

# Registration Form / Tax Invoice

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I would like to attend

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## Loans Mortgages and Guarantees

Tuesday 24 February 2009

8.45am – 1.00pm

Grace Hotel, 77 York Street, Sydney

Course cost includes tuition, materials and refreshments  \$352

I cannot attend but please provide the papers  \$165

Total Price includes GST **Total \$**

### Payment Options

I enclose a cheque payable to "CLE, UNSW",

or Payment by credit card  Mastercard  Visa

*We do not accept American Express*

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**Please return this registration form with your payment to:**

**CLE,  
Faculty of Law,  
UNSW, Sydney  
NSW 2052.**

Tel: (02) 9385 2267 or (02) 9385 2195

Fax: (02) 9385 1155 or (02) 9385 1778

Email: cle@unsw.edu.au

Website: www.cle.unsw.edu.au

**Programme Variation:** The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or re-scheduling a programme and changing speakers or content if occasion obliges us to do so.

**Cancellation Policy:** Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.

**Privacy note:** The information you have provided on this form will only be used by UNSW to distribute information about University courses and activities to you.

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THE UNIVERSITY OF  
NEW SOUTH WALES

FACULTY OF LAW  
CONTINUING LEGAL EDUCATION  
**CLE/CPD**

# Loans Mortgages and Guarantees

Tuesday 24 February 2009

8.45am – 1.00pm

Grace Hotel, 77 York Street  
Sydney

[www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)

## Audience

- Solicitors in General Practice
- Banking & Finance specialists
- In house Counsel at Financial Institutions
- Insolvency practitioners
- Corporate Counsel or Company Secretary
- Property lawyers
- Project & Property Development advisers

## Object

Loan agreements, guarantees & mortgages are critical for the functioning of Credit in our economic system, especially at a time of economic stress. Rights under each document may all be challenged.

The practitioner working in this area must have a comprehensive understanding of rights and interests and other matters affecting the parties. This seminar will provide a valuable review of important aspects of these core documents in legal practice.

We will provide an update and overview of recent developments in cases dealing with lending and the exercise of rights under these securities.

**CLE/CPD Points:** Four (4)

## About CLE/CPD

The CLE/CPD programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

# Loans Mortgages and Guarantees

Tuesday 24 February 2009

**8.45am**

**Chair:** Paul ARMSTRONG, Partner, Gadens

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**8.50am**

**Topic 1:** **How Fraud impacts on Mortgage lenders Enforcement hurdles and recovery options**

**Speaker:** Campbell HUDSON, Partner, Gadens

- When can lenders rely on a registered mortgage and when they can not.
  - Recovery options against Solicitors, Valuers, Brokers, Managers and Witnesses in the context of mortgage fraud.
  - Apportionment issues
  - Attitude of Insurers
  - Claims on the Torrens Assurance Fund
  - When must lenders get the Police involved
- 

**9.45am**

**Topic 2:** **Multi-Lender Financing**

**Speaker:** Matthew CUNNINGHAM, Senior Associate Mallesons Stephen Jaques

- What it is and what it is not
  - The players and key elements in Syndicated Loans
  - Recent trends and issues in Syndicated Loans arising out of the Credit Crunch (market disruption, syndicate relationships and debt acquisitions)
  - Club Loans & Sub-Participations
- 

**10.40am** **Morning Tea**

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**11.00am**

**Topic 3:** **Current issues in consumer credit law**

**Speaker:** Ruth McDOUGALL, Senior Associate Blake Dawson

- the transfer of responsibility for regulation of consumer credit to the Commonwealth; and
  - progress to date and potential future directions in relation to:
    - unfair contract terms;
    - fees;
    - responsible lending;
    - fringe lending; and the application of the Code to contracts for the sale of land and goods by instalments
- 

**11.55am**

**Topic 4:** **Private Property Securities Register: the brave new world**

**Speaker:** Karen FAIRBAIRN, Senior Associate Freehills

- Scope of the reform
  - Key concepts in the Personal Property Securities Bill 2008
  - Comparison of the current law and the new law in regard to:
    - the creation of security interest
    - the extinguishment of security interests
    - priorities
    - enforcement
  - Transitional arrangements – what you need to know
- 

**Commentary from Robert PATCH, Chief Legal Officer, Private Property Securities Register, Commonwealth Attorney General's Department**

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**12.45-1pm Questions – Close**

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For more information visit our website:  
[www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)