

2

REGISTRATION
OPTIONS
FACE TO FACE
OR ONLINE

16TH ANNUAL WILLS & ESTATES CONFERENCE

The Fallout from Naaman v Jaken and Its Implications for Succession Planning
Discharging Search and Notification Obligations After Liosatos
Getting Your Eggs Out of the Estoppel Basket: Rethinking Strategy After Slade v Brose
The Will Drafter's File: To Disclose or Not to Disclose?
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
More Than a Signature: The Power and Peril of POAs
Adult Children, Estrangement, and Family Provision Claims
Who's in Charge When Capacity Fades? Planning for Entity Control
Aged Like a Fine Wine? The Challenges of Ageing Trusts
More than a Roof Over their Head: The Realities of Life Interests

A Two-Day Conference
Thursday 11 & Friday 12 September 2025

JW Marriott Gold Coast Resort and Spa

Feedback from last year's conference:

- 👉 This Conference by far the most versatile and practical CPD I have attended. The Conference is very well organised. The choice of speakers is second to none and most of them are directly involved in the cases presented, they are down to earth experts willing to share their in-depth experience with others.
- 👉 All the topics and speakers were very relevant and practical. One of the best conferences I have been to. Thanks
- 👉 Very interesting conference, well organised, excellent conference location, great networking opportunities, very good speakers, beautiful lunches and morning/afternoon teas. Thank you
- 👉 Excellent program, great speakers and relevant practical topics in a great Hotel. Thank you for all the time and effort put in. Impressive and worthwhile.



Your Trusted CPD Partner for 50 Years

DAY 1: THURSDAY 11 SEPTEMBER 2025

CHAIR DAY 1 - AM: Bryan Mitchell,
Principal, Mitchells Solicitors,
Brisbane, QLD

**MORNING THEME: LESSONS FROM THE
COURTS - EVOLVING RISKS IN SUCCESSION
PLANNING**

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: 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, AJ & Co Lawyers, Brisbane, Qld

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: Nothing Ventured, Nothing Gained: Discharging Search and Notification Obligations After Liosatos

Search and notification requirements under family provision legislation have long been a source of uncertainty and inconsistent practice. While these obligations are routinely addressed in proceedings, approaches to locating and notifying relevant parties - and to seeking orders disregarding their interests - have varied significantly across the profession. In *Jurak v Latham* [2023], Justice Meek signalled the Court's expectations for compliance. Now, in *Liosatos v Liosatos* [2025] NSWSC 44, he has gone further, providing detailed guidance on what constitutes adequate steps to identify and notify potential interested persons. This practical session will explore:

- The underlying purpose of the search and notification provisions in family provision law
- Common notification challenges, search strategies available to practitioners, and their practical limitations
- The guidance provided in *Liosatos*, including what the Court considers to be sufficient steps to comply with the obligations
- Case study involving a missing potential beneficiary to apply the Court's expectations in a real-world scenario

Speaker: Lindsay Ellison SC, Barrister, Wardell Chambers, Sydney, NSW

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

DAY 1: THURSDAY 11 SEPTEMBER 2025

11.30am - 12.15pm

Session 3: 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

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.10pm

Session 4: 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

1.10 - 1.20pm Panel Comments and Questions

1.20 - 2.15pm Luncheon

DAY 1: THURSDAY 11 SEPTEMBER 2025

CHAIR DAY 1 - PM: LINDSAY ELLISON SC, BARRISTER, WARDELL CHAMBERS, SYDNEY, NSW

AFTERNOON THEME: PROTECTING THE EXECUTORS - RISK, TAX AND ADMINISTRATION STRATEGY

2.15 - 3.00pm

Session 5: 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

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: 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.

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

DAY 1: THURSDAY 11 SEPTEMBER 2025

4.25 - 5.10pm

Session 7: 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

5.10 - 5.20pm Panel Comments and Questions

DAY 2: FRIDAY 12 SEPTEMBER 2025

**CHAIR DAY 2 - AM: Carolyn Sparke
KC, Barrister, Svenson Barristers,
Melbourne, Vic**

MORNING THEME: FAMILY, INCAPACITY AND CONFLICT - PLANNING FOR THE PERSONAL

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 8: 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*

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: 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.*

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2: FRIDAY 12 SEPTEMBER 2025

11.15 - 12.00pm

Session 10: 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

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

CHAIR DAY 2 - PM: CHRISTIAN TEESE, PARTNER, RIGBY COOKE LAWYERS, MELBOURNE, VIC.

AFTERNOON THEME: TIME BOMBS IN THE SUCCESSION PLAN: HIDDEN RISKS IN AGEING TRUSTS AND POAS

1.10 - 1.55pm

Session 11: Aged Like a Fine Wine? The Challenges of Ageing Trusts

As trusts established by the baby boomer generation approach the end of their life cycle, practitioners are increasingly confronted with the legal and practical difficulties that come with interpreting and administering ageing trust instruments. Often, traditional construction principles fall short - and more proactive, strategic solutions are needed. This session will guide succession lawyers through the key issues and remedies that arise when dealing with older wills and trust deeds, including:

- Common drafting and structural problems in ageing trusts - including obsolete powers, missing or deceased trustees, outdated references, and unintended limitations
- Best practice approaches to construction: what the courts expect when interpreting older testamentary and discretionary trusts, and how to manage ambiguity in trustee powers or appointments
- Practical options when a vesting date is approaching or has passed - with a discussion of *Re Dion Investments Pty Ltd* [2014] NSWSC 1051 and other key decisions on the scope of variation powers and the role of the court
- Knowing when construction is no longer enough - including when to seek judicial advice or orders under relevant trust legislation, and how to minimise risk to executors, trustees, and beneficiaries

Speaker: Fiona Sinclair, Barrister-at-Law/Mediator, Queen's Square Chambers, Sydney, NSW

1.55 - 2.05pm Panel Comments and Questions

DAY 2: FRIDAY 12 SEPTEMBER 2025

2.05 - 2.50pm

Session 12: More Than a Signature: The Power and Peril of POAs

Powers of Attorney (POAs) are a vital tool in estate and incapacity planning - yet they remain one of the most commonly misunderstood and misapplied legal instruments. Whether enabling elder abuse, causing trust disputes, or leading to invalid superannuation arrangements, poorly executed or misused POAs can create real risk for clients and their advisers. This session explores both the potential and the pitfalls of POAs, including:

- What powers can - and should - be expressly included in a POA, including gifts, Binding Death Benefit Nominations (BDNs), and roles under discretionary trusts and conflict transactions
- When specific drafting is required to authorise attorneys to act in relation to superannuation, trust deeds or corporate entities - and when silence is dangerous
- Whether a POA can act as Appointor, Guardian or in other fiduciary roles under a trust - and the limits imposed by case law and deed construction
- The extent to which rights granted under a will or trust can be exercised by an attorney - and how courts have drawn the line between valid authority and overreach
- Case insights from key decisions including *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

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

2.50 - 3.00pm Panel Comments and Questions

3.00pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunches are included for face to face attendees.

Conference Papers

TEN does 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: 11 CPD units/points (substantive law)

CPD Certificate

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

The Conference Venue

JW Marriott Gold Coast Resort & Spa

158 Ferny Avenue, Surfers Paradise, Qld

Hotel Reservations:

Phone: (07) 5592 9800

Website: [Family Resort in Surfers Paradise | JW Marriott Gold Coast Resort](#)

Delegate Accommodation at the Conference Venue

Reservation link: [Book your group rate for 16th Annual Wills & Estates Conference](#)

The JW Marriott is offering a special group rate of \$325 per night for delegates attending the conference. This rate is available for Wednesday 10 & Thursday 11 September 2025

- Full payment is due 1 day after booking
- The credit card used at the time of booking will be charged in full
- Booking will be non-refundable and no cancellations permitted

This offer is subject to availability and the cut-off date is 10.8.25.

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 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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