

## Cancellations or Transfers

It's necessary to charge a fee when confirmed\* bookings (see below) are cancelled. However, a substitute participant will be accepted. If a substitute is not nominated, a cancellation fee of \$99 will be applied.

### Cancellations

*More than 5 full working days before the seminar:*

- cancellations incur a \$99 administration fee.

*Within 5 working days of the seminar:*

- no refunds will be available for cancellations, although a full set of notes will be provided.

### Transfers

*More than 2 full working days before the seminar:*

- a credit for the amount charged may be transferred to any other currently advertised NTAA seminar without incurring the \$99 administration fee.

*Within 2 working days:*

- transfers incur a \$99 administration fee.

The NTAA reserves the right to cancel or reschedule courses, change speakers or revise content as necessary.

## \*Confirmation of Booking

Bookings will be confirmed by email, fax or mail – please include your email address or fax number for a speedy reply.

**Please Note(\*):** *You must ensure that you receive written confirmation of your booking, otherwise you may not be booked into the seminar and may have to provide credit card details at registration. If you do not receive written confirmation **within 72 hours** of submitting your order, contact us.*

## Noise & Recording Policy

Attendees should be aware that in agreeing to attend the seminar, they must abide by the NTAA Noise Policy which specifically prohibits noise distraction to attendees and presenters, such as mobile phone use during the seminar, etc.

The NTAA reserves all rights to photograph, film or otherwise record the seminar, and seminar attendees consent to being photographed, filmed and/or recorded. Any unauthorised photography, audio or video recording of the seminar is strictly prohibited. Any person who fails to adhere to this condition agrees to delete any such unauthorised photograph or recording and that they will be asked to leave the seminar venue.

### National Tax & Accountants' Association Ltd.

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# NTAA's

# 2018

# Trusts

# Seminar

TRUSTS – Much more complicated than you may think!



Pragmatic  
Innovative  
Definitive  
Solutions

Presented by

Riley Jones & Rod Wilson

on behalf of the

National Tax & Accountants' Association Ltd



**What's NEW for TRUSTS in 2018!!!****ATO confirms tax windfall for distributions to bucket companies – Don't miss out!**

- ◆ Many bucket companies may now get a lower company tax rate under the **NEW** rules
- ◆ **NEW** method introduced for determining the appropriate franking rate for bucket companies
- ◆ **NEW** rules will demand a review of 2016 and 2017 bucket company returns!

**Major ATO audit assault on trusts**

- ◆ **RECENT** Court case highlights the dangers for trusts that fail to pay distributions to beneficiaries
- ◆ ATO's 'Tax Avoidance Taskforce' cracks down on many common trust arrangements!

**New ruling confirms tax jolt with non-family members 'using' a family trust's assets!**

- ◆ When is the use of a trust asset taken to be a 'distribution' under the **NEW** ATO ruling?
- ◆ Hidden traps for family trusts owning personal use assets and holiday homes

**RECENT Court decisions highlight problems with distributing trust income**

- ◆ Can franking credits be streamed separately from the underlying dividends?
- ◆ **RECENT** case makes it clear that resolutions that change after an ATO audit adjustment cannot work!
- ◆ Income equalisation clauses back in the spotlight
- ◆ Default beneficiary clause saves a taxpayer over \$300,000 in tax and penalties

**Latest developments regarding Unpaid Present Entitlements (UPEs)**

- ◆ UPEs to corporate beneficiaries get **NEW** ATO reprieve
- ◆ **NEW** dangers for UPEs that are 'paid out' by issuing units in a unit trust

**NEW non-resident measures will introduce tax hit for many resident trusts and beneficiaries!**

- ◆ Stamp duty and land tax bombshell for discretionary trusts – From coast-to-coast!
- ◆ **NEW** ATO approach to the CGT consequences for both resident and non-resident beneficiaries

**Latest developments affecting unit trusts**

- ◆ **NEW** ATO guidance means that most unit trusts can now self-assess to be treated as a 'fixed trust'

**Structuring with Trusts in 2018****Getting trust structures right – The first time!**

- ◆ NTAA's 'Trust Comparison Guide' highlights all the key tax and non-tax features of each type of trust
- ◆ Who should take on the key roles in a trust?
- ◆ What essential clauses should a trust deed contain?
- ◆ **NEW** ATO ruling considers the deductibility of money on-lent to a discretionary trust
- ◆ Tax-effective structuring when paying out UPEs

**Latest guide to using trusts for asset protection**

- ◆ Recent Court decisions indicate that trusts are even safer than once thought
- ◆ What are the family law dangers with assets held in a trust?
- ◆ When will a trustee be liable for the tax debts of a trust under **NEW** ATO guidelines?
- ◆ Will the **NEW** corporate insolvency 'safe harbour' protect directors of a corporate trustee?

**ATO cracks down on professionals using trusts**

- ◆ Partnerships of trusts and unit trusts in the ATO's sights!
- ◆ **RECENT** ATO backflip a game changer for all professionals operating in a trust structure
- ◆ How can professionals reduce the risk of an ATO audit?
- ◆ The NTAA's 'how to' guide to utilising service trusts

**How to rectify an existing structure that is not working**

- ◆ **NEW** guidance from the ATO about when trust deeds can be amended without CGT consequences
- ◆ **NEW** Small Business Restructure Rollover (SBRR) may provide an alternative solution
- ◆ 'Trust cloning' is back – Find out exactly what needs to be done!
- ◆ Comprehensive guide to when, and how, the SBRR can be utilised tax-effectively
- ◆ What should be done if the trust's vesting date is approaching?

**Bonus Seminar Software**

- State-by-State guide to stamp duty and land tax issues for trusts
- Sample trust resolutions
- Division 7A and on-lent agreements
- Practical checklists and tables

### Latest Guide to the Taxation of Trust Income

#### Fundamentals of distributing income tax-effectively

- ◆ We provide practical guidance on how to correctly apply different definitions of 'trust income' in the trust deed
- ◆ How should capital gains be treated?
- ◆ Step-by-step guide to making tax-effective resolutions to distribute trust income
- ◆ How to correctly apply the 'proportionate approach' when assessing trust beneficiaries
- ◆ ATO warns that creative determinations of trust income may be dealt with harshly!
- ◆ Practical NTAA **case studies** look at common distribution scenarios and we provide answers!

#### Tips and traps with distributing to particular beneficiaries

- ◆ **NEW** Court decision highlights major risk where adult children gift trust distributions back to their parents
- ◆ What additional **NEW** reporting is required when distributing to another trust or to an exempt entity?
- ◆ How to safely navigate the Division 7A issues when making distributions to companies

#### Latest guide on streaming trust income

- ◆ Practical **case studies** help you to correctly stream capital gains and franked dividends
- ◆ ATO confirms the timing of distributions is crucial

### Advanced Trust Taxation Issues

#### Managing Unpaid Present Entitlements (UPEs) to corporate beneficiaries under the NEW guidelines

- ◆ ATO provides a 7-year reprieve for 'sub-trust' arrangements
- ◆ Can Division 7A deem the release of a UPE to be a deemed dividend?
- ◆ Can a beneficiary claim a bad debt deduction if a UPE is written off?

#### Traps with in-specie asset transfers

- ◆ How is an asset transfer to a beneficiary treated?
- ◆ **RECENT** case highlights dangers when utilising rollover to transfer assets to a trust!

#### Residency issues affecting trusts and their beneficiaries

- ◆ A trust may be exposed to additional taxes even if it has just one non-resident beneficiary
- ◆ **NEW** ATO rulings highlight the hidden dangers for Australian resident beneficiaries of foreign trusts

### Maximising the CGT Small Business Concessions for Trusts

#### Detailed guide to applying the CGT Small Business Concessions (SBCs) to trust capital gains

- ◆ Practical step-by-step **case studies** will show you how to apply the SBCs to capital gains made by trusts
- ◆ **NEW** checklist makes it clear when trusts need to make payments for CGT concession stakeholders

#### Applying the SBCs to passive trust assets

- ◆ Can a trust apply the SBCs for assets used in the business of another entity?
- ◆ How to determine if the trust is 'connected' with the business entity

#### Common SBC problems for discretionary trusts

- ◆ How to identify who 'controls' a discretionary trust
- ◆ How to distribute to and create 'significant individuals'
- ◆ **NEW** ATO guidance regarding how unpaid entitlements can impact on the net asset value test

#### Applying the SBCs to the sale of units in a unit trust

- ◆ What are the key traps to look out for?
- ◆ How to apply the retirement exemption if the units are held by a non-individual

### NTAA Guide to Making Family Trust Elections

#### Detailed guide to making a Family Trust Election (FTE)

- ◆ What are the benefits of making an FTE?
- ◆ Tips and traps when distributing from a profit trust to a loss trust
- ◆ **NEW** ATO ruling raises unforeseen risks when making FTEs – Don't assume an FTE should always be made!
- ◆ What constitutes a 'distribution' for Family Trust Distribution Tax purposes?
- ◆ How does a trust claim losses without making an FTE?
- ◆ When can an FTE be revoked?
- ◆ NTAA **checklist** examines all the important issues to consider when making an FTE

#### When should an Interposed Entity Election (IEE) be made?

- ◆ What are the benefits of making an IEE?
- ◆ Should trusts *ever* make an IEE?
- ◆ NTAA **checklist** examines all issues to consider before making an IEE

## 2018 Trusts – REGISTRATION FORM –

This document will be a **tax invoice** for GST when fully completed and you make payment to the National Tax & Accountants' Association Ltd. NTAA's ABN: 76 057 551 854



NTAA Membership No. \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

State \_\_\_\_\_ Postcode \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

Facsimile No. ( ) \_\_\_\_\_

Delegate 1 \_\_\_\_\_

Email \_\_\_\_\_

Date of attendance \_\_\_\_\_

Please tick to have a vegetarian meal

Delegate 2 \_\_\_\_\_

Email \_\_\_\_\_

Date of attendance \_\_\_\_\_

Please tick to have a vegetarian meal

(Please print first name and last name)

Note: Please photocopy where more than two delegates.

Charge for seminar attendees \$ \_\_\_\_\_

Total (incl. GST) \$ \_\_\_\_\_

Send cheque or provide credit card details

Mastercard  Visa  Amex

Card No. \_\_\_\_\_

Expiry Date \_\_\_\_\_

Name on Card \_\_\_\_\_

Signature \_\_\_\_\_

V01 MHS THS PHS

Please retain this original document as your tax invoice

Please refer to [www.ntaa.com.au](http://www.ntaa.com.au) for our privacy policy & collection notice.

**Register online at**  
**www.ntaa.com.au**

## 2018 Trusts Dates and Venues

Venue & date No. of Delegates

**Adelaide**  
**Hotel Grand Chancellor Adelaide on Hindley,**  
65 Hindley Street, Adelaide  
28 March 2018 (Wed) \_\_\_\_\_

**Brisbane**  
**Hilton Brisbane,** 190 Elizabeth Street, Brisbane  
10 April 2018 (Tues) \_\_\_\_\_

**Canberra**  
**Hyatt Hotel Canberra,** 120 Commonwealth Avenue, Yarralumla  
20 March 2018 (Tues) \_\_\_\_\_

**Gold Coast**  
**Hilton Surfers Paradise,** 6 Orchid Ave, Surfers Paradise  
27 April 2018 (Fri) \_\_\_\_\_

**Melbourne** **P Limited spaces**  
**Leonda by the Yarra,** 2 Wallen Road, Hawthorn  
23 March 2018 (Fri) \_\_\_\_\_  
17 April 2018 (Tues) \_\_\_\_\_

**Parramatta**  
**Parkroyal Parramatta,** 30 Phillip St, Parramatta  
5 April 2018 (Thur) \_\_\_\_\_

**Perth**  
**Crown Perth,** Great Eastern Hwy, Burswood  
20 April 2018 (Fri) \_\_\_\_\_

**Sydney**  
**Doltone House,** Jones Bay Wharf, Piers 19-21 Level 3,  
26-32 Pirrama Road, Pyrmont  
13 April 2018 (Fri) \_\_\_\_\_

**P means: FREE PARKING at venue**

Register via website:  
[ntaa.com.au](http://ntaa.com.au)

Register via email:  
[ntaainfo@ntaa.com.au](mailto:ntaainfo@ntaa.com.au)

Register via fax:  
1300 306 351

Register via post:  
29 Palmerston Cres  
Sth Melbourne VIC  
3205

If you have any other queries please call 1800 808 105

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## 2018 TRUSTS SEMINAR COST AND REGISTRATION

**Registration:** Between 8.00am and 9.00am

**Duration:** 9.00am to 5.00pm

**Cost:** incl. comprehensive notes, tea and coffee  
on arrival, lunch, morning and afternoon tea

### Members of the NTAA

- One delegate  
**\$549 per day** (i.e., \$499.09 net of GST)

### Group discount

If more than one delegate attends under the one registration, a discount will apply to the second and subsequent delegates. The first delegate pays the full registration fee.

- First delegate  
**\$549 per day** (i.e., \$499.09 net of GST)
- Each additional delegate  
**\$505 per day** (i.e., \$459.09 net of GST)

### Non-Members of the NTAA

- One delegate\*  
**\$649 per day** (i.e., \$590 net of GST)

### Group discount

If more than one delegate attends under the one registration, a discount will apply to the second and subsequent delegates. The first delegate pays the full registration fee.

- First delegate\*  
**\$649 per day** (i.e., \$590 net of GST)
- Each additional attendee\*  
**\$605 per day** (i.e., \$550 net of GST)

Note(\*): Registration includes 3 months full membership

### Vegetarian Meals

Vegetarian meals are available as an option at no extra cost. If you prefer a vegetarian meal, simply tick the box under the delegate name on the registration form.

### CPD/CPE Hours:

The seminar allows for 6.5 CPD/CPE hours.

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