



TRAINING SERIES

# Estate Planning Toolkit

Converting estate planning into best practice

**Session 1 & 2**  
Sydney - 17 September 2008  
Brisbane - 22 October 2008

**Session 3**  
Sydney - 8 October 2008  
Brisbane - 12 November 2008



## Key benefits

- Exclusive access to the **latest precedent template** designed by *MOORES LEGAL* document templates
- Incorporate the new **superannuation legislation changes**
- Put into practice the latest **changes to legislation in succession law**
- Untangle **superannuation fund benefits** to ensure the right asset ends up with the right people
- Unlock **preparation techniques** for a successful plan
- **Workshop** key issues with your peers
- Discover the **latest tools and techniques**

16 CPD/  
CLE Points

NEW  
practical &  
intensive  
sessions!

## Expert facilitators include:

Allan Swan, Estate Planning,  
Superannuation and Structuring  
Principal, MOORES LEGAL,  
Principal of its associated  
training arm MOORES TRAINING

Suhanya Ponniah, Estate Planning,  
Superannuation and Structuring  
Lawyer, MOORES LEGAL

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Professional Development



# Estate Planning Toolkit

## Intensive skills and practical training session

### Session 1: The Essentials of Successful Estate Planning Preparation

#### Session outline

The aim of this session is to equip practitioners with an understanding and the ability to apply knowledge, skills and behaviours required to successfully advise clients in the area of estate planning by incorporating the new changes to superannuation legislation and the latest trends. Successful planning is achieved by encompassing the entirety of the estate and considering all familial circumstances.

#### Key benefits

By the completion of the session, participants will be able to identify key issues and trends and apply the knowledge to provide advice and build wealth plans that exceed client expectations.

#### Who should attend

This session is ideal for estate planners, wills & probate lawyers, financial planners, accountants and fund managers looking to grow their practice through superior service offering. The session is also suitable for professionals looking to establish an estate planning business.

#### Learning outcomes

Key learning outcomes	Session content
Examining key asset types to establish clear ownership guidelines	<ul style="list-style-type: none"> <li>• Superannuation (account balance v defined benefits)</li> <li>• Family/hybrid trust</li> <li>• Joint tenancies</li> <li>• Personal assets</li> <li>• Examining the consequences of ownership</li> </ul>
Establishing key planning issues to protect beneficiaries against bankruptcy	<ul style="list-style-type: none"> <li>• Guarding against beneficiaries' relationship breakdowns</li> <li>• Providing for both a surviving spouse and children</li> <li>• Protecting against vulnerability of a beneficiary</li> <li>• Bankruptcy – avoiding leaving assets to a beneficiary's creditors</li> <li>• Income tax minimisation</li> <li>• CGT, State duty and land tax</li> <li>• Means tested pension eligibility</li> </ul>
Describing complexities of CGT and Stamp Duty affecting superannuation death benefits to establish greater control of asset allocation	<ul style="list-style-type: none"> <li>• Estate planning and family/hybrid trusts</li> <li>• Problems with 2nd generation family/hybrid trusts</li> <li>• Vesting a trust – CGT and state duty considerations</li> <li>• Sharing control between family members – difficulty in controlling via will</li> <li>• Cloning or splitting a trust</li> <li>• Family trust elections for 2nd generation family trusts</li> </ul>
Establishing key attributes in wills and testamentary trusts by exploring taxation, geared assets, pensions, types of trusts and flexible interest based options	<ul style="list-style-type: none"> <li>• Adjustment clauses</li> <li>• "Tax" and "non-tax" dependants</li> <li>• Dependants choosing to take pensions</li> <li>• Unallocated reserves in self managed superannuation funds</li> <li>• Geared assets – preserving or substituting the gearing</li> <li>• Menu of options for different types of testamentary trusts</li> <li>• Executor and beneficiary controlled testamentary trusts</li> <li>• Special disability v all needs protective trusts</li> <li>• Fixed, fully flexible and partly flexible life interests</li> </ul>
Assessing beneficiaries' rights in different types of trusts	<ul style="list-style-type: none"> <li>• Special disability trusts – care and accommodation</li> <li>• Pensions and annuities</li> <li>• Child death benefits pensions – cashing rules</li> <li>• Capital protected trusts</li> <li>• Splitting income with dependants</li> </ul>
Grappling complexities of means tested pensions – a detailed examination of eligibility attributes	<ul style="list-style-type: none"> <li>• Source/deprivation/control</li> <li>• Potential benefit, e.g. of and from companies and trusts</li> </ul>

17 September - Sydney

22 October - Brisbane

8.45am	Registration
9.00am	Start
10.30-10.45am	Session break
12.30pm	End of session

Session one continued...

Establishing income tax concessions on beneficiary benefits	<ul style="list-style-type: none"> <li>• Criteria for excepted income for beneficiaries under 18</li> <li>• Accumulation of deceased estate income during initial administration</li> <li>• When and when not to pay superannuation to an estate</li> <li>• Superannuation death benefits received by an estate</li> </ul>
Untangling Capital Gains Tax (CGT)	<ul style="list-style-type: none"> <li>• Preserving main residence exemption</li> <li>• Discounts, e.g. 50% for individuals and trusts</li> <li>• Preserving small business CGT concession eligibility</li> <li>• Fixed, defeasible &amp; contingent testamentary trusts</li> <li>• Capital gains taxed as income</li> <li>• Company profits</li> <li>• Special rules for deceased estates and testamentary trusts</li> </ul>
Unlocking enduring powers of attorney rights	<ul style="list-style-type: none"> <li>• An extensive look at enduring powers of attorney, options, rights and obligations</li> </ul>
Analysing charitable trusts to establish foundations for supporting causes dearest to you	<ul style="list-style-type: none"> <li>• Prescribed private funds – deductible and exempt</li> <li>• Australian charitable trusts – exempt, but not deductible</li> <li>• Specific purpose deductible gift recipients</li> <li>• Prescribed exempt</li> <li>• World-wide – exempt only on Australian distributions</li> </ul>

## Session 2: Untangling Superannuation Fund Benefits – A Critical Estate Planning Issue

### Session outline

The aim of the session is to equip practitioners with an understanding of, and the ability to apply the latest changes to superannuation legislation in practice and incorporate the law, tax treatment and develop strategies for an effective income stream for beneficiaries.

### Key benefits

By the completion of this session, participants will be able to successfully advise on and develop an effective income stream plan by incorporating the latest changes to superannuation legislation and examine all tax implications for an effective transfer of wealth.

### Who should attend

This session is ideal for estate planners, wills & probate lawyers, financial planners, accountants and fund managers responsible for advising on all available means to direct and protect the value of client assets, through extensive analysis of methods to successfully transfer assets and deliver benefits to intended recipients while avoiding unnecessary tax implications.

### Learning outcomes

Key learning outcomes	Session content
Examining income streams	<ul style="list-style-type: none"> <li>• Account based pensions</li> <li>• Life office annuity funded pensions</li> <li>• Lifetime pensions/annuities (from 50+ member funds and life offices)</li> <li>• Maximising the tax free component</li> </ul>
Preparing expert advice by unlocking superannuation and insurance income streams	<ul style="list-style-type: none"> <li>• AFS licence requirements</li> <li>• Limitations on exceptions for accountants, lawyers and generic advice</li> </ul>
Part 1 – Protecting assets on time by establishing bankruptcy clawback powers	<ul style="list-style-type: none"> <li>• 3 definitions of “dependants”</li> <li>• Status of adult children in the 3 definitions</li> <li>• Definition of dependants – “financial” and “interdependent”</li> <li>• Lump sum payments to dependants</li> </ul>
Part 2 – Establishing super payment options – an extensive review of all benefits, their tax treatment and making sure the right asset ends up with the right people!	<ul style="list-style-type: none"> <li>• Refunds of contributions tax</li> <li>• Lump sum payments to deceased estates</li> <li>• Use of pensions and annuities for surviving spouse and other adults</li> <li>• Review importance of adjustment (equalisation) clauses in wills</li> <li>• Protecting death benefits from subsequent relationships</li> <li>• Impact on means tested pension eligibility</li> <li>• Spendthrift and vulnerable beneficiaries</li> </ul>

17 September - Sydney  
22 October - Brisbane

1.15pm Registration  
1.30pm Start  
3.00-3.15pm Session break  
5.00pm End of session

# Planning and put them in practice

Session two continued...

Identifying death benefit pension options in view of recent changes to legislation	<ul style="list-style-type: none"> <li>• Death benefit pensions (where permitted)</li> <li>• Adult v child pensions</li> <li>• Reversionary v non-reversionary</li> <li>• Death benefit lump sums</li> </ul>
Preparing expert advice by differentiating benefits in life insurance & superannuation	<ul style="list-style-type: none"> <li>• Death only &amp; total and permanent disability cover</li> <li>• Deductibility of premiums</li> <li>• Role for business insurance, e.g. equity and debt clearance insurance</li> <li>• 31.5% income tax on lump sum payments to non-dependants</li> </ul>
Generating excepted income for minor dependants by exploring child pensions and annuities	<ul style="list-style-type: none"> <li>• Commutable v non-commutable</li> <li>• 15% income tax offset + excepted income concessions</li> <li>• Compulsory cashing of most child pensions at age 25 years</li> <li>• Special rules for permanent incapacity</li> <li>• Impact of conversion of capital into income</li> <li>• Comparison with the various death benefits trusts</li> </ul>
Managing client expectations when investing in non-self managed funds	<ul style="list-style-type: none"> <li>• "Advisory" nominations</li> <li>• Extent of trustee's discretion</li> <li>• Superannuation Complaints Tribunal</li> <li>• S59 binding nominations – advantages and pitfalls</li> <li>• Renewing binding nominations if there is a loss of capacity</li> <li>• Express confirmation powers in financial EPAs</li> </ul>
Managing client expectations when investing in self managed funds	<ul style="list-style-type: none"> <li>• Implications of <i>Katz v Grossman</i></li> <li>• Exclusion of Complaints Tribunal</li> <li>• Binding nomination options – section 59</li> <li>• Power of surviving members, e.g. children</li> <li>• Extent of power of executor of deceased fund member</li> <li>• Potential abuse of trustee power</li> <li>• Amending deed to fetter trustee's discretion</li> <li>• Limitations on control of access by dependants – portability</li> </ul>

## Estate Planning Toolkit Expert Facilitators:



**Allan Swan**, Estate Planning, Superannuation and Structuring Principal, **MOORES LEGAL**

Allan's background in taxation and trusts law gives him a practical perspective when providing training to lawyers, accountants and financial advisors.

Allan has written extensively for professional journals. He is accredited by the SPAA as an SMSF Specialist Advisor and is a fellow of the Taxation Institute of Australia.



**Suhanya Ponniah**, Estate Planning, Superannuation & Structuring Lawyer, **MOORES LEGAL**

Suhanya's extensive experience in estate planning, with preparation of wills, testamentary trusts as well as providing advice on asset protection, trusts, taxation and superannuation makes her an outstanding practical trainer.

### We work where you work

LexisNexis is a leading, quality provider of professional development solutions with a practical legal focus.

We provide **in-house training** solutions tailored for your organisation's needs.

To discuss your professional development needs, contact:

Mariana Olivieri  
Learning & Development Consultant  
LexisNexis Professional Development  
Ph: 02 9422 2217  
Email: [Mariana.Olivieri@lexisnexis.com.au](mailto:Mariana.Olivieri@lexisnexis.com.au)





## Session 3: Unlocking Complexities of Testamentary Trusts – Advanced Masterclass

### Session outline

The aim of the advanced masterclass is to equip practitioners with an understanding of and the ability to define changes to legislation. Using a **live precedent template**, you will learn exceptional drafting techniques to build testamentary trusts for individuals that don't want to rule from the grave, but want to enhance the value of their inheritance.

The session will also focus on types of testamentary or executor controlled testamentary trusts by analysing clauses included in a will to ensure the beneficiary successfully manages a single or staggered release of benefits.

**Laptops will be supplied but if you like you can bring your own!**

### Key benefits

By the completion of the session participants will be able to determine the best approach for clients when preparing for the estate by dealing with superannuation legislation, reviewing all tax implications and all other issues associated with preparing a successful transfer of assets and applying skills and knowledge learned to build the trust using a live precedent template.

### Who should attend

The session is ideal for estate planners, wills and probate lawyers responsible for managing and developing exceptional testamentary trusts through extensive analysis in their practice.

### Learning outcomes

Key learning outcomes	Session content
Identifying testamentary trust types	<ul style="list-style-type: none"> <li>Beneficiary controlled</li> <li>Executor controlled – defined period, e.g. until age 30</li> <li>Executor controlled – lifetime or longer</li> </ul>
Defining testamentary trusts – An extensive review of lifetime executor controlled trusts	<ul style="list-style-type: none"> <li>Protecting vulnerable beneficiaries</li> <li>Special disability v all needs protective trusts</li> <li>Fixed and flexible life interests/capital protected trusts</li> <li>Rights of occupation</li> <li>Education and other special purpose trusts</li> </ul>
Examining releases managed by primary beneficiary	<ul style="list-style-type: none"> <li>Single release</li> <li>Staggered release</li> <li>Ongoing crisis provisions</li> <li>Bankruptcy</li> <li>Loss of capacity</li> <li>Relationship breakdown</li> </ul>
Analysing clauses included in wills to minimise tax liabilities and maximise tax concessions	<p><b>CGT and land tax exemptions and concessions</b></p> <ul style="list-style-type: none"> <li>CGT – ownership interest</li> <li>CGT – right of occupation</li> <li>Land tax – beneficial or equitable interest</li> </ul> <p><b>Anticipating family trust elections</b></p> <ul style="list-style-type: none"> <li>Asset protection implications</li> </ul>
Linking wills to sources of funding	<ul style="list-style-type: none"> <li>Superannuation</li> <li>Insurance</li> <li>Family trust loan accounts and unpaid allocations</li> </ul>
Identifying estate and non estate sources to adjust benefits for beneficiaries	<p><b>Executor discretion</b></p> <ul style="list-style-type: none"> <li>Menu of options for type and/or use of trust</li> <li>Eligibility for small business CGT concessions</li> <li>Discretionary beneficiaries and means tested pensions</li> <li>Eligibility for main residence exemption</li> </ul>
Untangling geared assets managed by primary beneficiaries	<ul style="list-style-type: none"> <li>Separate beneficiary testamentary trusts for each primary beneficiary</li> <li>Superannuation death benefits testamentary trusts</li> <li>Prospective beneficiary trusts</li> <li>Parallel testamentary trusts</li> <li>Capital and income reserved trusts</li> <li>Split fixed testamentary trusts</li> </ul>
Developing executor's guidelines	

8 October - Sydney  
12 November - Brisbane

8.45am Registration  
9.00am Start  
10.30-10.45am Session break  
12.30-1.00pm Networking lunch  
3.30-3.45pm Session break  
5.00pm End of session

NEW  
FOR  
2008



### 8th Edition Wills Precedent Document Templates

First released in April 2008, the 8th Edition of Will Precedents produced by MOORE LEGAL are Microsoft Word document templates for use by Lawyers with Australian based practices or who have Australian clients.

Changes to tax, superannuation, means tested pension eligibility, bankruptcy laws and other laws (as well as ongoing practitioner and client feedback) have meant that the precedent templates have steadily evolved since the 1st edition was released in 1995.

Will Precedents are updated regularly to take into account legislative changes and updates and are available online for purchase. To find out more about the precedent templates go to [www.moorestraining.com.au](http://www.moorestraining.com.au).

For purchase and special offer go to the registrations page.

# Priority registration form Estate Planning Toolkit

**4 easy ways  
to register**

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**Fax:** (02) 9422 2338  
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**Mail:** Conference Co-ordinator, LexisNexis  
Locked Bag 2222,  
Chatswood Delivery Centre, Chatswood NSW 2067

ABN: 70 001 002 357

**Please complete sections A, B, C, D, E**

Training code: Session 1 PD8408 Sydney, Session 2 PD8508 Sydney, Session 3 PD8608 Sydney, Session 1 PD8708 Brisbane, Session 2 PD8808 Brisbane, Session 3 PD8908 Brisbane

## A Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_

Suburb Postcode State

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

## Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

## Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

\*\* to send toolkit confirmation

**3rd Delegate FREE!**

## B Venue & date selection

- |   |
|---|
| <input type="checkbox"/> <b>Venue:</b> Sydney <b>Date:</b> 17 September 2008 <b>Location:</b> The Portside Centre |
| <input type="checkbox"/> <b>Venue:</b> Sydney <b>Date:</b> 8 October 2008 <b>Location:</b> The Portside Centre    |
| <input type="checkbox"/> <b>Venue:</b> Brisbane <b>Date:</b> 22 October 2008 <b>Location:</b> Christie Corporate  |
| <input type="checkbox"/> <b>Venue:</b> Brisbane <b>Date:</b> 12 November 2008 <b>Location:</b> Christie Corporate |

## C Event Pricing (please tick your selection)

<input type="checkbox"/> Session 1 AM	\$500.00 + GST = \$550.00
<input type="checkbox"/> Session 2 PM	\$500.00 + GST = \$550.00
<input type="checkbox"/> Session 3	\$950.00 + GST = \$1045.00
<input type="checkbox"/> All sessions	\$1850.00 + GST = \$2035.00
Order 8th Edition Wills Precedent Document Templates	
<input type="checkbox"/> NEW Subscribers (Original RRP \$495.00)	\$315.00 + GST = \$346.50
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### TOOLKIT RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the Estate Planning Toolkit \$300.00 + GST = \$330.00

### TEAM DISCOUNTS\*

- Register a team of 2 for the Estate Planning Toolkit at the same time, from the same organisation and receive a free pass for the 3rd delegate.

\* Team discounts and any other discount cannot be taken concurrently

## D Payment details Payment is due upon registration

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- Expiry: \_\_\_\_/\_\_\_\_
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- Signature of cardholder: \_\_\_\_\_
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- Account number: \_\_\_\_\_
- Signature: \_\_\_\_\_
- Name of approving manager: \_\_\_\_\_

## E Please tick as many practice areas you work in which apply:

- |   |   |
|---|---|
| <input type="checkbox"/> Banking & finance            | <input type="checkbox"/> Family law                               |
| <input type="checkbox"/> Commercial litigation & ADR  | <input type="checkbox"/> Insolvency & restructuring               |
| <input type="checkbox"/> Corporate and commercial law | <input type="checkbox"/> Insurance and risk                       |
| <input type="checkbox"/> Criminal law                 | <input type="checkbox"/> Property                                 |
| <input type="checkbox"/> Energy and resources         | <input type="checkbox"/> Wills & estates                          |
| <input type="checkbox"/> Environment and planning     | <input type="checkbox"/> Workplace relations, employment & safety |
|   | <input type="checkbox"/> Other: _____                             |

This will help us keep you informed about topics relevant to your business needs.

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Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing up to but not including 1 month prior to the date of the event. If we receive written notification – any time up to but not including 2 weeks prior to the date of the event, you will receive a 50% refund and workshop documents. No cancellation requests will be accepted during the period 2 weeks prior to the event. You may nominate a replacement, however no refund will be issued. Details regarding this seminar were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the seminar details if required.

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