PRESENTERS



Chris Kelly, Greg Kelly Law, Wellington

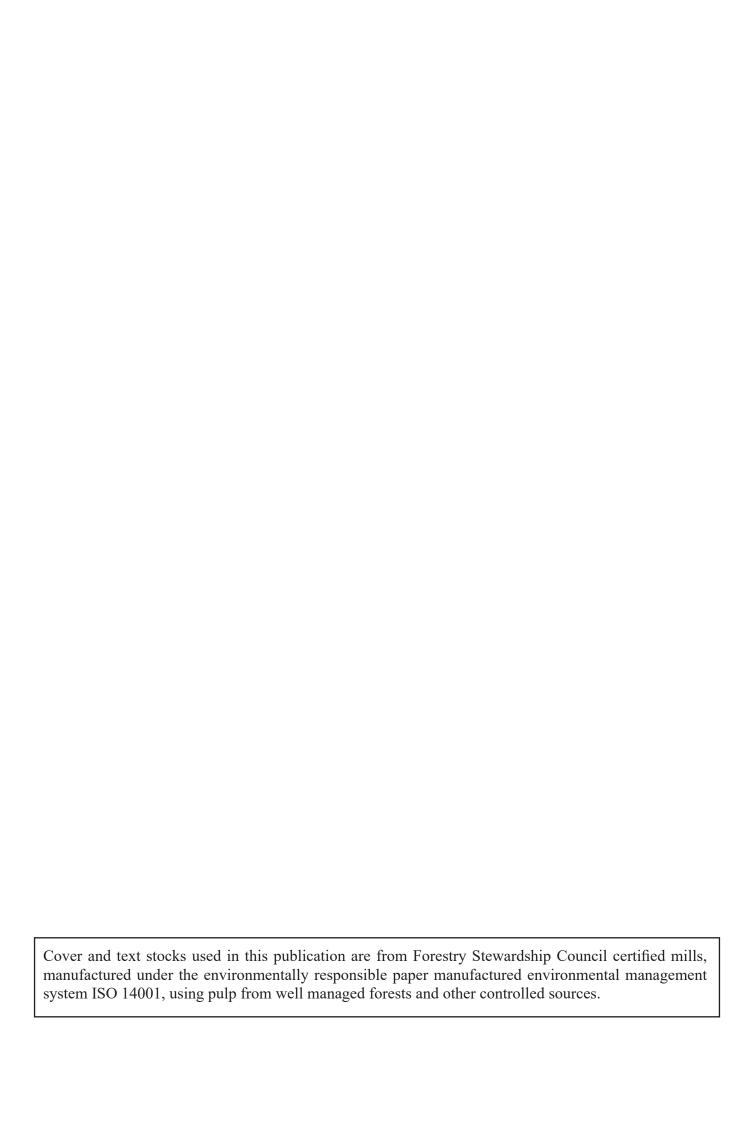
Chris is co-author of *Garrow & Kelly Law of Trusts and Trustees* (6th and 7th editions) and *Dobbie's Probate and Administration* (5th and 6th editions). He has presented many papers at NZLS CLE conferences. Chris has chaired the Elder Law Conferences and is a member of STEP.



Greg Kelly, Greg Kelly Law, Wellington

Greg has 37 years' experience in the wills, trusts and estate area. He is a member of the NZLS Property Law and Family Law Sections, and of STEP and chaired the NZLS CLE Trust Conferences in 2009, 2011, 2015 and 2017. Greg is a contributor to Butterworth's Law of Trusts, probate and administration author for McGechan on Procedure, co-author of *Garrow and Kelly's Law of Trusts and Trustees* (6th and 7th editions) and of *Dobbies' Probate and Administration Practice* (5th and 6th editions).

The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.



CONTENTS

1.	GIFTING - GIVING IT ALL AWAY?	1
	HISTORY	1
	INCOMPLETE GIFTING PROGRAMMES.	
	Example	
	Is it a gift or a loan?	···· 2
	CHANG V LEE (CA)	
	LEGAL PRESUMPTIONS	
	MENTAL COMPETENCE TO MAKE A GIFT	
	UNDUE INFLUENCE, UNCONSCIONABILITY AND FIDUCIARY DUTIES	
	GIFTS MADE ON BEHALF OF ELDERLY PERSON	
	GIFTING PROGRAMMES: HOW MUCH CAN YOU GIVE AWAY?	
	RESIDENTIAL CARE SUBSIDIES	
	Asset testing	
	Income deprivation	
	Broadbent case	
	Old gifting arrangements: the Bridgford decision	
	Advising clients with residential care subsidy concerns	
	Residential care loans	
	Contacting MSD	
	INSOLVENCY AND PROTECTION AGAINST CREDITORS	
	PROPERTY LAW ACT 2007	
	GIFTING WHEN THERE ARE NO FINANCIAL PROBLEMS.	
	OFFICIAL ASSIGNEE V MAYERS	
	CLAIMS AGAINST ESTATES	
	PRA ISSUES	
	CLARIFYING YOUR CLIENTS INSTRUCTIONS	17