18TH ANNUAL BUSINESS AND PROPERTY TAX CONFERENCE

- The Capital Gains Tax Changes: The Nuts, the Bolts and the Drag
- Negative Gearing: What's In, What's Out?
- Small Business CGT Concessions: The New Modification and the Old Traps
- Valuations: An Ever-Increasing Necessity in the Tax World
- Can You Still Claim That Interest? The ATO's Answer Is Changing
- Property Developers: Getting the Structure Right from Acquisition to Sale
- Property Development Tax: What's Been Decided While You Were Watching the Budget
- The Minimum Tax on Trusts: Now We Have a Decision to Make
- Restructuring Out of a Trust: What the Rollover Relief Really Gets You
- After Bendel: Navigating the Remaining UPE Risks
- Service Fees Between Related Parties: When Does Informality Cost You the Deduction
- Payroll Tax Traps: What's Driving the Reviews, Audits, and Disputes

A Two-day Conference
Thursday 11 and Friday 12 March 2027

Sofitel, Gold Coast

Feedback from last year's conference:

Last year's conference scored an overall satisfaction rate of 4.9 out of 5!

> I always enjoy the quality of each presentation. I will now go back over each paper and read in detail. I am looking forward to the next conference.

> Great content and very topical. Speakers all have a wealth of knowledge and experience, and also very approachable.

> Compared to other events I have attended, having a variety of subject matter experts was excellent, as was the relevance of the topics covered. I also appreciated that each presenter was available in breaks etc and happy to answer further questions on their topics. The networking was also very valuable.

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DAY 1 - THURSDAY 11 MARCH 2027

CHAIR: LINDA TAPIOLAS, PARTNER, COOPER GRACE WARD LAWYERS, BRISBANE, QLD

Morning Theme: The Budget Tax Reforms: CGT and Negative Gearing

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: The Capital Gains Tax Changes - The Nuts, the Bolts and the Drag

There's plenty for tax practitioners to get their head around when it comes to the legislated capital gains tax changes first announced in the 2026-27 Federal Budget. This session looks into what those changes are, as well as highlighting some of the intricacies likely to be encountered in practice, including:

- A review of the new capital gains tax rules, including:
  - new terms practitioners will need to become acquainted with
  - the carve outs
- How the new capital gains tax rules interact with the new negative gearing rules
- How the minimum 30% tax on capital gains will apply and for whom
- Calculating the minimum 30% tax on capital gains when personal tax-deductible contributions are claimed to offset a capital gain
- Dealing with pre-CGT assets
- How the new CGT rules will impact on:
  - non-residents
  - residents becoming non-residents and vice versa
- How applying capital losses will be impacted by the changes
- The valuation obligations
- Practical examples

Speaker: Fletch Heinemann, Principal, HLS Tax Law, Brisbane, Qld

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: Negative Gearing - What's In, What's Out?

The practice of deducting expenses for residential property investments in excess of rental income and offsetting that excess against other assessable income has undergone a substantial modification. This session takes a deep dive into what that modification is, including:

- The meaning of a "new residential dwelling", including:
  - why the definition becomes so important
  - its relevance with the GST Act's definition of "new residential premises" (sec. 40-75 GST Act 1999)
- How the new "net rental loss" rules compare to the old
- The tax treatment for "net rental losses" not eligible for a tax deduction in the financial year the losses were incurred
- The type of properties and property owners that the new "net rental loss" rules apply to
- The exceptions to the "loss quarantining" rules
- How the modified negative gearing rules impact on:
  - trusts and trust beneficiaries
  - taxpayers owning numerous properties
  - taxpayers that jointly own property
- The interaction of the "net rental loss" restrictions with the CGT rules
- Practical examples

Speaker: To be advised

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

DAY 1 - THURSDAY 11 MARCH 2027

11.30am - 12.15pm

Session 3: Small Business CGT Concessions: The New Modification and the Old Traps

To soften the impact of the new CGT changes on small business, a modification has been made to the small business CGT rules. This session explains the change, along with tips to help secure eligibility when it counts, so you're not left on the wrong side of the new regime, including:

- The modification to the small business CGT concessions
- How the aggregated turnover test is satisfied
- When opting for the 50% active asset reduction in a company without looking into eligibility for the other concessions can lead to unintended tax outcomes
- Why the ongoing mix of assets in a private company or unit trust can have an impact on the small business CGT eligibility for the shares or units, including:
  - the assets considered to be "active" for the 80% test
  - the monitoring requirements
- How past trust distributions of a discretionary trust can impact on small business CGT concession eligibility
- Other traps that can cause eligibility for the small business CGT concessions to come unstuck
- Tips and strategies for ongoing management to plan for future small business CGT concession eligibility
- Comparison of the tax consequences under the new CGT rules when an entity's small business CGT concession eligibility is passed or failed

Speaker: Andrew Henshaw, Managing Director, Velocity Legal, Melbourne, Vic

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.10pm

Session 4: Valuations - An Ever-Increasing Necessity in the Tax World

The list of when a market valuation is required for tax purposes is getting lengthier. Recent additions to the list include opting for the one-off election to reset asset cost bases under the Division 296 $3 million and above super tax, and the 30th June 2027 market value calculations for the new CGT rules. With the dealing of market valuations for CGT assets having become a non-negotiable way of life for tax practitioners, how are those market valuations established in practice to stand up to the scrutiny of the ATO? This session explores the topic, including:

- A review of the common and not so common market valuation requirements of the Tax Acts
- How market value requirements have been incorporated into the new CGT rules including the impact for pre-1985 CGT assets
- How to establish market valuations for the common and the not so common asset categories
- A review of the ATO's "Market valuations for tax purposes" guidance
- Using a registered valuer:
  - Are there any market valuation requirements where a valuation from a registered valuer is compulsory?
  - When might it be prudent to use the services of a registered valuer even if not required to?
- What records would a valuer require for the trickier assets to value, including:
  - private company shares and units in private unit trusts, including start-ups
  - trademarks, patents, goodwill and other intangibles
  - collectables
- Review of tax cases involving market valuation disputes (incl. Moloney and FCT [2024] AATA 1483; Commissioner of Taxation v Miley [2017] FCA 1396; Robinson and FCT [2026] ARTA 50)
- Practical examples

Speaker: Leisl Malcolm, Executive Director, Pitcher Partners, Melbourne, Vic.

1.10 - 1.20pm Panel Comments and Questions

1.20 - 2.15pm Luncheon

DAY 1 - THURSDAY 11 MARCH 2027

Afternoon Theme: Property Tax in Practice

2.15 - 3.00pm

Session 5: Can You Still Claim That Interest? The ATO's Answer Is Changing

A recent case, new legislation, and a string of updated ATO guidance are all pointing the same way — interest deductibility is getting harder to defend, not easier. Accountants who rely on the old case law alone risk missing where the ground has actually shifted, particularly around trust distributions, short-term rentals, holiday homes, and vacant land. This session maps the current interest deduction landscape so accountants know exactly where the boundaries now sit. It covers:

- How key cases — Steele, Hart, Fletcher, Di Stefano, Ure, Total Holdings, and Economedes and Domjan — continue to shape the deductibility of interest
- The tax treatment of interest paid from a discretionary trust to a beneficiary, following Cameron v Commissioner of Taxation [2026] FCA 609
- The tax treatment of interest paid from a beneficiary to a discretionary trust under TD 2018/9
- The ATO's current views on interest deductions for the short-term rental market and holiday homes, per TR 2026/1 and PCG 2026/3
- When and how interest must be apportioned, including the application of PCG 2026/2 and TR 2000/2
- How the ATO's position on interest relating to vacant land applies under sec. 26-102 ITAA 1997 and TR 2023/3
- Practical examples applying these principles to common client scenarios

Speaker: Mark Molesworth, Partner, BDO, Brisbane, Qld

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Property Developers: Getting the Structure Right From Acquisition to Sale

The structure that made sense for a development three years ago might now be the wrong one, or worse, an expensive one. Between the CGT changes, the new negative gearing rules, and shifting ATO scrutiny, the old default of "just use a discretionary trust" no longer holds up the way it used to. This session works through what's actually changed at each stage of a development — acquisition, build, and sale — and stress-tests company, unit trust, and discretionary trust structures against the new rules, so you can tell your client which vehicle still earns its keep and which one's quietly costing them money. It covers:

- What's changed for tax at the acquisition, development, and sale stages
- How the changes relate to "new builds"
- Whether structuring advice needs to change under the new and proposed rules
- Company vs unit trust vs discretionary trust as the development vehicle — pros, cons, and tax outcomes pre- and post-change
- A comparison of structuring alternatives across a live development scenario

Speaker: Kimberley Barnes, Special Counsel, Bennett & Philp Lawyers, Brisbane, Qld

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

4.25 - 5.10pm

Session 7: Property Development Tax: What's Been Decided While You Were Watching the Budget

Whilst tax practitioners have been coming to grips with how recent Federal Budget tax changes may impact on the property development industry, there has also been other recent guidance material via court cases and ATO publications relating to the taxing of property developments that practitioners should be aware of. This session takes a look at those, including:

- The capital versus revenue distinction successfully argued to be capital for a retired farmer's 10 acre farm subdivided into 50 lots (Commissioner of Taxation v Morton [2026] FCAFC 31)
- Tips to support a "mere realisation of an asset" tax treatment coming from the Morton case
- When the intention for developing a property is to earn rent, yet the sale is on revenue account (RRKC v FC of T [2026] ARTA 95)
- Why ATO is looking closely at developments involving a property development agreement using a long-term construction contract (PCG 2026/2; TA 2026/1)
- Other current ATO focus areas for the property development industry
- Review of ATO's guidance on the information to provide for a private ruling or objection for a property development (QC 19015), including:
  - how the contracts may influence the tax treatment
  - how the scale of the development can influence the tax treatment
  - how past development history, property use history and extent of involvement in the project, influence the ATO's views
  - how the financing of the project may influence the tax treatment

Speaker: Neil Brydges, Principal, Sladen Legal, Melbourne, Vic

5.10 - 5.20pm Panel Comments and Questions

DAY 2 - FRIDAY 12 MARCH 2027

CHAIR: STEPHEN HOLMES, PARTNER, WMS ADVISORY, GOLD COAST, QLD

Morning Theme: Discretionary Trusts: Risks, Reforms and the Way Out

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 8: The Minimum Tax on Trusts: Now We Have a Decision To Make

The minimum tax on discretionary trusts is now legislation, and every trust on your books has a decision attached to it: Pay the tax, restructure, or use the election that lets a trust stay exactly where it is and still sit outside the regime. Each path has consequences that aren't obvious from the headline, and the wrong choice is expensive to unwind. This session gets you current on what the legislation actually locks in, including: including:

- Which trusts are caught by the new "minimum tax trust" definition — and which quietly escape it under the new fixed trust test
- Why a corporate beneficiary is now the worst place for a client's trust income to land
- The Excluded Election Trust (EET) — how the election actually works: nominating fixed beneficiaries and locking in their distribution proportions to sit outside the regime without restructuring at all
- Who the EET genuinely suits — and who it doesn't, including the risk that "locking in" beneficiaries creates its own long-term inflexibility for a client's estate and succession planning
- Whether the EET could trigger state and territory anti-avoidance duty rules, given it's reportedly designed partly to sidestep stamp duty costs
- What's still genuinely unresolved and what to tell clients in the meantime
- Practical examples

Speaker: Matthew Burgess, Director, View Legal, Australia

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Restructuring Out of a Trust: What the Rollover Relief Really Gets You

The legislation rollover relief under Subdivision 126-Z gives trustees a 3-year window to restructure out of a discretionary trust without triggering the income tax and CGT costs that would normally come with it. But it's a genuinely time-limited opportunity with its own clawback risk, and it won't suit every client. This session works through what the relief actually offers, when it applies, and where it can go wrong, including:

- When the rollover window opens and closes, and the clawback period attached to it
- How the new rollover works for a discretionary trust restructure — and which entities actually qualify as the "transferee"
- The situations where the ATO can simply deny the rollover, and how to spot them before you commit a client to the process
- The trust law and trust deed traps that can quietly kill a restructure before tax is even the issue
- Choosing the destination structure — who should hold the shares, whether multiple share classes create problems, and what structures better suit business activity versus investment activity
- What happens to family trust elections and interposed entity elections mid-restructure
- Whether the small business CGT concessions could get your client a better outcome than the rollover altogether
- The State and Territory duty consequences and exemptions;

GST exposure the rollover federal relief doesn't cover

- Tips to assess whether a client should use the rollover at all, and if so, when
- Case study

Speaker: Raffi Tenenbaum, Partner, William Buck, Sydney, NSW

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2 - FRIDAY 12 MARCH 2027

11.15am - 12.00pm

Session 10: After Bendel: Navigating the Remaining UPE Risks

Generally, you would think that when there is a High Court decision on a tax matter, certainty prevails and the ATO and tax practitioners can move on with a fair degree of confidence. However, when it comes to the recent High Court decision in the Bendel case on whether or not an unpaid present entitlement between a trust and a company was a loan for Division 7A purposes, there seems to be so many moving parts when it comes to trust distributions to companies, that treading very cautiously still remains the order of the day. This session looks into why, including:

- A review of the High Court's decision in Commissioner of Taxation v Bendel [2026] HCA 18 and tips for the steps to take moving forward and looking back
- How the ATO views the Bendel decision in its Decision Impact Statement
- How the wording of a trustee distribution resolution could result in a different outcome to Bendel
- Dealing with the moving parts, including:
  - differing trust deed content that may produce a different result to Bendel
  - how section 100A can still catch you out
  - how Subdivision EA can still catch you out
  - how the 2026-27 Federal Budget's minimum tax on discretionary trusts may put the whole issue to rest
- How to account for a trust resolution to "set aside" net income on a separate trust:
  - in the financial statements of the trust
  - if the trustee accesses the funds held in a sub-trust
- Practical examples

Speaker: Michael Butler, Tax Partner, Finlaysons, Adelaide, SA

12.00 - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

Afternoon Theme: Compliance and Audit Risk

1.10 - 1.55pm

Session 11: Service Fees Between Related Parties: When Does Informality Cost You the Deduction

A recent Full Federal Court decision conveyed an important reminder that the tax deductibility of payments between related parties can be put at risk by falling into the trap of having a level of informality that the ATO doesn't quite consider meets the deductibility requirements. This session takes a look at what may or may not be acceptable when it comes to claiming related party transactions, including:

- How insufficient documentation resulted in loss of a deduction for service fees to a related entity (FCT v S.N.A. Group Pty Ltd [2026] FCAFC 10)
- Takeaway lessons from the S.N.A. case
- Why journal entries on their own are insufficient evidence to support a related party transaction, including the use of journal entries to:
  - manage Division 7A issues
  - account for the various service, management or licence fees between related entities
  - shift profit between related entities
- A review of the ATO's guidance on acceptable service fee arrangements (QC 20302), including:
  - a refresher on the deductibility of service fees paid to associated service entities (TR 2006/2)
  - documentation to be maintained to support the arrangements
- A checklist of calculations and records to be maintained to assist with related charges between entities standing up to ATO scrutiny
- Practical examples

Speaker: Sue Williamson, Tax Partner, Dentons, Melbourne, Vic.

1.55 - 2.05pm Panel Comments and Questions

DAY 2 - FRIDAY 12 MARCH 2027

2.05 - 2.50pm

Session 12: Payroll Tax Traps: What's Driving the Reviews, Audits, and Disputes

Administering payroll tax is becoming increasingly complex, and with complexity comes uncertainty. And with uncertainty comes disputes. And if the resolution of the dispute goes against you, when it comes to payroll tax, the outcome can be costly. This session delves into some of the areas of payroll tax that are causing uncertainty in practice, including:

- An update on payroll tax rates and thresholds
- When are contractor payments subject to payroll tax? (Chief Commissioner of State Revenue v Uber Australia Pty Ltd [2025] NSWCA 172 subject to High Court Appeal)
- A review of specific industries that are attracting payroll tax reviews and audits, and why
- The use of "conjunction agreements", including:
  - the industries they are commonly used in
  - the distinction between "internal" and "external" arrangements
  - the payroll tax implications
- How the Revenue Authorities are using data matching to initiate further investigations
- Lessons from recent cases dealing with payroll tax disputes (incl. SKG Cleaning Services Pty Ltd v Chief Commissioner of State Revenue [2026] NSWCA 122)
- The penalties being applied in practice, including:
  - how far back reviews and audits are covering
  - the impact a voluntary disclosure can have on a payroll tax reporting omission

Speaker: Sarah Lancaster, Principal, HLS Tax Law, Brisbane, Qld

2.50 - 3.00pm Panel Comments and Questions

3.00pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunch on both conference days are included for delegates attending the event.

Conference Papers

TEN will not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

CPD

Accountants: 11 CPD hours

Lawyers: 11 CPD units/points (substantive law)

CPD Certificate

All delegates attending the conference will receive a CPD Certificate confirming attendance.

The Conference Venue

Sofitel Gold Coast
81 Surf Parade, Broadbeach, Qld

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Delegates will receive 10% off the best available rate and an additional 5% if you sign up to become an ALL member, you can book accommodation via the link below.

18th Annual Business & Property Tax Conference Accommodation

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Delegates are advised to make their own travel arrangements.

Conference Dress

Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves/summer tops are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

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Please register me for **18th Annual Business & Property Tax –** a 2-day conference to be held at the Gold Coast on Thursday 11 & Friday 12 March 2027 [GTXMAR27].

This conference is delivered in person only.

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