



COOPER GRACE WARD
LAWYERS



ANNUAL ADVISER CONFERENCE

PROGRAM

27-28 March
2025

Sofitel Brisbane Central
249 Turbot Street, Brisbane
or virtually via our online event platform



Self Managed
Super Fund
Association





WELCOME

to our 2025 conference program

I am delighted to invite you to Cooper Grace Ward's 16th Annual Adviser Conference, to be held on 27 and 28 March 2025 at Sofitel Brisbane Central and broadcast live through our event platform.

The rapid pace of change has continued this past year and looks set to ramp up further in 2025, especially in the areas of tax, super, trusts, estates and business succession, among many more!

Join our team of leading experts as they equip you with a detailed understanding of what will affect you and your clients in 2025 and show you how the major developments of the past 12 months have changed the industry.

We look forward to seeing you there in person or online!



Scott HAY-BARTLEM
PARTNER



All you need to know about the conference

The Annual Adviser Conference is designed to give you the latest updates, practical applications, and cutting-edge developments that will affect you and your clients in the coming year.

You'll hear from leading legal experts, get tips and tricks to help you and your clients, and have the opportunity to connect with peers and potential partners. Plus, you'll earn up to 11 CPD points, with sessions accredited through the SMSF Association and Financial Advice Association Australia.

Who is the conference for?

- accountants
- financial advisers
- lawyers
- other professional advisers.

What are the benefits?

Advisers who participate in the conference can expect to:

- hear from leading legal experts
- get practical tips to help you and your clients
- access networking opportunities
- gain up to 11 CPD points with sessions accredited through the SMSF Association and Financial Advice Association Australia.

Agenda

Day one

27 | March 2025
Thursday

8.00 am

Registration open

8.30 am

Introduction & case study
Speaker: Scott **HAY-BARTLEM**

9.00 - 11.00 am

SESSION ONE
**INCAPACITY: HOW TO PREPARE FOR IT,
RECOGNISE IT AND DEAL WITH IT**
Speakers: Scott **HAY-BARTLEM**, Sarah **CAMM**, Katelyn **GILLERT**

With an ageing population, client incapacity is becoming something advisers are dealing with more and more.

Incapacity has an extraordinarily diverse range of consequences – some obvious, and some not so.

The past 12 months have seen some interesting court and tribunal decisions about when people do and do not have capacity.

We will explore what having capacity means in different situations, what must happen in SMSF world, what steps advisers should take when they are concerned about a client's capacity, and how we should protect ourselves.

11.00 - 11.30 am

MORNING TEA

Agenda

Day one

27 | March 2025
Thursday

11.30 am - 12.30 pm **SESSION TWO**

SMSF UPDATE: INSIGHTS FROM THE BIG CASES OF 2024 AND THE FIRM THAT RAN THEM

We have seen another busy year in SMSF world, and there have been quite a number of important cases with potentially wide-reaching implications for SMSFs and their advisers.

Cooper Grace Ward acted in three of those cases:

- *Merchant v Commissioner of Taxation* [2024] FCA 498
- *Re Rentis Pty Ltd* [2023] QSC 252
- *In the matter of Gainer Associates Pty Ltd* [2024] NSWSC 1138.

So, as well as covering our bread and butter changes like NALI/NALE, pension restarts and Div 296 tax, we will discuss the cases, with insights on the three really important cases from the firm that ran them – insights you will not get anywhere else!

Insights on the case of *Merchant*

Speaker: Scott HAY-BARTLEM

12.30 - 1.30 pm

LUNCH

1.30 - 2.30 pm

SMSF UPDATE CONTINUED

Insights on the cases of *Rentis* and *Gainer*

Speaker: Hayley MITCHELL

2.30 - 3.00 pm

AFTERNOON TEA

3.00 - 4.00 pm

SMSF UPDATE CONTINUED

Speakers: Scott HAY-BARTLEM, Clinton JACKSON

4.00 - 5.00 pm

NETWORKING DRINKS

Agenda

Day two

28 | March 2025
Friday

8.00 am

Registration open

8.30 am

Introduction

Speaker: Scott **HAY-BARTLEM**

8.45 - 9.30 am

SESSION ONE

FAMILY DISCRETIONARY TRUSTS: POTENTIAL PITFALLS FOR ADVISERS

Speakers: Keeghan **SILCOCK**, Tom **WALRUT**

Family discretionary trusts are common structures in Australia, yet their complexity poses challenges for both advisers and their clients.

While focus is often given to areas that are known to attract attention from the ATO, other aspects of discretionary trusts can be equally problematic if overlooked.

We look at:

- trust deed powers – who are beneficiaries?
- foreign beneficiaries
- landholder duty and corporate trustee duty
- payroll tax – is every beneficiary connected?

9.30 - 10.00 am

SESSION TWO

FAMILY DISCRETIONARY TRUSTS: UNDERSTANDING RESETTLEMENT IMPLICATIONS

Speaker: Steven **CAWOOD**

We often get questions about whether changes to a trust deed result in a resettlement.

So, what is a resettlement, what does it mean if a trust is resettled, and how does it apply to SMSFs?

Agenda

Day two

28 | March 2025
Friday

10.00 - 10.45 am

SESSION THREE

SAFEGUARDING FAMILY BUSINESSES

'I never thought that would happen in my family'.

Try as we might, we cannot remove the 'family' from 'family business'. The fact that you are all family (or friends) does not overshadow the necessity for robust and well documented business arrangements. These next sessions will explore various aspects of how best to safeguard family businesses.

Family trusts: What are the family trust election considerations when implementing a client's succession plan?

Speaker: Linda TAPIOLAS

It is important to understand the family trust election issues when considering how to implement clients' succession planning. This is especially relevant when transferring assets or releasing debts involving a trust which has made an FTE or interposed entity election as part of succession planning, to avoid family trust distribution tax being inadvertently triggered.

This session will cover who is part of the 'family group'; what 'distributions' are; the issues for testamentary trusts needing to make FTEs or IEEs; and dealing with FTEs from a succession planning perspective.

10.45 - 11.15 am

MORNING TEA

11.15 am - 12.00 pm **SAFEGUARDING FAMILY BUSINESSES CONTINUED**

Frameworks for success

Speakers: Clinton JACKSON, Alfred JACKSON

This session will look at essential legal documents and processes that are vital to all businesses, and why family enterprises should not ignore them.

We will cover:

- shareholder agreements/family constitutions
- documenting the rules for the operation of a business
- shareholder or stakeholder agreements – how are they adapted for family businesses and when is a family business or family charter appropriate and useful?

Agenda

Day two

28 | March 2025
Friday

12.00 - 12.45 pm

SAFEGUARDING FAMILY BUSINESSES CONTINUED

Employment law in family businesses

Speaker: Gemma **SHARP**

Family members employed within a business are entitled to the same rights as any other employees. As employment law becomes increasingly complex, with new developments (such as the right to disconnect), it is crucial for family businesses to stay informed and compliant.

This session will look at the necessary arrangements, documents and processes that should be in place for all employees, including family members. We will also discuss the potential consequences of non-compliance and how to effectively manage employment relationships within a family business.

12.45 - 1.30 pm

LUNCH

1.30 - 2.15 pm

SAFEGUARDING FAMILY BUSINESSES CONTINUED

Family law: protecting the family business amid disputes

Speakers: Justine **WOODS**, Craig **TURVEY**

Family law disputes are commonplace, and it is almost inevitable that every family will be affected by disputes in some way.

Where family members have interests in businesses, the outcome of a family law dispute can be devastating for the business. There is also a growing trend of targeting the assets of parents-in-law, especially where there is significantly more wealth.

So, what can we do to protect the business from a family law dispute involving its owners or their family members, and should we involve adult children in their parents' structures?

Agenda

Day two

28 | March 2025
Friday

2.15 - 3.00 pm

SAFEGUARDING FAMILY BUSINESSES CONTINUED

Estate planning to avoid a dispute

Speakers: Hayley MITCHELL, Sarah CAMM

Death and incapacity can have a serious impact on a business, making it essential to plan for these eventualities. However, with many businesses held in trust and company structures, and business premises in SMSFs, a simple Will is often insufficient.

In this session, we will share war stories of getting the planning right... and wrong! We will also look at circumstances where a dispute cannot be avoided and strategies to minimise the damage.

3.00 - 3.30 pm

AFTERNOON TEA

3.30 - 5.00 pm

SESSION FOUR

PANEL DISCUSSION: PREPARING A BUSINESS FOR SALE

Speakers: Laura GAHAN, Miranda KLIBBE, Annie SMEATON,
Charles SWEENEY, Linda TAPIOLAS

Sales of businesses are running hot at the moment, for a variety of reasons, with many clients buying and selling.

Preparation is the key to a successful sale, and can make a significant difference to the price.

This panel will discuss a wide range of issues to consider before listing a business for sale, ranging from tax and liability issues to employment law, and from tidying up contracts to asset ownership.

5.00 - 6.00 pm

NETWORKING DRINKS

The professionals

Our speakers



Laura **GAHAN**
Partner



Scott **HAY-BARTLEM**
Partner



Clinton **JACKSON**
Partner



Miranda **KLIBBE**
Partner



Hayley **MITCHELL**
Partner



Annie **SMEATON**
Partner



Charles **SWEENEY**
Partner



Linda **TAPIOLAS**
Partner



Justine **WOODS**
Partner



Gemma **SHARP**
Special Counsel



Craig **TURVEY**
Special Counsel



Keeghan **SILCOCK**
Senior Associate



Tom **WALRUT**
Senior Associate



Sarah **CAMM**
Associate



Steven **CAWOOD**
Lawyer



Katelyn **GILLERT**
Lawyer



Alfred **JACKSON**
Lawyer