

SPEAKERS



Chris Kelly, Greg Kelly Law, Wellington

Chris has over 40 years' experience in wills, trusts, and estates, with a significant portion of that time spent working with trustee corporations. He is a member of Society of Trust and Estate Practitioners, and has presented many papers at NZLS CLE conferences, as well as chairing the Elder Law Conference on a number of occasions.



Greg Kelly, Greg Kelly Law, Wellington

Greg has 40 years' experience in the wills, trusts and estate area. He is a member of the Society of Trust and Estate Practitioners and has chaired several NZLS CLE Trust Conferences. Greg is a contributor to *Butterworth's Law of Trusts*, and the probate and administration author for *McGechan on Procedure*.



Kimberly Lawrence, Greg Kelly Law, Wellington

Kimberly advises in relation to all aspects of trust law, particularly in relation to trust disputes, including trustees' and beneficiaries' rights and obligations in respect of trust administration, information, and litigation.



Colette Mackenzie, Greg Kelly Law, Wellington

Colette has extensive experience in the areas of trusts & estate planning, with particular expertise in the interrelationship between trusts and relationship property and dealing with the division of trust property on separation.

Greg, Chris, Kimberly, and Colette are authors of the upcoming 8th edition of *Garrow and Kelly's Law of Trusts and Trustees*; Greg and Chris are also co-authors of *Dobbies' Probate and Administration Practice* (5th and 6th editions).

CONTENTS

1. VARIATIONS – PREPARING FOR THE TRUSTS ACT 2019	1
2. PART I – VARIATIONS TO PREPARE YOUR TRUST DEEDS FOR THE NEW ACT	3
VARIATIONS RELATING TO BENEFICIARIES AND BENEFICIARY CLASSES	3
GENERAL VARIATIONS	4
VARIATIONS RELATING TO DEFAULT DUTIES	5
VARIATIONS TO INVESTMENT DUTIES	7
3. PART II – POWERS AVAILABLE TO MODIFY TRUSTS	9
POWERS GENERALLY	9
POWERS TO APPOINT AND REMOVE BENEFICIARIES.....	9
APPLICATION TO TRUSTS ACT 2019	11
POWERS OF VARIATION	12
APPLICATION TO TRUSTS ACT 2019	13
VARYING POWERS OF APPOINTMENT.....	14
4. PART III – TRUSTS WHICH CANNOT BE VARIED: RESETTLEMENT?	15
POWER TO RESETTLE.....	15
WHO CAN BENEFIT ON A RESETTLEMENT?	16
PERPETUITIES/MAXIMUM DURATION OF A TRUST	16
TAX CONSEQUENCES.....	17
RESETTLEMENT PROCESS	17
5. PART IV: TRUSTS WHICH CANNOT BE RESETTLED: GOING TO THE HIGH COURT.. 19	
UNANIMOUS CONSENT OF BENEFICIARIES	19
HIGH COURT APPROVAL	20
6. CONCLUSION	21
7. APPENDIX – REVIEW OF SAMPLE FAMILY TRUST DEED	23