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CPD UNITS

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13TH ANNUAL MELBOURNE WILLS & ESTATES CONFERENCE

Getting Your Eggs Out of the Estoppel Basket:
Rethinking Strategy After Slade v Brose

I Owe You Nothing! The Fallout from Naaman v Jaken and Its Implications for
Succession Planning

The Will Drafter's File: To Disclose or Not to Disclose? Navigating
Confidentiality, Privilege and Risk

The Not-So-Silent Generation: Adult Children, Estrangement, and Family
Provision Claims

More than a Roof Over their Head: The Realities of Life Interests

Who's in Charge When Capacity Fades? Planning for Entity Control

Under Fire: Strategies to Protect Executors in Estate Administration

Tax-Smart Settlements:

Structuring Estate Dispute Resolutions for Better Outcomes

Minor Details: A Practical Guide to Settling Estates Involving Minors

PROFESSIONAL SKILLS: More Than a Signature: Drafting, Using and Managing
POAs Effectively

PRACTICE MANAGEMENT: Cybersecurity in Succession Practice: Protecting
Clients, Protecting Yourself

ETHICS: When the Client Isn't the Only Voice in the Room: Ethical Challenges
in Succession Practice

A Two-day Conference

Thursday 12 & Friday 13 February 2026

Crown Melbourne or Online

Feedback from last year's conference:

- Really great conference, enjoyed the event.
- Excellent speakers, relevant content and useful practical advice and suggestions.
- Wide range of topics that were covered well by the speakers backed up with comprehensive papers.
- Content was very on point.



Your Trusted CPD Partner for more than 50 Years

DAY 1: THURS 12 FEBRUARY 2026

CHAIR DAY 1 - AM: INES KALLWEIT, PRINCIPAL, ACCS(WILLS&ESTATES), KHQ LAWYERS, MELBOURNE, VIC.

MORNING THEME: ESTATE LITIGATION AND DISPUTES

9.00 - 9.10am

Introduction and welcome

9.10 - 9.55am

Session 1: Getting Your Eggs Out of the Estoppel Basket: Rethinking Strategy After Slade v Brose

Claims for compensation in rural and farming family contexts often lean heavily on equitable estoppel - especially where promises of inheritance or land transfers remain unfulfilled. But the NSW Court of Appeal's decision in *Slade v Brose* [2024] NSWCA 197 challenges that reliance, suggesting that in some cases, unconscionability - rather than inducement or representation - may be the true foundation for relief. This session invites practitioners to critically reassess their approach to these disputes and consider whether estoppel is always the best or only option. Topics covered include:

- A detailed analysis of *Slade v Brose*, examining how the Court framed the relevant principles and whether the facts demanded a move away from estoppel toward a broader unconscionability analysis
- The wider implications for similar cases, including when a representation is sufficiently clear, whether reliance must be the sole cause of loss, and how detriment should be assessed in practice
- Practical guidance on strategy - including how to elicit key facts during instructions, when to consider alternative or concurrent claims such as constructive trusts or proprietary relief, and how to frame pleadings to maximise flexibility and outcomes for clients

Speaker: Carolyn Sparke KC, Barrister, Svenson Barristers, Melbourne, Vic.

9.55 - 10.05am Panel Comments and Questions

10.05 - 10.50am

Session 2: I Owe You Nothing! The Fallout from *Naaman v Jaken* and Its Implications for Succession Planning

Does a successor trustee owe fiduciary duties to a former trustee in relation to the former trustee's right of indemnity from trust assets? This long-debated question has finally received a clear answer from the High Court in its landmark decision in *Naaman v Jaken Properties Australia Pty Ltd* [2025] HCA 1. While the ruling settles the legal question, the practical implications for trustee succession are far from straightforward. This session examines:

- The High Court's reasoning in *Naaman*, including a deep dive into the contrasting views of the majority and the separate judgments of Gordon, Edelman and Steward JJ
- What the decision means for fiduciary obligations between incoming and outgoing trustees
- How the ruling narrows the legal protections available to departing trustees
- Practical strategies for practitioners to mitigate the risks now posed by successor trustee appointments

Speaker: Paige Edwards, Partner, HopgoodGanim, Brisbane, Qld

10.50 - 11.00am Panel Comments and Questions

11.00 - 11.25am Networking Break and Morning Tea

DAY 1: THURS 12 FEBRUARY 2026

11.25am - 12.10pm

Session 3: The Will Drafter's File: To Disclose or Not to Disclose? Navigating Confidentiality, Privilege and Risk

One of the recurring tensions in estate litigation is whether, and to what extent, the will drafter's file should be disclosed - particularly when a claim is being contemplated. While early disclosure may assist in resolving potential disputes, it raises serious questions about confidentiality, legal professional privilege, and the solicitor's obligations to the estate and former client. This session will unpack the competing professional and legal considerations at play, including:

- An overview of the different approaches within the profession - from those advocating early and voluntary disclosure to those cautioning against it on confidentiality and privilege grounds;
- Common traps solicitors fall into when dealing with requests for their file - and practical steps to mitigate risk when responding to queries from potential claimants or their representatives;
- What recent case law and commentary reveal about current judicial expectations - including discussion of *Grove* [2021] WASC 70, *Re Estates Brooker-Pain and Soulos* [2019] NSWSC 671 and how courts are balancing privilege, probate principles, and equitable considerations

Speaker: Justine Taylor, Principal Director, Uther Webster & Evans, Sydney, NSW

12.10 - 12.20pm Panel Comments and Questions

12.20 - 1.05pm

Session 4: The Not-So-Silent Generation: Adult Children, Estrangement, and Family Provision Claims

Adult children continue to dominate family provision litigation - even when financially independent, decades out of the home, or long estranged from the deceased. Courts increasingly face the difficult question: what is "adequate and proper provision" for a child who was absent, excluded, or rejected? This session will explore how courts are responding to adult child claims in the context of estrangement, financial autonomy, and emotional complexity. Topics include:

- The evolving judicial approach to adult children - when "moral duty" survives estrangement, independence, or long periods of silence;
- How courts assess the significance of estrangement - including whether the cause of estrangement matters, and the impact of attempts at reconciliation;
- The evidentiary weight of letters, declarations, and solicitor notes - how the narrative around the relationship is constructed in court;
- The interplay between contribution, need, and relationship - what adult children must prove to succeed, and what testators (and lawyers) can do to respond;
- Strategic considerations, including managing intergenerational fairness and partial provision
- Recent case law involving adult child claimants, including those with limited or hostile relationships with the deceased

Speaker: Christian Teese, Partner, Rigby Cooke Lawyers, Melbourne, Vic.

1.05 - 1.15pm Panel Comments and Questions

1.15 - 2.15pm Luncheon

DAY 1: THURS 12 FEBRUARY 2026

CHAIR DAY 1 - PM: BRYAN MITCHELL, PRINCIPAL, MITCHELLS SOLICITORS, BRISBANE, QLD

AFTERNOON THEME: SUCCESSION STRUCTURES UNDER PRESSURE

2.15 - 3.00pm

Session 5: More than a Roof Over their Head: The Realities of Life Interests

Life interests remain a common feature in wills, particularly where there is a desire to balance competing interests between spouses and children. However, the practical administration of life interests can become fraught with complexity - especially where the will is silent on key contingencies, or where one party seeks to vary or surrender their interest. This session explores the legal, tax and drafting issues that arise when dealing with life interests in modern estate practice, including:

- What happens when a remainderman or life tenant wants to surrender their interest - and the legal and tax implications of such a request
- Whether (and when) a life interest can be varied, or accelerated - and who must consent
- CGT, stamp duty and tax issues that arise from the surrender or variation of life interests - and who bears the cost
- The limitations of common life interest clauses in wills - and why standard precedents often fail to account for unexpected changes in circumstances
- Practical strategies and drafting tips to provide greater flexibility and clarity in wills involving life interests

Speaker: Paul Evans, Partner, Makinson d'Apice Lawyers, Sydney, NSW

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Who's in Charge When Capacity Fades? Planning for Entity Control

Succession planning has traditionally focused on death - but with clients living longer and holding increasingly complex structures, the real risk may lie in what happens when capacity is lost. For high-net-worth individuals and business owners, incapacity can trigger legal, governance, and compliance issues across trusts, companies, and SMSFs - often with serious consequences if not planned for. This practical session will help succession lawyers identify the hidden risks and structure effective contingency plans, including:

- What can go wrong when there's no incapacity planning in place for related entities - from operational paralysis to breaches of fiduciary duty and regulatory non-compliance
- How to proactively plan for loss of capacity - including the strengths and limits of enduring powers of attorney, strategic appointments, and entity-specific provisions in trust deeds and constitutions
- Special considerations for self-managed superannuation funds - including what happens when a member-trustee loses capacity, who can step in, and how to remain compliant with SIS Act requirements

Speaker: Kimberley Martin, Director, WMM Law, Hobart, Tas.

3.55 - 4.05pm Panel Comments and Questions

DAY 2: FRIDAY 13 FEBRUARY 2026

CHAIR DAY 2 - AM: INES KALLWEIT, PRINCIPAL, ACCS(WILLS&ESTATES), KHQ LAWYERS, MELBOURNE, VIC.

MORNING THEME: ADMINISTRATION CHALLENGES AND FIDUCIARY RISKS

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 7: Under Fire: Strategies to Protect Executors in Estate Administration

In today's estate landscape, executors - including professionals - are increasingly vulnerable to scrutiny, disputes, and personal liability. From aggressive beneficiaries and family provision claims to complex asset management and allegations of misconduct, the risks are real. Practitioners must be equipped to protect executor-clients (and themselves) both during estate planning and throughout the administration process. This practical and strategic session will explore how to minimise exposure and preserve executor protections by exploring:

- Real-world examples of recent disputes and liabilities faced by executors - and what went wrong
- How these issues could have been prevented or mitigated through effective estate planning, clearer documentation, and early legal advice
- Key protective measures - including indemnities, executor insurance, contingency funds, exclusion clauses, and the strategic use of judicial advice
- How to manage conflicts where executors are also beneficiaries
- When professional executors should decline or step down from a role - including red flags to watch for, ethical considerations, and how to exit responsibly

Speaker: Jennifer Vuu, Special Counsel, HWL Ebsworth Lawyers, Sydney, NSW

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 8: Tax-Smart Settlements: Structuring Estate Dispute Resolutions for Better Outcomes

When estate disputes arise, the priority is often to resolve them as quickly and cost-effectively as possible. But all too often, the tax consequences of settlement terms are treated as an afterthought leading to avoidable liabilities, missed concessions, and long-term planning issues. This session is designed to help succession lawyers anticipate and manage tax considerations as an integral part of the dispute resolution process. Using de-identified case studies, the session will explore:

- How to make strategic use of rollover relief provisions particularly when assets pass by agreement outside the terms of the will
- The role of indemnities and tailored releases in minimising risks when family trusts are involved
- The scope and limits of the main residence exemption - including how to best structure settlements involving the family home
- How the chosen form of settlement whether by deed, court order, or a combination can significantly influence tax outcomes and risk exposure

Speaker: Nathan Yii, Principal Lawyer, Chartered Tax Advisor and SMSF Specialist Advisor - Nathan Yii Lawyers, Melbourne, Vic.

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2: FRIDAY 13 FEBRUARY 2026

11.15 - 12.00pm

Session 9: Minor Details: A Practical Guide to Settling Estates Involving Minors

When minors are interested parties in an estate - whether as beneficiaries, potential claimants, or subjects of a family provision application - practitioners must navigate a distinct set of procedural, evidentiary, and ethical considerations. Failure to meet these additional requirements can delay estate administration or expose executors to personal risk. This practical session offers a structured guide for succession lawyers dealing with estates involving minors, and considers:

- The procedural steps required when a minor is affected by a settlement - including who must consent, what approvals are needed, and how to obtain them
- The type of evidence required to establish the minor's needs, interests, and the appropriateness of the proposed settlement
- Strategies for protecting the executor or administrator, particularly where there is disagreement over what is in the minor's best interests
- How courts are currently approaching settlements involving minors - including whether there has been any shift from the principles in *Coomber v Stott* and *Permanent Trustee v Mills*, and what this means for future practice

Speaker: Frances Fredriksen, Special Counsel, Parsons Law, Gold Coast, Qld

12.00am - 12.10pm Panel Comments and Questions

12.10 - 1.00pm Lunch

CHAIR DAY 2 - PM: CAROLYN SPARKE KC, BARRISTER, SVENSON BARRISTERS, MELBOURNE, VIC.

**AFTERNOON THEME:
3 COMPULSORY CPD TOPICS**

1.00 - 1.10pm

Introduction and Welcome

1.10 - 2.00pm

Session 10: Professional Skills - More Than a Signature: Drafting, Using and Managing POA s Effectively

Powers of Attorney (POA s) are a vital tool in estate and incapacity planning - yet they remain one of the most commonly misunderstood and misapplied legal instruments. For practitioners, the professional challenge lies in drafting, advising and managing POA s in a way that minimises client risk while upholding fiduciary and ethical obligations. This session focuses on the practical skills lawyers need to get POA s right, including:

- How to identify and expressly include powers that align with client objectives - from gifts and Binding Death Benefit Nominations (BDNs) to fiduciary roles under discretionary trusts
- Drafting techniques to avoid common traps when dealing with superannuation, trust deeds, and corporate entities
- Professional judgment in advising on the scope of authority - when silence creates danger and when limitations should be built in
- Managing conflicts of interest where attorneys seek to act as Appointor, Guardian or in other fiduciary roles, and the skills to advise clients appropriately
- Case insights from *Re Narumon* [2018] QSC 185, *McFee v Reilly* [2018] NSWCA 322, *Power v Power* [2011] NSWSC 288, *Grant v Grant (No. 2)* [2020] NSWSC 1288, and *Rayner* [2010] NSWSC 810 - with a focus on what practitioners can learn and apply in day-to-day practice

Speaker: Bryan Mitchell, Principal, Mitchells Solicitors, Brisbane, Qld

2.00 - 2.10pm Panel Comments and Questions

DAY 2: FRIDAY 13 FEBRUARY 2026

2.10 - 3.00pm

Session 11: Practice Management & Business Skills - Cybersecurity in Succession Practice: Protecting Clients, Protecting Yourself

Succession lawyers hold some of the most sensitive personal and financial information clients will ever disclose - making them a prime target for cyber criminals. From ransomware attacks to email interception and fraudulent payment redirection, one breach can devastate both clients and the practice. This session provides succession practitioners with the knowledge and systems they need to strengthen their defences, including:

- The most common cybersecurity threats facing legal practices
- Real-world case studies of cyber incidents in law firms - and how they unfolded
- Practical steps to secure wills, trusts and estate planning files - both digital and physical
- Training staff and managing workflows to reduce human error, phishing risks and weak links
- Obligations under privacy, professional conduct, and cyber insurance frameworks
- Building a culture of "cyber hygiene" in succession practices: checklists, protocols and incident response plans

Speaker: Dalvin Chien, Partner - Information and Communications Technology & Digital Law, Mills Oakley, Sydney, NSW

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.30pm Networking Break and Afternoon Tea

3.30 - 4.20pm

Session 12: Ethics When the Client Isn't the Only Voice in the Room: Ethical Challenges in Succession Practice

Succession lawyers routinely work in emotionally charged environments where multiple family members may be present, elderly clients may be vulnerable, and disputes simmer just beneath the surface. These settings create unique ethical pressures: who is really the client, how to protect independence, and when to step aside. This session examines the real-world dilemmas and offers guidance for ethical, compliant practice, including:

- Identifying the true client: managing instructions when adult children, carers, or other "helpers" are heavily involved
- Undue influence and diminished capacity: how to detect red flags, protect client autonomy, and manage the ethical consequences of continuing or ceasing to act
- Confidentiality and privilege pitfalls: when family members push for disclosure of wills or advice, and how to balance duties
- Acting for executors and beneficiaries: navigating conflicts of interest in estate administration and litigation contexts
- Walking away: when withdrawal is the only ethical option - and how to do so without compromising the client's interests
- Practical lessons from recent disciplinary cases and judicial commentary relevant to succession practice

Speaker: Ines Kallweit, Principal, AccS(Wills&Estates), KHQ Lawyers, Melbourne, Vic.

4.20 - 4.30pm Panel Comments and Questions

4.30pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunch on both conference days are included for delegates attending the face to face event.

Conference Papers

TEN will not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

CPD

Lawyers: 10 CPD units/points

[7 x substantive law, 1 x ethics, 1 x professional skills and 1 x practice management & business skills].

CPD Certificate

All delegates attending the conference will receive a CPD Certificate confirming attendance.

The Conference Venue

Crown Towers Melbourne

8 Whiteman Street, Southbank

Discount Delegate Accommodation at Crown

Crown is offering a discount for conference delegates. You can book directly using the below links to one of the 3 hotels that make up Crown Melbourne.

Towers [Crown Towers Hotel](#)

Metropol [Crown Metropol Hotel](#)

Promenade [Crown Promenade Hotel](#)

Travelling to the Conference Venue

Delegates are advised to make their own travel arrangements.

Conference Dress

Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves/summer tops are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

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