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Special Counsel

Edward Skilton

Business Law

Edward is a Special Counsel in the business law area, with a particular focus on equity, trusts and succession.

The focus of his dispute practice is on protecting vulnerable beneficiaries and others negatively affected by the decisions of the incumbent controllers of estates and trusts. He represents plaintiffs and defendants in the Supreme Court in matters relating to:

- The removal and replacement of executors and trustees of estates and trusts;
- Applications for judicial interpretation of trust instruments, for example where there is a dispute as to whether a trustee had the power to do what has purportedly been done;
- Disputes regarding the validity of wills;
- Applications to have wills brought into Court; and
- Applications for provision / further provision from deceased estates for example where spouses or children of the deceased person claim a greater share of the estate than that which they are entitled to pursuant to the deceased's will.

Edward also advises in relation to applications to the Superannuation Complaints Tribunal regarding the payment of superannuation death benefits including disputes regarding eligible recipients, trustee decisions and validity of documents.

On the planning side, Edward prepares complex estate plans and is particularly interested in assisting the owners of private business groups transfer the business to the next generation, as distinct from a sale to third parties. Edward has a particular interest in agribusiness, fresh produce, catering, design / fit out and construction industries. He works with families to develop and execute plans to transition equity and / or management of businesses to the next generation using a combination of legal structures and non-legally binding family agreements such as a family constitution or charter. Sometimes the transition to the family is a back-up plan where a sale to an external purchaser does not materialise but most frequently Edward is instructed by families determined to ensure that the business survives into the next generation. He consults to families on a short term project basis to assist in achieving specific goals and also over a longer term when the objective is often to hold key stakeholders accountable to action points through continued dialogue and family council meetings. His dispute resolution experience is often drawn upon to help clients head off future disputes with



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sensible and timely structuring and planning. From time to time this will mean tweaking plans in response to changing circumstances.

Where there are concerns about a person's ability to make decisions about their own finances and care, Edward has been instructed in numerous instances to advise and represent clients in relation to administration and guardianship applications in the Victorian Civil and Administrative Tribunal. He also, following recent changes to the law in Victoria, advises in relation to applications for Court made wills for people who lack the capacity to make a will, including in circumstances where the potential beneficiary is in the midst of a relationship breakdown and wishes to see the future inheritance protected against any property settlement.

Edward regularly presents to clients and professional groups on topics relating to estate and business succession planning, administration and related disputes. A current list of topics he would be pleased to present on can be supplied upon request.

Ed's areas of practice include:

- Family estate succession planning
- Administration and disputes
- Business structuring and succession planning
- Asset protection
- Trusts

Professional associations and awards:

- Admitted to practice in England and Wales
- Admitted to the Supreme Court of Victoria

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