Make the Wise Choice

Legalwise

February 2019

Accounting CPD Program

Trusts Essentials

Estate Planning

Employment Taxes and Financial Obligations

TRUSTS ESSENTIALS

4TH ANNUAL

MONDAY, 18 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AN01

A client will expect much when they turn to you for advice on trusts. Are you caught up on game changing CGT concession changes and the ATO's latest rulings? Are you across the types of trust structuring and asset protection strategies that will keep your clients coming back while referring you to others? Do you have the cutting edge strategies necessary to flawlessly handle complex issues related to discretionary trusts, distributions, trust loss provisions, vesting, winding up a trust and more? Gain an edge on your competitors with practical, real world guidance into each of these critical areas.

Chair: **Valentina Stojanovska**, Managing Director and Principal, Black Book Management and Black Book Legal; Consultant, Sparke Helmore Lawyers

OPENING ADDRESS

The Latest ATO Rulings and Developments in Trusts and the Impact on Your Clients

Presented by **Julie Van der Velde** TEP, CTA, Principal, VdV Legal; Co-Chair of STEP SA; 2017 Chartered SME Tax Advisor of the Year; Recommended Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

PERFECTING TRUST STRUCTURES AND ASSET PROTECTION

Choosing the Right Trust Structure: Business vs Investment

The rules surrounding trusts can be extraordinarily complex which in turn can make it difficult when advising clients on how to best structure their affairs. This session will explore:

- The various trust structures that exist and related strategies
  - Choosing the right trust structure for your clients based on their needs
  - Can your client use a trust for more than one purpose?
- Why corporate trustees are more commonly used and the potential issues you need to keep in mind
- IMPORTANT issues you need to know about trust deeds and why a standard deed is not recommended
- Always planning ahead

Presented by **Andrew Aitken**, Partner, Aitken Lawyers

Using Trusts for Asset Protection: The Strategies Your Clients Need

- Avoiding duty and land tax traps
- Dealing with problems of common appointor rules
- Traps with common constitutions you may encounter
- Corporations law intervention
- Understanding tax residence and streaming
- Managing control
- Splitting and cloning

Presented by **James Meli**, Practice Leader, Legal Vision

Significant Changes to Small Business CGT Concessions: Application of Integrity Measures and What it Means for You!

Accessing the small business CGT concessions and understanding these complex rules remains a challenge. Examine and discuss the key areas where uncertainties arise for taxpayers.

- Analysis of the key fundamentals of the small business CGT concessions
- Liabilities and when a liability relates to the CGT asset
- Dividend access shares
- How the small business concessions interact with the earnout provisions
- The amendments to the small business CGT concessions

Presented by **Tony Nunes**, Senior Client Director – Tax Consulting, CTA and **Jane Harris**, Senior Tax Consultant, FTI, Kelly + Partners Chartered Accountants

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Should a Trust Own the Family Home? What to Advise Your Clients

- How to access the CGT main residence exemption
- Necessary legal, tax and practical requirements
- Duty and land tax implications and exemptions
- Differences between the Australian jurisdictions

Presented by **Clifford Hughes**, Principal, Clifford Hughes & Associates; Accredited Specialist in Tax Law and Business Law; CTA

PRACTICAL TRUST STRATEGIES

When the Fighting Starts: How Does the Family Court Treat Discretionary Trusts?

- When are the assets of a discretionary trust vulnerable to a property settlement claim under the *Family Law Act*?
- How to limit the inclusion of assets of a discretionary trust in a family law property settlement
- Latest cases as to the treatment of discretionary trusts by the Family Court

Presented by **Sheridan Emerson**, Partner, Pearson Emerson Meyer; Accredited Specialist in Family Law; Leading Family & Divorce Lawyer, *Doyle's Guide* 2018

Practical Trust Distribution Strategies and What the ATO is Cracking Down on

- Evidencing trust distributions prior to 30 June
- Review of the trust deed
- Section 100A reimbursement agreements
- Specific entitlement
- Management of UPEs

Presented by **Tristan Whitefield**, Director, PwC

Trust Loss Provisions and Family Trust Elections: The Consequences for You and Your Clients

- Losses and franking credits: the need for an FTE
- What are the implications of making a family trust election?
- FTEs and non-resident trusts: Is there a need? What are the practical implications?
- Complexities that arise with FTEs and IEEs in larger family groups with trusts
- Discretionary trusts vs 'fixed' trusts: What is the relevance of the distinction?
- Passing on the family baton: Can you revoke or alter an FTE or an IEE?

Presented by **Vanessa Priest**, Tax Partner, Baskin Clarke Priest

A Detailed Guide to Trust Vesting and Winding up: Problems, Risks and Solutions

- Legal requirements and risks
- Common complications with assets and liabilities
- Tax implications to UPEs, loans, Division 7A, commercial debt forgiveness, returns of capital and cancellations of units
- Duty on in specie distributions
- The trustee's indemnity

Presented by **Jennifer Yeo**, Founder and Director, Evora Legal; CTA

ESTATE PLANNING CONFERENCE

4TH ANNUAL

TUESDAY, 19 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AN02

It's an age old idiom that nothing is certain in life but death and taxes, and in the complex world of estate planning the two go hand in hand. Unlock the latest estate planning strategies regarding critical tax issues tied to death, dealing with a rapidly involving superannuation landscape, and deftly managing Division 7A issues and testamentary trusts. This diverse panel of experts will guide you to the results your clients expect in each of these areas and more, including dealing with blended families, foreign clients and assets, small businesses, aged care issues, and executor risks.

Chair: **Anthea Kennedy**, Partner, Bridges Lawyers; Leading Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

SOPHISTICATED TAX AND ESTATE PLANNING STRATEGIES

Your Comprehensive Taxation Guide to 'Death' and the Impact on Your Estate Planning Strategies

- Is death always CGT free? Testamentary options and gifts to foreign residents
- Changing the Will after death: the CGT concession and stamp duty constraints
- Appropriations
- Caring for your clients' cost base before they die
- Income tax and CGT post death
- Death of a sole trader
- Selling the family home

Presented by **Jim Main**, Director, JMA Legal; CTA

Estate Planning and Superannuation: How to Avoid the Common Mistakes

- A member has passed away: steps the trustee needs to follow
- Beneficiaries: How are they identified?
- Tools to provide certainty with the distribution of death benefits
- Post 1 July 2017: What has changed with regard to the distribution of death benefits?
- What impact has the Transfer Balance Cap had on estate planning?

Presented by **Mark Wilkinson**, Partner - Superannuation, BDO

Practical Estate Planning Strategies for Blended Families

- Needs of second partner vs needs of children from first marriage
- Family provision claims: how to enhance your strategies
- Estate planning and superannuation considerations
- Case studies

Presented by **Michelle Meyer,** Consulting Principal, Keypoint Law; Recommended Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

Dealing with Division 7A Loans in Estate Planning: New Strategies for the New Changes

Recent tax rate changes and the new limits in super will see the growth of the private family company with significant Division 7A loans. Examine what you need to know to deal with the following challenges:

- Unplanned Division 7A loans will invoke estate claims as distribution wishes are destroyed
- Inheriting debt will become a new feature of estate planning
- The executor tax concern and liability risk will be paramount

Presented by **Peter Bobbin**, Managing Principal, Argyle Lawyers; Chair of STEP NSW

Managing Global Assets and/or Foreign Residents in Estate and Succession Planning

- Cross border succession law issues including conflict of laws
- Cross border estate and structure planning options including whether to have one global Will or separate Wills
- Australian tax issues: what to advise your clients
- Foreign estate tax issues including the US and UK
- The impact of the Common Reporting Standard

Presented by **James Whiley**, Special Counsel, Hall & Wilcox

ADVANCED ESTATE PLANNING TECHNIQUES

Should You be the Executor of Your Client?

Examine practical matters and suggested solutions to allow you to make the best decision when considering whether to be your client's executor.

- Appointment of executor in a Will
- Role and responsibility of an executor
- Checklist of major estate issues to consider
- Who is liable if it goes wrong?

Presented by **Peter MacLean**, Partner, Walker Wayland NSW; CTA

The Practical Realities of Death: Small Businesses and Funerals

- Keeping the business running after the business owner dies: dealing with companies and trusts
- Executor vs family members: who should have control and why
- Costs and payment for funeral, wake, burial plot and headstone expenses
- Who should bear the costs and other considerations

Presented by **Clifford Hughes**, Principal, Clifford Hughes & Associates; Accredited Specialist in Tax Law and Business Law; CTA

Use and Misuse of Testamentary Trusts in Estate Planning: Staying on Track

- Benefits of using testamentary trusts
- When to use testamentary trusts: rules of thumb
- Optional vs mandatory trusts
- Structuring/flexibility issues
- Estate planning to maximise a testamentary trust

Presented by **Christine Page**, Director, David Landa Stewart; Leading Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

Aged Care, Retirement and Estate Planning: Putting it all Together

- Types of aged care and retirement property interests and rights: how they differ
- The 'ins and outs' of elder care: funding and exit
- Family care, granny flats and changes in care needs
- The evolving and critical role of the enduring power of attorney
- Common risks or issues that arise in the elder living environment
- Case study: practical applications for your practice

Presented by **Andrew Keay**, Director and Aged Care Specialist, Aged Care Planners

> *"These are the type of presenters and presentations that I treasure"*

> *"Really positive and I liked the interaction with speakers and attendees"*

 ATTEND THE FULL DAY AND EARN 7 CPD HOURS/UNITS

INAUGURAL EMPLOYMENT TAXES AND FINANCIAL OBLIGATIONS CONFERENCE

WEDNESDAY, 20 FEBRUARY 2019 $695
9.00AM TO 5.15PM 192AN03

With a rise in audits by the ATO and revenue authorities and increasingly serious consequences for non-compliance, it's crucial that you stay up to date with the latest legislative changes to employment taxes and financial obligations. Ensure efficient and effective compliance and minimise risk and costs by examining an extensive range of the most important employment, tax and financial obligation challenges impacting your day to day practice. Gain the tools you need to manage these issues and reach optimised solutions that will improve your practice and give you the results that your organisation or your clients demand.

SESSION 1: ATO'S INSIGHTS AND EMPLOYMENT TAX STRATEGIES

9.00AM – 1.15PM 192AN03A $395

Chair: **Paul Ellis**, Partner, People Advisory Services – Employment Taxes, EY

INSIGHTS FROM THE ATO

Single Touch Payroll and the Journey so far
- Overview of STP and why it is so important
- Progress update: how we are tracking
- Our engagement approach
- What we are seeing in the data

Presented by **Francis Cheng**, Australian Taxation Office

Super Guarantee: The Latest Developments You MUST Know
- Effects of Treasury Laws Amendment (2018 Superannuation Measures No. 1) Bill 2018
- Implementation of the downsizer contributions, First Home Super Savers Scheme and introduction of the Catch Up Concessional Contributions
- Releasing money from super post 1 July 2018

Presented by **Christine Brown**, Superannuation Senior, Nexia Australia

Payroll Tax: What Attracts the Revenue Office's Attention
- Discussion about the tools available to the revenue offices to identify underpayments
- Understanding the impact that the employer's industry can have on revenue office targeting, e.g., industries that use contract labour
- The effect of the media: publicity focussing on underpayment of workers as an example
- The age of inter-agency collaboration: data sharing

Presented by **Andrew Hosken**, Senior Manager, Employment Taxes, KPMG

Getting Ready for FBT 2019: What are the Risks and Challenges?
- Meeting the entertainment challenge head on
- Managing the new safe harbour rules for claiming exemption on tool of trade and work-related vehicles
- The latest on FBT and car parking
- Why car parking is the FBT sleeper
- The FBT treatment for taxi expenses and Uber
- Discussion of new ATO audit strategies and compliance activities

Presented by **Paul Mather**, Director, FBT, Payroll & Salary Packaging Solutions

Expatriate Tax Overview: Tricks and Traps
- Taxation of in-bound employees and what you need to know
- Working outside of Australia and tax residency
- Managing superannuation and FBT considerations
- Use of Double Tax Agreements
- Corporate mobility programs and tax equalisation

Presented by **Ben Renshaw**, Partner, Global Expatriate Services & Employment Taxes, BDO; CTA

SESSION 2: RISKS AND LIABILITIES OF EMPLOYMENT OBLIGATIONS

2.00PM – 5.15PM 192AN03B $395

Chair: **Judith Healy**, Principal, JH Law

Termination of Employment: What Accountants Need to Consider
- Contractual obligations
- A sick employee
- Redundancy
- Unfair dismissal
- General protections
- Continuing obligations

Presented by **Judith Healy**, Principal, JH Law

The Practical Tips and Traps When a Business Uses Contractors
- Examine the difference between an employee and contractor
- How courts and tribunals determine whether a worker is an employee or contractor: the latest cases
- What's the financial and non-financial consequence for the business when its contractor really is an employee?
- Deeming dependent contractors as employees for workers compensation, superannuation and other revenue legislation

Presented by **James Mattson**, Partner, Bartier Perry Lawyers; Accredited Specialist in Employment and Industrial Law

Underpayment of Wages and Accessorial Liability under the *Fair Work Act*: Risks for Accountants and Payroll Managers
The Fair Work Ombudsman has been increasingly relying on the accessorial liability provisions of the *Fair Work Act* to pursue individuals within an organisation in relation to underpayments of wages. This results in increased personal risk to accountants and payroll managers involved in advising on and administering pays.
- What the accessorial liability provisions say
- Who they cover and who they catch
- Explore recent cases and trends
- Gain useful guidance to ensure that accountants and payroll managers are not personally exposed to liability

Presented by **Petrine Costigan**, Director, Petrine Costigan Lawyers

Data: Your Organisation's Core Business and Your Obligations
- Minimising privacy and cyber risk
- Mandatory data breach reporting: one year on
- General Data Protection Regulation (GDPR): Does it apply to you?
- Key aspects of GDPR for professional service firms
- Privacy developments
- What it all means for accountants and payroll managers

Presented by **Annelies Moens**, Managing Director, Privcore Pty Ltd; Certified Information Privacy Professional

7 ATTEND THE FULL DAY AND EARN 7 CPD HOURS/UNITS

COMPLIMENTARY PAST PAPERS

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SMSFs	
SMSF Symposium (QLD, June 2018)	CD186AQ03
PROPERTY AND TAX	
Tax Intensive for SME Advisers (VIC, June 2018)	CD186AV02
Inaugural Property Tax Conference (QLD, March 2018)	CD183AQ01
PPSA Updates, Best Practices and Strategies (QLD, March 2018)	CD183N47
Residential Property Transactions: Tax, Owners Corporations and Updates (VIC, September 2017)	CD179V02
TRUSTS, WILLS & ESTATES	
Estate Planning Symposium (NSW, March 2018)	CD183N20
3rd Annual Trusts Symposium (WA, February 2018)	CD182AW01
3rd Annual Business Succession and Estate Planning Conference (VIC, February 2018)	CD182AV02
11th Annual Wills and Estate Planning Forum (WA, March 2018)	CD183W01
BUSINESS	
Buying and Selling a Business: Legal Skills, Risks and Disputes (NSW, March 2018)	CD183N26
Business Formation, Tax Planning & Exit Strategies (QLD, June 2018)	CD186AQ01
Family Business Advisory Conference (NSW, November 2018)	CD1811AN01
Shareholder Agreements: Drafting, Tax and Disputes (NSW, March 2018)	CD183N16
Small Business Restructuring Conference (VIC, September 2018)	CD189AV01

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RECORDING	CODE
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Exempt Current Pension Income & Segregation – Thinking Strategically (August 2018)	OND188H01
BUSINESS	
Family Business Advisory Conference (NSW, November 2018)	OND1811AN01
Business Advisory and Client Management (NSW, September 2018)	OND189AN03
Small Business Restructuring Conference (VIC, September 2018)	OND189AV01
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Business Formation, Tax Planning & Exit Strategies (NSW, June 2018)	OND186AN02
Inaugural Property Tax Conference (SA, March 2018)	OND183AS01
SMSF	
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SMSF Symposium (NSW, June 2018)	OND186AN01
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3rd Annual Trusts Symposium (NSW, February 2018)	OND182AN01
3rd Annual Business Succession and Estate Planning Conference (NSW February 2018)	OND182AN02

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Conference Title	Date	Code	Std Fee	Early Bird	2+ Bookings
4th Annual Trusts Essentials	18 Feb	192AN01	$695	$595	$495
4th Annual Estate Planning Conference	19 Feb	192AN02	$695	$595	$495
Inaugural Employment Taxes and Financial Obligations Conference	20 Feb	192AN03	$695	$595	$495
Session 1: ATO's Insights and Employment Tax Strategies	20 Feb	192AN03A	$395	$345	-
Session 2: Risks and Liabilities of Employment Obligations	20 Feb	192AN03B	$395	$345	-

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