



# 2026 Accredited Specialisation Assessment Guidelines

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## **Wills and Estates**

Contact

T 03 9607 9440

[specialisation@liv.asn.au](mailto:specialisation@liv.asn.au)

[www.liv.asn.au](http://www.liv.asn.au)

# Table of Contents

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Assessment Guidelines Overview .....	2
Performance Outcomes .....	2
Methods of Assessment.....	2
Results .....	3
Supplementary assessment.....	3
Key Milestones & Program Timetable .....	4
SCHEDULE 1: ASSESSMENT COMPONENT PART 1 .....	5
Assessment overview .....	5
The examination is divided in three sections.....	5
Assessment Criteria .....	6
Examination Conditions .....	6
Access to Support Materials .....	6
SCHEDULE 2: ASSESSMENT COMPONENT PART 2 .....	7
Assessment overview .....	7
Assessment criteria.....	7
SCHEDULE 3: ASSESSMENT COMPONENT PART 3 .....	8
Assessment overview .....	8
Assessment criteria.....	8
Assessment conditions .....	8
SCHEDULE 4: TOPICS FOR ASSESSMENT .....	9
SCHEDULE 5: RELATED LEGISLATION & OTHER MATERIALS .....	15
Related legislation.....	15
International Wills.....	15
Commonwealth .....	15
State .....	16
Suggested Reading Materials .....	16
General References .....	16
Specialised References.....	17
Relevant Pages on Court Websites .....	18
Other reading.....	18
SCHEDULE 6: RECOMMENDED COMPUTER REQUIREMENTS FOR ASSESSMENTS.....	19
Written Examination Devices Specification.....	19
Oral Assessments .....	19

# Assessment Guidelines Overview

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Lawyers who are accredited as specialists are recognised as having enhanced skill levels, as well as substantial involvement in established legal specialty areas. The Law Institute of Victoria requires such specialists to demonstrate superior knowledge, experience and proficiency in a particular area of law to ensure that recognition as an accredited specialist is meaningful, credible and reliable.

These Assessment Guidelines should also be viewed in conjunction with the **Application Guidelines** and the **Accredited Specialisation Scheme Rules**.

## Performance Outcomes

Specialist Accreditation is a structured assessment process which requires the candidate to draw on their existing knowledge and skills to demonstrate their competency and expertise in their chosen area of law.

Practitioners wishing to be accredited should be able to:

1. perform at a superior standard which is expected of practitioners wishing to hold themselves out as specialists in the area
2. display a superior standard of knowledge of the law and procedure which underpins the performance of tasks in this area of practice.

Specific assessment criteria and performance outcomes are listed under the details of individual assessments that follow.

## The standard of an Accredited Specialist

The standard of an Accredited Specialist in Wills & Estates Law is that of a 'specially competent practitioner' in the core skills and practical capabilities in their selected area of practice, as assessed against the spectrum of capability of all practitioners in that area of practice. This standard is to be distinguished from the idea that the Scheme requires the highest technical legal knowledge across all aspects of the selected area of practice.

## Legislation and other provisions

Candidates should be familiar with the relevant parts of legislation and relevant case law relating to the selected topics for assessment, and the legislation listed Schedule 4 and Schedule 5.

## Core Skills and Knowledge Areas

Candidates wishing to become an Accredited Specialist should be able to:

- Display knowledge of the law and procedure which underpins the performance of tasks in this area of practice; and
- Demonstrate the assessment tasks to the level of the performance standard.

## **1. Obtains information and instructions from the client**

### **1.1 Establishing a relationship with the client**

The specialist acts in a professional manner to create an atmosphere to gain the client's confidence, communicate effectively and address the client's needs.

For the interview, the specialist:

- Obtains any prior relevant background information available to the specialist;
- Conducts the interview in an appropriate manner and setting;
- Is patient, reassuring and sensitive to the client's needs; and
- Discusses, and deals appropriately with, the issue of costs and expenses if required

### **1.2 Eliciting information and facts**

The specialist elicits information from the client and ascertains the client's objectives by:

- Observing the client, asking effective questions, listening carefully and confirming mutual understanding; and
- Guiding the process by knowledge of the relevant law and giving appropriate advice.

The specialist demonstrates thoroughness in ordering and recording accurately the information and advice.

## **2. Analyses information**

### **2.1 Identifying facts and issues**

The specialist analyses the information provided by the client and identifies:

- The relevant issues of fact and law; and
- Matters that require further research.

### **2.2 Conducting legal research**

The specialist knows the sources most likely to be of assistance and carries out the necessary legal research arising from the issues.

### **2.3 Obtaining further information and verifying facts**

The specialist knows what further information is required and when and how to verify the facts.

The specialist checks information received by checking with sources, such as government and other professionals, particularly details relating to:

- Assets and liabilities including superannuation, interest in trusts and private companies;
- Relationships;
- Capacity; and
- Domicile, residence and citizenship status.

## **2.4 Identifying solutions**

The specialist analyses the key features of the client's instructions having regard to:

- All the information so far obtained;
- The law; and
- Procedural requirements.

The specialist then prepares initial strategies to be discussed with the client.

## **3. Develops a plan**

### **3.1 Advising the client**

The specialist advises the client on the relevant law and the available options, including advice, for each option, on:

- Rights and obligations;
- Processes and time frames;
- Costs implications;
- Viability; and
- Settles the terms of the retainer with the client.

The specialist assists the client to formulate objectives taking into account the desired outcomes, priorities, resources and any special needs.

### **3.2 Confirming instructions**

The specialist confirms the client's identity, instructions and the terms of the retainer.

The specialist is aware and informs the client of the time normally required for each step of the proceedings.

The specialist acts:

- For a will - promptly and efficiently, as appropriate, in response to the client's needs and instructions;
- For uncontested matters - with regard to the time required for each stage; and
- For litigious matters - with regard to the time limits imposed by legislation and the Court.

## 4. Implements the plan

### 4.1 Drafting wills

The specialist drafts the will and other appropriate documents:

- Accurately and concisely;
- Applying all relevant law to the facts;
- Giving effect to the client's confirmed instructions and having regard to the will maker's age, assets (estate and non-estate) and known circumstances; and
- Having regards to Superannuation Nominations, Death Benefits, and life insurance if relevant
- Giving consideration to Enduring Powers of Attorney; Enduring Guardianship and Advance Healthcare Directives

The draft is considered by the client, together with the appropriate advice given by the specialist on its provisions.

The specialist advises on the effects of any changes requested by the client and makes any amendments to the draft required by the client.

The specialist obtains proper execution of the final form of the will, advises on storage and the need for future revision, and costs the will.

### 4.2 Obtaining or contesting grants

The specialist has a thorough knowledge of the laws and practices relating to grants of probate and administration.

In uncontested matters the specialist:

- Is able to prepare applications for special and unusual grants;
- Prepares all documents accurately, efficiently and promptly;
- Makes application for the grant without delay; and
- Properly identifies the person entitled to the grant.

In contested matters the specialist:

- Initiates, intervenes in or defends proceedings, and prepares court documents which present the case properly and comply with court rules and practices;
- Conducts any interlocutory procedure relevant to the jurisdiction and prepares witness statements and affidavits;
- Where necessary, advises on appeal; and
- Considers when to brief counsel, chooses an appropriate barrister and acts appropriately as the instructing solicitor.

### **4.3 Administration of estates**

The specialist advises the client and acts, where instructed, on:

- The payment of debts, in relation to insolvent and solvent estates;
- The collection and transmission of assets, including overseas assets; and
- The keeping of accounts.

When undertaking these tasks, the specialist is:

- Guided by a thorough knowledge of:
  - The law involving the rights and duties of the personal representative and beneficiaries; and
  - The requirements of asset holders.
- Sensitive to the timing of transactions; and
- Aware of taxation and stamp duty implications.

### **4.4 Accounts**

The specialist is aware of, and acts accordingly, with respect to:

- The rights of, and limitations upon, the personal representative to commission and reimbursement for expenses properly incurred; and
- The rights of the representative to have accounts passed as evidence of proper administration.

The specialist demonstrates knowledge of the required detail in accounts, procedure for passing accounts and, if required applying for commission.

### **4.5 Family provision claims**

The specialist:

- Has a thorough understanding of, and acts in accordance with, the provisions of all relevant legislation;
- Is able to advise clearly and impartially on the eligibility of the applicant, the prospects of the application and the costs implications for both the applicant and the estate; and
- Acts promptly and efficiently in relation to time limits.

## Methods of Assessment

The LIV Accredited Specialisation assessments are all delivered in a digital environment. This provides equitable access for all candidates irrespective of location and is also aligned with the nature of legal practice in today's digital world. There is a base level of computer literacy required indicative of the skills required of a specialist lawyer. It is incumbent upon candidates to have access to suitable technology and infrastructure to perform in the most optimal way. Details of these requirements are outlined in [Schedule 6](#).

Three assessments make up the Accredited Specialisation program in **Wills and Estates Law**.

1. [Written Exam](#)
2. [Simulated Interview](#)
3. [Take-Home Assignment](#)

The three assessments are weighted equally, and candidates must achieve a satisfactory grade of at least 50% in all three assessments. Candidates who complete all three assessments to the performance standard are eligible for accreditation as a specialist in Wills and Estates Law.

The below schedules include further details in relation to each of the three assessments along with details of topics for assessment and relevant legislation that you will need to know to undertake the program.

Candidates may, in any or all of the assessment program, be assessed on any or all of the Assessment Topics and Legislation listed in Schedules [4](#) and [5](#). Further details of the assessment program and procedures are contained in the schedules within.

**Candidates will be examined on the law as it stands at the date of assessment.**

## Results

Results are only released after the completion of all three assessments and with all candidates results, regardless of area of law being issued on the same day.

As outlined in Rule [4.11.6 of the scheme rules](#), all assessments undergo a rigorous marking process. Any assessment that is deemed to have not achieved a satisfactory result will go through an independent second round of marking before a recommendation is made to grant or deny Accredited Specialisation.

**It is important to note the following information about results:**

- **You will not be provided with individual assessment marks**
- **Outcomes are delivered as either satisfactory or unsatisfactory for each assessment component with an overall satisfactory in all three resulting in being granted specialisation.**
- **Candidate Assessment Reports (CARs) will be provided to candidates on any assessment where an unsatisfactory grade is attained. The CAR will provide constructive feedback for improvement to the candidate. No further feedback or grades will be disclosed.**

## Supplementary assessment

Under the [scheme rules section 4.11.7](#) in exceptional circumstances candidates may be required to undertake additional assessment at the discretion of the Specialisation Board. The Specialisation Board will only consider a recommendation from an advisory committee for a proposal of a supplementary assessment being offered to a candidate due to exceptional circumstances. Candidates will be notified the decision of the Specialisation Board in their official notification of results.

# Key Milestones & Program Timetable

Candidates are advised that the Accredited Specialisation program requires a significant commitment in order to achieve a satisfactory outcome. Based on feedback from previous candidates the number of hours of study is in excess of 100.

We encourage you to dedicate and manage time in the lead up to and during the assessment period. Candidates need to plan their workload well in advance of the key assessment dates and are encouraged to seek support in the form of study leave from employers where possible to optimise performance across all assessment tasks.

ITEM	DATE
<b>Applications Open</b>	10 December 2025
<b>Applications Close</b>	31 March 2026
<b>Candidate support and access available</b> <ul style="list-style-type: none"> <li>• <b>Welcome Orientation Session</b></li> <li>• <b>Access to the LIV Learning Portal and resources</b></li> </ul>	30 April 2026
<b>Candidate support sessions:</b> <ul style="list-style-type: none"> <li>• <b>Study techniques series</b></li> <li>• <b>Online exam platform familiarization</b></li> </ul>	May-June
<b>Candidate self-guided study:</b> <ul style="list-style-type: none"> <li>• <b>Review assessment guidelines &amp; make study notes</b></li> <li>• <b>Form study groups</b></li> <li>• <b>Work with mentors</b></li> </ul>	May-June
<b>Practice Written Exam available</b>	19 June 2026
<b>Assessment Period</b> <b>Part 1:</b> <a href="#">Written Examination (Schedule 1)</a> <b>Part 2:</b> <a href="#">Simulated Interview (Schedule 2)</a> <b>Part 3:</b> <a href="#">Take-home Assignment (Schedule 3)</a>	Saturday 1 August 2026 Wednesday 5 August 2026 Friday 7 August 2026 Monday 24 August 2026
<b>Results Released</b>	Early November 2026
<b>Conferral Ceremony</b>	Early December 2026

**Note:** The above dates are correct at the time of publishing. Should any changes need to occur, they will be communicated directly to candidates throughout their assessment program as early as possible.

# SCHEDULE 1: ASSESSMENT COMPONENT PART 1

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## Written Examination

<b>Exam Date:</b>	Saturday 1 August 2026
<b>Time:</b>	Three hours and 30 minutes inclusive of reading, writing, and planning time
<b>Mode:</b>	LIV online exam platform (refer to application guidelines for full details)

## Assessment overview

Candidates will be expected to demonstrate sound knowledge of the law and relevant practice and procedures. Answers to questions should be practical and concise. Where complete advice cannot be formulated under the examination conditions, candidates should ensure that the key issues are addressed. Additional enquiries and/or research considered necessary or desirable should be specified and reasons given.

In planning and time management, it is recommended to use the mark allocation per question as a guide.

## The examination is divided in three sections:

### SECTION A

- This section is comprised of one compulsory question worth a total of 25% of the mark.
- The question will be on a complex Wills and Estates matter requiring a detailed answer which identifies the key issues and specifies the advice appropriate to the situation.

### SECTION B

- This section is compulsory and will be comprised of a series of short answer questions
- These questions require brief answers and are worth a total of 25% of the total exam mark
- The questions will cover a wide range of topics drawn from the list of topics for assessment outlined in [Schedule 4](#)

### SECTION C

- This section will contain a choice of optional questions worth a total of 50% of the mark.
- This section will present candidates with more complex factual situations in which expert legal advice might be sought.

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**IMPORTANT:** In order to pass the written examination, candidates will need to achieve a minimum of 50% in each part of the exam.

## Assessment Criteria

Candidates will be assessed on their:

1. **Identify and Explain Relevant Issues, Including Ethical Considerations:** Clearly identify and explain key legal and ethical issues from a factual situation or materials, demonstrating an understanding of ethical obligations in relation to given scenarios.
2. **Demonstrate Depth and Breadth of Legal Knowledge:** Show comprehensive knowledge of relevant laws, including awareness of significant recent decisions and rulings.
3. **Demonstrate understanding of Procedural Rules and Practices:** Demonstrate a strong grasp of procedural rules, guidelines, principles, and practices relevant to the area of law in question.
4. **Demonstrate Practical Application of Legal Knowledge:** Exhibit proficiency in applying legal knowledge practically by translating theoretical legal knowledge into effective practical applications within real-world scenarios.
5. **Present Logically Reasoned and Legally Sound Advice:** Offer advice that is clear, logically structured, and based on sound legal reasoning to accurately address the issues presented.

## Examination Conditions

- The written examination **must be typed** using the digital exam platform except in circumstances where a candidate has medical grounds for a reasonable adjustment as outlined in the application guidelines under Arrangements for People with disability.
- Access to a computer with webcam and microphone
- Access to the exam is via the safe exam browser, once installed on your computer, this will be located on your desktop and called Exam Launch File, LIV Online Assessment Candidate App (the app)
- All questions must be answered within this digital environment
- All questions can be reviewed and updated prior to submitting the exam
- Once the exam is submitted, there is no opportunity to revisit or change your responses
- Access to any external sites including email is disabled for the duration of the exam.
- Once you submit the exam you will be automatically redirected to the confirmation of submission screen.
- You will need to logout of the safe exam browser once you have completed to your exam. Candidates will not have access to their computer applications and programs until logging out of the site.
- Refer to [Schedule 6](#): Recommended Computer Requirements for Assessments for more information.

## Access to Support Materials

- This examination is an open book exam.
- Prior to the exam, you will be asked to save your digital notes on the device on which you will be completing your examination. These can be saved in a drive that does not require access via the internet or document management system. You are also encouraged to have these available on a USB stick as a backup.
- The format of accessible files include word, excel and PDF.

- You may access your digital notes via the exam delivery system. There will be two windows within the browser – one for your notes, the other for your examination. These can be located on dual screens.

# SCHEDULE 2: ASSESSMENT COMPONENT PART 2

## Simulated Interview

<b>Interview Date:</b>	Wednesday 5 August 2026
<b>Interview Time:</b>	50 min scheduled by appointment closer to the date
<b>Interview Mode:</b>	Via Zoom, candidates must use a computer or laptop with a working camera and microphone

## Assessment overview

Candidates will conduct a simulated first interview with a person acting in the role of a client:

- The interview will take up to 50 minutes and will be recorded for assessment by the assessors.
- At the conclusion of the interview, candidates will be given 15 minutes to prepare a brief file note which records in point form the steps to be taken following the interview.
- This file note will be considered by the examiners in conjunction with the recorded interview. The written file note material will be provided to candidates. The time allocated for the interview and writing up of the file notes will be strictly enforced.
- No material may be taken into the interview by the candidate. This includes proformas and aide memoirs.

## Assessment criteria

Candidates will be assessed on their ability to:

1. **Effectively elicit relevant information and facts:** Uses open questioning techniques to extract comprehensive and relevant information from the client, ensuring a complete understanding of the client's situation.
2. **Obtain, clarify and confirm instructions:** Validates and refines the client's needs and instructions, ensuring they align with the client's objectives and best interests and expectations for the legal assessment process.
3. **Identifies and analyses relevant legal, ethical and factual issues:** Evaluates key legal and factual issues within the client's situation to determine applicable laws and implications, supporting informed decision-making.
4. **Provides preliminary advice and evaluates options:** Delivers informed and practical advice based, possible options, and collaborates with the client to formulate a feasible short-term plan.
5. **Communicates clearly, empathically, and responsively:** Articulates complex information in an accessible manner, demonstrates active listening, and responds to client concerns with empathy and respect, fostering trust and rapport through approachability, patience, and a non-judgemental attitude.
6. **Explain actions and next steps aligned with professional obligations:** Clarifies proposed actions, strategies, procedural steps, and timelines with the client, ensuring adherence to established legal practices and maintaining a helpful attitude, even in challenging situations.

**In order to achieve a satisfactory result, candidates must achieve at least 50% in this assessment.**

# SCHEDULE 3: ASSESSMENT COMPONENT PART 3

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## Take Home Assignment

Assignment Release Date:	Friday 7 August 2026 10.00 am
Assignment Due Date:	Monday 24 August 2026, 10.00 am
Assignment Submission:	Assignment to be submitted via the LIV Learning Portal

## Assessment overview

Using information available via the learning portal after the written examination, candidates may be asked to draft trust and testamentary documents and provide a written advice on succession related matters.

## Assessment criteria

Candidates will be assessed on their ability to:

- 1. Identify and analyse relevant issues from a given fact situation:** Identify and prioritise material facts, risks, and legal issues, including ethical considerations, from the client's instructions and information provided.
- 2. Apply depth of legal knowledge to the given fact situation:** Apply a thorough understanding of relevant legal principles to the client's situation, demonstrate sound legal reasoning, using up-to-date statutory and case law knowledge, and practically apply those principles to advance the client's interests.
- 3. Provide accurate and well-reasoned advice:** Deliver precise, reasoned advice that includes options for solutions, addressing the client's rights and obligations. Considers the context and specifics of the client's situation and tailor guidance accordingly.
- 4. Demonstrate ability to follow instructions and effectively communicate:** Follows assessment instructions, articulates complex information in plain English that is well structured, ensuring clarity and accessibility to reflect the diverse backgrounds and needs of clients.
- 5. Interpret and construct documents with legal and procedural precision:** Execute the technical task of drafting and/or where appropriate amending legal documents with accuracy, ensuring compliance with legal standards and alignment with the client's objectives, while identifying and mitigating potential risks.

## Assessment conditions

- Candidates may use the resources of their offices in completing this exercise. However, consultation with any other person in completing the exercise is **not permitted** and the material submitted must be entirely your own work.
- There will be a word limit which will be advised in the assignment instructions.
- The assessment must be typed and submitted as a word or PDF document through the online student portal by no later than 10.00 am on the due date advised. Late submissions will not be accepted.
- Further details are provided when the assessment is released.

**In order to achieve a satisfactory mark candidate must achieve at least 50% in this assessment.**

# SCHEDULE 4: TOPICS FOR ASSESSMENT

The topics listed below indicate the range of matters which could be addressed in the assessment program. It is not expected that you will have an **advanced** knowledge across **all the topics**, however you should have a **working knowledge and awareness of all areas**. You should self-evaluate your level of understanding and where applicable, adapt your study and preparation for the assessments accordingly. **This is not an exhaustive list**. Candidates will be examined on the law as it stands at the date of assessment.

ADMINISTRATION	
• Accounts	• Marshalling assets / privacy
• Bankruptcy	• Missing beneficiaries
• Effect of death on litigation	• Notices (e.g. Creditors – section 30)
• Debts in solvent & insolvent estates	• Priorities between beneficiaries
• Disclaiming interests	• Releases and indemnities
• Distribution	• Realisation
• Executor's year	• Simultaneous deaths
• Legacy interest	• Unclaimed moneys
• Assets outside the jurisdiction	
EXECUTORS/TRUSTEES	
• Chain of representation	• Passing over
• Change of trustee / further Grant of Probate	• Powers, duties and rights
• Commission / remuneration	• Removal, waste and conversion
• Conflicts of interest	• Renunciation
• Instituted and substituted	• Trustee companies
• Legal personal representatives	
GENERAL ESTATE LITIGATION	
• Caveats	• Limitation periods
• Civil procedure Act 2010	• Approvals of compromise
• Construction applications	• Judicial advice application
• Contract	• Professional conduct / uniform law

• Disposal of body / memorials	• Removal of executors and trustees
• Equitable claims	• Section 15 (Administration and Probate Act 1958) applications
• Funds in Court	• Section 31 (Wills Act 1997) rectification
<b>GRANTS OF REPRESENTATION</b>	
• Caveat against	• Reseal of foreign grant
• Documents in support	• Revocation of grant
• Informal wills/alterations	• Specialist and limited grants
• Missing will	• Solemn and common form
• Proving copy will	• Surety guarantee
• Recognition of foreign wills	• Registrar of probates procedures
<b>INTESTACY</b>	
• Administrator rights and liabilities	• Partial Intestacy
• Date of valuation	• Persons entitled to apply
• Domicile	• Registered and unregistered relationships
• Effect on assets in different jurisdictions	• Rights of spouses and partners
• Lapsed gift of residue	• Scheme of entitlements
<b>POWERS OF ATTORNEY AND GUARDIANSHIP AND MEDICAL RELATED MATTERS</b>	
• Administration and guardianship orders	• Compensation under Powers of Attorney Act
• Accounting by Attorney	• Medical Treatment Decision Maker documents
• Attorney misconduct/misappropriation	• Powers of attorney
• Advanced care planning	• VCAT jurisdiction & practice
• Common law and statutory powers	
<b>REAL PROPERTY</b>	
• Improper transfers and equitable claims	• Property Law Act / statutes
• Joint tenancy / tenancy in common	• Settled land Act

<ul style="list-style-type: none"> <li>• Partition/ co-ownership jurisdiction at VCAT</li> </ul>	<ul style="list-style-type: none"> <li>• Severance of joint ownership</li> </ul>
<b>SUPERANNUATION</b>	
<ul style="list-style-type: none"> <li>• Appeal rights</li> </ul>	<ul style="list-style-type: none"> <li>• Nominations</li> </ul>
<ul style="list-style-type: none"> <li>• Caps</li> </ul>	<ul style="list-style-type: none"> <li>• Proceeds trusts</li> </ul>
<ul style="list-style-type: none"> <li>• Control</li> </ul>	<ul style="list-style-type: none"> <li>• Taxation</li> </ul>
<ul style="list-style-type: none"> <li>• Composition of member benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Trustees</li> </ul>
<ul style="list-style-type: none"> <li>• Death benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Types of funds, including self-managed</li> </ul>
<ul style="list-style-type: none"> <li>• Eligibility</li> </ul>	
<b>TAXATION</b>	
<ul style="list-style-type: none"> <li>• Capital gains tax / rollover /tax exemptions</li> </ul>	<ul style="list-style-type: none"> <li>• Liability of estate and beneficiaries</li> </ul>
<ul style="list-style-type: none"> <li>• Drafting and administration strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Tax on foreign resident</li> </ul>
<ul style="list-style-type: none"> <li>• Exemptions / charities</li> </ul>	<ul style="list-style-type: none"> <li>• Social security</li> </ul>
<ul style="list-style-type: none"> <li>• Income tax</li> </ul>	<ul style="list-style-type: none"> <li>• Stamp duty</li> </ul>
<ul style="list-style-type: none"> <li>• Land tax</li> </ul>	
<b>TESTAMENTARY GIFTS</b>	
<ul style="list-style-type: none"> <li>• Acceleration</li> </ul>	<ul style="list-style-type: none"> <li>• Lapse</li> </ul>
<ul style="list-style-type: none"> <li>• Adjustment</li> </ul>	<ul style="list-style-type: none"> <li>• Legacies, timing of payment and interest</li> </ul>
<ul style="list-style-type: none"> <li>• Advancement</li> </ul>	<ul style="list-style-type: none"> <li>• Mistake in description</li> </ul>
<ul style="list-style-type: none"> <li>• Annuities</li> </ul>	<ul style="list-style-type: none"> <li>• Options to purchase and options to inherit</li> </ul>
<ul style="list-style-type: none"> <li>• Charitable gifts</li> </ul>	<ul style="list-style-type: none"> <li>• To legal personal representatives</li> </ul>
<ul style="list-style-type: none"> <li>• Chattels definition</li> </ul>	<ul style="list-style-type: none"> <li>• Residuary</li> </ul>
<ul style="list-style-type: none"> <li>• Commercial and digital assets</li> </ul>	<ul style="list-style-type: none"> <li>• Satisfaction</li> </ul>
<ul style="list-style-type: none"> <li>• Conditional Gifts</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory provisions</li> </ul>
<ul style="list-style-type: none"> <li>• Failure</li> </ul>	<ul style="list-style-type: none"> <li>• Testamentary options</li> </ul>
<ul style="list-style-type: none"> <li>• Gift over</li> </ul>	<ul style="list-style-type: none"> <li>• Trusts for sale and life interests</li> </ul>
<ul style="list-style-type: none"> <li>• Identification of beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>• Vesting and postponed vesting</li> </ul>
<b>TESTATOR</b>	

• Elderly and elder abuse	• Knowledge and approval
• Fraud / forgery / suspicion	• Testamentary capacity
• Identification	• Will signed under undue influence
• Killed by beneficiary	• Overseas / interstate domicile
<b>TESTATOR'S FAMILY MAINTENANCE / FAMILY PROVISION</b>	
• Applications	• Jurisdiction
• Contract excluding jurisdiction	• Mediations
• Costs	• Minimising claims
• Eligibility	• Procedure generally – Supreme & County Court
• Entitlement	• Settling claims
• Ethics – advice to testators	• Summary judgement / dismissal
• Executor duties	• Time limits
• Family farms and businesses	
<b>TRUSTS</b>	
• Beneficiaries	• Special disability trusts
• Capital Protected Trusts	• Superannuation / estate proceeds
• Control of trusts	• Trustees
• Creation and failure of Trusts	• Trustee Discretion
• Establishment and administration	• Trust Property
• Express Trusts	• Trust Deeds
• Non express Trusts	• Testamentary Trusts
• Perpetuities	• Vesting
• Secret Trusts	• Variation of Trusts
<b>WILLS</b>	
• Ademption	• Interpretation/construction
• Alteration	• Legal practice rules / lawyers' duties
• Court authorised wills	• Limited interests
• Codicils	• Limited jurisdiction / foreign assets

<ul style="list-style-type: none"> <li>• Validity</li> </ul>	<ul style="list-style-type: none"> <li>• Mutual wills / testamentary contracts</li> </ul>
<ul style="list-style-type: none"> <li>• Custody and concealment</li> </ul>	<ul style="list-style-type: none"> <li>• Powers of appointment</li> </ul>
<ul style="list-style-type: none"> <li>• Donatia mortis causa</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / loss / destruction / revival</li> </ul>
<ul style="list-style-type: none"> <li>• Drafting</li> </ul>	<ul style="list-style-type: none"> <li>• Remote signing and witnessing</li> </ul>
<ul style="list-style-type: none"> <li>• Effect of marriage and divorce</li> </ul>	<ul style="list-style-type: none"> <li>• Suitable executors</li> </ul>
<ul style="list-style-type: none"> <li>• Execution and adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Suitable witnesses</li> </ul>
<ul style="list-style-type: none"> <li>• Informal wills</li> </ul>	<ul style="list-style-type: none"> <li>• Testamentary Guardians</li> </ul>
<ul style="list-style-type: none"> <li>• International/ foreign wills</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

# SCHEDULE 5: RELATED LEGISLATION & OTHER MATERIALS

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## Related legislation:

This is not necessarily an exhaustive list. It does not list subordinate legislation and policy or regulations, guidelines or gazette notices which may also be relevant. Candidates will be examined on the law as it stands at the date of assessment.

### International Wills

- [Convention providing a Uniform Law on the Form of an International Will 1973](#)
- [Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions, Hague XIC The Hague 5 October 1961](#)

### Commonwealth

- [Australian Charities and Not-for-profits Commission Act 2012](#) (Cth)
- [Bankruptcy Act 1966](#) (Cth) - particularly Part XI
- [Charities Act 2013](#) (Cth)
- [Corporations Act 2001](#) (Cth)
- [Corporations Regulations 2001](#) (Cth)
- [Income Tax Assessment Act 1936](#) (Cth)
- [Income Tax Assessment Act 1997](#) (Cth)
- [Family Law Act 1975](#) (Cth); section 79, Part VIIA (Financial Agreements) & Part VIIAA (Orders and Injunctions binding third parties)
- [Family Law \(Superannuation\) Regulations 2025](#)
- [Life Insurance Act 1995](#) (Cth)
- [National Disability Insurance Scheme Act 2013](#)
- [Privacy Act 1988](#) (Cth) & Schedule 1, the Australian Privacy Principles
- [Social Security Act 1991](#) (Cth)
- [Superannuation Industry \(Supervision\) Act 1993](#) (Cth)
- [Superannuation Industry Supervision Regulations 1994](#) (Cth)
- [Taxation Administration Act 1953](#)

### State

1. [Administration and Probate Act 1958](#)
2. [Adoption Act 1984 Vic](#)
3. [Aged Care Act 2024](#) (Cth)
4. [Charities Act 1978 Vic](#)
5. [Civil Procedure Act 2010](#)
6. [Duties Act 2000](#)
7. [Electronic Transactions \(Victoria\) Act 2000](#)
8. [Freedom of Information Act 1982](#)
9. [Guardianship and Administration Act 2019](#)
10. [Instruments Act 1958](#)
11. [Interpretation of Legislation Act 1984 Vic](#)
12. [Land Tax Act 2005](#)
13. [Legal Profession Uniform Law Application Act 2014](#)
14. [Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015](#)
15. [Limitation of Actions Act 1958](#)
16. [Marriage Act 1958](#)
22. [Property Law Act 1958](#)
23. [Relationships Act 2008](#)
24. [Settled Land Act 1958](#)
25. [Status of Children Act 1974](#)
26. [State Trustees \(State Owned Company\) Act 1994](#)
27. [Succession Act 2006 NSW](#)
28. [Supreme Court Act 1986](#)
29. [Supreme Court \(Administration and Probate\) Rules 2023](#) -Statutory Rule No 125/2023
30. [Supreme Court \(General Civil Procedure\) Rules 2025](#)
31. [Supreme Court \(Miscellaneous Civil Proceedings\) Rules 2018](#) – Orders 16 & 17 (Family Provision and Court Authorised Wills)
32. [Transfer of Land Act 1958 Vic](#)
33. [Trustee Act 1958](#)
34. [Trustee Companies Act 1984](#)

17. [Medical Treatment Planning and Decisions Act 2016](#)
18. [Oaths and Affirmations Act 2018](#)
19. [Oaths and Affirmations \(Affidavits, Statutory Declarations and Certifications\) Regulations 2018](#)
20. [Perpetuities and Accumulations Act 1968](#)
21. [Powers of Attorney Act 2014](#)
35. [Unclaimed Money Act 2008](#)
36. [Voluntary Assisted Dying Act 2017](#)
37. [Wills Act 1997](#)

## Suggested Reading Materials

### General References

- J Kenneth Aitken, Wills Precedents Volume 2 (Victoria), 1986, Law Book Company
- Richard Boaden et al, Wills Probate and Administration Service Victoria, looseleaf/on-line, Lexis Nexis
- John K De Groot and Bruce Nickel, Family Provision in Australia (6th edn), 2021, Lexis Nexis
- Ian J Hardingham et al, Wills and Intestacy in Australia and New Zealand (2nd edn), 1989, Law Book Company
- John Kaufman and Stuart McNab, The Essential Guide to Will-making, looseleaf, Leo Cussen Institute
- John Kaufman et al, Probate Practice Manual, looseleaf, Leo Cussen Institute
- Caroline Sims and Richard Neal, Hutley's Australian Wills Precedents (11<sup>th</sup> edn), 2025, Lexis Nexis
- Robert D Shepherd, De Groot's Wills, Probate and Administration Practice (Victoria), looseleaf, Contrapreneur Publications
- Gino Dal Pont and Ken Mackie, Law of Succession, Third Edition, 2020, Lexis Nexis
- Heydon JD and Leeming MJ, Jacobs Law of Trusts in Australia, (8<sup>th</sup> Edn), 2016

### Specialised References

- Wolters Kluwer, Australian capital gains tax planner in 1 volume, CCH Australia Limited, North Ryde, N.S.W
- Wolters Kluwer, Australian Master Superannuation Guide, CCH Australia Limited, Sydney
- Wolters Kluwer, Australian Master Tax Guide, CCH Australia Limited, Sydney
- Thomson Reuters, Australian Succession Law, 2012, looseleaf/online, Lawbook Co
- John Billings et al, 2013, VCAT, Victorian Civil and Administrative Tribunal, Guardianship and Administration, looseleaf, Anstat
- Julie Cassidy, Mutual Wills, 2000, Federation Press
- Miranda Stewart and Michael Flynn, Death and Taxes: Tax Effective Estate Planning (7th edition), 2021, Thomson Reuters
- G E Dal Pont, Equity & Trusts, 8<sup>th</sup> August Edition, 2022, Thomson Reuters
- Gino Dal Pont, Powers of Attorney, 2019, 3<sup>rd</sup> Edition LexisNexis Butterworths
- Leonie Englefield, Australian Family Provision Law, 2011, Thomson Reuters
- Harold A.J. Ford and William A Lee, Principles of the Law of Trusts, looseleaf, Thomson Reuters
- David M. Haines, Construction of Wills in Australia, 2025 2<sup>nd</sup> Edition, LexisNexis Butterworths
- Kenneth S. Jacobs et al, Jacobs' Law of trusts in Australia, (8th edn), 2016, LexisNexis

- James Kessler and Michael Flynn, *Drafting Trusts and Will Trusts in Australia*, Second Edition, 2017, Law Book Co
- Law Institute of Victoria and Leo Cussen Institute Seminar Papers
- Bernard, Marks, *Trusts & estates: taxation and practice: a comprehensive practice text for lawyers, accountants and tax administrators*, (2nd edn), Taxation Institute of Australia
- Reid Mortensen, *Solicitors' Will-Making Duties*, 2002, 26 Melbourne University Law Review 1
- Christopher H. Sherrin and Roger C. Bonehill, *The Law and Practice of Intestate Succession*, (current or recent edition), 2004, Sweet & Maxwell UK
- Christopher H. Sherrin et al (edited), *Williams on Wills*, (current or recent edition), , LexisNexis Butterworth
- John R. Martyn and Nicholas Caddick (edited), *Williams, Mortimer & Sunnucks- Executors, Administrators and Probate*, (current or recent edition), Sweet & Maxwell UK
- *Wills and Estates Exemplars I*, Law Institute of Victoria, 2001
- *Wills and Estates Exemplars II*, Law Institute of Victoria, 2003
- Sundar, *Testamentary Trusts, Strategies and Precedents*, 4<sup>th</sup> Edition, , 2024
- Figot, *Complete Guide to SMSFs, Planning for loss of capacity and death*, 2016
- Shane Newton, *Protecting a Will*, 1994, Federation Press

### **Relevant Pages on Court Websites**

- [Wills and probate pages on the Supreme Court Website](#)
- Family Court – Family Property

### **Other reading**

Legal Profession Uniform Law Australian Solicitors Conduct Rules 2015

# SCHEDULE 6: RECOMMENDED COMPUTER REQUIREMENTS FOR ASSESSMENTS

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All assessments are delivered in a digital format including via the student portal for release and submission of assessments, the online exam platform Assess App or Zoom/Teams for oral assessments. To ensure an applicant is set up to succeed here are some things to consider in advance (at the time of application) to ensure access to appropriate IT and computer infrastructure that meets the following recommended requirements for optimal performance of the platforms.

A computer with a working webcam and microphone is required to complete the assessment program.

## Written Examination Devices Specification

Windows	
Processor	i5 2.2GHz /AMD A6 1.8Ghz
Operating system	Windows 10 64-bit
Memory	8GB
Hard drive	250GB SSD (solid state drive)
Display	14" screen with 1920 x 1080 screen resolution
Battery life	8 hours under normal use

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There are certain devices that cannot be used as the Safe Exam Browser **cannot** be installed. These include the on the following devices:

- Mac
- iPads
- Chromebooks.
- Smartphones: this includes iPhones, Android devices, and any other mobile OS devices

**Please note our exam partner can source a hired PC for the two-week period prior to the exam date for an additional fee.** The laptop will come with the SEB software already installed and ready to use.

Successful applicants will have access to one-on-one support from our exam provider to set up the applications and work through the above.

## Oral Assessments

Oral assessments will be conducted wither via Zoom or Teams. In addition to a working web camera and microphone Zoom support recommends minimum internet speeds for clear and high-quality video and audio throughout. For more information on minimum internet speeds for video conferencing visit the below two useful websites.

- [Reviews.org - breaks down requirements in a simplistic way](#)
- [Zoom Support - System Requirements](#)