

# CPD For The Trusted Adviser

October - November 2019

*Property Tax and Advisory*

Business Structuring  
and Restructuring

*Family Business Advisory*

**EARLY BIRD DISCOUNTS! 6 SEPTEMBER FOR OCTOBER  
PROGRAMS & 18 OCTOBER FOR NOVEMBER PROGRAMS**



# PROPERTY TAXATION AND ADVISORY CONFERENCE

2ND ANNUAL

WEDNESDAY, 9 OCTOBER 2019  
9.00AM TO 4.45PM

\$695  
1910AV01

This conference covers all the key issues every adviser dealing with property needs to know about. Can you afford to miss it?

Chair: Simon Aitken, Partner, RSM Australia

## SHORTCUTS TO UNDERSTANDING THE VICTORIAN PROPERTY MARKET

### A Roadmap to the VIC Property Market & Tips on Land Tax Objection

- The Victorian residential and commercial property markets
- A look at the land tax objection process
- What is the success rate in objecting to land tax valuation and how to achieve the desired outcome?

Presented by **Craig Veljkovic**, Director, Herron Todd White; Certified Practising Valuer

## TIMELY, EXPERT ADVICE FOR YOUR PROPERTY DEVELOPER CLIENTS

### Navigating Critical Tax and Duty Issues Related to Subdividing & Partitioning Land

- Revenue vs Capital for 'once-off' property developers
- Development agreements: charging duty on 'Economic Entitlements'
- Partitioning land: How is a partition treated for CGT and duty?
- Retaining subdivided land: GST and income tax issues

Presented by **Andrew Henshaw** and **Rajan Verma**, Directors, Velocity Legal

### Answers to Key GST Questions in the Residential Property Development Lifecycle

- Can GST influence the selection of the development site?
- When should the developer register for GST?
- Can the developer claim full input tax credits on development-related purchases?
- Can the developer access the margin scheme? And how is the margin calculated?
- What if the developer decides to rent some of the new residences or transfer them to an associate?
- How does GST apply to 'build-to-rent' models?
- What are the developer's GST withholding obligations?
- What is a GST-effective operating structure for a residential developer?

Presented by **John Haig**, GST Specialist, John Haig Pty Ltd

## AVOIDING SUCCESSION AND FAMILY LAW DISASTERS

### Succession Planning: Identifying and Explaining the Key Issues for Your Property Clients

Property issues feature heavily in your client's estate planning. There is often the desire to gift particular properties to beneficiaries, or an intention to ensure properties are either retained for a longer time or sold within a particular timeframe. Explore the key issues to ensure the intended provision is made to avoid unwanted tax or duty implications.

- How the ownership of the property impacts the ability to gift it to the intended beneficiary and why is this important to your clients
- Practical tips on achieving objectives if property is owned in a family trust or an SMSF
- What if the value of the property exceeds the intended provision for the chosen beneficiary?
- What to do with the principal residence?
- How to deal with property located overseas?

Presented by **Krista Fitzgerald**, Practice Leader, Moores; Recommended Wills, Estates & Succession Planning Lawyer, *Doyle's Guide 2018*

### From a Family Lawyer's Perspective: A Guide Map for Property Advisers

- Your role as a trusted adviser
- Overview of the Family Courts' approach to property division
- The most common 'asset pool' issues in relation to real property
  - Issues of control, in particular of trusts
  - Valuation issues
  - How to unlock jointly held interests/liquidity issues
  - Embedded tax, including CGT and Division 7A
- Asset protection: financial agreements and other planning ideas you need to keep in mind when you assist your clients
- Super splitting: taking it as a financial opportunity
- Contributions and the ability to trace them; issues you should address to your clients

Presented by **Gillian Coote**, Principal, Coote Family Lawyers; Accredited Family Law Specialist; Preeminent Family & Divorce Lawyer, *Doyle's Guide 2019*

## SKILLS, TOOLS & INFO FOR ADVISING YOUR RESIDENT AND NON-RESIDENT CLIENTS

### Taking Advantage of CGT and Main Residence Exemption: Maximising the Opportunity

- Clarifying the general concepts of the CGT main residence exemption
- Key considerations when changing main residences
- Watch-outs when subdividing, demolishing and rebuilding property
- How should you advise your client if they become a non-resident?
- Consequences of producing income from property, including through the sharing economy
- Opportunities and issues arising with respect to deceased estates

Presented by **Jacci Mandersloot**, SDirector, MC Tax Advisors

### Precisely How to Advise Foreign Property Investors in a Changing Tax Landscape

Foreign investors in the Australian real estate market must deal with a complex tax and regulatory environment. Examine the unique tax issues that these investors face when funding, acquiring, holding or selling Australian real property, by outlining the following issues through the lens of two practical case studies:

- When and how to obtain FIRB approval
- Tips and traps associated with funding acquisitions via debt
- Key stamp duty and land tax issues you need to advise your foreign clients
- CGT issues on disposal that your clients need to understand
- Practical considerations regarding the taxation and extraction of profits

Presented by **Simon Dorevitch**, Manager, A&A Tax Legal Consulting; Chartered Tax Adviser

# SMALL BUSINESS STRUCTURING AND RESTRUCTURING CONFERENCE

2ND ANNUAL

THURSDAY, 10 OCTOBER 2019  
9.00AM TO 4.45PM

\$695  
1910AV02

If you're advising a client who is structuring a business at the very initial stage, there are immediate red flags you need to raise as well as the obvious tax issues. Potential risks at the event of a relationship breakdown, estate planning issues, insurance and asset protection, just to name a few. Similarly, small business restructuring brings its own set of challenges. Obtain a practical guide to small business CGT concessions and rollovers, GST and other duties that practitioners often miss in the restructuring process. Get on top of all the cutting edge strategies you will need when your client's small business needs to be structured or restructured.

Chair: **Dianne Sisak-Penjalov**, Senior Manager, EY Law; Chartered Tax Adviser

## CUTTING EDGE STRUCTURING STRATEGIES TO MAXIMISE TAX BENEFITS

### PRACTICAL WORKSHOP

#### How to Avoid the Risks & Traps of Small Business Structuring

- Key issues to consider at the initial client's meeting: a step by step checklist
- Expertly tailoring a business structure to maximise asset protection
- Top level structuring strategies in key business industries, including professional services
- Case study

Presented by **Rob Jeremiah**, Principal, Sladen Legal; Accredited Specialist in Business Law and Tax Law and **Sam Campbell**, Associate, Sladen Legal

## COMPREHENSIVE GUIDE TO RESTRUCTURING FOR SMALL BUSINESS CLIENTS

### RESTRUCTURING PRACTICUM

#### Small Business Restructuring in Practice: Unlocking the Latest Strategies

- When can/can't you use the small business restructure rollover?
- What alternatives are available when restructuring is considered?
- Tips and traps of using rollovers
- Practical worked example

Presented by **Chris Wookey**, Chartered Accountant and Chartered Tax Adviser

### Prenups, Split-ups and Small Business: Challenges Faced by Business Owners and their Advisors

- How do the Australian Family Law Courts consider business structures such as trusts, companies and partnerships?
- How are related party loan accounts treated?
- In an increasingly global business landscape, how are assets offshore considered?
- What about an SMSF in family law disputes?
- Duties of disclosure: obligations to disclose financial information to one another, personally and business related
- Businesses and family law litigation: what if I am subpoenaed? What happens if a company or trust is joined to family law litigation? Can orders be made requiring third party entities to give effect to a settlement?
- Documenting a settlement: is it a final deal?
- Is prevention better than cure? Should parties in small business, or contemplating small business ventures give consideration to binding financial agreements ('prenups')?

Presented by **Belinda Spong**, Principal, MST Law; Recommended Family & Divorce Lawyer, *Doyle's Guide 2019; Best Lawyers 2020*, Family Law

### Discretionary Trusts and Business Structures: What can and Will go Wrong

- What is a discretionary trust, who are the controllers and what is the nature of a beneficiary's interest in the trust?
- Passing control of discretionary trusts in the estate and succession plan: trust law and tax issues you need to know
- Dealing with loan account balances in the estate and succession plan
- Trust splitting and the ATO's views: avoiding the common traps
- Options and strategies to minimise the risk of disputes in the second generation: the risk of one child being outvoted
- Case study

Presented by **Nathan Yii**, Principal Lawyer, Nathan Yii Lawyers; SMSF Specialist Advisor; Chartered Tax Advisor; Recommended Wills, Estates & Succession Planning Lawyer, *Doyle's Guide 2018*

### Trust Structures: Interaction with Small Business CGT Concessions

- Trust distributions and minutes: background
- Trusts and Division 152: a refresher on important terms and concepts relevant to trusts
  - Significant individual
  - CGT concession stakeholder
  - Active assets
- The importance of getting the trust administration correct to satisfy the requirements for the Division 152 CGT concessions

Presented by **Paul Goldin**, Principal, Vectigal Legal; Chartered Accountants and Chartered Tax Adviser

### GST, Duty and Restructuring a Business: Understanding the Interplay and Perfecting Your Strategies

- Key GST issues including:
  - Related party and intra-group transactions, in specie consideration and going concern exemption traps
  - Input taxed supplies of shares/units
- Important duty considerations including:
  - Transfer duty, landholder duty, trust/partnership acquisition duty, and the 'traps' that catch taxpayers and their advisors
  - Corporate reconstruction relief: Australia-wide rules, recent changes and practical considerations
  - Alternative approaches and exemptions

Presented by **Rachel O'Donnell**, Special Counsel, Hall & Wilcox

# FAMILY BUSINESS ADVISORY CONFERENCE

2ND  
ANNUAL

THURSDAY, 21 NOVEMBER 2019

9.00AM TO 4.45PM

\$695

1911AV01

Find the answers to the family business clients' dreams: How to avoid family conflict but ensure business success. In one information packed day you will gain the best strategies to help your family business clients throughout the entire business lifecycle. From startup and structuring to challenges such as family or relationship breakdown or foreign investment, to selling, exiting or splitting up the family business, bring yourself up to speed on the key strategies from the leading tax and family law experts. At the end of the day, you will know how to effectively assist your family business clients to maximise their tax benefits but minimise the potential risks throughout generations.

Chair: **Joelle Tabone**, Partner, Business Advisory Services, HLB Mann Judd

## PERFECTING YOUR FUNDING, RESTRUCTURING AND EXIT STRATEGIES

### Family Enterprises: Focus on Startups and Funding

- Exploring the key drivers and advantages of investing in start-ups
  - The next generation members: diversify and deploy capital into a dynamic and high risk market segment that has the potential to provide high returns
  - Investors: take a proactive interest in the startup and pass on their experience by mentoring the founders of the startup
- An alternate approach: next generation family members to undertake their own startup with the backing of the family enterprise
- Taking advantage of the available tax incentives to keep the entrepreneurial spirit alive and younger family members engaged

Presented by **Fiona Hinrichsen**, Associate Partner – Family Office Advisory and Private Client Services, EY

### Family Business Restructuring to Avoid Risks throughout Generations

- When is a restructure required: commercial and family drivers
- Options for restructuring the family business to ensure the optimum structure for future generations
- Dealing with participating and non-participating family members
- The importance of equity holder agreements within the family group
- Ensuring consistency with the estate plan

Presented by **Andrea Carrick**, Director, AG Tax Lawyers; Chartered Tax Adviser

### Your Preparation Guide and Tax Exit Strategies for Selling a Family Business

- Preparing to sell: key commercial and tax issues need to be considered for family businesses at the preliminary stage
- Should a family business be sold through a sale of share or assets: a detailed analysis of pros and cons
- Taking advantages of the GST going concern exemption
- Understanding the tax treatments of earnouts
- Dealing with sale of pre-CGT businesses and shares: CGT concessions

Presented by **Raffi Tenenbaum**, Tax Partner, KPMG; Chartered Tax Adviser

## FAMILY BUSINESSES IN THE GLOBAL CONTEXT

### Foreign Investors Coming to Australia: Crucial Tax and Commercial Considerations

Increasing amount of foreign investors are seeking investment and business opportunities in Australia.

- When does your client become a tax resident? The changing nature of residence for both individuals and corporates
- CGT cost base on becoming a resident
- Australian permanent establishment issues
- State tax surcharges for foreign investors
- FIRB issues you should consider for your clients

Presented by **Philip Diviny**, Partner, Madgwicks Lawyers; Chartered Tax Adviser

### Succession Planning for Family Businesses Beyond Australia's Borders

- Personal succession planning from an international point of view
- Effects of overseas beneficiaries or testators on distributions from deceased estates
- Incapacity while overseas and how could you assist your clients: preparing the right enduring powers of attorney
- Troubleshooting common issues with international clients or assets
- Practical case study of US citizen residing in Australia and potential cross border tax implications on Australian structures (including superannuation)

Presented by **Anna Hacker**, National Manager – Estate Planning, Accredited Specialist in Wills & Estates, Australian Unity Trustees Legal Services

## STRATEGIES TO AVOID FAMILY CONFLICTS

### Splitting a Family Business in the Most Tax Effective Way

- Principles of tax effective restructures to split a family business
- Use of CGT concessions, including general CGT discount, small business CGT concessions, related superannuation contribution cap
- Use of CGT (and other) rollovers, including on key events such as death and divorce
- Other issues e.g. funding, value shifting, GST, duty, debt forgiveness
- Example scenarios for untangling a family business

Presented by **Ross Higgins**, Partner, Mills Oakley; Chartered Tax Adviser

### Can You Protect Your Clients' Family Business Interests from their Marital or Relationship Breakdown?

- Treatment of business interests in family law proceedings: asset, financial resource, or income
- The relevance of discretionary family trust: when should it be treated as an asset of the relationship?
- The importance of identifying who controls the entity
- Risks of transferring assets during relationship difficulties
- Possibilities an limitations of binding financial agreements: avoiding the common traps

Presented by **John Spender**, Principal and **Deborah Wilson**, Senior Associate, Kennedy Partners Lawyers; Accredited Specialists in Family Law



## LIVE ONLINE 1 HOUR ESSENTIAL UPDATES FOR ACCOUNTANTS AND FINANCIAL ADVISORS

# NEW

Join us at lunchtime on Thursdays and hear from Australia's leading practitioners present timely and relevant content from the comfort of your office or home. These sessions are highly interactive; you can ask questions during the session, share ideas and communicate directly with the presenter and/or other delegates. All sessions are supported by comprehensive materials that are emailed to participants prior to each session

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ESSENTIAL SMSF & SUPERANNUATION UPDATES		
5/9/2019	TBAR, Rollovers and the Transfer Balance Cap	<input type="checkbox"/>
3/10/2019	Auditing Risks: A Practical Guide	<input type="checkbox"/>
7/11/2019	SMSF Trustee Death Benefit Payment Decisions	<input type="checkbox"/>
5/12/2019	Tax and Superannuation: Latest Developments	<input type="checkbox"/>
23/1/2020	LRBAs in SMSFs: Latest Developments	<input type="checkbox"/>
6/2/2020	SMSF Pension Strategies	<input type="checkbox"/>
5/3/2020	Best Interest Duty and Getting SMSF Advice Right	<input type="checkbox"/>
2/4/2020	Property Development in a Fund	<input type="checkbox"/>
7/5/2020	Insurance within SMSFs: A Critical Guide	<input type="checkbox"/>
4/6/2020	SMSF Portfolio Review	<input type="checkbox"/>

ESSENTIAL TAX UPDATES		
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13/2/2020	Small Business CGT Concessions	<input type="checkbox"/>
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19/9/2019	Trust Vesting	<input type="checkbox"/>
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21/11/2019	Testamentary Trusts and Deceased Estates	<input type="checkbox"/>
12/12/2019	Family Trusts	<input type="checkbox"/>
30/1/2020	Trusts: Hot Spots for 2020	<input type="checkbox"/>
20/2/2020	Discretionary Trusts and the Family Court	<input type="checkbox"/>
19/3/2020	Assisting Non-Residents to Set Up Trusts	<input type="checkbox"/>
16/4/2020	Trusts and Wealth Management	<input type="checkbox"/>
21/5/2020	Practical Trust Distribution Strategies	<input type="checkbox"/>
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26/9/2019	Conversations About Capacity: How to Start Them and why They are Important	<input type="checkbox"/>
31/10/2019	Exercising Power of Attorney	<input type="checkbox"/>
21/11/2019	Deceased Estates Update	<input type="checkbox"/>
12/12/2019	Tax Implications for Estate Structures	<input type="checkbox"/>
30/1/2020	Family Law and Estate Planning	<input type="checkbox"/>
27/2/2020	Financial Agreements and Relationships	<input type="checkbox"/>
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23/4/2020	Property Settlements in the Family Court	<input type="checkbox"/>
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Hurry Time is Ticking!

Early Bird for October programs ends Friday, 6 September.  
Early Bird for November programs ends Friday, 18 October.

## YOUR DETAILS

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## PAYMENT

All prices incl 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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CONFERENCE NAME	Date	Code	Early Bird date	Early Bird fee	Std. fee	Face to Face	Live Online	On Demand Recording
2nd Annual Property Tax and Advisory	9 Oct	1910AV01	6 Sep	\$595	\$695	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Small Business Structuring and Restructuring: Options and Solutions	10 Oct	1910AV02	6 Sep	\$595	\$695	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2nd Annual Family Business Advisory Conference This Conference's venue is: RACV City Club - Level 2, 501 Bourke Street, Melbourne	21 Nov	1911AV01	18 Oct	\$595	\$695	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All our conferences count towards your CPD/CPE hours in accordance with the Rules of CA ANZ, CPA.

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