



COOPER GRACE WARD
LAWYERS



ANNUAL ADVISER CONFERENCE

24 AND 25 MARCH 2022

SOFITEL BRISBANE CENTRAL
249 TURBOT STREET, BRISBANE
OR VIRTUALLY VIA OUR ONLINE EVENT PLATFORM

CPD accreditation:



Self Managed
Super Fund
Association



FINANCIAL PLANNING
ASSOCIATION of AUSTRALIA

THURSDAY 24 MARCH

8.00 am REGISTRATION OPEN

8.50 am INTRODUCTION
Scott Hay-Bartlem, Partner

9.00 am **SESSION 1**
Half-day: Structuring to protect assets – is it possible anymore?
Graham Roberts, Partner | Justine Woods, Partner | Sarah Lancaster, Partner
Annie Smeaton, Partner

'Protecting assets' is often stated as a priority in making decisions, but in 2022 we need to ask:

- Is it that straightforward?
- Do the context or purpose matter?
- How easy is it to undo?
- Is it even possible?
- What can the ATO do?
- Have you considered inheritances?
- What are the dos and don'ts when asking for advice?

Join team members from around CGW as we discuss some surprising developments and unpack the competing priorities across commercial issues, tax, family law, estates, insolvency and employment law.

10.15 am MORNING TEA

10.45 am **SESSION 2 – Half-day (continued)**

12.00 pm LUNCH

1.00 pm **SESSION 3**
SMSF update
Scott Hay-Bartlem, Partner | Clinton Jackson, Partner | Steven Jell, Senior Associate

It's been yet another year of change in SMSF world! We have seen a few new issues arise, plus many of the changes from previous years are finally coming into effect.

This session will cover the highlights, including six member SMSFs, contribution acceptance rules, ECPI, pension payment reductions, IHAs, valuations, change of ATO view on penalties, early release and actuarial certificates.

A must see to stay up to date!

2.15 pm AFTERNOON TEA

2.45 pm **SESSION 4**
To pension or not to pension – the role of pensions in the estate planning and death benefit conundrum
Scott Hay-Bartlem, Partner | Clinton Jackson, Partner | Steven Jell, Senior Associate

Pensions are an integral part of the superannuation system, and can be exceptionally tax effective.

But pensions are more than just a tax planning tool, and have wider consequences.

In this session we will look at:

- When should we use pensions as estate planning tools?
- Are reversionary nominations good or bad?
- Can we change reversionary nominations?
- Are BDBNs better than reversionary pensions and what happens if we have both?
- How do transfer balance caps affect the death benefit pension decision?

4.00 pm CONFERENCE DRINKS

FRIDAY 25 MARCH

8.00 am REGISTRATION OPEN

8.40 am INTRODUCTION AND CASE STUDY
Scott Hay-Bartlem, Partner

8.45 am **SESSION 1**
Directorships in 2022 – is it a smart idea to become a director?
Clinton Jackson, Partner

Directors are a fundamental part of the company system and their role is rather taken for granted. But has that role changed in the modern world?

In this session, we will explore:

- What are the liability issues confronting directors today?
- Should all family members be directors, or should we take a more targeted approach?
- How wide is a director's liability for tax?
- Will DINs change the landscape?
- Is it simple to stop being a director now?
- Are single director companies dangerous?

9.30 am **SESSION 2**
The growing trend of attorney disputes
Hayley Mitchell, Partner

Attorneys hold a special place of trust, and also have special responsibilities and obligations.

Disputes involving the actions of attorneys are on the rise, so what must an attorney do to protect themselves?

This session will explore common risk areas for attorneys and navigating the court and tribunal dispute resolution process.

9.45 am **SESSION 3**
So, you are looking for a trust – have you considered these?
Adelaide Hayes, Senior Associate | Steven Jell, Senior Associate

Yes, we all use discretionary family trusts, but have you considered one of these others?

When should we consider an unusual type of trust ... and when are they entirely inappropriate?!

This session will cover a range of special purpose trusts including, special disability trusts, PAFs, fixed v unit trusts v hybrid trusts, child maintenance trusts, post death testamentary trusts and superannuation proceeds trusts.

10.30 am MORNING TEA

11.00 am **SESSION 4**
What the ATO has on its hit list for trusts (what common practices will get us into trouble in 2022?)
Fletch Heinemann, Partner

The ATO has been using a variety of tools to crack down on trusts for many years now.

So, what is on its radar in 2022?

What is the impact of the ATO's view on section 100A and how bad is it?

What else should advisers be concerned about?

To read more about the conference, please visit cgw.com.au/2022-annual-adviser-conference/

11.45 am SESSION 5
Changes to trusts – is it possible to ‘resettle’ a trust anymore? And does it really matter?
 Scott Hay-Bartlem, Partner | Elise Emmerson, Lawyer | Helen Jerrard, Lawyer
 Sacha Robinson, Lawyer

We are frequently asked to advise on whether something will ‘resettle a trust’.

With the movement in case law, is that even possible in 2022? And if it is, does it really matter?

This session will also cover the tax and duty issues involved with common changes to trust arrangements, including:

- When should I vary my trust deed and what are the consequences?
- Can I change my trustee and what are the complications?
- Can I have a different appointor?
- What happens if I appoint or remove beneficiaries?

12.30 pm LUNCH

1.15 pm SESSION 6
Service entities – do they still work?
 Sarah Lancaster, Partner

Service entities have been a staple of structuring professional and medical practices for decades.

We saw a big shake up when the ATO took a shot at them 20 years ago, but what about the latest incursions into their effectiveness?

Will your arrangements still stand up?

2.00 pm SESSION 7
Main residences – they are entirely tax exempt, aren’t they?
 Murray Shume, Special Counsel

The main residence CGT exemption seems straightforward, but there are many aspects, and when you apply it in practice, it is not as simple as it looks.

How the exemption interacts with changes in tax residency is also an ‘interesting’ question. And what about state taxes like land tax and duty? Is your main residence always going to be exempt?

2.45 pm AFTERNOON TEA

3.00 pm SESSION 8
Share sale v business sale?
 Charles Sweeney, Partner | Linda Tapiolas, Partner | Laura Gahan, Partner
 Mali Karunaratne, Special Counsel | Gemma Sharp, Special Counsel

There are many issues to consider when selling out of a business. One of the first is whether we sell the shares in the company or the business assets themselves.

So, which is the better answer?

We suspect the answer is ‘it depends’, so Linda Tapiolas and CGW’s panel will talk through the many competing considerations and tricks and traps to help come to a resolution.

4.30 pm CONFERENCE DRINKS



Laura Gahan
 Partner
 Property, planning and environment



Fletch Heinemann
 Partner
 Revenue, tax and tax disputes



Sarah Lancaster
 Partner
 Revenue, tax and tax disputes



Graham Roberts
 Partner
 Insolvency



Charles Sweeney
 Partner
 Corporate and commercial



Justine Woods
 Partner
 Family law



Gemma Sharp
 Special Counsel
 Workplace relations and safety



Adelaide Hayes
 Senior Associate
 Corporate and commercial



Elise Emmerson
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Sacha Robinson
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 Superannuation, commercial and estate planning



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 Partner
 Revenue, tax, superannuation and estates



Clinton Jackson
 Partner
 Tax, superannuation, commercial and estate planning



Hayley Mitchell
 Partner
 Estate planning, administration and disputes



Annie Smeaton
 Partner
 Workplace relations and safety



Linda Tapiolas
 Partner
 Revenue, tax and commercial



Mali Karunaratne
 Special Counsel
 Litigation and dispute resolution



Murray Shume
 Special Counsel
 Revenue, tax and tax disputes



Steven Jell
 Senior Associate
 Superannuation, estate planning and administration



Helen Jerrard
 Lawyer
 Commercial, superannuation estate planning and administration

MEET THE SPEAKERS