation and entrepreneurialism plus are intended to improve efficiency, competition and consumer confidence in the insolvency profession.*” Have they delivered or perhaps just driven up costs with the additional regulations?
- 2) **Lack of communication on the existence of flaws & subsequent rectification.**
- 3) **Good bits:** Meeting procedures, remuneration claim notices.
- 4) **Not so good bits:** Responding to “*reasonable requests*” to provide documents to creditors & bankrupts.
- 5) **Challenging bits: 42-15 Communication:** “*Communications by a registered trustee must be: (a) clear and concise and, where appropriate, expressed in lay terms; (b) objective; (c) responsive; and (d) timely; and (e) expressed in a professionally courteous tone and manner.*”
- 6) The implications of the **One Year Bankruptcy**.

**Profiling a new bankrupt and their creditors:** Important lessons to be learnt from ***Young v Thomson*** (formerly trustee of the property of Young) [2017] FCAFC 140 (1 September 2017).

**Litigation- Expect the unexpected:** Lessons to be learnt from ***Kiem Dang Investment v Mansfield & Anor*** [2017] FCCA 725 (24 May 2017).

**Conflicts of Interest: Actual and/or Perceived:** Have the amendments changed the obligations to disclose? Where do you draw the line when disclosing relationships?

**Bankrupt’s interest in a deceased estate.** Determining whether the bequest is an asset or income. Property bequeathed to bankrupt subject to a life tenancy of a third party. Trustee’s entitlement no better than the bankrupt’s. Bankrupt’s rights under the *Succession Act* to challenge a will involving divisible property. Deceased superannuation funds - discretion of the trustee of the super fund.

**Dealing with the Bankruptcy Regulation & Enforcement section:** Complaints by bankrupts and/or creditors. Errors detected during Annual inspections. IG reviews of objections and income contribution assessments. S.77C referrals. Prosecution referrals.

**Dealing with the ATO - “*The Ultimate Challenge*”:** When will the ATO accept a Repayment Plan to avoid bankruptcy, a PIA proposal or a s.73 Composition proposal?

**Obtaining Property Possession Orders & Dealing with the Sheriff:** When and how to obtain Possession Orders and tips on how to have a harmonious working relationship with the Sheriff and his officers who assist you to gaining actual possession of a property. Engagement of a welfare agency in certain cases.

**Disclaiming property and/or contracts:** Why and when should a trustee disclaim real property or contract entered into by the bankrupt just prior to bankruptcy. Consequences of disclaiming.

**Bankrupt’s book debts:** Assets or unpaid income?

## **Realisation of Bankrupt's shares in company & appointment of Liquidator to wind up the company**

**Dealing with "Cranky Creditors":** Tips on dealing with creditors who are either unhappy, demanding, and/or have unrealistic expectations of the trustee.

**Dealing with "Challenging Bankrupts":** Recent actions by "ratty self-represented" bankrupts and how the Courts dealt with them *Deputy Commissioner of Taxation v Webb* [2017] FCCA 1137 (30 May 2017). Tips on how to deal with them and where possible, how to avoid being involved in costly litigation and/or disputes with them

**Income Contribution regime:** Examination of the "grey areas" including deeming income, determination of "a dependent", re-assessment of liability, dealing with hardships applications. Adoption of a reasonable approach. Implications of trustee's use of collection agencies.

**Assets acquired with accumulated income during bankruptcy:** Contrary to "fresh start" concept and a need for amendment to the Bankruptcy Act to add income & accumulated income to the "protected assets" in s.116(2).

**Modern day relationships:** Increasing numbers of new bankrupts have been either married & divorced multiple times, or in same-gender relationships which present new challenges to trustees.

**Revision topics:** Remuneration regime. Interaction between Bankruptcy Act and Family Law Act. Bankrupt's interest in jointly owned property.

## **ABOUT YOUR FULL DAY WORKSHOP LEADERS**

### **BOB CRUICKSHANKS, *Personal Insolvency Consultant***

Bob Cruickshanks is a consultant to number of firms and provides guidance on personal insolvency administration and associated investigations. He was a former Deputy Official Receiver for NSW and the ACT and retired after 34 years during which time he worked in all the front line sections of AFSA. Prior to his retirement he had a long standing association with registered trustees throughout Australia.

### **PETER HARRISON, *Partner, Kemp Strang***

Peter is a specialist commercial disputes and insolvency lawyer, with over 20 years of experience in both personal and corporate insolvency. Peter acts for financiers in contentious and litigious matters. He also has significant experience acting for both insolvency practitioners and company directors in both formal insolvency administrations and turnaround management, as well as acting in disputes between partners, joint venture partners and shareholders. He has broad experience in commercial and property disputes, working in close collaboration with the firm's Property and Corporate practice group.

### **SANDRAH FODA, *Barrister, Tenth Floor St James Hall Chambers***

Sandrah has been a part of this workshop since our inaugural event. She is an expert in Bankruptcy and has a broad commercial practice which includes matters involving building & construction, insolvency, real property, partnership disputes, contractual disputes, Corporations Act, Trade Practices Act, intellectual property, conveyancing disputes, taxation and wills & probate. Amongst her clients, Sandrah is on the panel for both the Australian Taxation Office and the Australian Securities and Investments Commission. In addition to her law degree, Sandrah holds a Bachelor of Science majoring in Pure and Applied Mathematics.

Kindly hosted by Kemp Strang Lawyers Level 17, 175 Pitt Street, Sydney Phone: 02 9225 2500  
Lunch & morning tea provided

### **NOTE TO PARTICIPANTS**

Please email particular areas for concern to me directly and these will be confidentially passed on to the presenters to ensure that all your needs are met in these intensive workshops.

**BOOK EARLY AS NUMBERS ARE RESTRICTED TO ENSURE MAXIMUM PARTICIPATION BENEFITS TO ATTENDEES.**

**If you attended last year's workshop, these workshops will build on some of the areas covered, however attendance at 2016 is not a requisite for this 2017 workshop.**

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**OPTIONAL HALF-DAY INTENSIVE PRE-CONGRESS WORKSHOP  
TUESDAY 5TH DECEMBER, 2017  
9.00am - 12.00pm  
INTERACTION BETWEEN BANKRUPTCY &  
FAMILY LAW & PROPERTY ISSUES**

**WORKSHOP LEADERS: SALLY NASH, Consulting Solicitor,  
MEGAN ZHOU, Associate Solicitor  
O'NEILL PARTNERS COMMERCIAL LAWYERS**

Sally will cover a range of issues relating to the interaction between Family Law and Bankruptcy and provide tips on how to avoid being drawn into an acrimonious dispute between the spouses. The complex area of Property Law will also be covered in-depth dealing with the areas posing the greatest concerns for practitioners. Some of the areas which will be covered may include:

**PEXA** – Electronic Conveyancing in New South Wales

**Registering Caveats** – and Priority Notices

**Registering the Trustee on Title**

**Sale to co-owner** – Deed or Contract for Sale of Land?

**Lapsing Caveats** and s178 of the Bankruptcy Act

**Section 139ZQ Notice** and its effect. On any Application to set it aside the Trustee must still prove his case in full - section 211 of Duties Act, 1997

**Section 66G and Appointment of Trustees for Sale** – 2 under Section 66G of the Conveyancing Act not 1 under Section 30 of the Bankruptcy Act – Jurisdiction now only in the Federal Courts

**Orders for possession** – Service of Notice to Occupier and orders for sale

**Disclaiming onerous property** – why?

**Mortgagee sales and Determining security** - disputes with caveators

**Section 139** of the Bankruptcy Act – no liability for rates and taxes in certain circumstances.

**Applications for new Certificate of Title** – s138 Real Property Act

**Exoneration** – creating a charge and security over the bankrupt's interest

**Binding Financial Agreements**

**Section 79** Family Law Act and property disputes

**Section 129AA** of the Bankruptcy Act - revesting

Please book directly at [rtraill@traillassociates.com.au](mailto:rtraill@traillassociates.com.au)

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# ABOUT YOUR HALF DAY WORKSHOP LEADERS

## **SALLY NASH, *Consulting Solicitor, O'Neill Partners***

Sally is acknowledged as a leading insolvency lawyer in NSW, Australia. She was admitted to practice in 1977 and has practiced in insolvency, general commercial litigation and debt recovery litigation since that time. Her practice is in all NSW State and Australian Federal Courts involving debt recovery, commercial and insolvency litigation acting for creditors, Trustees, Liquidators, bankrupts and directors. She also has extensive experience acting for secured creditors in the enforcement of their securities. Sally has been involved in many leading cases and is very highly regarded by the profession, her clients and fellow practitioners.

Sally conducts litigation in all State and Federal Courts including the Supreme Court of New South Wales, Federal Court of Australia and the Federal Circuit Court of Australia, in particular to sue for unpaid debts and against guarantors and to enforce property orders. Sally is a member of the Law Society of NSW, Law Council of Australia, Commercial Insolvency and Reconstruction Committee; Australian Restructuring Insolvency & Turnaround Association. Sally lectures client and the profession and often speaks at conferences. In 2013 Sally reviewed and updated the Lawyers Practice Manual for New South Wales debt recovery chapter. In 2011 Sally wrote the Australian chapter on Australian Bankruptcy Law for INSOL, International in the INSOL publication "Consumer Debt Book". Sally Nash and her staff at Sally Nash & Co joined O'Neill Partners in January 2015.

## **MEGAN ZHOU, *Associate Solicitor, O'Neill Partners***

As a Solicitor with Sally Nash & Co and now with O'Neill Partners, Megan has significant experience in both domestic conveyancing and more complex property matters. She acts in matters in the Local and District Court debt recovery and litigation; Supreme Court property disputes; Supreme Court mortgagee in possession claims; Federal Court Applications for sale by Liquidators and Trustees; and Equitable property proceedings. Megan conducts matters under s66G of the Conveyancing Act, has obtained orders for possession and sale and dealt with equitable mortgages and charges. In addition, Megan has extensive experience in advising on bankruptcy and winding up matters as well as conducting bankruptcy, winding up and debt recovery claims.

In recognition of her outstanding qualifications and experience, she was appointed an Associate Solicitor of the firm in 2017. Megan is highly regarded by her clients and colleagues alike. She is able to provide efficient, practical and commercial advice and strategic recommendations

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We will refund your registration in full, less \$110 administrative charge (incl gst) provided we receive cancellation in writing up to thirty working days prior to the event. A substitute is welcome at no extra charge. Regrettably, no refunds can be made less than thirty days prior to the event as all supplier orders are based on estimated numbers of attendees and are paid in advance.

### **"YES" Campaign Policy and Pre-Sale Conditions**

Terms and conditions of this registration process: Once your "Yes" or pre-sale campaign email is received by us, you are officially registered for the conference. Cancellation policy as set out on the brochure and all other terms and conditions apply. You will be sent back a confirmation asking for your payment details. The lowest registration rate available at the time of your "yes" registration applies and will be held for you for up to 7 days when receipt of your payment details confirmation is required. Payment details received outside this timeframe cannot be guaranteed at the lowest registration rate.

### **CPD/CPE/CLE Points**

Accountants, Solicitors and Barristers, may earn in excess of 8 CPD, CPE or CLE points if they attend the conference and up to an additional 6 points for the full day workshop. One point per actual hour of attendance. Accreditation pending from Bar Association, one point per hour of attendance, to be allocated to strands according to the subject matter of sessions attended. Call Traill & Associates for more details.

### **Important Security Notice**

We want to take good care of you, so for venue requirements, security and safety reasons, highly visible official name badges must be worn at all times by all delegates.

**Registrations for the Bankruptcy Congress are NON TRANSFERABLE** - No substitutes or shared registrations will be permitted at this event unless written approval has been granted for extenuating circumstances and confirmed by Traill & Associates in writing prior to the event.

If you have any queries or special requests, comments or suggestions, please contact: Rosie Traill on 02 9449 8919 or 0405 136 001.

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