

The Great Wealth Transfer: Estate Planning in an Era of Reform and Scrutiny

Online – Tuesday, 20 October 2026

Vic, NSW, ACT, Tas: 9:00am to 5.05pm

QLD: 8:00am to 4.05pm

SA: 8:30am to 4.35pm

NT: 7:30am to 3.35pm

WA: 6:00am to 2.05pm

This one-day online masterclass covers:

- Ruling From the Grave: Why Wills Fail, And Deeds Succeed in Trust Succession Planning
- When Family Trusts Turn Toxic: Trustee Duties, Distribution Disasters, And Removal Remedies
- Bendel and Beyond: Section 100A, Division 7A and the New Trust Tax Landscape
- Trust Tax Reform: What Estate Planners Need to Do Now
- Integrating Super in the Estate Plan: Tax, Trusts and Tactical Alignment
- Special Needs Beneficiaries and the Estate Plan: Balancing Care, Control and Compliance



9.00 – 9.15am	Morning Theme: Trust Foundations – Control, Compliance and Tax Introduction and Welcome Chair: <i>Bernie O’Sullivan, Director, Wills & Wealth, Melbourne, Vic</i>
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. This session explores 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 ATO, 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: <i>Greg Russo, Principal, AccS(Wills&Estates), Greg Russo Law, Melbourne, Vic</i>
10.00 – 10.10am	Panel Comments and Questions



10.10 – 10.55am	Session 2: When Family Trusts Turn Toxic: Trustee Duties, Distribution Disasters, And Removal Remedies The decision in <i>Owies v JJE Nominees</i>, alongside a wave of other recent decisions, serves as a cautionary tale about what happens when family dysfunction meets poor trust administration. This session examines the essential duties trustees owe to all beneficiaries and the consequences of failing to meet these obligations, including: • The “real and genuine consideration” requirement • 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
10.55 – 11.05am	Panel Comments and Questions
11.05 – 11.30am	Morning Break
11.30am – 12.15pm	Session 3: Bendel and Beyond: Section 100A, Division 7A and the New Trust Tax Landscape The High Court's decision in <i>Bendel v FCT</i> has resolved the Division 7A treatment of unpaid present entitlements, but the practical and planning implications for estate planners are still being worked through. Combined with the ATO's sustained focus on Section 100A and family group distributions, the compliance landscape for trust-based succession structures has fundamentally shifted. This session unpacks the new environment, including: • Section 100A and reimbursement agreements: what the ATO is targeting in family group planning and the current state of the case law • What the High Court decided in <i>Bendel</i> and what it means for unpaid present entitlements going forward • Division 7A and trust-company arrangements post-<i>Bendel</i>: where the risks now sit • Family trust distribution tax and its impact on estate planning strategies • Drafting wills, deeds and succession structures to reflect the post-<i>Bendel</i> environment • Risk management strategies for advisers Speaker: Kimberley Barnes, Special Counsel, Bennett & Philp Lawyers, Brisbane, Qld
12.15 – 12.25pm	Panel Comments and Questions
12.25 – 1.15pm	Lunch Break

1.15 – 1.20pm

Afternoon Theme: Protecting the Wealth Transfer – Tax, Super and Vulnerable Beneficiaries

Introduction and welcome

Chair: Jennifer Maher, Director, Velocity Legal, Melbourne, Vic

2.00pm – 2.45pm

Session 4: Trust Tax Reform: Elections, Restructuring and the Estate Planning Consequences

The exposure draft legislation for the 30 per cent minimum tax on discretionary trusts introduces an election mechanism, rollover relief, and specific exclusions that directly affect estate and succession planning. This session examines what the draft legislation means for family trust structures and the practical decisions that estate planners and their clients now face, including:

- what the exclusions for deceased estates and testamentary trusts cover, where the boundaries sit, and what remains open ahead of the final legislation;
- the election to nominate fixed distributions to pre-set beneficiaries: what it offers, what flexibility it requires the trustee to forgo, and what happens if the trustee departs from the nomination;
- restructuring under the rollover relief, how it works, when it may be preferable to electing, and the cost base consequences for transferred assets;
- trust deed amendments in light of the draft regime, drafting considerations, resettlement risk, and how a deed variation can place a testamentary trust exclusion at risk;
- family structures that present particular difficulties, including trusts with corporate beneficiaries, trusts with existing family trust elections, and trusts where succession planning is already underway;
- how common succession planning events interact with the election regime, and which events can trigger its loss.

Speaker: Daniel Smedley, Principal, Sladen Legal, Melbourne, Vic

2.45 – 2.55pm

Panel Comments and Questions



2.55pm – 3.40pm	Session 5: Integrating Super in the Estate Plan: Tax, Trusts and Tactical Alignment Superannuation, 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, including: • 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 • The impact of Division 296 on estate planning for high-balance members: restructuring, recontribution strategies and the timing of death benefit payments • Aligning BDBNs with will provisions, testamentary trusts and tax-effective estate structures • Integrating superannuation planning with broader financial advice Speaker: Dung Lam, Principal, West Garbutt, Sydney, NSW
3.40 – 3.50pm	Panel Comments and Questions
3.50 – 4.10pm	Afternoon Break
4.10 – 4.55pm	Session 6: 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
4.55 – 5.05pm	Panel Comments and Questions
5.05pm	Masterclass Close

GENERAL INFORMATION

Masterclass Registration Fee

The registration fee includes attendance at the live online masterclass.

Masterclass Papers

Access to the papers and PowerPoints will be available online to all delegates in the lead-up to the masterclass (as they become available). The materials will be available in .pdf format for easy download.

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WA Lawyers: 5.5 CPD points – TEN is an accredited provider

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Please register me for **The Great Wealth Transfer: Estate Planning in an Era of Reform and Scrutiny Online Masterclass** to be held online on Tuesday, 20 October 2026. [code: MGWOCT26]

- [] **Early Bird Registration** – for registrations paid on or before 11 September 2026 - **\$880** (\$800 + \$80 GST)
[] **Discount Registration** – for registrations paid on or before 2 October 2026 - **\$1089** (\$990 + \$99 GST)
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