Queensland Law Society

SPECIALIST PRACTICE CONFERENCE 26

7-9 OCTOBER 2026 • BRISBANE

Program – Succession Law

1hr

Keynote Address: Capacity and future planning: Navigating QCAT's evolving guardianship jurisdiction

This session will explore the evolving guardianship jurisdiction of QCAT and reflect on the critical role its decision-making powers play in protecting the rights, autonomy and dignity of adults with impaired decision-making capacity. The presentation will examine key developments in capacity assessments, restrictive practice reviews, and the appointment and oversight of guardians and administrators, together with notable capacity-related decisions shaping current practice. Attendees will also receive an update on recent QCAT procedural reforms, developments in the aged care sector, and practical guidance on safeguarding clients' interests through effective advocacy, risk management, and future planning strategies, including enduring documents and substitute decision-making arrangements.

Presenter: **Senior Member Joanne Browne**, Queensland Civil and Administrative Tribunal (QCAT)

Chair: **Kerryn Sampson**, Special Counsel, Legal Policy, Queensland Law Society

PS SL

1hr

Testamentary life interests - tax & other reasons to lie awake at night

This session provides a practical examination of life interests and rights to reside, including their purpose, operation and key distinctions. It will explore when and why these arrangements are used, the competing duties trustees owe to life tenants and those who take in remainder. This session will also examine the challenges that can arise in administering and managing life interest arrangements and will also address the taxation implications of creating, administering and terminating a life interest, the impact of TD 2026/D1 on early termination as well as land tax considerations. This session will also discuss the common pitfalls arising under Victoria's Settled Land Act.

Presenter: **Bryan Mitchell**, Managing Director, Mitchells Solicitors

Chair: **Rachael Brown**, Senior Business Development Manager, Equity Trustees

Sponsored by Session Partner, Equity Trustees

PS SL

1hr

When formality fails: Informal Wills, s18 Applications and practical probate solutions

This session will examine the operation of ss 10 and 18 of the Act, including the requirements for informal will applications, the applicable standard of proof, evidentiary considerations and the practical realities of proving testamentary intention in both traditional and electronic contexts.

Drawing on leading and recent authorities from Queensland and interstate jurisdictions, the session will explore the expanding body of jurisprudence concerning handwritten documents, solicitor-prepared drafts and electronic documents. The session will also consider the ancillary disputes that frequently emerge in informal will matters, including construction issues, rectification, partial intestacy, testamentary capacity, knowledge and approval, and suspicious circumstances. Finally, the presentation will focus other practical strategies for succession practitioners.

Presenter: **Hannah Kulaga**, Associate, Robbins Watson Solicitors

Chair: **Colin Zacharia-Jowell**, Founder, BillWill

Sponsored by Major Partner, BillWill

PS SL

1hr

20 years at the confluence of estate litigation and self-represented and vexatious litigants: The crucial do's and don'ts

Litigating against self-represented litigants rather than fellow competent practitioners can give rise to complacency - Akin to Collingwood playing AFL 6th graders instead of the Lions. Beware though, as self-represented litigants can present litigators with greater traps and risks. In 20 years of practice at the Bar, I have seen and heard what I think is all, only to continue to be bamboozled by newer iterations. The theme of this presentation is to warn of the risks inherent in litigation involving self-represented litigants and the specific steps both to take and, most importantly, avoid.

Presenter: **David Topp**, Barrister, Queensland Bar

Chair: **Chelsea Baker**, Principal Solicitor and Legal Practitioner Director, Baker Hastings Lawyers

PS

1hr

Supreme Court caveats and their correct use in contested wills disputes

Probate caveats are often the first procedural step in a contested estate—but they are also frequently misunderstood and misused. This session examines the law and practice surrounding probate caveats in Queensland, including standing, procedure, recent developments, strategic considerations and practical pitfalls. It will include:

- who has standing to lodge a caveat;
- the purposes for which caveats may be used;
- procedural requirements under the UCPR;
- the “warning” - notices in support of caveat;
- applications to remove caveats;
- costs consequences of improperly lodged caveats;
- strategic considerations for both caveators and executors; and
- the relationship between probate caveats and solemn form proceedings.

Presenter: **Caitlin Brewer**, Barrister, Queensland Bar

Chair: **Chelsea Baker**, Principal Solicitor and Legal Practitioner Director, Baker Hastings Lawyers



1hr

Ethics in Practice: Capacity and Client Instructions

This ethics-focused session explores the professional and ethical challenges that arise when a client's decision-making capacity is impaired, uncertain, or fluctuating. Participants will examine how to balance respect for client autonomy with their ethical and professional obligations, including when taking and acting on instructions. Through practical scenarios, the session will consider ethical decision-making, supported decision-making, risk management, and best-practice approaches to documenting and managing matters where capacity may be in question

Presenter: **Shane Budden**, Special Counsel, QLS Ethics and Practice Centre, Queensland Law Society

Chair: **Chloe Parsons-Pope**, Councillor, Queensland Law Society; Solicitor, Rostron Carlyle Lawyers



Presenters



Chelsea Baker

Chelsea Baker, 2026 Winner of the QLS Queensland Solicitor of the Year (Sole Practitioner), is a Qld succession law solicitor practising in complex estate planning, contested administration and estate litigation. She is appointed as a Litigation Guardian, and as an Independent Administrator by the courts where disputes have arisen between parties during the administration of deceased estates. Chelsea's experience extends to complex grants of representation, trusts, superannuation and guardianship matters (including investigations into breaches of duties by attorneys). In the last three years, Chelsea has been recognised as a Rising Star in the Doyle's Guide category of Wills, Estates & Succession Planning. In 2024 and again in 2025, Chelsea was a Finalist for Senior Associate of the Year (SME) in the Lawyers Weekly national Women in Law Awards. In 2025 she was also a Finalist for Queensland Solicitor of the Year in the Queensland Law Society Excellence Awards.



Caite Brewer

Caite Brewer is a Barrister specialising in all things estates and trusts. She has been a lawyer for more than 30 years, a barrister for more than 20.

Caite is an accredited specialist advisor (SSA®) with the SMSF (Self-Managed Superannuation Fund) Association.

Until the rules were changed in 2023, Caite was one of only five QLS accredited specialists in succession law at the Queensland Bar. She received the highest achiever award in her graduating year (2009).

Caite is consistently named "Market Leader" and "preeminent" junior counsel in Estate Litigation in Doyle's List, both in Queensland and nationally. She is a member of Hemmant's List.

She is a regular presenter at legal seminars. Her particular interests are in contentious and non-contentious probate (especially the weird and unusual ones), construction and rectification cases, informal wills and superannuation disputes.



Senior Member Joanne Browne

Senior Member Joanne Browne transitioned to the new Queensland Civil and Administrative Tribunal as a sessional member in 2009 sitting across all jurisdictions including guardianship. She was appointed a permanent member in 2014 and a Senior Member in February 2023 and list manager of the guardianship jurisdiction.

Prior to her appointment to QCAT, Joanne was admitted as a Solicitor in Queensland in 1996, is also admitted and has practised in the United Kingdom; and in the State of Victoria; and has lectured in administrative law, conveyancing and drafting.

Joanne holds a Bachelor of Laws, Master of Laws and is an accredited mediator.



Rachael Brown

Rachael Brown is a Senior Business Development Manager at Equity Trustees, with more than 11 years' experience in the trustee industry. Rachael works closely with wills and estates practitioners, private clients and families, supporting them to navigate complex estate and fiduciary matters and connecting them with independent trustee expertise.

Prior to joining Equity Trustees, Rachael worked in private practice within the wills and estates sector, giving her valuable insight into the profession and the challenges faced by practitioners and their clients.

Rachael is passionate about supporting legal professionals and their clients through complex and often sensitive circumstances. She brings a strong understanding of fiduciary services, a collaborative approach and a genuine commitment to building trusted relationships that deliver meaningful outcomes for individuals and families.



Shane Budden

As a Special Counsel in the QLS Ethics and Practice Centre/QLS Solicitor Support Pty Ltd, Shane provides ethical guidance and instruction to practitioners. He contributes significantly to the QLS journal Proctor, both through his regular column and by authoring feature articles. He is also a member of the QUT University Animal Ethics Committee.

Shane was admitted in 1992 and worked in general practice with a focus on Criminal Law, before moving to in-house work, initially with the Ipswich City Council internal legal team.

Prior to joining QLS he headed up the internal legal team at the Queensland Building Construction Commission/Queensland Building Services Authority and was Chair of the Society's Government Lawyers Committee.



Hannah Kulaga

Hannah Kulaga is a specialist succession law practitioner and advises clients across estate planning, administration and disputes. Her primary area of practice is complex administrations and contested estates.

Hannah has extensive experience in matters across Queensland and New South Wales, including involvement in one of Queensland's leading informal will cases. She represents clients in the Magistrates Court, District Court, Supreme Court and Federal Court.

Hannah is also a published author, having written several articles for the award-winning STEP Journal, the international journal of the global professional body for trust and estate practitioners.



Bryan Mitchell

Bryan Mitchell TEP FTI (BCom LLB LLM LLM (Wills & Estates)) is the managing director of Mitchells Solicitors. He is an Accredited Specialist in Succession Law. Bryan & his firm are recognised leaders in Estate Planning and Estate Litigation in Australia. His practice works exclusively in the areas of Wills, Estates, Trusts & Elder Law. Bryan is a regular presenter throughout Australia and internationally. He is Australasian representative on the worldwide council for STEP; past Chair of STEP Australia; former Chair of STEP Queensland; Deputy Chair for the Queensland Law Society ("QLS") Succession Law Policy Committee; Chair of the QLS Succession Law Specialist Accreditation Advisory Committee and member of the University of Queensland Law School Advisory Board.



Councillor Chloe Parsons-Pope GAICD

Chloe Parsons-Pope is a skilled litigator and corporate lawyer, with broad regulatory and commercial practice, with particular expertise in matters involving corporate governance, the Corporations Act 2001 (Cth), business and directorship disputes and financial services. In addition to her role as QLS Councillor, Chloe serves on the Society's Finance and Risk and Professional Conduct Committee. Chloe is also member of the Law Council of Australia's Young Lawyers Committee and member of the College of Law's Civil Litigation Curriculum Advisory Committee (CAC).



Kerryn Sampson

Kerryn works closely with several of Queensland Law Society's Legal Policy Committees to address legal and policy reform issues and further the Society's purpose of good law, good lawyers and the public good. Prior to joining Queensland Law Society, Kerryn worked as a solicitor in Brisbane practising in personal injury and insurance law.

Kerryn holds tertiary qualifications in law and a Master of Politics and Policy from Deakin University.



David Topp

David Topp has practiced at the private bar since 2006, commencing with a generalist practice and spending the last decade as a full time wills, trusts, probates and family provision litigator and mediation advocate.



Colin Zacharia-Jowell

Colin Jowell is the founder of BillWill, the Living Register and Document Vault that keeps a client's estate information current between the will and the financial plan. BillWill grew out of his own experience administering his father's estate, where he saw first-hand the gap between what documents say and what families actually need.

Colin specialises in Client Experience design for professional services, working across law and financial advice through Good Behaviour, his applied behavioural science consultancy. He holds an Executive MSc in Behavioural Science from the London School of Economics, where his research examined how planning for death can reduce anxiety by easing the burden left to others.

An AMDRAS-certified mediator and qualified collaborative practice coach, Colin speaks regularly to advice, legal and care-sector audiences, with recent keynotes at the FAAA National Congress and the FLENA Disrupting Tradition conference.