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REGISTRATION OPTIONS

FACE TO FACE OR ONLINE

2ND ANNUAL DEATH AND TAXES CONFERENCE

- The New Case for Testamentary Trusts
- The Small Business CGT Concessions as an Estate Planning Tool: An Underutilised Advantage
- Who Really Inherits Control? The Tax Traps in Company and Trust Succession
- Division 296: The Estate Planning Decisions Still to Lock In Before 30 June
- Pre-CGT Assets in the Estate Plan: Handle with Care
- The Main Residence in the Estate Plan: CGT Exemption or CGT Exposure?
- When a Client Dies: Navigating the ATO's Requirements
- Family Trust Distributions Tax: Can Death Trigger a Bill Nobody Saw Coming?
- Division 7A after Bendel: Loans, UPEs and the Estate Planning Traps that Remain
- Super Death Benefits: Finding the Most Tax Effective Strategy

A 1½ day Conference

Tuesday 9 & Wednesday 10 February 2027

Melbourne Marriott Hotel

Feedback from last year's conference:

> Very good content, sessions weren't too long but plenty of time for questions. Speakers were engaging and the whole conference was well organised, I'd definitely attend again.

> Interesting topics and well qualified speakers.

> Great content and speakers. Great location. Very well organised.

The Education Network

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DAY 1 - TUESDAY 9 FEBRUARY 2027

Morning Theme: Structuring the Plan
Chair: Greg Russo

AccS(Wills&Estates), Principal Solicitor, Greg Russo Law Pty Ltd, Melbourne, Vic

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: The New Case for Testamentary Trusts

With a 30% minimum tax on discretionary trust distributions, the tax gap between testamentary trusts and other structures is about to widen. For accountants and lawyers advising on estate and post-death planning, that changes the calculus: testamentary trusts may now deliver a materially better after-tax outcome than the alternatives clients have defaulted to. But the exclusion comes with conditions. This session works through the numbers and the conditions required to actually capture that advantage, including:

- How the 30% minimum tax on discretionary trusts works, and which trusts and income it catches
- The testamentary trust exclusion and the scope of its conditions
- "Excepted trust income": the requirements to qualify, common ways clients fall out of the category, and how the ATO is scrutinising claims in practice
- The parallel exemption from the 30% minimum tax on capital gains for testamentary trusts and deceased estates
- Modelling the numbers: comparative tax position of a testamentary trust vs. a discretionary trust (with and without the election) vs. direct distribution, under the new regime
- Practical examples with worked figures: where the advantage is real, and where it evaporates

Speaker: Angela Cornford-Scott, Director, Cornford-Scott Lawyers, Brisbane

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: The Small Business CGT Concessions as an Estate Planning Tool: An Underutilised Advantage

CGT rollover relief options are often the first port of call when restructuring as part of an estate plan — but the small business CGT concessions deserve a place at the table too. This session shows why they can deliver equal, and sometimes greater, benefits when applied in the right circumstances, including:

- Road testing the small business CGT concessions against other CGT rollover relief options when the estate plan includes:
  - restructuring from an individual to a company
  - restructuring from a company to a trust and vice versa
- How the small business CGT concessions interact with:
  - deceased estates
  - testamentary trusts
- The implications on death if the small business CGT replacement asset rollover previously applied is still within the replacement period
- Pros and cons of selling business assets versus shares or units in an entity when considering the small business CGT concessions as part of an estate plan
- How the CGT lifetime cap can be utilised as part of the estate plan to beef up a superannuation balance
- Pros and cons of planning to apply the small business CGT concessions pre or post death
- Case study

Speaker: Andrea Carrick, Director, SMSF Specialist Advisor, AG Tax Lawyers, Melbourne, Vic

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

DAY 1 - TUESDAY 9 FEBRUARY 2027

11.30am - 12.15pm

Session 3: Who Really Inherits Control? The Tax Traps in Company and Trust Succession

It often comes as a surprise to willmakers that the assets held within structures they control cannot simply be left to others via their will — it is the passing of control over those entities that matters. This session examines the tax implications that can arise when control is transferred, including:

- The tax issues to consider when changing control of private companies or trusts pre- or post-death
- How proposed changes of official positions of private companies and trusts are documented when the change is to occur on death
- How adverse tax consequences can arise in practice when the passing of control of private companies and trusts occurs
- The tax implications that can arise if a non-resident replaces a matriarch or patriarch as:
  - an appointor of a discretionary trust
  - a director or shareholder of a trustee company or a private trading or investment company
- When the ATO considers that a resettlement of a trust has occurred, and the tax consequences that can apply if it does
- Strategies and tips for addressing the change of control of private companies and trusts as part of an estate plan
- Practical examples.

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

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.25pm Luncheon

Afternoon Theme: Protecting the Tax Position

1.25 - 2.10pm

Session 4: Division 296: The Estate Planning Decisions Still to Lock in Before 30 June

Division 296 is no longer a proposal to prepare for — it's been law since 1 July 2026, and the first measurement year closes on 30 June 2027, just months after this conference. For clients with balances above $3 million, the window to act on transitional-year decisions is closing fast. This session moves past the mechanics and focuses squarely on what still needs to be locked in, including:

- A practitioner-level refresher on the final legislation — thresholds, indexation, and how the transitional 2026–27 measurement year works
- The one-off Division 296 cost base reset:
  - When and why a client would opt in
  - The practical deadline pressure — what happens if the decision isn't made before 30 June 2027
- How Division 296 applies to superannuation death benefits, and where estate plans drafted before the tax passed may now produce unintended outcomes
- Managing unintended Division 296 outcomes in a deceased estate, and executor liability for the tax
- How Division 296 is reshaping the use of reversionary pensions in estate planning
- Practical examples working through the transitional-year test and the decisions that flow from it

Speaker: Phil Broderick, Principal, Sladen Legal, Melbourne, Vic.

2.10 - 2.20pm Panel Comments and Questions

DAY 1 - TUESDAY 9 FEBRUARY 2027

2.20 - 3.05pm

Session 5: Pre-CGT Assets in the Estate Plan: Handle with Care

Assets acquired before 20 September 1985 have long been a valuable part of an estate plan, but the CGT reforms have changed that. From 1 July 2027, gains on pre-CGT assets are taxed as they accrue, so pre-CGT status now protects only the gain built up before that date. The existing traps that can inadvertently convert a pre-CGT asset to post-CGT status still matter, and recent case law has added new angles to watch. This session explains why pre-CGT assets require special attention in the estate planning process, including:

- How the CGT reforms affect pre-CGT assets: what remains protected, what's taxed from 1 July 2027, and which clients need a valuation before then
- Estate planning tax considerations involving the pre-CGT family home and a pre-CGT investment property
- Can land be a pre-CGT asset while what's built on it is a post-CGT asset? (Brisbane Club v Commissioner of Taxation [2026] FCA 220)
- How ownership in a pre-CGT asset can inadvertently change to post-CGT status (Division 149 ITAA 1936; CGT event K6) when the asset-owning entity is:
  - a company
  - a unit trust
  - a discretionary trust (XLZH and FCT [2025] ARTA 2154; IT 2340)
  - a partnership (IT 2540)
- Tax implications for an inheritance from a non-resident deceased estate that involves pre-CGT assets (TD 2024/9)
- Tax implications to consider if the estate plan involves restructuring an entity that owns a pre-CGT asset, and how the CGT reforms and the minimum tax on discretionary trusts change the cost-benefit of restructuring pre- versus post-death
- Strategies for tax-effective estate planning involving pre-CGT assets
- Practical examples

Speaker: Andy Milidoni, Partner - Tax & Private Advisory, Mills Oakley, Sydney, NSW

3.05 - 3.15pm Panel Comments and Questions

3.15 - 3.35pm Networking Break and Afternoon Tea

3.35 - 4.20pm

Session 6: The Main Residence in the Estate Plan: CGT Exemption or CGT Exposure?

A capital gain or loss from a dwelling can generally be disregarded where it was the owner's main residence for the entire period of ownership — but that rule gets complicated fast once the dwelling forms part of a deceased estate, and the ATO's draft position on "right to occupy" clauses has raised the stakes further. This session covers both the established rules and the live reform, including:

- The conditions that need to be satisfied for a dwelling to retain its main residence exemption after the owner's death
- CGT implications if the dwelling becomes income-producing post-death
- How to determine the CGT cost base for a dwelling used as the deceased's main residence
- How the CGT rules apply where the land exceeds two hectares, or the deceased had moved from the main residence into a granny flat on the property
- Tax issues where the dwelling passes to a testamentary trust
- Draft Determination TD 2026/D1 and the ATO's view that a "right to occupy" must be expressly granted to a specifically named individual in the will — where the determination currently stands on the path to finalisation, and what a trustee's discretion versus an express grant means for the exemption
- How wills involving discretionary trustee powers, or deeds of arrangement varying who may occupy a property, affect the CGT outcome
- Tips to plan for minimising CGT on the sale of a main residence post-death (incl. PCG 2019/5)
- Practical examples

Speaker: Lauren Howes, Special Counsel, AccS(Wills&Estates), Turner Freeman Lawyers, Wollongong, NSW

4.20 - 4.30pm Panel Comments and Questions

DAY 2 - WEDNESDAY 10 FEB 2027

Theme: When the Plan Meets Reality
Chair: Jennifer Dixon

Practice Leader, AccS(Wills&Estates), Moores, Hawthorn, Vic

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 7: When a Client Dies: Navigating the ATO's Requirements

When a client dies, all authorised representations for dealing with the ATO on their behalf immediately cease. So who steps in, what are their obligations, how is the transition managed, and what hurdles lie ahead? This session opens Day 2 by answering those questions, including:

- The ATO's checklist for what to do on the death of a client
- Who can obtain the deceased's information from the ATO if there is a will, there is no will, or an application for probate or letters of administration hasn't been made
- How tax agents and legal practitioners can gain access to a deceased person's tax and super information from the ATO
- The ATO's views on who is liable for the tax debts of a deceased person when probate or letters of administration have or haven't been obtained (incl. PCG 2018/4; Subdiv 260-E ITAA 1953)
- The obligations to the ATO if unreported income is uncovered in pre-death lodgements, or the deceased had outstanding lodgement obligations prior to death
- How to obtain franking credit refunds subsequent to the death of a client
- How ATO amendment time limits can impact the finalising of a deceased estate

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

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 8: Family Trust Distributions Tax: Can Death Trigger a Bill Nobody Saw Coming?

Family Trust Distributions Tax has been an active ATO focus area — and death is proving to be a trigger many practitioners don't see until it's too late. This session examines the risk and what estate planners need to know, including:

- Case studies exploring common estate planning tactics that may inadvertently expose the plan to future FTDT
- Can testamentary trusts be at risk of FTDT applying?
- Tax issues where a deceased estate becomes a beneficiary of a discretionary trust that's previously made a family trust election, or becomes the holder of shares in a company with a prior interposed entity election
- Pros, cons and tips for establishing new entities pre- and post-death of a family member nominated as the test individual
- When and how estate plans that have inadvertently created FTDT exposure can be rectified
- Tips for ensuring family trust and interposed entity elections achieve the desired tax outcome rather than an unintended FTDT one
- ATO relief options when FTDT is triggered
- Managing executor risk and the unlimited FTDT amendment period

Speaker: Linda Tapiolas, Partner, Cooper Grace Ward, Brisbane

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2 - WEDNESDAY 10 FEB 2027

11.15 - 12.00pm

Session 9: Division 7A after Bendel: Loans, UPEs and the Estate Planning Traps that Remain

Commissioner of Taxation v Bendel [2026] HCA 18 confirmed that an unpaid present entitlement is not, of itself, a Division 7A loan if the corporate beneficiary takes no action on it. Subdivision EA and section 100A remain live, however, and the legal character of each UPE now turns on the trust deed, the wording of the resolution and the trustee's conduct. This session considers how to identify, characterise and deal with loans and UPEs before and after death, including:

- What Bendel decided and what it did not, the ATO's decision impact statement, and the risks that survive it (Subdivisions EA and EB, and section 100A)
- Debt or equitable entitlement: characterising UPEs after Bendel and Fischer v Nemeske, and why the distinction matters
- Reviewing legacy UPE and sub-trust arrangements built to comply with the ATO's pre-Bendel position
- Executor obligations where the estate includes a fully compliant loan under section 109N of the ITAA 1936
- Is a company forgiving a deceased shareholder's loan before probate a tax-effective strategy or an ineffective one?
- The CGT consequences of releasing, assigning or passing UPEs and loans under the will
- Common issues where existing loans and UPEs trip up an otherwise sound estate plan, including asset protection, and strategies to tidy them up before death
- Section 100A in testamentary trusts, distributions to adult beneficiaries and the unlimited review period

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

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 12.55pm

Session 10: Super Death Benefits: Finding the Most Tax Effective Strategy

The tax treatment of superannuation death benefits varies significantly depending on who receives them and how. This session closes the conference by examining the range of alternatives and the tax implications of each, including:

- The various ways superannuation death benefits can be taxed
- The pros and cons of a death benefit being paid directly to individual beneficiaries versus a deceased estate
- How planning for certainty (binding death benefit nominations) versus flexibility can alter the tax outcome
- Can an executor voluntarily quarantine a super death benefit separate to the rest of the estate?
- How life insurance proceeds added to a member's balance after death affect the tax calculation
- How Division 296's transitional-year measurement sharpens the pre-death withdrawal decision
- Case studies exploring tax-effective strategies for a member's death benefit where the member was a parent of a young family, a single parent with adult children, or in a second marriage involving a blended family

Speaker: Peter Crump, Senior Consultant, BDO, Adelaide, SA

12.55 - 1.05pm Panel Comments and Questions

1.05pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks (both days) and lunch on day 1 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: 9 CPD units/points (substantive law).

Accountants: 9 CPD hours.

CPD Certificate

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

The Conference Venue

Melbourne Marriott Hotel
Corner Exhibition &, Lonsdale St, Melbourne VIC 3000

Delegate Accommodation Rate at the Melbourne Marriott

The Marriott are offering conference attendees **10% off** their best available rates at the time of booking.

Please call **(03) 9660 1128** to book your room and identify yourself as an attendee of this event, or you can book online using the CODE – RALT

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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1. In these terms,
    a. "TEN" means The Education Network Pty Ltd t/as The Education Network.
    b. "you" means the person who has registered to attend or the person or persons who attend(s) the conference (if different from the person registered)
    c. "conference" means the live face to face or live or recorded online educational event or which you have registered (by whatever name called and includes conferences, masterclasses, webinars and webinar series).
    d. "live conference" means a conference other than a recorded conference.
    e. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
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General – all conferences

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    a. State or national border closures
    b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
    c. The inability or refusal of one or more presenters or TEN team members to attend the conference to present
    d. In its opinion, it is unsafe to hold the conference face to face for any reason.
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7. If TEN converts the conference from face to face to online or postpones the conference and as a result you are not able to attend you will be entitled to a full refund of registration fee paid or a credit equal to that fee to use for a future purchase of a TEN product.

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Cancellation by You – all conferences

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    a. If notice of cancellation is actually received by TEN more than 10 days before the first day on which the conference is to be held you will receive a full refund.
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Governing Law – all conferences

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Please register me for the **Second Annual Death and Taxes Conference – a 1.5-day conference** to be held in Melbourne on Thursday 9 & Friday 10 February 2027.

Delegates have 2 options for attending the conference – both cost the same.

[ ] **Registration type 1**: Attend in person [code: MDTFEB27]
[ ] **Registration type 2**: Attend online [code: MDTFEB27LO]
[ ] **Early Bird Registration** – for registrations made on or before 18 December 2026 – **$1826** ($1660 + $166 GST)
[ ] **Discount Registration** – for registrations made on or before 22 January 2027 – **$1958** ($1780 + $1778 GST)
[ ] **Full Price Registration** – **$2134** ($1940+ $194 GST)

Multiple registration discount? Discounts are available for multiple registrations: The more you send, the greater the discount. Please contact our Head of Events, Jenna Pickrell, to organise your registrations.
jenna@tved.net.au or phone (03) 8601 7729.

- 3 registrations – **5% discount** for each delegate
- If you register 4 people at the same time you are entitled to a **10% discount** for each delegate
- If you register 5 people or more people at the same time you are entitled to a **15% discount** for each delegate.

One-day only? We do accept bookings for attending one day only (either day 1 or day 2). To organise a one-day booking, please contact Jenna (details above).

Conference Papers : The papers from this conference will be available in electronic format approximately 1 week after the conference has been held. You can pre-order the papers now online via our website at www.tved.net.au.
The papers are **$198** ($180 + $18 GST) (code: E/PMDTFEB27).

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