

2020 Death... and Taxes Online

May - July | 6 CPD hours

Deep dive into the taxation of estates and other challenges

Tax issues are inescapable when it comes to administering a deceased estate. The complex interaction between estate law and tax law makes it increasingly important that practitioners in this area are across the issues and can expertly guide their clients through the maze of laws, legislative instruments and ATO guidance.

Join us for this 6-part webinar series to ensure you have the knowledge and practical skills to deal with the more difficult post-death estate situations.

Scheduled throughout May and June, this all-encompassing webinar series covers the current areas of concern to tax practitioners who are frequently faced with the increased complexities in dealing with estates – whether they deal with them regularly or inevitably will.

Our all-star line-up of leading tax professionals will guide you through the issues, share their insights and provide practical solutions to the tax-related problems faced through the period of estate administration.

Topics

- Take on executor roles at your peril!
- Post death main residence CGT traps
- Payment and taxation of death benefits
- Emerging international issues
- Passing of a life tenant
- IGOT inquiry into deceased estates – a range of administrative issues

Presenters

Lyn Freshwater	BNR Partners
Karen Gaston	Thynne + Macartney
Robyn Jacobson, CTA	The Tax Institute
Stuart Le Cornu, CTA	Fordham Group
David W Marks QC, CTA	Queensland Bar
Karen Payne, CTA	Inspector-General of Taxation & Taxation Ombudsman
Ian Raspin, CTA	BNR Partners
Nathan Yii, CTA	Nathan Yii Lawyers

Choose a format that suits?

- Attend the live webinars to interact with our expert presenters; or
- Replay the webinars (post-event) at a time that suits you.

Webinar Schedule

Thursday, 28 May 2020

Thursday, 4 June 2020

Thursday, 11 June 2020

Thursday, 18 June 2020

Thursday, 25 June 2020

Thursday, 2 July 2020

Time: 11:00am AEST

Location: Online

CPD proficiency level:

**Proficient/
advanced** 

Register now:

taxinstitute.com.au/natdnt

For event queries please contact:

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☎ +61 7 3225 5200

All materials will be supplied electronically to delegates approximately 1-2 days prior to the webinar.

Technical Program

Date/Time	Topic	Presenter
Thursday, 28 May 2020 11.00am- 12.00pm AEST	Part 1: Take on executor roles at your peril! The risk of being an executor can often be underestimated. As a trusted adviser, clients will often want you to act as their executor. But should you? Don't accept until you have attended this session where we will explore the obligations and risk profile of an accountant and other professionals taking on the role of executor, including: <ul style="list-style-type: none"> – Risks? What risks? – Does my professional insurance cover me if I accept an appointment as an executor? – Can I charge for my work? – What can I do to limit personal exposure? 	Karen Gaston Thynne + Macartney
Thursday, 4 June 2020 11.00am- 12.00pm AEST	Part 2: Post death main residence CGT traps One of the largest assets of a typical deceased estate is often the deceased's principal place of residence. What is often inadvertently overlooked is that the sale of the residence may trigger a number of capital gains tax issues for the estate, which may leave the executor personally liable. The presenters will use case studies to delve into the issues that should be considered in assessing the possible capital gains tax implication on the sale of the deceased's residence, including: <ul style="list-style-type: none"> – Is the full exemption available? – Two-year rule including extension under PCG 2019/5 – Complexities from multi-generational transfers and/or joint owners – Applying the absence rule – Cost base chaos – Main residence changes for the deceased estates of non-residents. 	Ian Raspin, CTA BNR Partners Robyn Jacobson, CTA The Tax Institute
Thursday, 11 June 2020 11.00am- 12.00pm AEST	Part 3: Payment and taxation of death benefits Superannuation is often a significant part of an individual's asset pool and practitioners should be aware of how superannuation should be addressed on death including the different payment options and the tax implications. Case studies will be drawn upon to unpack the following issues: <ul style="list-style-type: none"> – Death benefit payment decisions and how to manage the transfer balance cap on the death of one spouse – Hidden taxes on paying death benefits – who should the benefits be paid to? – The appropriate use of superannuation proceeds trusts post-death to minimise death benefits tax – when should they be used? – In specie transfers of assets post death – Withdrawals by members and attorneys pre-death to minimise death benefits tax: cash and other non-cash assets 	Nathan Yii, CTA Nathan Yii Lawyers
Thursday, 18 June 2020 11.00am- 12.00pm AEST	Part 4: Emerging International Issues With no separate taxation regime dedicated specifically to deceased estates, executors/administrators and beneficiaries fall under the trust taxation regime in Division 6. In an increasingly globally mobile world, this can lead to some unexpected consequences for all involved, particularly when applying "catch-all" provisions such as s. 99B. This session will consider the range of issues that can arise where there is an international aspect to a deceased estate; and examine how to mitigate risks in administering the estate. Specific consideration will be given to a number of significant international issue for deceased estates which will include: <ul style="list-style-type: none"> – The impact of the tax residency of the deceased, executors and beneficiaries – The expansion of s. 99B beyond original policy intent – The unexpected impact of the Division 6 AAA interest charge. – The loss of concessions in some cross-border estate 	Lyn Freshwater BNR Partners David W Marks QC, CTA Queensland Bar

Date/Time	Topic	Presenter
Thursday, 25 June 2020 11.00am- 12.00pm AEST	Part 5: Passing of a Life Tenant Establishing a life interest in a deceased estate was once a popular estate planning strategy. With the increase in blended families and different competing interests for capital and income, life estates are again topical. This webinar will explore the following aspects of life interests: <ul style="list-style-type: none"> – Asset protection – Choice of trustee – Renouncing a life interest – Competing interests of income and capital beneficiaries – Family trust elections – Death of the life tenant and vesting of the trust. 	Stuart Le Cornu, CTA Fordham Group
Thursday, 2 July 2020 11.00am- 12.00pm AEST	Part 6: IGOT inquiry into deceased estates – a range of administrative issues We are delighted the Inspector-General of Taxation & Taxation Ombudsman, Karen Payne, will participate in this series. The Inspector-General will provide an update on: <ul style="list-style-type: none"> – The roles, responsibilities and activities of her office – Insights into the outcomes of the review entitled “Death and Taxes – Investigation into ATO systems and processes for dealing with deceased estates” – Administrative issues that are arising. – This will be a fitting finish to our webinar series as we reflect on the key administrative issues in dealing with deceased estates. 	Karen Payne, CTA Inspector-General of Taxation & Taxation Ombudsman

Presenter profiles

Karen Gaston, a partner at Thynne + Macartney, has been a Queensland Law Society accredited specialist in Succession Law since 2013 when she was jointly awarded the Highest Achiever Award. She is also a member of the Queensland Law Society Specialist Accreditation Succession Law Advisory Committee. With more than 15 years experience in wills, estates and succession law, Karen leads the firm's Wills & Estates team. Her particular expertise lies in managing complex estate and trust litigation. Karen's experience includes acting on several high-profile matters reported in Queensland, as well as applications to the Queensland Civil and Administrative Tribunal (QCAT). When resolving disputes in this area, Karen's clients benefit from her considerable training and skills in the area of alternative dispute relations, including mediation and collaborative law. A regular speaker at professional development seminars and conferences, Karen has lectured at QUT and the TC Beirne Law School at the University of Queensland on succession matters, and contributed to the Caxton Legal Centre's Queensland Law Handbook. Karen has featured in both Doyle's Guide and Best Lawyers Australia as a leader in this area since 2016.

Lyn Freshwater is a Senior Tax Advisor with BNR Partners and provides written advice on complex estate and trust matters. She commenced with BNR in 2019 after a lengthy ATO career where she gained considerable experience as an administrator particularly in the context of the capital gains tax and trust provisions. Some of her career highlights include instructing on the drafting of the scrip-for-scrip rollover provisions and streaming rules for capital gains and franked dividends, authoring various pieces of public advice such as PS LA 2003/12 (about the meaning of legal personal representative (LPR)), TR 2006/14 (about life and remainder interests), TR 2010/D1 (about income of a trust estate), PCG 2018/4 (about the liabilities of an LPR), developing ATO views in various litigation cases such as Electnet and Sandini and acting as Secretariat of the Trust Consultation Sub-group. Lyn is also a member of the STEP Advocacy Committee.

Robyn Jacobson CTA, is the Senior Advocate of The Tax Institute. Her most recent role was as a Senior Tax Trainer with TaxBanter Pty Ltd, and she is well known in tax training circles, having been a professional tax trainer for 23 years and a regular conference presenter. With nearly three decades in the profession, Robyn's public practice background preceded her training roles with Webb Martin and her own business, Cyntax, before its merger with TaxBanter in 2011. Robyn is a Fellow of both CA ANZ and CPA Australia, and a Registered Tax Agent. Based in Melbourne, she sits on The Tax Institute's Victorian Professional Development committee, is a member of the Victorian Tax Forum, Private Business Tax Retreat and Noosa Tax Intensive organising committees, and is the immediate past Chair of CPA Australia's Victorian Public Practice Committee. Robyn regularly consults with The Treasury, the ATO and the professional bodies on technical issues. Robyn is an avid advocate, social media commentator, blogger, was the inaugural host of TaxBanter's popular Tax Yak podcast from 2018 to 2020 and is regularly quoted in the media. She was recognised in the Women In Finance Awards 2019 as the Winner of Thought Leader of the Year, and has recently been named in the global Top 50 Women in Accounting 2019.

David W Marks QC, CTA, is a commercial Silk at the Queensland Bar practising principally in tax. He has a broader practice in commercial litigation, trusts and estates, and administrative law. He contributes to the life of the profession through his committee work for The Tax Institute and other professional bodies. He is a Chartered Tax Adviser and a registered Trust and Estates Practitioner. He received The Tax Institute's Meritorious Service Award in 2013. David serves on the disciplinary panel of an international practitioner association.

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. 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.

Ian Raspin, CTA, is the Managing Director of BNR Partners, who have specialised nationally in the taxation of deceased estates since 2000. He is recognised both nationally and internationally on Australian estate taxation matters, being a published author on estate taxation and a frequent presenter at both legal and accounting conferences. Ian regularly consults with professional bodies, regulators and the private sector on estate taxation issues. Ian is a Certified Tax Advisor of The Tax Institute, a fellow of CPA Australia, and a registered practitioner of the Society of Trust and Estate Practitioners. Ian is also member of CPA Australia Taxation Centre of Excellence, and a director of the Society of Trust and Estate Practitioners Australia Limited.

Nathan Yii, CTA, is the Principal Lawyer and SMSF Specialist Advisor of the Melbourne-based practice, Nathan Yii Lawyers, and holds a Bachelor of Commerce (Accounting), a Bachelor of Laws (Hons) and a Master of Laws from the University of Melbourne. Nathan is recognised in Doyles Guide as a leading Wills, Estates & Succession Planning Lawyer and Wills & Estates Litigation Lawyer in Victoria, and works with and consults to legal and non-legal professionals, high net worth individuals and family offices to achieve one's structuring and estate planning objectives. Nathan's practice focuses on tax-effective solutions, estate planning, asset protection, SMSF compliance and trusts, estates and SMSF disputes. He is a regular presenter in his areas of expertise and 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, and is also a member of the Education Quality Assurance Board at The Tax Institute. Nathan was also awarded The Tax Institute's National Dux Award for CTA3 Advisory and the Justice Graham Hill Scholarship in 2017.



THE TAX INSTITUTE

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Registration form

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1 Registration

Please select your registration type:

	Member	Non-member
Full Registration (Includes all 6 topics)	<input type="checkbox"/> \$390	<input type="checkbox"/> \$510
Individual Topics	<input type="checkbox"/> \$70 each	<input type="checkbox"/> \$90 each

Please indicate individual selections below (refer to program for individual topics)

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<input type="checkbox"/> Part 4 (40961)	<input type="checkbox"/> Part 5 (40962)	<input type="checkbox"/> Part 6 (40963)

*All prices are subject to change

For event enquiries, please contact Meg Hely on 07 3225 5200 or meghely@taxinstitute.com.au.
6 CPD hours allocated will be allocated to the designated attendee.

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

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