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REGISTRATION
OPTIONS

FACE TO FACE
OR ONLINE

20TH ANNUAL ESTATE PLANNING CONFERENCE

Why Wills Fail, And Deeds Succeed in Trust Succession Planning
How Trustees Can Turn the Tables on Appointors Under Broad Variation Powers
Trustee Duties, Distribution Disasters, And Removal Remedies
Section 100A, Division 7A and the New Tax Scrutiny
Navigating Tax Landmines in Australia's Great Wealth Transfer
Integrating Super in the Estate Plan
Division 296 and the Unrealised Gains Revolution
Mastering Mutual Wills for Blended Families and Asset Protection
Family Business, Family Feuds: Legal Frameworks for Keeping Blood and Business Separate
Structuring Family Financial Assistance
Structuring Granny Flat 'Interests' As Legal Investments, Not Gifts
Special Needs Beneficiaries and the Estate Plan

A Two-day Conference
Thursday 19 & Friday 20 March 2026

Crown Melbourne

Feedback from last year's conference:

Last year's conference scored an overall satisfaction rate of 4.8 out of 5!

- Excellent topics, very relevant and practical solutions offered. Examples provided good coverage of topic and pace was very good. Chairpersons kept to time and made accommodation where necessary. Good opportunities to network with interstate colleagues. Thank you for running such a professional conference.
- High quality topical issues presented by experts in their field. Great venue and catering!
- Terrific content, great venue, well-structured conference.



Your Trusted CPD Partner for more than 50 Years

DAY 1: THURSDAY 19 MARCH 2026

**CHAIR: BERNIE O'SULLIVAN,
DIRECTOR, WILLS & WEALTH,
MELBOURNE, VIC**

**MORNING THEME: TRUSTS IN TRANSITION
– CONTROL, COMPLIANCE AND
CATASTROPHE**

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: Ruling From the Grave: Why Wills Fail, And Deeds Succeed in Trust Succession Planning

While many controllers of trusts assume their will can handle successor appointments, using testamentary nominations for trust succession gives rise to legal issues that can leave trust assets in limbo. In this session, we will explore the role of dedicated trust succession deeds, including:

- How trust deed control structures, and not testamentary documents, determine succession.
- How the appointor role represents the true control mechanism for discretionary trusts.
- Why will nominations fail and the fatal flaws of testamentary trust succession.
- Avoiding exposure of sensitive succession plans to banks, the ATD, land titles offices, and other third parties.
- When to use dedicated trust deeds with trigger events for flexible, revocable, and private succession planning.
- How to implement mechanisms to ensure specific distributions occur on death while maintaining trust flexibility and tax advantages.
- Managing complex succession structures with multiple appointors.
- Practical case study

Speaker: Greg Russo, Principal, AccS(Wills&Estates), Greg Russo Law, Melbourne, Vic.

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: Who's Really in Control? How Trustees Can Turn the Tables on Appointors Under Broad Variation Powers

The decision in *Staley v Hill Family Holdings* has disrupted the traditional assumption that appointors are the "true controllers" of family discretionary trusts. In this session, we will analyse what this case means for trust control structures, including:

- How *Staley* overturned the conventional wisdom that appointors with trustee removal powers are automatically the ultimate controllers of family trusts.
- How widely drafted variation clauses can enable the trustee to remove the appointor.
- The role of limited variation powers.
- Appointor replacement mechanisms.
- How a failure to properly plan appointor succession can create issues within a family.
- When courts will uphold broadly drafted variation powers that can reshape trust control structures.

Speaker: Matthew Burgess, Director, View Legal, Australia

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

11.30am - 12.15pm

Session 3: When Family Trusts Turn Toxic: Trustee Duties, Distribution Disasters, And Removal Remedies

The decision in *Owies v JJE Nominees*, alongside a wave of other recent decisions, serve as a cautionary tale about what happens when family dysfunction meets poor trust administration. This session will examine the essential duties trustees owe to all beneficiaries and the consequences of failing to meet these obligations, including:

- The "real and genuine consideration"
- Pattern evidence of trustee failures
- Information gathering obligations
- The distinction between void and voidable distributions
- Trustee independence requirements
- Removal of trustees in practice
- Practical risk management strategies

Speaker: Ed Skilton, Principal, Sladen Legal, Melbourne, Vic.

12.15 - 12.25pm Panel Comments and Questions

DAY 1: THURSDAY 19 MARCH 2026

12.25 - 1.10pm

Session 4: Trusts Under the Microscope: Section 100A, Division 7A and the New Tax Scrutiny

Recent ATO rulings and landmark cases such as Bendel have dramatically altered the landscape for trust distributions. Estate planners must now account for increased compliance risks that directly affect succession structures. This session unpacks the shifting tax environment, including:

- Section 100A and reimbursement agreements: what the ATO is targeting in family group planning
- The ongoing fallout from Bendel v FCT and implications for UPEs
- Division 7A treatment of trust-company loans and the latest ATO guidance
- Family trust distribution tax and its impact on estate planning strategies
- Drafting wills, deeds and succession structures to withstand heightened ATO scrutiny
- Risk management strategies for advisers

Speaker: Natalie Cameron, Legal Practice Director, Elda Legal, Brisbane, QLD

1.10 - 1.20pm Panel Comments and Questions

1.20 - 2.15pm Luncheon

AFTERNOON THEME: TAX, SUPER AND THE GREAT WEALTH TRANSFER

2.15 - 3.00pm

Session 5: What Keeps You Awake at Night? Navigating Tax Landmines in Australia's Great Wealth Transfer

With the ATO declaring succession planning as their "number one focus in 2025," families transferring generational wealth face unprecedented scrutiny. In this session, we will explore the critical tax risks, including:

- Understanding the focus on family wealth transfers and what triggers ATO attention in succession planning.
- Trust restructuring tax traps to navigate
- Managing unpaid present entitlements post the decision in Bendel and avoiding deemed unfranked dividend traps.
- Pre-CGT asset preservation strategies.
- Trust deed amendments and CGT "resettlement" risks.
- Addressing tax residency issues, double taxation, and offshore asset implications for internationally connected families.

Speaker: Steve Grant, Director, Merthyr Law, Brisbane, Qld

3.00 - 3.10pm Panel Comments and Questions

DAY 1: THURSDAY 19 MARCH 2026

3.10 - 3.55pm

Session 6: Integrating Super in the Estate Plan: Tax, Trusts and Tactical Alignment

Superannuation, which is often a person's largest asset, operates under a distinct legal framework that can override testamentary wishes. This session tackles the complexities and risks of dealing with superannuation in the estate plan, focusing on compliance pitfalls and strategic integration with wills and trusts. It covers:

- Navigating the interaction between binding death benefit nominations (BDBNs), trustee discretion, and court challenges
- Technical requirements for valid BDBNs – where practitioners see the most compliance failures
- Managing automatic expiry rules, lapsed nominations, and the risks of “set and forget” approaches
- Strategies when nomination categories are limited or where no qualifying dependants exist
- Circumstances that trigger review and amendment of nominations (relationship breakdown, new children, dependency status changes, etc.)
- Aligning BDBNs with will provisions, testamentary trusts, and tax-effective estate structures
- Integrating superannuation planning with broader financial advice – working effectively with accountants and financial planners to avoid fragmented outcomes

Speaker: Dung Lam, Principal, West Garbutt, Sydney, NSW

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

4.25 - 5.10pm

Session 7: Death and Taxes: Timing the Realisation of Assets in the Estate Plan

Deciding when to realise or transfer assets, before or after death, can make a substantial difference to the overall tax and estate outcome. Getting this timing right can protect wealth, minimise CGT, and preserve flexibility for executors and beneficiaries. This practical session examines the strategic, tax and structural considerations involved in timing asset realisations within the estate plan. It covers:

- Comparing tax outcomes of pre-death disposals, gifts, and post-death transfers
- Applying CGT event rules and the cost-base reset on death
- How the main residence exemption applies to estates and its timing pitfalls
- Managing pre-CGT and post-CGT assets, including partial exemptions
- Coordinating asset timing with testamentary trust structures and control changes
- Recognising triggers for review when asset values or ownership patterns shift
- ATO audit focus areas and recent rulings affecting estate-related CGT events

Speaker: Angela Cornford-Scott, Director, Accredited Specialist in Succession Law, Cornford-Scott Lawyers, Brisbane, Qld

5.10 - 5.20pm Panel Comments and Questions

DAY 2: FRIDAY 20 MARCH 2026

**CHAIR: JENNIFER MAHER, DIRECTOR,
VELOCITY LEGAL, MELBOURNE, VIC**

MORNING THEME: FAMILY DYNAMICS AND THE MODERN ESTATE

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 8: `Till Death Do Us Part: Mastering Mutual Wills for Blended Families and Asset Protection

Mutual wills promise certainty in estate planning for couples wanting to protect both their partner and children from previous relationships, but they come with risks. In this session, we will analyse the distinctions between mutual and mirror wills and the legal requirements for enforceability, including:

- The legal distinction between binding mutual wills and reciprocal mirror wills
- Drafting tips for clear evidence, intentional language, and irrevocable agreements
- Identifying when mutual wills work best versus when they create unsuitable rigidity
- Flexible mutual will structures
- Protecting specific assets for bloodline preservation while allowing flexibility for future windfalls and acquisitions
- Coordinating mutual wills with joint tenancy modifications and ownership agreements to achieve testamentary objectives
- Managing changing circumstances through regular reviews, separation protocols, and when mutual agreements should be dissolved

Speaker: Cameron Cowley, Special Counsel, Roberts and Morrow, Armidale, NSW

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Family Business, Family Feuds: Legal Frameworks for Keeping Blood and Business Separate

Family companies can create extraordinary wealth and legacy, but mixing family dynamics with business decisions often leads to complex legal issues. In this session, we will explore the essential legal structures, agreements, and governance frameworks, including:

- Structure selection strategy based on liability protection, tax implications, and succession planning needs for multi-generational wealth
- Drafting comprehensive shareholder agreements that address decision-making, dispute resolution mechanisms, and buy-sell arrangements
- Governance separation techniques including board structures, independent directors, and voting processes
- Creating family charters, management transition plans, and leadership development frameworks
- Documentation and decision-making protocols
- Dispute resolution, mediation processes, independent arbitration mechanisms, and exit strategies
- Compliance and director duties, navigating Corporations Act obligations, ASIC reporting requirements, and fiduciary duties

Speaker: Patrick Ellwood, Director, Clover Law, Brisbane, Qld

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

11.15am - 12.00pm

Session 10: Helping Hand or Legal Hazard: Structuring Family Financial Assistance

As rising interest rates and cost of living drive more parents to financially assist their adult children, the choice between gifts and loans come with significant legal risk. In this session, we analyse the need for careful legal structuring of gifts and loans, including:

- The legal risks that accompany informal family lending arrangements
- Using formal gift documentation to eliminate ambiguity
- How to structure family assistance as a genuine loan to preserve parental rights to recall funds
- Drafting loan agreements reflect proper terms and compliance obligations rather than disguised gifts
- How to coordinate gifts and loans with estate planning

Speaker: Sophie Cohen, Director, Loch Legal, Melbourne, Vic

12.00 - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

DAY 2: FRIDAY 20 MARCH 2026

AFTERNOON THEME: AGEING, VULNERABILITY AND SOCIAL SECURITY

1.10 - 1.55pm

Session 11: Special Needs Beneficiaries and the Estate Plan: Balancing Care, Control and Compliance

Planning for vulnerable beneficiaries requires careful coordination between estate structures, tax rules, and social security entitlements. Poor drafting can leave beneficiaries exposed or jeopardise vital government support. This session guides practitioners through the practical and legal issues, including:

- Choosing between Special Disability Trusts and discretionary trusts
- How inheritances affect NDIS and Centrelink entitlements
- Structuring protective mechanisms for beneficiaries with addiction, spendthrift, or mental health challenges
- Appointing appropriate trustees, guardians, and support networks
- Drafting provisions to balance flexibility with accountability
- Coordinating legal, medical, and financial advice to protect the most vulnerable clients

Speaker: Jennifer Dixon, Practice Leader and AccS(Wills&Estates), Moores, Melbourne, Vic.

1.55 - 2.05pm Panel Comments and Questions

2.05 - 2.50pm

Session 12: Beyond The Backyard Flat: Structuring Granny Flat 'Interests' As Legal Investments, Not Gifts

While most people think of granny flats as small backyard dwellings, Centrelink's "granny flat interest" rules create a sophisticated legal framework. This session breaks down the proper structuring of these arrangements, including:

- The extent of Centrelink's legal concept of granny flats
- Structuring contributions to qualify as legitimate accommodation investments
- Utilising granny flat interest rules to exclude accommodation investments from asset testing
- Issues arising from lifetime rights, reasonable value exchanges, and the importance of proper documentation
- Drafting tips and traps for granny flat agreements
- Integrating legal, financial, and Centrelink expertise to protect vulnerable older people from exploitation

Speaker: Darryl Browne, Principal and AccS(Wills&Estates), Browne Linkenbagh Legal Services, Blue Mountains, NSW

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 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

Accountants: 11 CPD hours

Lawyers: 11 CPD units/points (substantive law)

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 Sofitel

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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Governing Law – all conferences

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