About the Speakers
Nick Connell
Nick has over 20 years of varied taxation experience which includes Chartered, Industry and ATO as well as post-graduate qualifications in tax.
For those of you already familiar with Nick, via the Hotline or recent seminars, you will be more than aware of his great passion and enthusiasm for taxation matters. This, combined with his detailed technical knowledge, ensures his presentations are practical, informative and entertaining.

Rod Wilson
Rod has a Bachelor of Business (Accounting) degree. He has over 20 years experience in the field of tax, initially with the Australian Taxation Office and the last eight years with the NTAA. He has extensive practical knowledge in the areas of FBT, CGT and GST as well as other tax reform measures.

Special offer to Non-Members
Please call and discuss the $100 (approx.) per day seminar discounts which are available to members of the NTAA. For a low annual fee of only $295, membership includes a 12 month subscription to the monthly newsletter Voice, 3 FREE 10 minute telephone calls to our tax advisers plus discounts on most NTAA products.

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2013/14 Hardcopy: annual compendium of tax rates and tables, updated each year to include the important Federal Budget changes. Pre-order for end of June 2014.
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More than 5 full working days before the seminar:
✓ cancellations incur an $99 administration fee.
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National Tax & Accountants’ Association Ltd.
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Web: www.ntaa.com.au
Email: ntaainfo@ntaa.com.au
ABN: 76 057 551 854
**NEW Developments with Asset Protection and Structuring!!!**

- **NEW Danger areas for trust structures**
  - ATO alert treats common trust structure as a Part IVA tax avoidance scheme
  - ATO targets businesses providing professional services in a trust structure
  - 'Bucket companies' pose new structuring challenges!
  - Complex NEW rules 'clamp down' on the use of company beneficiaries
  - Increased Division 7A exposure creates cash flow headaches for businesses!

- **NEW dangers with year end trust resolutions**
  - ATO commences new assault on unpaid trust distributions
  - Trustees to be hit with S.99A assessments
  - What arrangements is the ATO targeting?
  - Can ordinary family arrangements be caught?

- **Discretionary trusts and the strict NEW streaming rules**
  - Failing to correctly 'stream' capital gains and franked dividends can be a disaster

**Company directors more exposed than ever under the NEW Director Penalty Notice ('DPN') rules**

- **NEW DPN regime puts all past, present and future directors at risk of losing personal assets**
  - How can directors minimise their exposure?

**Family court proceedings leave discretionary trust assets highly exposed**

- Recent Family Court cases treat trust assets as 'property' of the spouses
  - Why are trust assets heavily exposed in a divorce?
  - What pre-emptive action can be taken to avoid disputes?

- **The NEW Personal Property Securities Register ('PPSR')**
  - What every adviser needs to know
  - Registering an interest in personal property provides an additional layer of protection
  - When should property sold on credit be registered?
  - Searching the PPSR can avoid later problems

- **ATO launches attack on Dividend Access Shares ('DAS')**
  - ATO ruling challenges the tax effectiveness of issuing a DAS to extract profits from at risk companies
  - Can the value shifting rules apply when a DAS is issued to a related party?
  - Can issuing a DAS amount to a 'dividend stripping operation' under Part IVA?

**Strategies to Maximise Asset Protection**

- Understanding the key principles of asset protection
  - NTAA Checklist identifies those taxpayers most at risk and the major threats to their assets and wealth
  - What are the basic strategies that every taxpayer can employ to protect their assets?
  - What role does the Personal Property Securities Register now play in asset protection?
  - Why company directors face additional risks under the Tax Act and Company law

**Navigating the Bankruptcy Rules**

- **NTAA Guide to bankruptcy and asset protection**
  - Are all assets exposed if a taxpayer is made bankrupt?
  - Vigorous ‘claw-back’ provisions make early planning essential
  - Why a failure to keep proper records can extend the ‘claw-back’ period
  - Assets never owned by a bankrupt can be exposed to creditors – Even assets held in a discretionary trust!
  - How is superannuation treated under the bankruptcy rules – Is it really that safe?

- **NTAA Guide to D.I.V.O.R.C.E and Asset Protection**
  - Can the reach of the Family Court be avoided?
  - What assets form part of the ‘property of the parties to the marriage’?
  - When will assets owned by entities be at risk?
    - Recent cases target discretionary trust assets
    - When will a trust be considered a ‘financial resource’ of one of the spouses – is control necessary?
    - Can the Family Court add superannuation to the pool of marital assets?
    - Pre-empting a dispute and how it can be avoided with a ‘Binding Financial Agreement’

**Creating a Tax-Effective Structure**

- **Key drivers when choosing a structure**
  - NTAA matrix clearly outlines the differences between the common structuring options
  - Comprehensive client questionnaire – It is crucial to identify the client’s priorities!
  - NTAA guide to the major drivers in choosing a structure including:
    - Loss utilisation and income splitting
    - CGT small business concessions

- **Recent developments that affect client structures**
  - Dividend access shares in the ATO’s sights!
  - ATO view puts unpaid trust entitlements at risk!
  - Distributions to ‘bucket companies’ – Are they worth the hassle?

- **Undertaking a review of a client’s existing structure**
  - Can the existing structure be improved or simplified?
  - What are the major tax threats when transferring assets to a different (or new) entity?
  - What tax concessions are available to assist with restructuring a client’s affairs?
  - NTAA checklist considers when rollover relief may be available to implement a tax effective restructure

**Funding the business – Overcoming the traps!**

- Which entity should undertake any borrowings?
  - Which structures pose a threat to interest deductions?
  - How to set up a ‘back-to-back’ loan to lock in a deduction – NTAA on-lend agreement provided
  - Recent case highlights the importance of the loan documentation – Taxpayer hit with major tax bill!
  - Can the ‘Total Holdings’ principle be applied to on-lend interest-free? We highlight the dangers!
  - Problems with using home equity facilities to fund the business

**Protecting the Family Home**

- **Strategies to protect the family's most valuable asset**
  - In whose name should the family home be purchased?
  - Can a high-risk owner transfer the home and avoid the bankruptcy ‘claw-back’ provisions?
  - Should the home be owned in a discretionary trust?
  - What is the ‘gift and loan back’ strategy?

**Special Bonus included in the Seminar Notes**

- **NTAA matrix to selecting the best structure**
  - Detailed table highlights the key features as well as the pros and cons of:
    - Sole traders
    - Partnerships
    - Companies
    - Unit trusts
    - Discretionary trusts
**NTAA Guide on Client Structures**

### Professionals

**Major structuring issues for professionals**
- Protecting personal and business assets from threats against the business
- Should a discretionary trust form part of the structure?
- **NEW** ATO alert launches attack on common structures used by professionals!
- What role can a service entity play in asset protection?

**When can professionals ‘split’ their income with other family members and entities?**
- When are professional fees considered to be personal services income (‘PSI’)?
- Can professionals still rely on the ATO’s ‘rule of thumb’?
- Can Part IVA apply to the alienation of PSI?
- Why superannuation is a safe haven!

### ‘Tradies’

**Key issues when structuring for plumbers, painters, concreters and other ‘tradies’**
- Does splitting a tradie’s PSI through a partnership, trust or company cause Part IVA problems?
- Structuring options where income is derived from a ‘business structure’ rather than personal exertion

**Tax traps for ‘tradies’ using entities**
- Dangers for entities that don’t pay salaries – Deductions may be denied!
- Traps where assets are held outside the business entity

### Arm’s length parties

**Key issues for arm’s length parties running a business**
- Checklist of issues to consider before setting up a business structure
- What options are available and what are the advantages and disadvantages of each?

**The ‘ins and outs’ of setting up and running a partnership of discretionary trusts**
- What asset protection benefits does a partnership of discretionary trusts provide?
- Recent ATO announcement attacks the validity of discretionary trust partners!!
- Should a service entity be attached?
- Navigating the tax issues with losses, income splitting and the entry/exit of business partners

### Shareholders & Investors

**Preferred structures for holding investments**
- Strategies to minimise the tax on income and capital gains for shareholders and investors
- NTAA guide on structuring negatively geared investments
- Is a ‘hybrid trust’ a viable investment vehicle?

**Maximising the benefits of franking credits**
- The dangers where business assets are held outside the business entity!
- Multi-tiered business structures require careful planning – Don’t be caught out!

**Traps with the loss rules for companies and trusts**
- How to pass the ‘stake-holder test’ where shares and units are held by discretionary trusts
- When will family trust elections be required?

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**Tax Structures & Asset Protection 2014**

**Dates and Venues**

<table>
<thead>
<tr>
<th>Venue &amp; date</th>
<th>No. of Delegates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sydney</strong></td>
<td></td>
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<tr>
<td>Accenture Building – Doltone House, Darling Island Wharf (opposite The Star), Ground Floor, 48 Pirrama Road, Pyrmont</td>
<td>04 April 2014 (Fri) ...................................</td>
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<td><strong>Parramatta</strong></td>
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<tr>
<td>Parkroyal Parramatta, 30 Phillips St, Parramatta</td>
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<tr>
<td><strong>Melbourne</strong></td>
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<tr>
<td>Leonda by the Yarra, 2 Wallen Road, Hawthorn</td>
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<td>11 April 2014 (Fri) ...................................</td>
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<tr>
<td><strong>Brisbane</strong></td>
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<tr>
<td>Hilton Brisbane, 190 Elizabeth Street, Brisbane</td>
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<tr>
<td><strong>Gold Coast</strong></td>
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<tr>
<td>Hilton Surfers Paradise, 6 Orchid Ave, Surfers Paradise</td>
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<td>Crown Perth, Great Eastern Highway, Burswood</td>
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<td><strong>Adelaide</strong></td>
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<td>Hotel Grand Chancellor Adelaide on Hindley, 65 Hindley St, Adelaide</td>
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<td>Hyatt Hotel Canberra, Commonwealth Avenue, Yarralumla</td>
<td>14 March 2014 (Fri) ...................................</td>
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Tax Structures & Asset Protection 2014

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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(*): Registration includes 3 months full membership

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

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- One delegate  
  $529 per day (i.e., $480.91 net of GST)

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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  
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- Each additional delegate  
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- 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.

Vegetarian Meals

CPD/CPE Hours: 
The seminar allows for 6.5 CPD/CPE hours.

Register online at www.ntaa.com.au

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