

# Regional Tax Masterclass

**23 June 2022**

**Online**

**7 CPD hours**



# Welcome

On behalf of The Tax Institute and the Organising Committee, I am delighted to invite you to attend the Regional Tax Masterclass program.

Running online over one day, this masterclass is designed to provide both technical insights and practical tips on some of the many issues regional practitioners advise on. The topics have been chosen based on feedback from regional practitioners and the speakers chosen based on their technical expertise in the area.

Throughout the day attendees will be enriched by presentations on hot topics such as the taxation of trusts including section 100A; the taxation of professional practices; and the use of land for renewables. You will also hear from experts on the complexities surrounding succession planning both pre and post death. The grand finale of the day is a panel discussion from leading tax experts around managing ATO audits.

We look forward to you joining us and other regional practitioners to learn and grow together.

A special thank you to the organising committee and our speakers for their time and energy in designing and preparing this program and their presentations.



*Sally Preston*

**Sally Preston, CTA, BDO**  
Chair, Conference Organising Committee

**Early bird offer**

**Register on or before 27 May to save!**

# Technical Program

Time	Session
8:25 – 8:30am	<b>Welcome and opening remarks</b> <b>Speaker: Sally Preston, CTA, Organising Committee Chair</b>
8:30 – 9:30am	<b>Session 1: Trusts: Hot topics</b> <b>Speaker: Dung Lam, CTA, West Garbutt Lawyers</b> <p>The ATO's renewed focus on section 100A has put trust distributions in the spotlight, particularly the scope of the income-splitting advantages of a discretionary family trust.</p> <p>This session examines the current public draft ATO guidance provided in relation to its application of section 100A on family trust distributions and its views of the ordinary family or commercial dealing exception and revised Division 7A guidance on UPE's, specifically the following ATO guidance will be covered:</p> <ul style="list-style-type: none"> <li>• TA 2022/1 – Parents benefitting from the trust entitlements of their children over 18</li> <li>• TR 2022/D1 – Section 100A reimbursement agreements</li> <li>• PCG 2022/D1 – Section 100A reimbursement agreements – ATO compliance approach and</li> <li>• TD 2022/D1 Income Tax: Division 7A: When will a UPE or amount held on sub-trust constitute the provision of 'financial accommodation'?</li> </ul> <p>The session will also highlight other relevant issues concerning trust distributions, which are important to be aware of since they are also generally raised in ATO risk reviews.</p>
9:30 – 10:45am	<b>Session 2: Achieving business transition during lifetime and avoiding dispute</b> <b>Speaker: Kylie Wilson, Holding Redlich</b> <p>This session on pre-death succession planning with cover:</p> <ul style="list-style-type: none"> <li>• Providing for retirement <ul style="list-style-type: none"> <li>• Moving off-farm</li> <li>• Funding aged care</li> </ul> </li> <li>• Strategies for dealing with family assets – giving different things to different children and gift and loan back issues post <i>Re Permewan</i> [2021] QSC 151</li> <li>• Family agreements and communication – deal with the red flags to prevent dispute including: <ul style="list-style-type: none"> <li>• Dispute resolution mechanisms</li> <li>• Sibling payouts</li> <li>• Progressive transition and milestones</li> </ul> </li> <li>• Equity of distributions as opposed to equality</li> <li>• The “it will all be yours one day” problem - avoiding promissory estoppel/ constructive trust claims</li> <li>• Small business capital gains tax planning and</li> <li>• Stamp duty concessions on intergenerational primary production transfers across the jurisdictions.</li> </ul>

# Technical Program

Time	Session
10:45–11:00am	<b>Delegate break</b>
11:00am–12:15pm	<b>Session 3: Succession planning: post-death implementation</b> <b>Speaker: Rod Payne, FTI, Harwood Andrews</b>  Succession planning, particularly in relation to the family farm, requires consideration of a myriad of issues. This session will focus on succession planning on death. Issues discussed include: <ul style="list-style-type: none"><li>• Interaction between the will, the estate plan and pre-death planning</li><li>• Dealing with assets owned by companies and trusts</li><li>• Jointly owned assets</li><li>• Consideration of potential Part IV claims and strategies to limit them</li><li>• Role and scope of the will including testamentary trusts</li><li>• SMSF issues</li><li>• How to deal with the farm land depending on who owns it – individual, partnership, company, trust or SMSF and</li><li>• Duty issues.</li></ul>
12:15–1:00pm	<b>Delegate lunch break</b>
1:00–2:00pm	<b>Session 4: Professional Practices: PCG 2021/4 and PSI in the real world</b> <b>Speaker: Sarah Lancaster, Cooper Grace Ward Lawyers</b>  PCG 2021/4 – Allocation of professional firm profits, applies from 1 July 2022. This practical session will use case studies to assist practitioners to understand the interaction between the principles set out in PCG 2021/4 and the personal services income (PSI) rules.  This session will consider: <ul style="list-style-type: none"><li>• The PSI rules vs the ATO's compliance approach in PCG 2021/4</li><li>• How the Gateways in PCG 2021/4 work – what are the caution flags?</li><li>• How to apply the risk matrix in practice</li><li>• What advice should we be giving to our professional clients? and</li><li>• What evidence should practitioners and clients be keeping?</li></ul>

# Technical Program

Time	Session
2:00 – 3:00pm	<p><b>Session 5: Alternate use of property</b> Speaker: Andrew Jones, CTA, BDO</p> <p>This session will cover the tax consequences arising from using farmland to undertake activities other than farming. It will consider:</p> <ul style="list-style-type: none"><li>• The current and proposed law changes in relation to the taxation of ACCUs and ‘Biodiversity Certificates’</li><li>• Other biodiversity offsets, non-Kyoto carbon credits, and environmental credit programs (e.g. reef credits)</li><li>• Wind and solar farms, and telecommunications sites</li><li>• Natural gas infrastructure; and</li><li>• Structuring and planning considerations relevant to land usage.</li></ul>
3:00 – 3:30pm	<b>Delegate break</b>
3:30 – 5:00pm	<p><b>Session 6: The ATO auditors are knocking at your door</b> Facilitator: Weston Ryan, pmwPlus: Accountants, Business Advisors &amp; Financial Planners</p> <p>Panellists: Justin Byrne, CTA, QLD Bar; Melinda Peters, CTA, McCullough Robertson; Gary Thomas, FTI, Findex</p> <p>This session will interview accounting and legal practitioners to compile practical and authoritative guidance on:</p> <ul style="list-style-type: none"><li>• The first contact</li><li>• What to expect</li><li>• Risks, perspectives and mitigation</li><li>• LPP, the Accountants’ Concession and protecting your client</li><li>• Requests for extensions of time, settlements and other tricks and traps and</li><li>• Having an audit-fit firm</li></ul>

# Presenters

**Justin Byrne, CTA**, is a barrister at the Queensland Bar. Prior to joining the bar he was a solicitor for 20 years where he specialised in taxation and revenue law. He advises on a wide range of complex taxation issues, including income tax, CGT, GST, payroll tax and stamp duty. He has qualifications and extensive experience in both law and accounting and is uniquely placed to provide practical and commercial tax solutions for clients. He is also experienced in negotiating with the ATO in relation to tax disputes and has conducted tax litigation in the Administrative Appeals Tribunal, Federal Court, High Court and State Courts.

**Andrew Jones, CTA**, is a corporate and international tax partner with BDO Brisbane, and a member of the BDO Food and Agribusiness team. He provides practical, timely and relevant guidance and solutions to clients on a diverse range of tax matters, including tax compliance and risk management, transactions and restructures, and international operations. Andrew has a particular interest in agriculture, and co-owns a small horticulture operation in the Lockyer Valley, Queensland.

**Dung Lam** is a Principal at West Garbutt and is based in Sydney. Dung has more than two decades of experience in advising on a wide variety of taxes including income tax, capital gains tax, GST and state taxes such as duty, payroll tax and land tax. Dung also has extensive experience advising on taxation trusts, superannuation issues in the self-managed superannuation funds arena and tax issues related to estate planning. Dung is a Chartered Tax Adviser, full member of the Society of Trusts and Estate Practitioners, an accredited Specialist in Business and Personal Tax with the NSW Law Society, a member of the Business Law Section Taxation Committee of the Law Council of Australia and a member of the NSW Law Society Liaison Committee with the Revenue NSW. Dung advises a broad range of clients ranging from corporates, small to medium enterprises, high net worth individuals, professional firms, accountants, financial planners and their clients.

**Sarah Lancaster** is a Partner in the Private Clients team at Cooper Grace Ward Lawyers, specialising in tax disputes and tax advice. She advises and acts for clients in a variety of disputes

with Australian revenue authorities. Sarah's technical experience includes advising and representing taxpayers in disputes involving income tax (including international tax and residency issues), GST, payroll tax and duty.

**Rod Payne** is a principal of the Harwood Andrews business law practice area. Rod applies his specialist knowledge across a diverse range of business law areas to help clients achieve their objectives. Rod is accredited by the Law Institute of Victoria as a specialist in business law and has been practising law for over 30 years. A key element of Rod's practice is the provision of practical advice to clients and their accountants in relation to taxation, asset protection and business structuring.

**Melinda Peters** is a specialist tax and duty lawyer, practising in all areas of direct and indirect tax – with a particular focus on the transaction taxes, structuring and funds management. A partner in McCullough Robertson's highly regarded taxation team and a chartered tax adviser, Melinda prides herself on achieving commercial outcomes and providing practical advice to clients. In her role, Melinda acts for

a range of clients, from individuals to start ups, to large corporate clients and managed funds. She advises extensively on cross-border taxation issues and inbound and outbound investment structures, mergers and acquisitions, trusts and is experienced in advising and implementing a range of employee incentive and remuneration arrangements. She also assists clients with taxation and duty disputes and has experience in such matters before the Federal Court, AAT and Queensland Supreme Court. Melinda holds a Juris Doctor from the University of Queensland and a Masters of Taxation from the University of Sydney.

**Gary Thomas, FTI**, is a Fellow of The Tax Institute, a Fellow of Chartered Accountants Australia and New Zealand and a Chartered Tax Adviser. Gary has a Master of Taxation (UNSW). With over 40 years professional experience, predominantly in the Private Group and HWI markets, Gary is currently a senior partner in the Tax Advisory division of Findex/Crowe, based from their Melbourne office. Gary's areas of practice include capital gains tax, complex transactions, trust and estate issues and managing disputes and controversies.



# Presenters

**Weston Ryan FCA** is a tax expert based in Orange NSW. He has been a tax partner and principal in Sydney-based firms for over 30 years where he advised clients ranging from small to medium enterprises through to publicly listed companies on complex tax matters. Five years ago, he returned to his hometown and joined the team at pmwPlus. He now advises a principally regional client base. During this time, he has become familiar with the challenges and issues confronting those clients and regional practitioners. Throughout his career, Weston has been heavily involved in Chartered Accountants Australia and New Zealand and the CA Program. He regularly presents on tax matters.

**Kylie Wilson** is an experienced succession planning and dispute resolution law expert. She is an Accredited SMSF Specialist Adviser, a Family Business Australia Accredited Adviser and is listed in The Best Lawyers in Australia 2021, 2022 and 2023 editions for Wealth Management/Succession Planning Practice. Kylie works closely with advisors to prepare compliant solutions for a diverse range of individual clients with complex structures, as well as rural and business clients and families with diverse dynamics.



# Event information

## Confirmation of registration

Please note you will receive two separate emails in the form of a tax invoice at the time of payment and a confirmation email at registration completion.

## Continuing Professional Development

Attendance at the conference counts for 7 hours of Continuing Professional Development with The Tax Institute.

## The Tax Institute's Attendee Hub

As a virtual event, this event will be accessible to all delegates via our dedicated Attendee Hub. Program information, materials (technical papers and presentations), survey forms and more will be available via The Tax Institute's virtual Attendee Hub. All delegates are encouraged to access the platform prior to the event. Technical papers and PowerPoint presentations will be available on the Attendee Hub to all participating delegates approximately five days before the event. Delegates will receive instructions on accessing the virtual Attendee Hub by email.

## Delegate list

A delegate list will be included on the Attendee Hub to assist with networking. Please indicate at the time of registration if you do not want your name to be included. Alternatively, you can edit your profile visibility settings in the Virtual Attendee Hub at any time during the event.

## COVID-19 Event Guidelines

At The Tax Institute, the health and wellbeing of our members, delegates and employees is our top priority. Whilst returning to face-to-face events, we continue to actively monitor the situation regarding COVID-19 and follow the latest advice and guidelines issued by the Department of Health, the World Health Organisation and relevant State authorities.

Please note, final implementation of any of these measures is subject to Federal and State Government requirements at the time of each event. To see The Tax Institute's full COVID-19 Event Guidelines, [click here](#).

## Cancellation Policy

The Tax Institute reserves the right to alter, amend or cancel all or any of the arrangements contained in the program. Should a face-to-face event be cancelled

due to an event beyond The Tax Institute's reasonable control including 'an act of god', 'pandemic', 'health-related event' or 'government requirements', we will endeavour to transition to an online format to deliver the event. If there is a difference in price, a credit will be provided to delegates to be used at a future event.

If a registered delegate is unable to attend as a result of a diagnosis of COVID-19 or they are experiencing symptoms of COVID-19, a full refund will be offered with the provision that a medical certificate is produced explaining the diagnosis or a summary of the appropriate action to be taken i.e. a COVID-19 test and medical advice.

If a registered delegate is unable to attend a face-to-face event as a result of interstate border closures or they reside in or visited a COVID-19 hotspot, we will endeavour to transition the registration to an online registration for the event. If there is a difference in price a credit will be provided to delegates to be used at a future event. If a delegate does not wish to transition their registration to the alternate online event, a full refund/credit will be provided.

It is a condition of acceptance of registration that an administration fee of 20% of the registration fee be charged for cancellation if you can no longer attend the event. Cancellations must be received in writing by The Tax Institute five working days prior to the event. No refund will be given for cancellations received within five working days of the event. A replacement may be nominated. If the replacement is not a member, the non-member registration fee will apply. CPD hours will be allocated to the designated attendee.

The Tax Institute cannot accept responsibility for delegates' late transport arrivals or non-arrivals due to delays.

## Privacy

We take your privacy seriously, and our policy can be viewed at: [www.taxinstitute.com.au/privacypolicy](http://www.taxinstitute.com.au/privacypolicy).

## Enquiries

For further information regarding this event, please contact the Events Team on 1300 829 338 or [nationalevents@taxinstitute.com.au](mailto:nationalevents@taxinstitute.com.au).

For registration enquiries, please contact [customeradmin@taxinstitute.com.au](mailto:customeradmin@taxinstitute.com.au).



A tax invoice and confirmation letter will be sent on receipt of your registration. Please photocopy for additional delegates and retain original copy for your records. All prices quoted are in Australian dollars and include GST where applicable. ABN 45 008 392 372.

## 1 Registration

	Member	New member*	Non-member
<b>Early bird registration</b> Received on or before 27 May 2022	<input type="checkbox"/> \$750	<input type="checkbox"/> \$1,090	<input type="checkbox"/> \$1,050
<b>Standard registration</b> Received after 27 May 2022	<input type="checkbox"/> \$950	<input type="checkbox"/> \$1,290	<input type="checkbox"/> \$1,250

☐ I understand that the registration fees do not include printed materials. Access to materials will be electronic.

Promotional code:

### \*Become a member and save!

Not a member of The Tax Institute yet? Sign up for membership along with your event registration and save with:

- up to 50% off membership to 30 June 2023
- member-only prices to this and future events
- free access to member-only technical resources.

**Find out more about membership at**  
[info.taxinstitute.com.au/membership](http://info.taxinstitute.com.au/membership).

I hereby apply for membership of The Tax Institute and declare that I am a person of good fame, integrity and character. I agree to be bound by the Constitution of The Tax Institute.

Signature:

Date of signature:

## 2 Delegate contact details

Member no.:

If your member details are up-to-date, you can skip this section.

Title: ☐ Mr ☐ Mrs ☐ Miss ☐ Ms

Date of birth:

First name:

Last name:

Position:

Company:

Address:

Suburb:

State:

Postcode:

Telephone:

Mobile:

Email:

☐ Please tick this box if you do not wish your name to be included on the delegate list provided to all attendees for networking

### 3 Payment summary

Registration fees

\$

**Total payable**

\$

Please note: The Tax Institute cannot accept responsibility for delegates' late flight arrivals.  
Transfer costs are non-refundable and non-transferable.

### 4 Payment method

Please note: all registration payments must be made prior to the event, unless other arrangements have been made with The Tax Institute.

☐ **Cheque payable to The Tax Institute** (in Australian dollars)

☐ **Credit card** Card type: ☐ AMEX ☐ Visa ☐ MasterCard ☐ Diners

Name on card:

Card no.:

Expiry date:

Cardholder's  
signature:

For our refund, cancellation and replacement policy visit [taxinstitute.com.au/professional-development/event-policy](https://taxinstitute.com.au/professional-development/event-policy).

For event enquiries, please contact the National Events Team on **1300 829 338** or [nationalevents@taxinstitute.com.au](mailto:nationalevents@taxinstitute.com.au)

For registration enquiries, please contact [customeradmin@taxinstitute.com.au](mailto:customeradmin@taxinstitute.com.au)

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**To register**

Email [customeradmin@taxinstitute.com.au](mailto:customeradmin@taxinstitute.com.au)

Mail L37, 100 Miller Street North Sydney NSW 2060

Online [taxinstitute.com.au/reg-mclass](https://taxinstitute.com.au/reg-mclass)

# Thank you.

The Tax Institute gratefully acknowledges the generous assistance of members of the Organising Committee:

David Hall, CTA, Findex

Steve Lutz, CTA, Lutz & Associates

Heydon Miller, CTA, Orange Chambers

Sally Preston, CTA, BDO (Chair)

Jodie Robinson, CTA, ABA Legal Group





Weston Ryan, pmwPlus: Accountants, Business Advisors & Financial Planners

Darren Shone, CTA, PKF

Rob Warnock, CTA, Harwood Andrews



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