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MASTERCLASS SERIES

# National Credit Reform

*Adapting to the new regime*

## WORKSHOP

Sydney: Tuesday 25 May 2010

Sir Stamford at Circular Quay, 93 Macquarie Street

### agenda

#### 9:00 **The National Credit Code and credit licensing reform**

- Regulating consumer lending – What and who will the new regime cover?
- Transitioning from UCCC to NCC – What are the key changes?
- Introduction of Australian Credit Licence
- Recognising your obligations as a credit licensee

**Andrea Beatty, Partner, HWL Ebsworth Lawyers**

#### 9:50 **Responsible lending obligations**

- Determining suitability of credit – What inquiries you need to make before assessing the unsuitability of a credit product
- Adapting to the disclosure regime as a credit provider
- Understanding penalty provisions for making unsuitable loans

**Andrew Bretherton, Partner, Norton Rose Australia**

- **Adapt to significant REFORMS and changing LEGAL requirements for the Australian credit industry**
- **Find out more about the new CREDIT LICENSING process**
- **Understand the RESPONSIBLE LENDING obligations for credit providers**
- **Acquire the knowledge to meet new COMPLIANCE responsibilities**
- **Be informed about the implications of PRIVACY law reform on CREDIT REPORTING**

#### 11:10 **Privacy law reform – Implications for credit reporting**

- Keeping up to date with the privacy reform process in relation to credit reporting
- How comprehensive credit reporting will assist credit providers to meet responsible lending obligations through using positive data
- Collecting and utilising credit reporting information
- Understanding your extended notification requirements as a credit provider

**Stephen Cavanagh, Partner, HWL Ebsworth Lawyers**

*Note: Includes 30-minute refreshment break*



**Andrea Beatty,**  
partner,  
HWL Ebsworth Lawyers



**Andrew Bretherton,**  
partner,  
Norton Rose Australia



**Stephen Cavanagh,**  
partner,  
HWL Ebsworth Lawyers

#### Key benefits

- Earn 3 CLE/CPD points
- Hear the latest case law updates and legislative reforms
- Develop new strategies and innovative practices
- Receive comprehensive course notes
- Increase your industry contacts through networking

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# PPS Reform

## WORKSHOP

*Managing the transition*

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## agenda

### 13:30 The Personal Property Securities Act (PPSA) – An Overview

- Examining what the PPSA will cover
- Understanding attachment, perfection and extinguishment
  - » Different forms of perfection – Registration, possession, control and temporary perfection
  - » New extinguishment rules
- Introducing priority rules
  - » Determining priority - Is the security perfected and if so, how?
  - » PMSIs and other exceptions

**Gillian Brown, partner, Minter Ellison**

### 14:20 Using the PPS Register

- Creating a registration – What details do you need?
- Searching the Register - What do you do with the information provided?
- What is the impact on “transitional security interests” or “migrated security interests”?
- Amending or removing a registration
- Using the PPS Register to resolve priority disputes - When is this an effective approach?

**John Canning, partner, Mallesons Stephen Jaques**

- Learn how **PERSONAL PROPERTY SECURITIES REFORM** will affect your business
- Gain knowledge to help you rewrite documentation to protect **SECURITY INTERESTS**
- Ensure you stay informed on the **NATIONAL PPS REGISTER**
- Improve your understanding of ongoing **COMPLIANCE** issues to avoid **PENALTIES**
- Equip yourself with awareness of **RISK** and **INSOLVENCY** issues

### 15:40 Complying with the PPSA

- Preparing for changes to documents and processes
  - » All asset and specific property securities
  - » Demise of the ‘floating charge’
  - » Credit agreements and commercial agreements
- Understanding and managing risk in the PPSA environment
  - » How the priority and extinguishment rules change risk
  - » Significance of title-based interests
  - » Consequences of ‘seriously misleading’ and other defective registrations
- Considering implications for insolvency practitioners
  - » Priority and validity consequences of failing to register security interests
  - » Implications for title-based securities

**Speaker: Craig Wappett, partner, Piper Alderman**

*Note: Includes 30-minute refreshment break*



**Gillian Brown,**  
partner,  
Minter Ellison



**John Canning,**  
partner,  
Mallesons Stephen Jaques



**Craig Wappett,**  
partner,  
Piper Alderman

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