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REGISTRATION OPTIONS
FACE TO FACE OR ONLINE

21ST ANNUAL ESTATE PLANNING CONFERENCE

- 30% and Counting: Discretionary Trusts Under the New Tax Regime
- From Trust To Company: The Estate Planning Risks of Restructuring
- The ATO's New Test for the Main Residence Exemption
- Getting Assets into the Testamentary Trust
- Absolute Discretion, Real Limits: When Courts Remove Trustees
- Protecting Family Businesses from Proprietary Estoppel
- Estate Planning Around the Hotchpot Trap
- Family Loans, Family Trusts and the Property Pool
- Protecting Both Families: A Structuring Toolkit for Blended Families
- Whose Plan Is It Anyway? Capacity, Influence and the Ageing Client
- Division 296 and the Perils of Having "Too Much" Super
- Death Benefit Nominations, Trustee Discretion and Control

A Two-day Conference
Thursday 11 and Friday 12 March 2027

Crown, Melbourne

Feedback from last year's conference:

Last year's conference scored an overall satisfaction rate of 4.9 out of 5!

> The presenters clearly have an in-depth knowledge of the area. They were engaging and interactive. The venue and lunch were also great - thank you.

> Well organised with a range of excellent speakers and topics.

> Extremely knowledgeable speakers and content is highly relevant to everyday practice.

> Content was very relevant and very cohesive. Presenters were all good.

The Education Network
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DAY 1 - THURSDAY 11 MARCH 2027

CHAIR - AM: GREG RUSSO, ACCS(WILLS&ESTATES), PRINCIPAL SOLICITOR, GREG RUSSO LAW, MELBOURNE, VIC.

Morning Theme: Trust and Tax Reform - Now for the Strategy

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: 30% and Counting: Discretionary Trusts Under the New Tax Regime

Discretionary trusts have long been the default structure for Australian estate and family wealth planning - but the 2026 Budget's 30% minimum tax changes that calculus. This session unpacks the mechanics of the new regime and what it means in practice for existing and future structures, including:

- How the 30% trustee-level minimum tax interacts with existing beneficiary tax rates
- Which trusts and income categories are carved out of the new regime
- The scope and limits of the testamentary trust exclusion following the June 2026 clarifications
- The three-year rollover relief window, and what to weigh before restructuring out of a discretionary trust
- The election to stay outside the regime by fixing distributions to nominated beneficiaries, and how to caveat advice while the legislation settles
- How to prepare: reviewing wills, trust deeds and structures ahead of the 1 July 2028 start date
- Worked examples

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

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: From Trust To Company: The Estate Planning Risks of Restructuring

The new 30% trust tax floor is pushing many advisers to move clients out of discretionary trusts and into corporate structures, but that shift changes succession planning fundamentally and not always for the better. This session looks at what corporatising control means for estate planning, including:

- Why the new minimum tax makes a company structure comparatively more attractive for some clients from 1 July 2028.
- The fundamental shift from a discretionary trust asset to company shares.
- How control of a corporate trustee passes through shareholding and directorship rather than appointor and trustee roles.
- Why a will needs to deal expressly with company constitutions, shareholders agreements and director appointment rights.
- The risk of an unintended single controlling shareholder or director arising during estate administration.
- Practical tips for reviewing wills and corporate documents together before undertaking a restructure
- Worked examples

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

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

DAY 1 - THURSDAY 11 MARCH 2027

11.30am - 12.15pm

Session 3: Named or Nothing: The ATO's New Test for the Main Residence Exemption in Testamentary Trusts

Following the ATO's draft position in TD 2026/D1 on what counts as a right to occupy under a deceased's will, the drafting of a will can now decide whether a family pays capital gains tax on the family home. This session sets out the ATO's draft test and the drafting response it demands:

- The ATO's draft position that a right to occupy must be expressly granted to a named individual in the will itself
- Why trustee discretion under a testamentary trust deed, even one annexed to the will, may not satisfy the test
- The profession's pushback, including the Law Council's view that testamentary trust rights should be treated as arising under the will
- The related and unresolved questions around life interests, rights to reside, and who bears outgoings on a retained property
- Drafting responses available to preserve the exemption while the determination remains unsettled
- Tips for auditing existing wills and trust deeds for exposure to this issue
- Case studies

Speaker: Carla Parsons, Director, Parsons Law, Gold Coast, Qld

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.10pm

Session 4: Beyond the Will: Getting Assets into the Testamentary Trust

With testamentary trusts now the clear tax winner under the 30% minimum tax regime, the real planning problem isn't drafting the TT - it's getting assets into it. Most client wealth sits in an existing family discretionary trust, which a will has no power to redirect on death. This session works through the practical mechanisms for maximising what a testamentary trust actually captures, including:

- Why a will cannot touch assets held in a family discretionary trust, and why "just leave it to the testamentary trust" is not a plan
- Using appointor succession and trust deed vesting to bring an existing discretionary trust's assets under testamentary control at the right moment
- Loan-back and unpaid present entitlement strategies: converting trust equity into a debt owed to the individual, so it forms part of the estate at death
- Staged distributions and pre-death restructuring to shift value out of the 30%-taxed trust and into the individual's own estate before death
- The CGT and duty cost of each pathway, and when the tax cost of getting assets out outweighs the benefit of the TT exclusion
- Sequencing risk: why restructuring too close to death invites the minimum tax's specific anti-avoidance rules, Part IVA and family provision scrutiny, and how to plan the sequence years in advance
- A practical triage framework for identifying which clients have enough at stake in the 30% tax reform to justify restructuring at all
- Case studies

Speaker: Rachael Rofe, Principal & Founder, Rofe & Co, Sydney, NSW

1.10 - 1.20pm Panel Comments and Questions

1.20 - 2.15pm Luncheon

DAY 1 - THURSDAY 11 MARCH 2027

CHAIR - PM: TO BE ADVISED

AFTERNOON THEME: ESTATE PLANNING UNDER CHALLENGE: TRUSTS, PROMISES AND DISPUTES

2.15 - 3.00pm

Session 5: Absolute Discretion, Real Limits: When Courts Remove Trustees

Trustees of discretionary and testamentary trusts are increasingly being removed by the courts for failing to properly turn their mind to the interests of all beneficiaries - and a string of recent decisions shows courts are willing to act on it, even where the trustee's failure wasn't deliberate. This session addresses when a trustee's discretion can be successfully challenged, including:

- The duty to give real and genuine consideration to all beneficiaries before exercising a discretionary power
- What Owies v JJE Nominees established about enquiry, even handedness and repeated distribution patterns - and why this Victorian decision has become the national reference point for the duty
- How Caserta v Panfina Nominees applied Owies this year to remove a trustee who genuinely - if wrongly - believed certain beneficiaries had given up their interest, and why a sincerely held misconception was no defence
- Why poor record-keeping and years of late tax lodgement compounded the case for removal in Caserta, even though neither failure would have been enough on its own
- How Smith v Kennedy, a Queensland Supreme Court decision, illustrates the same underlying principle in a different form: a trustee removed for over-prioritising capital preservation over a minor beneficiary's actual welfare
- Queensland's move to go further than the general law: the Trusts Act 2025 (Qld) now codifies trustee duties in statute, a step no other state has taken - and what that could signal for where trust law is heading nationally

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

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: The Promise Problem: Protecting Family Businesses from Proprietary Estoppel

Every family business or farm succession plan involves informal promises made long before any formal document - and Kramer v Stone confirms just how far a verbal promise can reach, even against a later, contradicting will. This session moves past the doctrine to the planning discipline that prevents it becoming a claim, including:

- Why informal succession promises are a structural risk in family businesses and farms specifically, where children are routinely asked to commit years of underpaid labour on the strength of an understanding rather than a document
- What Kramer v Stone confirms about how far that exposure runs: a verbal promise can be enforced by a court even where it contradicts the will actually signed
- Why Bushell v George shows the exposure has limits - vague or casual statements don't create a claim, and detriment must be shown to flow from the promise itself, not from choices a child would have made anyway
- Building succession commitments into a document at the time they're made - partnership agreements, deeds of family arrangement, or documented remuneration structures that replace the informal promise with an enforceable one
- Structuring intergenerational transitions (staged equity, buy-sell agreements, documented sweat equity) so the eventual outcome doesn't depend on reconstructing an old conversation
- Reviewing and formally updating succession intentions whenever family circumstances or the will change, so no one is relying on a promise the current plan has quietly abandoned
- A practical checklist for identifying which clients are carrying this exposure right now, and how to convert an informal promise into a documented one before it becomes a dispute

Speaker: Bryan Mitchell, Principal, Mitchells Solicitors, Accredited Specialist (Succession Law), Brisbane, Qld

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

4.25 - 5.10pm

Session 7: Fair on Paper, Litigated in Practice: Estate Planning Around the Hotchpot Trap

Clauses designed to keep things equal among siblings routinely end up doing the opposite, and the Court of Appeal's decision in Tanner v Tanner is the latest reminder why. This session looks at why these clauses so often end up in court and what estate planners can do to effectively build fairness into an estate plan, including:

- Why Tanner v Tanner is the latest in a long pattern of hotchpot and equalisation clauses generating litigation rather than preventing it
- The structural weakness in hotchpot clauses: they try to value and account for lifetime gifts retrospectively, long after records, intentions and asset forms have changed
- Alternatives that achieve the same fairness goal prospectively - documented loan agreements, contemporaneous deeds of gift, and life interest or unequal-but-explained distributions
- Using testamentary trusts and staged distributions to separate control from entitlement, rather than trying to equalise a lump sum at death
- How to record lifetime advances at the time they're made, so intention doesn't depend on reconstructing it decades later
- When equalisation is worth attempting at all, and when a clear, unequal, well-explained will is the safer planning choice
- Practical drafting checklist for advisers building an estate plan for clients who want to treat their children equally

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

5.10 - 5.20pm Panel Comments and Questions

DAY 2 - FRIDAY 12 MARCH 2027

CHAIR – AM: TO BE ADVISED

Morning Theme: Family Dynamics Shaping the Estate Plan

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 8: Collision Course: Family Loans, Family Trusts and the Property Pool

Money and structures put in place for estate planning purposes routinely resurface in a family law property settlement, and a recent appellate decision shows exactly how a related-party loan can be excluded from the asset pool altogether. This session unpacks Han & Han and the broader interaction between family law and estate planning, including:

- How the court in Han & Han treated a $4.66 million related-party loan, and why nearly two decades of inaction on enforcement meant it didn't behave like a genuine commercial debt
- Why a loan that looks formally documented - security, a charging clause, a caveat - can still be excluded if it doesn't behave like a real debt in practice
- Separately, when a party's practical control over a discretionary trust can bring its assets into the property pool, under the established line of authority on trust control in family law
- The contrasting position where a beneficiary has no real control over a trustee's discretion, and why that distinction matters
- What good practice looks like when structuring family loans and trust arrangements to withstand scrutiny in a later property settlement
- Case study examples

Speaker: Laura Hanrahan, Partner, Hall & Wilcox, Brisbane, Qld

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Protecting Both Families: A Structuring Toolkit for Blended Family Estate Plans

Blended families face a structural risk that simple estate planning doesn't solve: a mirror will leaves the surviving spouse completely free to disinherit the deceased's own children once the first partner dies. This session works through the drafting toolkit available to prevent that outcome, comparing what each option actually locks in, including:

- Why mirror wills - the default advisers reach for first - offer no real protection once the first partner dies, and why clients often don't realise this
- Mutual will agreements: how they create a binding, contractually enforceable constraint on the survivor, and the practical downsides of that rigidity for a surviving spouse who needs flexibility
- Softer alternatives - life interests, rights to reside, and testamentary trusts that preserve capital for children while still providing for a spouse - and when each fits better than a full mutual will
- Aligning asset ownership structure and binding death benefit nominations with whichever plan is chosen, so the mechanics don't undercut the intention
- The effect of marriage and remarriage on automatically revoking an existing will, and why this catches blended family clients more often than others
- A decision framework for matching the right structure to a blended family's actual circumstances - assets, ages, existing children, and how much flexibility the surviving spouse genuinely needs.

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

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2 - FRIDAY 12 MARCH 2027

11.15am - 12.00pm

Session 10: Whose Plan Is It Anyway? Capacity, Influence and the Ageing Client

As clients age, estate planning increasingly involves more than the will. Gifts and asset transfers, changes to trusts and companies, succession of control and other lifetime arrangements can fundamentally reshape where wealth ultimately ends up. But where family members are closely involved, advisers need to be alert to whether the plan genuinely reflects the client's wishes. This session examines the risks that arise when capacity, influence and family involvement intersect with estate planning, including:

- Distinguishing impaired decision-making capacity, undue influence and unconscionable dealing, and why the differences matter when advising on an estate plan
- Recognising warning signs that a proposed transaction or change in structure may not reflect the client's independent wishes
- Managing family involvement in meetings and instructions, including when advisers should insist on speaking with the client alone
- Why the person exerting influence and the person who ultimately benefits may not be the same
- Identifying higher-risk transactions, including substantial gifts, asset transfers and changes to control of trusts and companies
- The respective roles of lawyers, accountants and other advisers when concerns about capacity or influence emerge
- Building a defensible advisory record through contemporaneous file notes, appropriate medical assessment and clear documentation of the client's rationale

Speaker: Paul Evans, Special Counsel, Bridges Lawyers, Sydney, NSW

12.00 - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

CHAIR – PM: TO BE ADVISED

Afternoon Theme: Superannuation

1.10 - 1.55pm

Session 11: Taxing The Estate: Division 296 And The Perils Of Having "Too Much" Super

Division 296 tax is now law and introduces a personal tax liability on large superannuation balances that can land on an executor's desk months after probate has been granted. This session works through how the tax operates and the issues it creates for estate administration, including:

- How the $3 million and $10 million thresholds and the additional tax rates apply to an individual's total superannuation balance
- The special rule that deems a deceased member's balance at the end of their year of death, and what that means for the final assessment
- Why a division 296 assessment can arrive well after an estate has been distributed, and the personal liability risk this creates for executors
- The mismatch that arises where a death benefit is paid outside the estate, but the tax liability falls on the estate
- How life insurance proceeds paid through superannuation can trigger unexpected liability
- What to think about when building division 296 exposure into death benefit nominations, estate liquidity planning and executor instructions

Speaker: to be advised

1.55 - 2.05pm Panel Comments and Questions

DAY 2 - FRIDAY 12 MARCH 2027

2.05 - 2.50pm

Session 12: Who Gets the Super? Death Benefit Nominations, Trustee Discretion and Control

Superannuation does not automatically follow a will, and where a binding death benefit nomination is absent, invalid or ineffective, control of the fund and the exercise of trustee discretion can determine who ultimately receives the benefit. This session examines how to build superannuation into the estate plan and what happens when the nomination does not determine the outcome, including:

- The difference between binding and non-binding death benefit nominations, and when each will determine how a death benefit is paid
- Common defects that can invalidate or undermine a binding death benefit nomination
- Who controls an SMSF following a member's death, and why control of the trustee can become critical where there is no effective binding nomination
- Who can receive a death benefit and the factors relevant to a trustee exercising discretion between competing potential beneficiaries
- Whether, and to what extent, a trustee can prefer their own interests where there is no valid binding nomination
- When a trustee's death benefit decision may be challenged, and the importance of properly documenting the decision-making process
- Case study exploring how to align the will, death benefit nomination and control of the SMSF, so they operate as one estate plan

Speaker: Nathan Yii, Principal Lawyer, Chartered Tax Advisor and SMSF Specialist Advisor - Nathan Yii Lawyers, Melbourne, Vic.

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 **The Education Network – Crown Towers**
Metropol **The Education Network – Crown Metropoll**
Promenade **The Education Network – Crown Promenade**

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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    d. "live conference" means a conference other than a recorded conference.
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General – all conferences

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    b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
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Please register me for **21st Annual Estate Planning Conference –** a 2-day conference to be held at the Gold Coast on Thursday 11 & Friday 12 March 2027.

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

[ ] **Registration type 1**: Attend in person [code: MEPMAR27]

[ ] **Registration type 2**: Attend online [code: MEPMAR27LO]

[ ] **Early Bird Registration** – for registrations made on or before 18 December 2026 – **$2178** ($1980 + $198 GST)

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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/PMEPMAR27].

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