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**LAW
INSTITUTE
VICTORIA**



2025 SPECIALIST ACCREDITATION GUIDELINES

WILLS AND ESTATES

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Assessment Guidelines Overview

Lawyers who are accredited as specialists are recognised formally as having enhanced skill levels, as well as substantial involvement in established legal specialty areas. The Law Society of Western Australia together with 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.

Performance Outcomes

Specialist Accreditation is a structured assessment programme 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.

Methods of Assessment

The Law Society of Western Australia in partnership with the Law Institute of Victoria is offering the 2025 Specialist Accreditation Assessment programme in Wills and Estates. The LIV 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 Specialist Accreditation Assessment programme in **Wills and Estates Law**.

1. Take Home Assignment
2. Written Examination
3. Simulated Client Interview

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 Specialist Accreditation 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 programme.

Candidates may be assessed on any or all of the Assessment Topics and Legislation listed in **Schedules 4 and 5**. Further details of the assessment programme and procedures are contained in the schedules below.

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 the results of all candidates are issued on the same day.

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 Specialist Accreditation.

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.**

Right of Reassessment

Under the LSWA Rules section 10, a candidate may apply for reassessment if they fail only one of the three assessments. Candidates should consider CARs before submitting an application for reassessment.

Key Milestones & Programme Timetable

Candidates are advised that the Specialist Accreditation Assessment programme 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 process. 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
Applications Open	Monday, 6 January 2025
Applications Close	Monday, 31 March 2025, 1pm AWST
2025 Specialist Accreditation Assessment Programme begins	May 2025
– Programme Start Welcome Session	Thursday, 1 May 2025, 10am AWST
– Access to the LIV Student Portal and resources	
Candidate support sessions:	May-August
– Study techniques series	
– Online exam platform familiarisation	
Candidate self-guided study:	May-August
– Review assessment guidelines & make study notes	
– Form study groups	
– Work with mentors	
Practice Written Exam & Familiarisation Exam access available	July
Assessment Period	
Part 1: Take Home Assignment released (Schedule 1)	Friday 27 June 2025
Part 2: Written Examination (Schedule 2)	Sat, 16 August 2025, 8.30am AWST
Part 3: Simulated Client Interview (Schedule 3)	Tuesday 26 August 2025
Results Released	November 2025

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

Take Home Assignment

Assignment Release Date:	Friday 27 June 2025
Assignment Due Date:	Friday 18 July 2025 , 4pm AWST
Assignment Submission:	Assignment to be submitted via the LIV Student Portal

Assessment overview

Using information available via the student portal candidates may be asked to draft a will or specific testamentary clauses possibly with associated further documentation and a concise covering letter.

Assessment criteria

Candidates will be assessed on their:

- Ability to identify relevant issues from the materials provided
- Knowledge of relevant law, including any significant recent decisions
- Knowledge of relevant procedural rules and principles
- Ability to provide practical, clear and comprehensive advice
- Drafting skills
- Ability to identify and address any ethical issues

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 2: ASSESSMENT

COMPONENT PART 2

Written Examination

Exam Date:	Saturday 16 August 2025
Time:	8.30am AWST: Three hours and 30 minutes inclusive of reading, writing, and planning time
Venue:	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.

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:

- Ability to identify relevant issues from a given fact situation.
- Knowledge of relevant law, including any significant recent decisions.
- Knowledge of the procedural rules.
- Ability to provide practical, clear and comprehensive advice.
- Ability to interpret and draft documents.
- Ability to identify and address any ethical issues.

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 3: ASSESSMENT COMPONENT PART 3

Simulated Client Interview

Interview Date:	Tuesday 26 August 2025
Interview Time:	50 min scheduled by appointment closer to the date
Interview Venue:	Via Zoom candidates must use a device with a working camera

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 interview a client, including:

- Elicit relevant information and facts from the client
- Obtain and clarify instructions
- identify relevant issues
- Communicate clearly with the client
- Assesses facts and legal options
- Indicate procedural steps and timelines for responses
- Discuss options including costs and develop a short-term plan
- Ability to identify and address any ethical issues

The simulated client interview is designed to enable candidates to demonstrate skill in conducting an interview with the client. A sound knowledge of the relevant law, rules and procedures will also be required, but the emphasis of this exercise is on interviewing skills.

In order to achieve a satisfactory result, candidates 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 and unclaimed moneys
• 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
• Interest on legacies interest	• Simultaneous deaths
EXECUTORS/TRUSTEES	
• Institute and substitute executors	• Change of trustee
• Renunciation	• Commission/remuneration
• Administrators	• Power, duties and rights
• Chain of Executors	• Conflict of Interests
• Removal of Executors/Trustees	• Trustee companies
• Further grants	
GENERAL ESTATE LITIGATION	
• Administration Actions (Order 58 Rule 2 RSC, s. 45 Administration Act 1903, s. 92 Trustees Act 1962, Beddoe applications)	• Missing Persons – Orders relating to presumed death.
• Caveats (s. 64 Administration Act 1903)	• Limitation periods
• Proportionality and costs	• Compromise (Order 70 Rule 10 RSC)

<ul style="list-style-type: none"> Construction applications (Order 58 Rule 10 RSC) 	<ul style="list-style-type: none"> Statutory Will applications (Part XI Wills Act 1970, CPD 9.3)
<ul style="list-style-type: none"> Mediation 	<ul style="list-style-type: none"> Professional conduct / Uniform law (conflicts)
<ul style="list-style-type: none"> Disposal of body / memorials 	<ul style="list-style-type: none"> Removal of executors and trustees
<ul style="list-style-type: none"> Equitable claims generally 	<ul style="list-style-type: none"> Solemn form proceedings (Order 73 RSC; CPD 9.2.1)
<ul style="list-style-type: none"> Equitable estoppel/ Constructive trusts 	<ul style="list-style-type: none"> Rectification applications (Part XII Wills Act 1970, CPD 9.3)
<ul style="list-style-type: none"> Citations 	<ul style="list-style-type: none"> Evidence and Affidavits
GRANTS OF REPRESENTATION	
<ul style="list-style-type: none"> Caveat against 	<ul style="list-style-type: none"> Reseal of foreign grant
<ul style="list-style-type: none"> Documents in support 	<ul style="list-style-type: none"> Revocation of grant
<ul style="list-style-type: none"> Informal wills/alterations 	<ul style="list-style-type: none"> Specialist and limited grants
<ul style="list-style-type: none"> Missing will 	<ul style="list-style-type: none"> Solemn and common form
<ul style="list-style-type: none"> Proving copy will 	<ul style="list-style-type: none"> Surety guarantee
<ul style="list-style-type: none"> Recognising foreign wills 	<ul style="list-style-type: none"> Registrar of Probates procedures
INTESTACY	
<ul style="list-style-type: none"> Administrator rights and liabilities 	<ul style="list-style-type: none"> Partial
<ul style="list-style-type: none"> Date of valuation 	<ul style="list-style-type: none"> Persons entitled
<ul style="list-style-type: none"> Domicile 	<ul style="list-style-type: none"> Registered and unregistered relationships
<ul style="list-style-type: none"> Effect on assets in different jurisdictions 	<ul style="list-style-type: none"> Rights of spouses and partners
<ul style="list-style-type: none"> Lapsed gift of residue 	<ul style="list-style-type: none"> Scheme of entitlements
POWERS OF ATTORNEY AND GUARDIANSHIP AND MEDICAL RELATED MATTERS	
<ul style="list-style-type: none"> Administration and guardianship orders 	<ul style="list-style-type: none"> Enduring Powers of Attorney
<ul style="list-style-type: none"> Accounting by Administrator 	<ul style="list-style-type: none"> Advance Health Directives
<ul style="list-style-type: none"> Attorney misconduct/misappropriation 	<ul style="list-style-type: none"> Enduring Powers of Guardianship
<ul style="list-style-type: none"> Advanced care planning 	<ul style="list-style-type: none"> SAT jurisdiction & practice

<ul style="list-style-type: none"> Common law and statutory powers 	<ul style="list-style-type: none"> Capacity and consent to medical treatment and medical research
REAL PROPERTY	
<ul style="list-style-type: none"> Improper transfers and equitable claims 	<ul style="list-style-type: none"> Property Law Act
<ul style="list-style-type: none"> Joint tenancy / tenancy in common 	<ul style="list-style-type: none"> Transfer of Land Act
<ul style="list-style-type: none"> Partition/ sale in lieu of partition 	<ul style="list-style-type: none"> Severance of joint tenancy
<ul style="list-style-type: none"> Mortgages and contributions 	<ul style="list-style-type: none"> Survivorship
<ul style="list-style-type: none"> Landgate caveats 	<ul style="list-style-type: none"> Contracts for sale / Joint Form of General Conditions
<ul style="list-style-type: none"> CGT main residence exemption for inherited property 	<ul style="list-style-type: none"> Life interests / Rights to reside
<ul style="list-style-type: none"> Options to purchase 	
SUPERANNUATION AND ESTATE PLANNING	
<ul style="list-style-type: none"> Binding and Non-Binding Nominations 	<ul style="list-style-type: none"> Reversionary Pensions
<ul style="list-style-type: none"> Legal Capacity Issues in Making Nominations 	<ul style="list-style-type: none"> Impact of Marriage, Divorce, and De Facto Relationships on Superannuation Benefits
<ul style="list-style-type: none"> Use of Superannuation in Testamentary Trusts 	<ul style="list-style-type: none"> Compliance with the Superannuation Industry (Supervision) Act 1993 (SIS Act)
<ul style="list-style-type: none"> Consequences of Non-Compliance with SIS Regulations on Estate Planning 	<ul style="list-style-type: none"> Strategies for Minimising Tax on Superannuation Death Benefits
<ul style="list-style-type: none"> Options for Dealing with Superannuation when No Valid Nomination Exists 	
<ul style="list-style-type: none"> Unique Western Australian Issues in Superannuation and Estate Planning 	
<ul style="list-style-type: none"> De Facto Relationships and superannuation 	<ul style="list-style-type: none"> Family Court of Western Australia's Jurisdiction Over Superannuation
<ul style="list-style-type: none"> Interaction Between State and Federal Laws 	<ul style="list-style-type: none"> Superannuation and the WA Will
TAXATION	
<ul style="list-style-type: none"> Capital gains tax 	<ul style="list-style-type: none"> Land tax
<ul style="list-style-type: none"> Drafting and administration strategies 	<ul style="list-style-type: none"> Liability of estate and beneficiaries
<ul style="list-style-type: none"> Charities / exemptions 	<ul style="list-style-type: none"> Residency, including domicile

• FIRB fees	• Social security
• Franking credits / dividend imputation	• Superannuation and life insurance
• GST	• Tax on foreign resident
• Income tax	• Transfer duty and concessions
• Income versus capital	• Unpaid Present Entitlements (UPEs)
• Trusts, including testamentary trusts, absolute entitlement and present entitlement	
TESTAMENTARY GIFTS	
• Types of legacies	• Ademption and abatement
• Legacies, timing of payment and interest	• Lapse
• Priorities between legacies	• Satisfaction
• Accumulation of legacies	• Election
• Foreign beneficiaries	• Disclaimer
• Foreign assets	• Testamentary trust options
• Right to reside	• Life interest and rights to occupy
• Gifts to executors	• Acceleration
• Failure, including forfeiture on killing by beneficiary	• Rules of construction, Part VIII Wills Act 1970 (WA)
TESTATOR	
• Fraud and forgery	• Overseas/interstate domicile
• Knowledge and approval, including suspicious circumstances	• Testamentary capacity
• Special attestation clauses: blind/illiterate/translation/ physical infirmity	• Undue influence
• Minimum age	• Deathbed will
• Subsequent relationships / blended families	• New Will vs Codicil
• Adopted children / stepchildren	• Elderly client or client suffering from physical or mental disability
• Applications for leave to swear to death / Declaration of presumption of death	

TESTATOR'S FAMILY MAINTENANCE / FAMILY PROVISION	
• Form of Application	• Relevant legal principles
• Time limit	• Interim orders for provision
• Leave to apply out of time	• Undisclosed property
• Eligibility	• Mediation and compromise
• Disentitling conduct	• Means by which a settlement may be formalised
• Role of executor/administrator	• Costs
• Procedure generally	• Forum
TRUSTS	
• Express trusts	• Special disability trusts
• Implied trusts	• Superannuation / estate proceeds trusts
• Discretionary trusts	• Capital Protected Trusts
• Testamentary trusts	• Powers and duties of Trustees
• Controlling positions	• Rectification of trusts
• Variation of trusts	• Missing or lost trust deeds
• Duration of trusts	• Termination and vesting
• Secret trusts	• Breach of trust and remedies
• Jurisdiction of the Supreme Court under Div 3 Part VII Trustees Act 1962	• Beneficiary rights
WILLS	
• Taking Instructions	• Life and other limited interests
• Legal practice rules / lawyer's duties/costs disclosure/conflicts	• Powers of appointment
• Court authorised wills (Capacity)	• Drafting
• Suitable executors	• Effect of marriage and divorce
• Testamentary guardians	• Foreign assets – more than one will
• Burial/Cremation	• Suitable witnesses

• Execution	• Codicils
• Revocation / loss / destruction / revival	• Custody and record keeping
• Informal wills	• Interpretation / construction
• Mutual wills	• Validity
• International wills (statutory) / foreign wills	• Donatio mortis causa
• Alteration	• Ademption

SCHEDULE 5: RELATED LEGISLATION & OTHER MATERIALS

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

- *Acts Interpretation Act 1901 (Cth)*
- *Aged Care Act 1997 (Cth)*
- *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*
- *Bankruptcy Act 1966 (Cth) - particularly Part XI*
- *Charities Act 2013 (Cth)*
- *Child Support (Assessment) Act 1989 (Cth)*
- *Corporations Act 2001 (Cth)*
- *Corporations Regulations 2001 (Cth)*
- *Domicile Act 1982 (Cth)*
- *Evidence Act 1995 (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 2001*
- *Life Insurance Act 1995 (Cth)*
- *National Disability Insurance Scheme Act 2013*
- *Privacy Act 1988 (Cth) & Schedule 1, the Australian Privacy Principles*
- *Service and Execution of Process Act 1901 (Cth)*
- *Social Security Act 1991 (Cth)*
- *Statutory Declarations Act 1959 (Cth)*
- *Statutory Declarations Regulations 1993*
- *Superannuation Industry (Supervision) Act 1993 (Cth)*
- *Superannuation Industry Supervision Regulations 1994 (Cth)*
- *Taxation Administration Act 1953; Pt 4C, 14ZW*

WA State Legislation

1. *Aboriginal Affairs Planning Authority Act 1972*
2. *Administration Act 1903*
3. *Adoption Act 1994*
4. *Age of Majority Act 1972*
5. *Artificial Conception Act 1985*
6. *Charitable Trusts Act 2022*
7. *Civil Procedure Western Australia “the Red Book”*
8. *Coroners Act 1996*
9. *Cremation Act 1929*
10. *Criminal Code Act 1913, s259,262*
11. *Domicile Act 1981*
12. *Duties Act 2008*
13. *Evidence Act 2014-5*
14. *Electronic Transaction Act 2011*
15. *Escheat Procedure Act 1940*
16. *Family Provision Act 1972*
17. *Freedom Of Information Act 1992*
18. *Guardianship and Administration Act 1990*
19. *Human Tissue Transplant Act 1982*
20. *Interpretation Act 1984*
21. *Land Tax Assessment Act 1976*
22. *Legal Profession Uniform Law (WA)*
23. *Legal Profession Uniform Law Application Act 2022*
24. *Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015*
25. *Limitation Act 1935*
26. *Limitation Act 2005*
27. *Non-contentious Probate Rules 1967*
28. *Oaths, Affidavits and Statutory Declarations Act 2005*
29. *Law Reform (Property, Perpetuities and Succession) Act 1962*
30. *Property Law Act 1969*
31. *Public Trustee Act 1941*
32. *State Administrative Tribunal Act 2004*
33. *Superannuation and Family Benefits Act 1938*
34. *Supreme Court Act 1935*
35. *Supreme Court (Fees) Regulations 2002*
36. *Rules of the Supreme Court 1971*
37. *Transfer of Land Act 1893*
38. *Trustees Act 1962*
39. *Trustee Companies Act 1987*
40. *Voluntary Assisted Dying Act 2019*
41. *Wills Act 1970*
42. *Wills Act Amendment Ordinance 1855*
43. *Wills Amendment Act 2007*
44. *Wills Amendment (International Wills) Act 2012*

Suggested Reading Materials

General References

- J J Hockley and PR MacMillan, *Wills Probate and Administration Service Western Australia looseleaf/on-line*, Lexis Nexis
- John K De Groot and Bruce Nickel, *Family Provision in Australia* (5th edn), 2016, 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

- Tristram and Coote's Probate Practice Butterworths London. **IMPORTANT – only editions prior to the 27th Edition**
- John Kaufman et al, Probate Practice Manual, looseleaf, Leo Cussen Institute
- Craig Birtles and Richard Neal, Hutley's Australian Wills Precedents (10th edn), 2021, Lexis Nexis
- Grahame Young and Jonathon Leek, Duties Legislation Western Australia, looseleaf and online, Thomson Reuters Australia
- Gino Dal Pont and Ken Mackie, Law of Succession, Second Edition, 2017, Lexis Nexis
- Heydon JD and Leeming MJ, Jacobs Law of Trusts in Australia, (8th Edn), 2016
- Commissioner's Practices, Office of State Revenue website: – noting
 - Commissioner's Practice DA 29.5, Nominal Duty for Certain Dutiable Transactions relating to Deceased Estates
 - Commissioner's Practice TAA 13.4, Valuation of Life Interests and Remainder Interests for Duties Purposes
 - Commissioner's Practice DA 3 Transfer of Dutiable Property To and From a Bare Trust
 - Commissioner's Practice DA 14 Information Requirements
 - Commissioner's Practice DA 51 Family Farm Transactions

Specialised References

- CCH Australia Limited, Australian capital gains tax planner in 1 volume, CCH Australia Limited, North Ryde, N.S.W
- CCH Australia Limited, Australian Master Superannuation Guide, CCH Australia Limited, Sydney
- CCH Australia Limited, Australian Master Tax Guide, CCH Australia Limited, Sydney
- Thomson Reuters, Australian Succession Law, 2012, looseleaf/online, Lawbook Co
- Michael Bowyer, *Freedom vs Protection*, Public Trustee, October 2023 (Guide to Guardianship and Administration Orders in WA)
- 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, Introduction to Trusts, 7th Edition, 2018, Thomson Reuters
- Gino Dal Pont, Powers of Attorney, 2014, 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, Law Book Co
- David M. Haines, Construction of Wills in Australia, 2007, LexisNexis Butterworths
- Kenneth S. Jacobs et al, Jacobs' Law of trusts in Australia, (8th edn), 2016, LexisNexis Butterworths
- James Kessler and Michael Flynn, Drafting Trusts and Will Trusts in Australia, Second Edition, 2017, Law Book Co
- Law Society of Western Australia 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*, (20th edition), Sweet & Maxwell UK
- *Testamentary Trusts, Strategies and Precedents*, 2nd Edition, Sundar, Rowland and Bailey, 2016
- *Complete Guide to SMSFs, Planning for loss of capacity and death*, Figot 2016
- Shane Newton, *Protecting a Will*, 1994, Federation Press
- *Thomas on Powers*

Relevant Pages on Court Websites

- Wills and probate pages on the Supreme Court Website
- Family Court of Western Australia – Family Property
- State Administrative Tribunal
- Office of the Public Trustee
- Office of the Public Advocate
- Supreme Court of Western Australia eCourts Portal
- Supreme Court of Western Australia

Other reading

- Legal Profession Uniform Law Australian Solicitors Conduct Rules 2015

Webpages

- Halsbury's Online

SCHEDULE 6: RECOMMENDED COMPUTER REQUIREMENTS FOR ASSESSMENTS

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 a candidate 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 a 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

There are certain devices that cannot be used as the Safe Exam Browser **cannot** be installed. These include 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](#)