Make the Wise Choice

Legalwise

February 2019

Accounting CPD Program

Trusts Essentials

Estate Planning

TRUSTS ESSENTIALS

4TH ANNUAL

MONDAY, 25 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AW01

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, 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: **Iggy Moro**, Director, Walker Wayland; FCA; CTA

OPENING ADDRESS

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

Presented by **Grahame Young**, Barrister, Francis Burt Chambers; CTA

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 focus on trusts as business and investment structures and explore:

- The various trust structures that exist and related strategies
- The opportunities and pitfalls that exist with various trust structures and what you need to be aware of when advising clients
- The application of various small business concessions within the different trust structures
- Restructuring opportunities that exist within a trust

Presented by **Shirley Godfrey**, Manager – Tax Consulting, Maxim Private Advisory; CTA

Using Trusts for Asset Protection: The Strategies Your Clients Need and Expect

- Avoiding state taxes traps
- Dealing with common appointor rules
- Traps with common trust deeds and corporate trustee constitutions
- Corporations law intervention
- Managing control
- Splitting and cloning

Presented by **Yikai Hoe**, Director, Provident Lawyers; FTI

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

- Overview of the application of the Small Business CGT Concessions for trusts
- Recent amendments to the small business CGT concessions (integrity measures) and implications for trusts
  - Stricter active asset test
  - Changed timing of when a business must be carried on by either a taxpayer or underlying company/trust
  - 'Object entity' rules: satisfaction of modified maximum net asset test or satisfaction of small business (turnover) test
  - Denial of concession for partnership interest (*Everett*) assignments

Presented by **Tim Poli**, Director, Kings Park Legal; CTA

PRACTICAL TRUST STRATEGIES

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 that are necessary
- 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

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*?
- Can you 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 **Linda Richardson**, Director, Accredited Specialist in Family Law and Mediator, Kim Wilson & Co

Practical Trust Distribution Strategies and Tax Administration Audit Risks

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

Presented by **John W Fickling**, Barrister, John Toohey Chambers

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
- Transfer duty on in specie distributions
- The trustee's indemnity

Presented by **Antony Barrier**, Senior Associate, Munro Doig; FTI

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

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

ESTATE PLANNING CONFERENCE

4TH ANNUAL

TUESDAY, 26 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AW02

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, vulnerable beneficiaries, foreign clients and assets, small businesses, and executor risks.

Chair: **Colin Munro**, Director, Munro Doig; CTA

SOPHISTICATED TAX AND ESTATE PLANNING STRATEGIES

Bespoke Estate Planning: Understanding Client Needs

- Consideration of the suite of estate planning tools available
- Understanding how to identify client needs and the appropriate solution
- Consideration of family companies and trusts in the estate planning context
- Practical examples of identifying and solving estate planning problems
- Useful tips and tricks for your accounting practice

Presented by **Lee-Ann Cartoon**, Special Counsel, Greenstone Legal

Dealing with Loans and Unpaid Present Entitlements (UPEs) in Estate Planning

- Finding the loans and UPEs in the family structure
- Balancing estate planning with asset protection considerations
- Why is Division 7A important and how are the rules changing?
- Other tax issues and traps to be aware of

Presented by **Daniel Taborsky**, Senior Associate, EY; 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 **Pat Kelly**, Senior Manager, BDO

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 **David Kirchner**, Practice Director, Templar Legal

Practical Estate Planning Strategies for Blended Families and Vulnerable Beneficiaries

- Blended families:
  - Provision for second spouse
  - Estate planning tools to avoid claims
  - Superannuation
- Vulnerable beneficiaries: protective trusts and special disability trusts

Presented by **Amanda Liston**, Director, Clement & Co Lawyers Incorporating Amanda Liston Legal; Leading Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

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, including:

- 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 **Brendan Taylor**, Partner, Lincolns

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

Effectively Managing Your Client's Overseas Assets in Estate Planning: Tips and Traps

- The risks and complexities of having assets in other jurisdictions
- How to advise your clients about their assets in other jurisdictions
- Is a Will executed in Western Australia effective in another jurisdiction?
- What are the practical and taxation implications?
- Just what exactly is the mysterious 'International Will'?

Presented by **Morgan Solomon**, Director, Solomon Hollett Lawyers; Preeminent Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

Estate Planning and Incapacity: What Accountants Need to Know and Plan for

- What's your role as the accountant?
- What can be done to help in the event of incapacity of your client?
- Testing for incapacity: how to know when it's time and factors to watch for
- Damage control: what can be done for your client if it's too late for incapacity planning

Presented by **Claire Hawke-Gundill**, Senior Associate, Kott Gunning Lawyers; Recommended Wills, Estates and Succession Planning Lawyer, *Doyle's Guide* 2018

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DELEGATE 2

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Conference Title	Date	Code	Std Fee	Early Bird	2+ Bookings
4th Annual Trusts Essentials	25 Feb	192AW01	$695	$595	$495
4th Annual Estate Planning Conference	26 Feb	192AW02	$695	$595	$495

Sydney Conferences Available Live Online or as Recordings
See our website for more information: www.legalwiseseminars.com.au

Conference Title	Date	Live Online Code	Recording Code	Std Fee	Early Bird
4th Annual Trusts Essentials	18 Feb	WEB192AN01	OND192AN01	$695	$595
4th Annual Estate Planning Conference	19 Feb	WEB192AN02	OND192AN02	$695	$595
Inaugural Employment Taxes and Financial Obligations Conference	20 Feb	WEB192AN03	OND192AN03	$695	$595
Session 1: ATO's Insights and Employment Tax Strategies	20 Feb	WEB192AN03A	OND192AN03A	$395	$345
Session 2: Risks and Liabilities of Employment Obligations	20 Feb	WEB192AN03B	OND192AN03B	$395	$345

PAYMENT

All price inc GST. This document will be a tax invoice for GST when fully completed and you make a payment that is under $1000. Please take a copy for your records. ALL registrations must be paid in full prior to the date of the event.

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