
Testamentary Trusts: Strategies and Precedents 2nd ed

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Testamentary Trusts: Strategies and Precedents (2nd edition) is the latest edition of the text from Sundar, Rowland and Bailey. In this edition, the coverage of legal principles has been expanded to include all types of testamentary trusts.

The text addresses questions ranging from the basic “what is estate planning?” through to the more specialised “what are the most tax effective ways to structure testamentary trusts?”. The discussions about these questions cover topics like:

- streaming powers of a trustee and Capital Gains Tax (“CGT”) considerations, with an in-depth analysis of the effect of *Federal Commissioner of Taxation v Bamford* for estate planning practitioners;
- extension of the CGT rollover through transferring property to a potential beneficiary under a discretionary testamentary trust;
- asset protection strategies that seek to protect assets against bankruptcy and family law property settlements;
- strategies to protect against testator’s family maintenance (family provision) claims;
- benefits of the assets test exemption for special disability trusts;
- approaches to the various types of personal insurance; and
- succession planning for superannuation.

Most of these topics have a dedicated chapter within the text that begin with an in-depth overview, followed by cascading headings that are logical and easy to follow. A particularly useful part of these chapters for practitioners is that each discussion on a particular area of the law has a corresponding precedent, or variations of precedents, that can be adopted or adapted. These precedents are accompanied by a commentary explaining the reasoning behind particular provisions with the help of practical case examples.

The text is concise and easy to read, with twelve chapters and an index limited to 371 pages. Where the text covers substantive areas of the law it is done in an original form that clearly

communicates the relevant point to the reader. Where extracts are used, they are limited to a particular legislative provision that has been given context and explanation by the supporting text. In summary, the text provides an accessible view on the law of testamentary trusts that is appropriate for all skill levels. It would be an attractive addition to collections of those practicing in estate planning, estate administration or family law.