

Strategic Estate Planning: Navigating Tax, Family Conflict and Control - Online Masterclass

Online - Tuesday 28 October 2025

Vic, NSW, ACT, Tas: 9:00am to 4:40pm

QLD: 8:00am to 3:40pm

SA: 8:30am to 4:10pm

NT: 7:30am to 3:10pm

WA: 6:00am to 1:40pm

- Creative Estate Planning Solutions for Blended Families
- When Family Law and Estate Planning Collide - Planning with Both in Mind
- Structuring the Estate to Protect Vulnerable Beneficiaries
- More Than Just Division 7A: Exploring the Wider Implication of Loans and UPEs in the Estate Plan
- Avoiding Tax Nasties in the Estate Plan
- The Many and Varied Definitions of Foreign Residency and How They Impact Estate Planning



9.00 – 9.10am	Morning Theme: Family Dynamics Shaping the Estate Plan Introduction and Welcome Morning Chair: Naomi Guyett, Partner, AccS (Wills&Estates), Danaher Moulton, Kew, Vic
9.10 – 10.00am	Session 1: Keeping it all in the Family...but which Family? Creative Estate Planning Solutions for Blended Families Estate planning for blended families comes with additional complexities, particularly when navigating significant age gaps between spouses or children from former relationships. It is unsurprising therefore that many contested estate claims occur in the context of blended families when the life stages and needs of family members from different families of the testator differ. To help manage competing beneficiary interests in the estate plan of blended families, this session examines: • Common strategies within blended families and the advantages, disadvantages and issues that can arise with each, including mirror wills, mutual wills, and life interests • How to determine what is adequate and proper provision to each beneficiary, depending on their needs and relationship with the will-maker and beneficiary, along with the size of the estate • Potential alternative strategies including life insurance, use of superannuation proceeds, child pension and trusts to fund lifestyle, property, education for younger children etc • How to ensure the second spouse is looked after when of similar age to adult children • Lessons from recent cases • Practical examples Speaker: Justine Taylor, Principal Director, Uther Webster & Evans, Sydney, NSW
9.55 – 10.10am	Questions and Discussion



10.10 – 11.00am	Session 2: When Family Law and Estate Planning Collide - Planning with Both in Mind The power of the family courts is significant and its reach wide. Understanding just how the family court deals with inheritances, binding financial agreements, interests in trusts and superannuation assets is absolutely critical for any estate planning practitioner to ensure estate planning structures are not inadvertently undone by family law litigation down the track. This session examines: • The definition of property vs a financial interest in family law and how this impacts how the family court deals with inheritances, interests in trusts (fixed vs discretionary), testamentary vs inter vivos, superannuation, and equitable interests • The powers of the family court to deal with attempts to “quarantine” assets, including setting aside and clawing back assets intended to defeat family law claims • The requirements for a BFA, what they can include, when are they enforceable, grounds for setting aside and the value they can have in an estate planning context, even if not enforced • Lessons for practitioners arising from recent decisions Speaker: Monique Robb, Partner, Lander & Rogers, Sydney, NSW
11.00 – 11.10am	Questions and Discussion
11.10 – 11.30am	Morning Break



11.30am – 12.20pm	Session 3: Structuring the Estate to Protect Vulnerable Beneficiaries People come in all shapes and sizes and each with varying needs. For an estate planner, understanding the options available to protect vulnerable beneficiaries is central to providing a valuable estate planning service focused to the needs of your individual clients. There are many specific types of vulnerabilities family members may face and a range of additional supports they may require for their lifetime once the testator has passed. To assist estate planners consider which vehicle may be suitable for specific clients, this session examines: • The common vulnerabilities and types of disability that require special consideration (e.g. physical, intellectual/developmental disability, substance abuse, harmful behavioural addictions, poor financial management etc) and the types of support which may be needed • The options available to provide for each type of need and the circumstances in which an option may be appropriate, including special disability trusts • Practical issues which need to be addressed as part of planning, including ability to move assets exempt of duty and CGT, preserving entitlements to NDIS and social security benefits, identifying and quantifying future financial needs and appropriate control mechanisms etc) and how best to develop and communicate plans with relevant family members • The extent to which a testator can validly exert control over beneficiary behaviour and/or use of funds after death in light of recent cases including Mead & Lemon Speaker: Jennifer Dixon, Practice Leader, Moores, Melbourne, Vic
12.20 – 12.30pm	Questions and Discussion
12.30 – 1.15pm	Lunch Break



1.15 – 1.20pm	Afternoon Theme: Tax Aspects of Estate Planning Introduction and welcome Afternoon Chair: Edward Skilton, Principal, Sladen Legal, Melbourne, Vic
1.20pm – 2.10pm	Session 4: More Than Just Division 7A: Exploring the Wider Implication of Loans and UPEs in the Estate Plan Despite recent efforts by the ATO to clarify the issues, the treatment of inter-entity loans and unpaid present entitlements is still proving to be a big issue impacting estate plans. To unpick the problem and understand what steps should and could be taken to minimise the risk of issues at the estate planning stage this session shall examine: • An overview of Division 7A, Section 100A and the drivers for their treatment inter-vivos - why and how clients use them to manage tax during their lifetime and the problems this can create for the estate after they have died • Examples from practice to illustrate the impact on an estate plan from poorly managed UPEs and tips for how to better manage this in the transition towards end of life and estate planning • Issues which have arisen in practice from applying the ATO's interpretation of section 100A - how has the practical guidance been applied in practice and what should practitioners be doing to limit risk of non-compliance • Practical case studies Speaker: Daniel Smedley, Principal, Sladen Legal, Melbourne, Vic
2.10 – 2.20pm	Questions and Discussion



2.20pm – 3.10pm	Session 5: Avoiding Tax Nasties in the Estate Plan The process of estate planning can cover a number of different aspects and objectives. One of those should be how any potential tax issues are addressed. This session looks to identifying the tax issues that may require careful consideration when putting the plan into place to assist in avoiding any adverse tax consequences when the estate plan is put into practice, including: • Identifying the type of tax issues that could arise relating to the main residence • Identifying potential tax issues for investments held individually or as tenants in common • How potential tax issues for assets held in a trust or company may impact on respective beneficiaries and future shareholders • Practical worked examples Speaker: Patrick Ellwood, Director, Clover Law, Brisbane, Qld
3.10 – 3.20pm	Questions and Discussion
3.20 – 3.40pm	Afternoon Break
3.40 – 4.30pm	Session 6: Calling Australia Home: The Many and Varied Definitions of Foreign Residency and How They Impact Estate Planning It is well understood that it is important to determine whether or not an individual, corporation or trust is a foreign resident for tax purposes. What is less well understood is the extent to which the definition and test for foreign residency varies as between laws, and in the context of property transactions as between state and federal law. Knowing which definition to apply and understanding the potential impact of this on an estate plan is vital to ensure compliance with all relevant notification obligations and prevent unintended adverse financial consequences for the estate. This session shall look at: • The tests which determine residency under state and federal law (for individuals, corporations and trusts) and the impact on the estate • The circumstances in which an Australian citizen could still be regarded as a foreign resident • The relevant notification and associated obligations imposed on foreign residents, corporations and trusts under both State and federal law and the impact of deeming provisions • Spotlight on recent 99B guidance by the ATO - key learnings for estate planners • Practical worked examples and case studies Speaker: Paul Evans, Partner, Makinson d'Apice Lawyers, Sydney, NSW
4.30 – 4.40pm	Questions and Discussion
4.40pm	Masterclass Close

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6 CPD hours

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