

2019 Death ... and Taxes Symposium

18-19 July 2019 | Sofitel Gold Coast, Broadbeach

12.5 CPD hours



Welcome

I am very pleased to once again invite you to The Tax Institute's leading event for tax and other advisers who are, or expect to be, involved in the administration of an estate. This is an increasingly important part of private practice. We have an ageing population, increased wealth in succession, more contested estates, and an abundance of issues to deal with in conjunction with legal, accounting, financial and other advisers, and trustees, executors and administrators, who may be involved in a client's affairs. This program is for advisers of all backgrounds.

In bringing this annual program together for a third time, the organising committee has been very conscious of what topics have been popular in the past and what feedback has been provided at previous events. Once again, the event is distinguished by the high-quality speakers who have agreed to present, the currency of our topics and the expected interaction we will have among delegates from a range of professional backgrounds. As we found last year, when it comes to estate administration, there is a range of skills needed, and a diverse group of advisers who all need to understand their roles and anticipate the issues they will face. We all agree that tax issues are paramount.

This year we will again highlight the timetable of likely events that happen post-death. We will focus on key CGT and income tax problem areas; we will examine the importance of directed superannuation benefits (and the pitfalls that are highlighted in litigation); and we will make sure that you are aware of your professional obligations when dealing with clients who might be in danger of losing their capacity to make decisions. We have a session discussing challenges in advising on

aged care. We will also address increasingly common international tax aspects, hear more about testamentary trusts, and a highlight will be our final session that will delve into the problems of maintaining or terminating entities that were under the control of a now deceased person. Our initial address will enforce the importance of the program's topics.

So, if you want to be up to date and aware of all of these important issues, the Death ... and Taxes Symposium is for you. Putting the event in the surrounds of the wonderful Sofitel at Broadbeach is an added attraction, and this year we have planned more time for social interaction among the many advisers who like to meet and share their experiences. We had a good social program last year, but this year will be even better.

I'd like to thank our organising committee for their time in getting our program together, and I would especially like to thank in advance our impressive list of speakers, who have all appreciated the quality of our program, and have embraced this event for the special worth that it will bring to all who attend.

Again, I look forward very much to seeing you at our event on 18 and 19 July at the Sofitel at Broadbeach.

Thank you

Peter Godber, CTA

Chair, Symposium Organising Committee

The Tax Institute gratefully acknowledges the generous assistance of members of the 2019 Death ... and Taxes Symposium Organising Committee:

Peter Godber, CTA, Grant Thornton (Chair, Symposium Organising Committee)

Michael Flynn, QC, CTA (Life), Owen Dixon Chambers West Michael Pollard, Perpetual Trustees

Mercia Stoltz, CTA, Stoltz Law Firm

Adele Townsend, CTA, BDO

Todd Want, CTA, William Buck Chartered Accountants

Early bird offer
Register on or before Friday 24 May 2019 to save!

Technical program

Day one – Thursday 18 July 2019

dent's welcome	Peter Godber, CTA Chair, Symposium Organising Committee Tim Neilson, CTA President – The Tax	
dent's welcome	Chair, Symposium Organising Committee Tim Neilson, CTA	
on 1. Sotting the context: Why is advising in the area of estates increasingly	Institute	
Session 1: Setting the context: Why is advising in the area of estates increasingly important? In this session, Bryan Mitchell will speak from experience about the importance of properly advising family and estates. Bryan will share his experiences as an accredited specialist in succession law, and as State Chair of the Society of Trust and Estate Practitioners (STEP). Bryan hopes to offer practical guidance on how to thrive professionally in this area of trusts, wills and estates despite the rising forces of competition, disruption and deception.		
Session 2: Back to some fundamental tax issues – getting it right CGT can inadvertently erode a significant part of an inheritance if estate planning is undertaken without a clear understanding of the Australian CGT rules. This session will provide guidance on the following: CGT event K3 Cost base rules Timeframes for exemptions Main residence exemption issues Small business CGT exemptions		
Morning tea		
on 3: A timeframe for practical tax matters and liabilities in estate nistration a session we will take the time to cover the timetable for the administration of as, and address all of the practical tax issues that we can identify, benefiting the experience of our speaker and their engagement with the ATO. We will look as such as: meframes for actions by advisers seek probate or not? alculating CGT cost bases and capital gains posures to liabilities for advisers – responses to PCG 2018/4 adaing with longstanding non-lodgement of returns by the deceased adate on communication and interpretation from the ATO	Chris Herald Mullins Lawyers Senior Australian Taxation Office representative from Individuals and Small Business Chair Peter Godber, CTA Grant Thornton	
Lunch		
on 4: International complexities are becoming the norm for Australian families the increase in Australians born overseas and the prevalence of the global the international aspects of taxation within deceased estates and	Ian Raspin, CTA BNR Partners Pty Ltd Chair Michael Pollard Perpetual Trustees	
he	increase in Australians born overseas and the prevalence of the global	

Technical program continued

Day one - Thursday 18 July 2019 continued

Time	Session	Presenter/s	
3.15-3.30pm	Afternoon tea		
3.30-5.00pm	Session 5: Incapacity in more depth – issues that affect us all Aged care in Australia is under the spotlight, and so it should be. It highlights how easily the need to manage the effect of incapacity on the personal and health affairs	Michele Davis Wilson Lawyers	
	of a significant proportion of our society can be overlooked. This session will focus on issues of capacity that affect advisers and their clients alike, and will cover:	Chair	
	Who is responsible for detection of capacity?	Mercia Stoltz, CTA Stoltz Law Firm	
	 Powers of attorney and undue influence 	Stoltz Law Firm	
	 Practical tests to apply to reduce risks 		
	 Conflict scenarios 		
5.00pm	Day one close		
5.00-7.00pm	Poolside sunset reception		



Day two - Friday 19 July 2019

Time	Session	Presenter/s	
8.30-9.15am	Session 6: The increasingly litigious superannuation environment There is a growth in dispute resolution and litigation over binding death benefit nominations. In this session you will hear from a leading advocate who will consider:	Caite Brewer Callinan Chambers	
	 Complexity in death benefit rules 		
	 Managing complaints and disputes 		
	 Control of the fund and obligations on death 		
	 Need for a court order 		
9.15–10.00am	Session 7: An update on how to manage superannuation monies after death	Laura Hanrahan	
	Superannuation and the consequences of death are revisited and updated in this session, which will consider:	HopgoodGanim Lawyers	
	 The importance of binding death benefit nominations (BDBNs) 		
	 Transfer balance cap strategies and solutions 		
	 Dealings with properties and other "lumpy" assets when paying death benefits 		
	 The changing role of superannuation in estate planning 		

Technical program continued

Day two - Friday 19 July 2019 continued

Time	Session	Presenter/s	
10.00-10.30am	Dam Q&A session		
	During this session, Neal Dallas, CTA (McInnes Wilson Lawyers) will facilitate Q&A with Caite Brewer (Callinan Chambers) and Laura Hanrahan (HopgoodGanim Lawyers). Delegates will have the opportunity to ask questions of both presenters.		
10.30-10.45am	n Morning tea		
10.45-11.45am	Session 8: Testamentary trusts are an estate planning superpower but will they survive the impending attack on trusts?	Tara Lucke Nexus Law Group	
	Testamentary trusts are a popular estate planning device and will continue to be so, despite recent proposed taxation changes. This session will focus on the taxation of testamentary trust income, and capital gains and drafting considerations, and will cover:	Chair	
	 The taxation of testamentary trusts and beneficiaries Proposed changes to the tax rules Drafting considerations Accessing principal place of residence (PPR) exemption through a testamentary trust Other issues, including vesting and TR 2018/6 	Michael Flynn, QC, CTA (Life) Owen Dixon Chambers West	
11.45am-12.45pm	Session 9: How does aged care impact families and their trusted advisers? Advising on aged care and planning for ageing clients is more and more an area of interest.	David Codey Morgans Financial Limited	
	Aged care financial advice is specific, complex and requires balancing a range of emotional and financial factors. This session will share actual family case studies and cover: What makes aged care advice so complex How aged care impacts the family dynamic Identifying a competent aged care financial adviser Fees How trusted family advisers can outsource to a specialist aged care financial adviser		
12.45–1.45pm	Lunch		
1.45–3.45pm	Session 10: How do you manage companies and trusts that were controlled by the now deceased? Dealing with entities controlled by a now deceased person can cause significant problems for legal personal representatives (LPRs) and executors. Is it better to maintain, revive or unwind trusts and companies during or after administration? In this session, we will identify problems with old structures, and consider director,	Facilitator: Peter Godber, CTA Grant Thornton Speakers:	
	trustee and adviser risks. We will separately address trust and company taxation issues, including:	Matthew Burgess, CTA View Legal	
	 Trusts Trust succession and vesting Family trust division Changes in control Trust resettlements Loan accounts Companies Unwinding a company and making final distributions Division 7A revisited Dealing with loans 	Todd Want, CTA William Buck	
3.45pm	Symposium close	Peter Godber, CTA Chair, Symposium Organising Committee	

Presenter profiles

An overview of our experts

Anna Berryman is a Chartered Accountant and Associate Director in the BDO Corporate and International Tax division in Brisbane. Her expertise includes the management and delivery of all aspects of corporate tax compliance, and consulting in areas that include tax planning and structuring, international tax and capital gains tax.

Caite Brewer of Callinan Chambers has been a Barrister and a Solicitor for more than 24 years. She is one of only four Queensland Law Society (QLS) accredited specialists in succession law at the Queensland Bar and was the highest achiever in her graduating year. Caite was named one of Australia's "preeminent" junior counsel in Estate Litigation in the 2017 Doyle's List. She is a member of Hemmant's List and a regular presenter at seminars on wills, estates and trust law issues. Her particular interests are in contentious probate matters, will construction and rectification cases and informal will applications.

Matthew Burgess, CTA, co-founded specialist firm View Legal in 2014, having been a lawyer and partner of one of Australia's leading independent law firms for over 17 years. Matthew's passion is helping clients successfully achieve their goals. Matthew specialises in tax, and estate and succession planning, providing strategic advice to business owners and high net worth individuals. He has been recognised in the Best Lawyers list since 2014 in relation to trusts and estates and either personally or as part of View Legal in Doyles since 2015 in relation to taxation, and since 2017 in relation to wills, estates and succession planning. In part leveraging off the skills he has developed working in the SME market space, Matthew has been the catalyst for a number of innovative legal solutions for advisers and their clients, including establishing Australia's first virtual law firm.

David Codey is responsible for Morgans Financial Limited's Aged Care Advice team, which provides specialist aged care financial advice on home and residential aged care to clients of The Public Trustee of Queensland and nationally to clients and families of Morgans advisers and external trusted advisers. David has been with Morgans since 1987. He has led project development and managed teams for successful new business ventures in financial planning, insurance, self-managed and corporate superannuation. A former Wallaby captain, he is also President Queensland Rugby Union and Senior Vice-President Rugby Australia.

Neal Dallas, CTA, is a Principal in McInnes Wilson Lawyers' Superannuation and Revenue Group. He has extensive experience advising clients in the areas of superannuation, tax, estate planning and asset protection. He has advised corporate, industry and self-managed funds and their employers across a range of superannuation-related matters, including fund establishment, fund mergers and transfers, benefit payment issues, superannuation borrowing arrangements, taxation of contributions and earnings, fund wind-ups and trustee training.

Michele Davis is the Head of Succession and Elder Law at Wilson Lawyers. A self-confessed succession nerd, Michele has a passion across all areas of wills, estates, succession and elder law. Having dedicated her career to the study and practice of succession and elder law, Michele's areas of expertise include complex estate planning, estate administration, estate litigation, retirement villages and aged care accommodation, granny flats and family agreements. Michele has a Masters of Law specialising in wills and estates and is a member of the Queensland Law Society's Succession Law Committee and STEP (Society of Trust and Estate Practitioners). Michele is also the founder of the successful LinkedIn Group 'Australian Succession & Elder Lawyers' and writes regularly on case law in this practice area through her blog at micheledavis.com.au.

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 Steward, of *Death and Taxes*, and with James Kessler, QC, of *Drafting Trusts and Will Trusts in Australia* (2nd ed., 2017). Michael has appeared before the Federal Court and the High Court in many

cases on behalf of both taxpayers and the Commissioner. Michael has been a member of various committees of The Tax Institute for over 20 years, including Victorian State Council (he is a past State Chair) and National Council. He lectures in the postgraduate program at Melbourne University and is President of the Tax Bar Association.

Peter Godber, CTA, is a consultant to Grant Thornton. He has over 30 years experience giving professional taxation advice and dealing with change to Australian tax laws. Peter provides advice in many areas of taxation, including business taxation, business and investment structuring, international tax planning and tax risk management. Peter is Vice President of The Tax Institute and is a past State Chair of The Tax Institute's Queensland Division.

Laura Hanrahan of HopgoodGanim Lawyers practises exclusively in the areas of superannuation, estate planning and administration. She assists clients in a range of matters including wills, testamentary trusts, powers of attorney, superannuation, family discretionary trusts and the administration of deceased estates. With a background that includes family law, business services and taxation, Laura is experienced to deal with the variety of issues associated with preparing comprehensive estate plans for clients. A member of the Society of Trust and Estate Practitioners and the SMSF Association. Laura regularly presents papers on relevant superannuation and estate matters to various industry audiences.

Chris Herrald is a Senior Associate in Mullins Wills & Estates team and advises clients in relation to a broad range of estate matters. These include estate planning, simple and complex estate administration, contentious and non-contentious estate litigation (including family provision applications, solemn form proceedings, interpretation or rectification of wills), and guardianship and administration matters (including enduring powers of attorney, proceedings in the Queensland Civil and Administrative Tribunal and advice to attorneys, guardians and administrators in relation to the exercise of their powers). Chris provides practical advice based on knowledge gained from practising law, her past experience working in a general

Presenter profiles continued

practice firm and from being an active member of the legal community. Chris is the Deputy Chair of the Queensland Law Society's Succession Law Committee, Secretary of STEP Qld, and a general committee member of the Queensland Law Society's Elder Law Committee.

Tara Lucke of Nexus Law Group is passionate about two things in law. Firstly, she loves helping clients reach peace of mind about the protection of their wealth and transition to the next generation. Secondly, she believes in supporting financial advisers and accountants to use estate planning to build trust and support their clients. Tara has over 10 years of experience in law working with accountants and financial advisers and specialising in estate planning, tax, asset protection, business succession, trusts and superannuation. She spent a large part of her career at McCullough Robertson, and in 2014 she co-founded View Legal. In 2018, Tara joined Nexus Law as a Group Principal.

Bryan Mitchell, BCom LLB LLM LLM (Applied Laws – Wills & Estates)

TEP FTI, is the managing director of Mitchells Solicitors, being an Accredited Specialist in Succession Law (Wills & Estates). More recently Bryan and the firm Mitchells was recognised again by his peers in the influential Doyles Guide in four categories. These being, 2018 Leading – Estate Litigation – Queensland, 2018 Leading – Wills, Estates & Succession Planning Lawyers – Queensland, 2018 Recommended – Estate

Litigation – Australia, 2018
Recommended Wills, Estates &
Succession Planning Lawyers – Australia.
Bryan is a regular public speaker. He
was one of the early members of the
Queensland Branch of the Society of Trust
and Estate Practitioners and presently
serves as Chair. Further, Bryan has
been a Fellow of the Taxation Institute
for a number of years and is currently a
member of the Queensland Law Society
Succession Law Committee.

Michael Pollard is the Senior Manager of the Taxation and Accounting team at Perpetual Trustees for Trusts and Estates. He has worked in the trustee industry for over 20 years and specialises in the taxation of high net worth retirees, deceased estates, trusts and philanthropic entities. Before working in the trustee industry, he gained experience in commerce and chartered accounting.

Ian Raspin, CTA, is a Certified Practising Accountant and heads the Estate and Trusts team at BNR Partners who have specialised in the taxation of deceased estates and testamentary trusts since 2000. BNR are considered nationally as leading tax advisors on estates and trusts matters and work closely with succession lawyers, listed trustee companies and executors alike. He is recognised nationally on Estate taxation matters having published three books on Estate Taxation and being a regular presenter at both legal and accounting conferences across the country, including for various Law Societies, The Society of Trust and Estate Practitioners (STEP),

CPA Australia, the College of Law and LegalWise seminars.

Mercia Stoltz, CTA, is the founder and principal of Stoltz Law Firm and specialises in succession planning. Mercia has a Masters in Taxation from the University of New South Wales and many years' experience as a wills, estates and tax lawyer, having worked as a tax litigator with the South African Revenue Service and as tax consultant with PwC. Prior to returning to her own law practice, Mercia gained extensive experience in issues facing estate planning advisors in medium to large law firms.

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.

Todd Want, CTA, is a Director at William Buck and brings over 15 years of experience to his role in the Tax Services division. Todd specialises in small-to-medium enterprise tax matters and advises clients on a broad range of tax issues such as CGT, advice relating to structuring and restructuring, the tax consequences of acquisitions and divestments, small business CGT concessions, Div 7A, property matters, taxation of trusts and tax risk management.





Event information

Venue



Sofitel Gold Coast, Broadbeach 81 Surf Parade, Broadbeach

At the Sofitel Gold Coast Broadbeach, revel in gorgeous year-round weather and revitalising sea breezes radiating from the Pacific Ocean to the scenic hinterlands. The 5-star hotel is within easy walking distance to Broadbeach's high-end boutiques and restaurants, steps away from beautiful beaches, parks and across the street from the Pacific Fair Shopping Centre.

Accommodation

Favourable room rates have been negotiated and secured at the Sofitel Gold Coast Broadbeach. Accommodation bookings can be made through our accommodation and travel provider, ConferenceNational by following the link on the event web page (taxinstitute.com.au/DNT).

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.

Getting there

The Sofitel Gold Coast, Broadbeach is located 19 kilometres north of Gold Coast Airport, an approximate 35-minute drive. For those travelling from Brisbane, it is 85 kilometres, an approximate 11/4 hour drive.

Delegates arriving by air should fly into either Brisbane or Gold Coast airports. While Gold Coast is the closest airport to the hotel, not all airlines service this airport.

Parking

On-site parking is available at the Sofitel Gold Coast, Broadbeach from \$15 per day for residential conference guests or from \$40 per day for non-residential conference guests. These rates are for self parking and spaces are subject to availability.

Registration inclusions

Full event registration includes participation in the full two-day technical program, electronic access to all materials via the event app, attendance to the Poolside sunset reception on Thursday night, and all lunches and refreshments during event hours. Registration fees do not include hard copy materials, travel, accommodation, hotel breakfasts or hotel incidentals.

Discounts

Early bird registration

All full symposium registrations received and paid for on or before Friday 24 May 2019 will be entitled to an early bird discount.

Group discounts

If you are registering four or more people from the same firm, please contact the Queensland Team on 07 3225 5200 or at ald@taxinstitute.com.au.

Confirmation of registration

A confirmation will be sent via email. Please note you will receive two separate emails in the form of a confirmation email and tax invoice.

CPD accreditation

Attendance at the symposium counts for 12.5 hours of Continuing Professional Development accreditation (CPD) with The Tax Institute.

Delegate list

A delegate list will be included on The Tax Institute CPD app to assist with networking. Please indicate on the registration form if you do not want your details included on the list.

Dress code

Business casual attire is suitable for the duration of the symposium.

The Tax Institute CPD app

Program information, materials (technical papers and slides), evaluation forms and more will be available via The Tax Institute's event app. All delegates are asked to download the app on their phone or tablet prior to the event. Materials will be made available for download approximately five days before the event. At this time, an email will be sent to delegates with access details.

Alteration and cancellation policy

The Tax Institute reserves the right to alter, amend or cancel all or any of the arrangements contained in the program. It is a condition of acceptance of registration that an administration fee of 20% of the registration fee will be charged for cancellation. No refund will be given for cancellations received within five working days of the event. A replacement may be nominated however, the replacement is only valid for the 2019 Death ... and Taxes Symposium. 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.

For further information regarding this event, please contact the Queensland Team on (07) 3225 5200 or email qld@taxinstitute.com.au.

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



2019 Death ... and Taxes Symposium Registration form

2019 Death ... and Taxes Symposium

40067 | WD

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.

			Date of issue: April 2019	
1 Registrati	On (Please see page 8 for registration inclusions.)			
Individual registration Please register me for the full symposium. The registration fee includes participation in the full two-day technical program, electronic access to all materials via the event app, attendance to the Poolside sunset reception on Thursday night, and all lunches and refreshments during event hours.			*EVENT AND MEMBERSHIP OFFER There is no better time than right now for non-members to take up membership! Register at the Member rate + add on \$340	
	Early bird registration Received on or before 24 May 2019	Standard registration Received after 24 May 2019	for Membership and receive member benefits through to 30 June 2020. All new members are eligible to 'upgrade' their membership level at	
Member	S1,395	S1,595	no additional cost by providing the appropriate documentation when applying within the initial	
New member*	□ \$1,735	S1,935	membership subscription period. I hereby apply for membership of The Tax	
Non-member	S1,745	\$1,945	Institute and declare that I am a person of good fame, integrity and character and agree to be bound by the Constitution of The Tax	
Dietary requirements Promotional code:	S:		Date of signature:	
2 Delegate	contact details If your men	nber details are up-to-date, you can skip	o this section.	
Title: Mr	☐ Mrs ☐ Miss ☐ Ms ☐ Othe	er (please specify)	Date of birth:	
First name:		Last name:		
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	f you do not wish your name to be included on the c	delegate list provided to all attendees for network	ing purposes.	

3 Poolside sunset reception	
The reception is INCLUDED in the registration fee for delegates. Thursday 18 July: Sofitel Gold Coast, Broadbeach Yes, I WILL be attending the reception OR No, I WILL NOT be attending the reception	
4 Payment summary	
Registration fee \$	Replacements Please note: Registrations for the event are not interchangeable but replacements are acceptable. Please notify us at least two days prior if you intend on sending a replacement. CPD hours will be allocated to the designated attendee. If the replacement is not a member, the non-member registration fee will apply. Cancellations The Tax Institute must receive cancellations in writing five working days prior to the conference. No refund will be given for cancellations received within five working days of the event. A replacement may be nominated. Further details on The Tax Institute's cancellation policy can be found at taxinstitute.com.au.
5 Payment method	
Cheque payable to The Tax Institute (in Australian dollars)	
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Membership and education program promotion I am interested in becoming a member of The Tax Institute. Please send me further details. I am interested in learning more about The Tax Institute's education program. Please contact me. We take your privacy seriously, and our policy can be viewed at taxinstitute.com.au/go/	Marketing and business alliance partner exclusions I no longer wish to provide my contact details to The Tax Institute's contracted business partners. I no longer wish to receive marketing correspondence from The Tax Institute.

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