Death & Taxes Conference

1–2 September 2022

Hilton Brisbane and Online

12 CPD hours

Welcome

Australia's leading estate taxation and administration conference returns to Brisbane as a hybrid conference this year.

With the client bases of many practitioners ageing, the complexities of asset holdings and family arrangements increasing, and the highest ever intergenerational wealth transfers now occurring, practitioners need to invest time in developing an understanding of the taxation of deceased estates.

This is an emerging market and opportunity for many, but equally one that has seen an unprecedented growth in litigation. It therefore presents risks and tax nuances that practitioners must manage and be alert to.

This year's technical program will address a range of topical content including the administration of estates, administering an SMSF on death, a deep dive into international issues for deceased estates, testamentary trusts, plus much more.

Join us in September at the Hilton Brisbane for a two-day expansive technical program with industry experts from across the nation, including **Karen Payne, CTA, Inspector-General of Taxation and Taxation Ombudsman**, who will provide an update on ongoing and completed investigations and her powers as Inspector-General of Taxation.

This is a must-attend conference for all tax and legal practitioners involved in succession planning and estate administration.

We look forward to seeing you in September for this exceptional event.

Peter Godber, CTA
Chair, Conference Organising Committee

Early bird offer
Register on or before Friday, 5 August 2022 to save!

Technical Program

Day 1 Thursday, 1 September 2022

Time	Session
8:30 – 9:10am	**Registration**
9:10 – 9:30am	**Welcome and opening address**
9:30 – 10:30am	**Session 1: Estate income and administration – who is entitled and who bears the cost?** **Speaker: Michael Flynn QC, CTA (Life), Victorian Bar** In order to determine who is liable to the income of an estate at a particular point in time requires a sound understanding of the process and phases of administration, the overlay of the taxation laws and the Commissioner of Taxations administrative approach, and foundational trust law concepts. This session will provide a forensic examination of the taxation of the income of a deceased estate, with a discussion of the principles established in FCT v Whiting (1943) 68 CLR 199 and the Commissioner's administrative views in Taxation Ruling IT 2622. It will also provide a practical application of these principles to real-life scenarios that may arise in your day-to-day practice.
10:30 – 11:00am	**Morning tea**
11:00am-12:00pm	**Session 2: Death of members: to end or not to end an SMSF?** **Speaker: Nathan Yii, CTA, Nathan Yii Lawyers** A question that arises on a member's death is whether their SMSF ought to be wound up. This session will provide an overview of issues to consider on death of a member as it relates to SMSFs including: • The need to pay out death benefits on a member's death – reg 6.22 SISR • Wind up of fund – necessary administrative steps • Second generation member strategies: – New 6 member SMSF rules – Risks/benefits of admitting second generation members – Absorbing carry forward capital losses – Contribution strategies for second generation members and – Keeping in lumpy assets such as real estate on the death of the parents.

Technical Program

Day 1 Thursday, 1 September 2022 continued

Time	Session
12:00 – 1:00pm	**Session 3: Navigating the super highway** **Speaker: Caite Brewer, Hemmant's List** This session will cover: • Superannuation and Post-Death claims • Binding and non-binding nominations • Trustee's exercise of discretion, real and genuine considerations • Removal of trustees and • Other super fun stuff.
1:00 – 2:00pm	**Lunch**
2:00 – 3:00pm	**Session 4: The gift of life estates** **Speaker: Dr Philip Bender, ATI, Victorian Bar** The creation of life and remainder estates continues to be a popular option adopted by will makers despite the complex tax issues associated with these arrangements. The situation becomes more complex if what is proposed under the will is not acceptable to the life or remainder interest holder, especially if the arrangements have already commenced. In this session, we will examine the difference between a life tenancy and a right to reside in a property and why the distinction can be important. We will also examine the difference between legal and equitable life interests and why the distinction is important and discuss the tax issues which arise upon: • The disclaimer of interests • Early ending of the arrangements and • Death of life interest owner. The session will also look at the impact of these arrangements on the main residence exemption and transfer duty liability and, generally, touch on land tax and life tenancies.
3:00 – 3:30pm	**Afternoon tea**

Technical Program

Day 1 Thursday, 1 September 2022 continued

Time	Session
3:30 – 4:30pm	**Session 5: Taking on an Executorship – ethics, conflicts and other complications** **Speaker: Emma Woolley, CTA, Hall & Wilcox Lawyers** The role of executor can be a complex and onerous one, with executors being subject to a range of duties, responsibilities and liabilities. There are a number of ways that an executor may be personally at risk and potentially personally liable for debts of a deceased estate. Given most executors receive nil or nominal remuneration, the 'honour' of acting as executor can be a poisoned chalice. This session will cover: • The risks in acting as executor of a deceased estate, including when an executor may become personally liable for the debts of the estate. • How executors may mitigate these risks and safeguard their interests • The tax implications of executor commissions • How to navigate potential conflicts of interest • The duties of advisors when providing advice to an executor • Can the executor always get their costs paid from the estate? • What happens when it all gets too hard – can an executor cease to act?
4:30 – 5:30pm	**Session 6: Panel discussion** **Facilitator: Julie van der Velde, CTA, VdV Legal** Join some of our esteemed presenters as they share their war stories, and discuss, digest and debate some of their insights, experience and observations of the conference program's technical sessions.
5:30 – 7:30pm	**Networking drinks**

Networking drinks

Join us for one of the conference's annual highlights, the networking function at the close of Day 1.

Date: Thursday, 1 September 2022
Time: 5:30–7:30pm
Venue: Pool Deck, Hilton Brisbane
Price: Inclusive for all full registration delegates
$50 for additional tickets – see registration form for details
Dress: Business or business casual

Technical Program

Day 2 Friday, 2 September 2022

Time	Session
8:30 – 9:30am	**Session 7: Managing Business Entities in Estate Administration** **Speaker: Andrew Smyth, Solicitor, Robbins Watson** When an owner of a business dies, what happens next? Businesses are owned by companies, trusts, partnerships, sole traders. How do these structures play out in an estate administration? What are the implications for the executors and beneficiaries? What are the implications for the other business owners and the business itself? This session aims to review the business ownership structures from an estate administration perspective including: • Understanding impact death has on partnerships and other ownership structures • Applying the terms of a will to business structures • Administrative concessions applied by the ATO and elections required • Consideration of the personal representatives' role in regards to the business (continuation or wind up) • Issues with preserving value and • Impact of buy/sell agreements
9:30 – 10:30am	**Session 8: ATO hot spots** This session will explore a number of issues the ATO has observed in recent years that arise when people die and their assets are dealt with during administration.
10:30 – 11:00am	**Morning tea**
11:00am – 12:00pm	**Session 9: International issues – Part 1** **Speaker: Adele Townsend, CTA, BDO** Dealing with the Australian issues associated with death and deceased estates is complex. Today it is increasingly common that people own assets worldwide both individually and in structures such as trusts and companies through to structures that may not neatly fit into the types of structures we see in Australia. This adds a whole new level of complexity dealing with not only the Australian tax issues but also the tax issues that may arise in a foreign jurisdiction. Across two session, we will explore the international issues that are becoming more prevalent when a person dies with worldwide assets including: • Where is tax paid and is a credit available • Repatriating or distributing assets • Dealing with different structures and • Who takes control and what is the residency impact?

Technical Program

Day 2 Friday, 2 September 2022 continued

Time	Session
12:00 – 1:00pm	**Session 10: International issues – Part 2** **Speaker: Adele Townsend, CTA, BDO** This session will continue exploring the international issues that are becoming more prevalent when a person dies with assets held worldwide.
1:00 – 2:00pm	**Lunch**
2:00 – 3:00pm	**Session 11: Inspector-General of Taxation and Taxation Ombudsman** **Speaker: Karen Payne, CTA, Inspector-General of Taxation and Taxation Ombudsman** The Inspector-General and Taxation Ombudsman investigates and reports on the administration of the taxation law, both in relation to particular taxpayers, and more broadly, in relation to the systems established by the Australian Taxation Office or the Tax Practitioners Board. In July 2022, the IGTO released its review investigation report into the ATO's administration of deceased estates. The Inspector-General will provide an update on the functions, powers and duties of her office, as well as some key key insights from ongoing and completed investigations, including the Death and Taxes report.
3:00 – 3:30pm	**Afternoon tea**
3:30 – 4:30pm	**Session 12: Testamentary Trusts: Practical uses and issues** **Speaker: Dung Lam, CTA, West Garbutt** This session will cover some of the key tax issues to be considered in administering a testamentary trust. The session will include discussion of: • Opportunities to split income in the final year of administration • Receiving superannuation death benefits into a testamentary trust • Taxation benefits for minor beneficiaries and their limitations • Franking credits and family trust elections • Land Tax surcharges and • Distribution of assets from the Testamentary Trust.
4:30pm	**Conference close**

Presenters

Caite Brewer, of Hemmant's List has been a Barrister and a Solicitor for more than 28 years. She is one of only five Queensland Law Society (QLS) accredited specialists in succession law at the Queensland Bar and was the highest achiever in her graduating year. Caite is consistently named "Market Leader" and "preeminent" junior counsel in Estate Litigation in Doyle's List. She is a regular presenter at seminars on all things estates and trusts. She has a particular interest in contentious superannuation matters.

Dr. Philip Bender, ATI, is a barrister at the Victorian Bar. He is the author of Bender's Australian Stamp Duties, published by the Tax Institute. He acts in Federal and State taxation, superannuation, and trusts and estates matters for taxpayers and revenue authorities. In the trusts area, he has acted in many taxation disputes involving trusts issues, and has acted in many trusts matters involving, amongst other topics, trust deed and will interpretation, alleged breaches of trust; trustee removal applications; judicial advice; charitable trusts; and superannuation death benefits disputes.

Michael Flynn QC, CTA (Life), is a Barrister at Owen Dixon Chambers West, specialising in taxation, and was National President of The Tax Institute in 2014. He is the author, with Miranda Stewart, of Death and Taxes (7th edition, 2022). Michael has appeared in the Administrative Appeals Tribunal, the Federal Court and the High Court in taxation cases. Michael has been a member of various committees of The Tax Institute for over 20 years.

Dung Lam, CTA, 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.

Karen Payne, CTA, was appointed Inspector-General of Taxation & Taxation Ombudsman commencing on 6 May 2019. She leads the Taxation Ombudsman complaints management service for taxpayers and advisers and the Inspector-General of Taxation's review and public reporting function, both of which are directed at improving the tax administration system for all taxpayers. Karen was previously a Member of the Board of Taxation as well as the inaugural Chief Executive Officer of the Board of Taxation. She was formerly a partner with MinterEllison, specialising in corporate and international tax for mergers and acquisitions, and capital raising for the financial services, mining, energy, and utilities sectors. She brings a wealth of experience and extensive networks to the role of Inspector-General having worked with a range of government and private stakeholders as well as the legal and tax profession, and many industry bodies.

Presenters

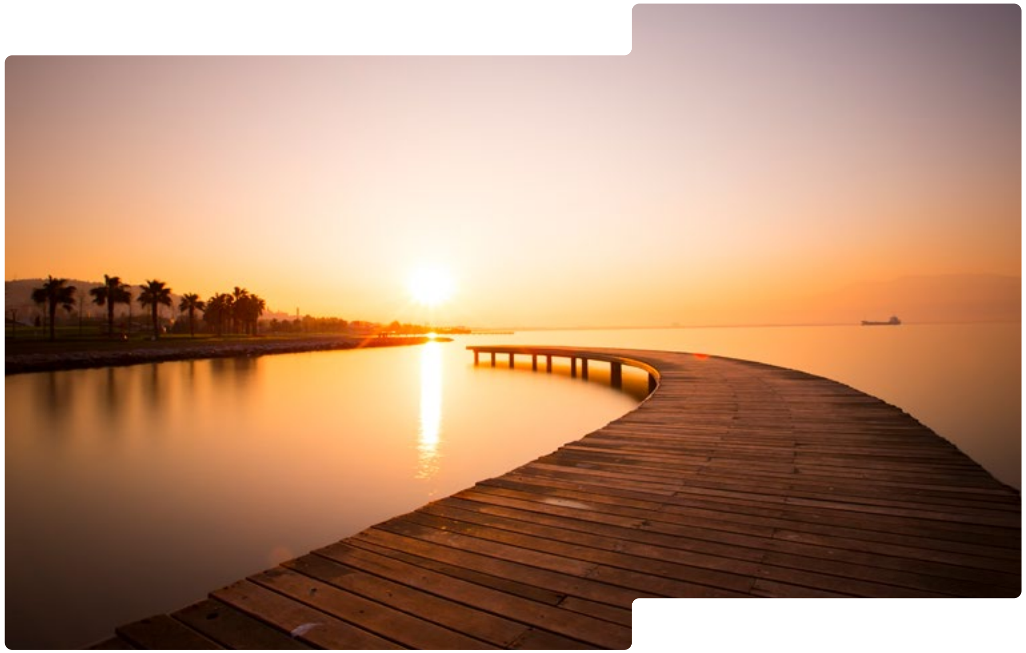
Andrew Smyth is the managing partner of Robbins Watson and runs the Estate Planning section of the firm. With over 30 years' experience working in and managing business, Andrew is sought after by industry and commerce for his specialist knowledge in structuring, regulatory compliance, business succession planning and SMSFs. Andrew is a regular presenter at legal and accounting industry seminars on legal topics of current interest and importance, and is an author of the Australian reference text "Estate Planning" published by LexisNexis.

Adele Townsend, CTA, is a Tax Partner at BDO. She is an experienced domestic and international taxation adviser with both listed and private clients in a wide range of industries, including mining services, transport, manufacturing, biotechnology and property. She also has significant experience advising individuals on a range of complex taxation matters such as divorce, death and international residency.

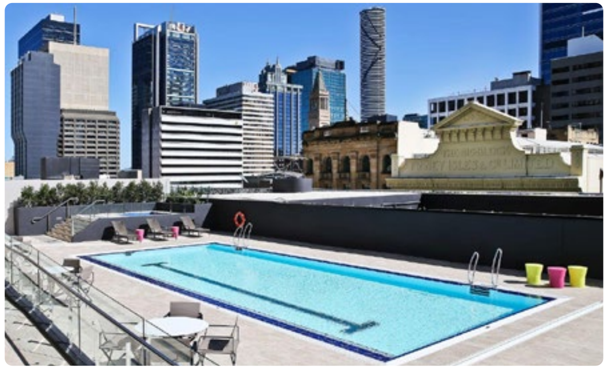
Julie Van der Velde, CTA is the principal of a specialised commercial law firm, VdV Legal, and has degrees in Business and in Law and a Masters of Taxation Law. With over 20 years' experience advising Australian businesses, her practice focuses on taxation and trust law with an emphasis on business structuring, tax planning, business succession and intergenerational transfers. Julie is The Tax Institute's SME Chartered Tax Adviser for 2017 and is regularly listed as a recommended tax lawyer and a recommended Wills, Estates and Succession Planning lawyer in Doyle's Guide.

Emma Woolley, CTA, of Hall & Wilcox Lawyers has extensive experience in advising clients in estate planning and estate administration, trust establishment and ongoing administration, trust estate disputes, and structuring for succession of ownership and control of private and family businesses. She leads Hall & Wilcox Lawyers' Private Client practice. Emma's clients include high net worth individuals, families and privately held businesses.

Nathan Yii, CTA, is the Principal Lawyer, a Chartered Tax Adviser and an accredited SMSF Specialist Advisor™ of the Melbourne-based legal practice, Nathan Yii Lawyers. He is a graduate of Melbourne Law School and holds a Bachelor of Commerce (Accounting), a Bachelor of Laws (Hons) and a Master of Laws. Nathan is recognised in Doyles' Guide as a leading lawyer – a Preeminent Wills, Estates & Succession Planning Lawyer and a Leading Wills & Estates Litigation Lawyer in Victoria in 2021. Nathan takes a strategic approach to legal practice and focuses on tax-effective solutions, estate planning, asset protection, SMSF compliance and trusts, estates and SMSF disputes. He works with and consults to high net worth individuals, family offices, legal and non-legal professionals and their clients. Nathan is a regular presenter in his areas of interest and expertise, and regularly presents for organisations and practitioner discussion groups throughout Australia. He is also an adjunct lecturer and advisory committee board member for the Estate Planning Practice specialisation in the Master of Laws program at the College of Law. Nathan was awarded The Tax Institute's national Dux Award for CTA3 Advisory and the prestigious Justice Graham Hill Scholarship in 2017. Nathan has also been appointed as a member of the Academic Board at The Tax Institute.



Venue and accommodation



Hilton, Brisbane

190 Elizabeth St, Brisbane QLD, 4000

Located in Brisbane's central business district, our Harry Seidler-designed hotel venue is connected to Queen Street Mall. The Brisbane River is blocks away and South Bank Parklands is within a short walk. The hotel also has an outdoor pool, fitness center, and tennis court and it's on site restaurant, Vintaged Bar + Grill, specialises in seasonal Australian produce.

Getting there

The hotel is approximately a 25-minute drive from Brisbane Airport and is centrally located in the heart of the Brisbane CBD.

Parking

Valet parking at Hilton Brisbane is $58.00 per day, alternatively there is parking a short one-minute walk away at Secure parking Wintergarden.

Accommodation

Plan your trip to Brisbane today and book your accommodation directly with the Hilton Brisbane.

Please note that as per hotel booking conditions, all accommodation booked is non-refundable. All additional hotel incidentals, including breakfast, remain the responsibility of delegates, and individuals will be responsible for payment of the balance of their account when checking out of the hotel. Please note that extra charges may be incurred for additional guests and will be charged to individual room accounts upon checkout.

Event information

Registration inclusions

	Online access to presentations and technical papers	Morning/ afternoon tea/ conference lunches	Networking function*
Face-to-face full registration This registration option entitles one delegate to attend the entire event.	✓	✓	✓
Online full registration This registration option entitles one delegate to attend the entire event.	✓		

*Additional tickets to the networking functions can be purchased on the registration form

Early bird registration

All registrations received and paid on or before Friday, 5 August 2022 will be entitled to an early bird discount. Please note: The registration fee does not include accommodation, hotel incidentals or transfers.

Group Discounts

Purchase four full registrations (early bird or standard) and receive a fifth full registration for free. The free fifth registration must be of equal or of less value to the four paid registrations.

This offer cannot be redeemed in conjunction with any other promotional offer or code. All attendees must be from the same firm and all registration forms must be submitted together. For further information please contact the national events team on 1300 829 338 or nationalevents@taxinstitute.com.au.

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 12 hours of Continuing Professional Development with The Tax Institute.

The Tax Institute's Attendee Hub

As a hybrid event, both in person and online, 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.

Dress code

Business or business casual attire is suitable for the duration of the conference.

Networking function

A networking function will be held directly following the last session on Thursday from 5.30pm at the Pool Deck of the Hilton Brisbane. The networking function is included in the conference registration fee for delegates. Additional tickets are available to purchase for accompanying persons at a cost of $50. Please indicate your requirements, including dietary requirements, at the time of registration.

Event information

Special dietary and accessibility requirements

Please indicate any special dietary requirements at the time of registration. Please email us with any accessibility requirements at nationalevents@taxinstitute.com.au.

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.

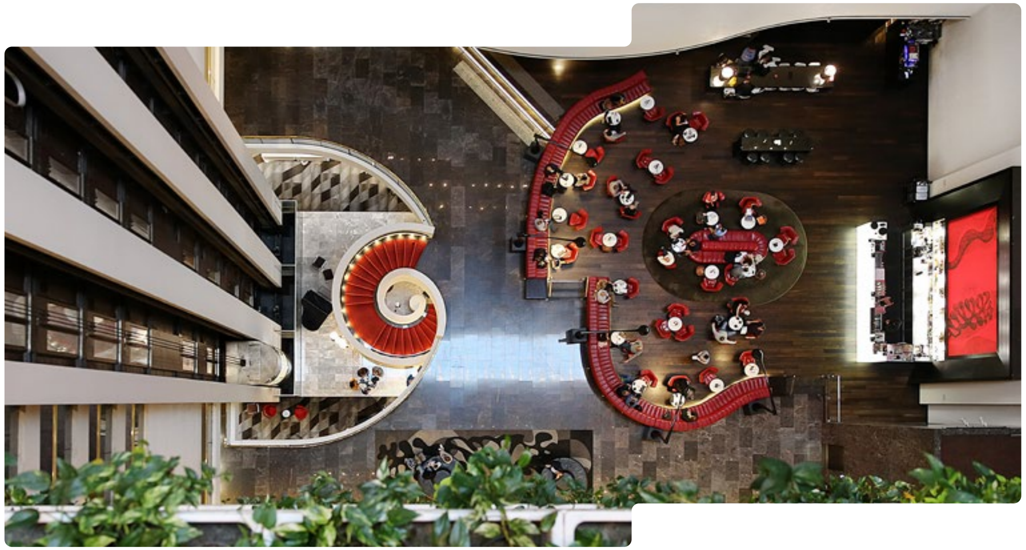
Privacy

We take your privacy seriously, and our policy can be viewed at: https://www.taxinstitute.com.au/about-us/privacy-copyright-disclaimer.

Enquiries

For further information regarding this event, please contact the Events Team on 1300 829 338 or nationalevents@taxinstitute.com.au.

For registration enquiries, please contact customeradmin@taxinstitute.com.au.



The Tax Institute

Death & Taxes Conference
Registration Form

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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

Please see page 10 for registration inclusions.

Full registration – 12 CPD hours

	Member	New member*	Non-member
Early bird registration Received on or before 5 August 2022	☐ $1,600	☐ $1,940	☐ $1,900
Standard registration Received after 5 August 2022	☐ $1,800	☐ $2,140	☐ $2,100

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

Online registration

	Member	New member*	Non-member
Early bird registration Received on or before 5 August 2022	☐ $1,600	☐ $1,940	☐ $1,900
Standard registration Received after 5 August 2022	☐ $1,800	☐ $2,140	☐ $2,100

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

Promotional code: ______

Networking functions

The networking function are INCLUDED in the registration fee for delegates attending the full conference.

Networking drinks | Thursday, 1 September 2022 at Hilton Brisbane Pool Deck

☐ Yes, I WILL be attending the Networking drinks OR

☐ No, I WILL NOT be attending the Networking drinks

☐ Yes, I require additional tickets for the Networking drinks at $50 per person

No. ______ x tickets at $50 each: $ ______

Dietary requirements:

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: DD/MM/YYYY

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

***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.

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: DD/MM/YYYY

22-027EVT_06/22

3 Payment summary

Registration fees	$
Additional guest tickets – networking drinks ($50 each)	$
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: MM/YY

Cardholder's signature:

For our refund, cancellation and replacement policy visit 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

For registration enquiries, please contact customeradmin@taxinstitute.com.au

To register **Email** customeradmin@taxinstitute.com.au **Mail** L37, 100 Miller Street North Sydney NSW 2060 **Online** taxinstitute.com.au/death-taxes

22-027EVT_06/22

Thank you.

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

Peter Godber, CTA, Chair, Conference Organising Committee

Todd Bromwich, Hall & Wilcox Lawyers

Linda Farmer, CTA, Tax LF

Spyros Kotsopoulos, CTA, Deloitte

Katerina Peiros, ATI, Hartwell Legal

Modiesha Stephens, CTA, MS Legal

Julie Van der Velde, CTA, VdV Legal

Nathan Yii, CTA, Nathan Yii Lawyers

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