



ONE DAY MASTERCLASS

CROSS BORDER TAX ISSUES IN ESTATE PLANNING FOR PRIVATE CLIENTS & SMEs

Organised by Television Education Network Pty Ltd

Radisson Hotel & Suites, Sydney, Tuesday, 10 September 2019

- Cross border estate planning for modern families
- Australian tax consequences of an overseas inheritance
- Protecting executors from cross border tax liabilities of the estate
- A survey of death taxes
- Tax issues for US citizen beneficiaries residing in Australia



The professional development specialists

TIMETABLE – TUESDAY, 10 SEPT, 2019

CONFERENCE CHAIR: NICK GANGEMI, BARRISTER, SECOND FLOOR SELBORNE CHAMBERS, SYDNEY

9.00- 9.10 am

Introduction and welcome

9.10 – 10.10 am

Session 1: Cross Border Estate Planning for Modern Families

Increased globalisation and labour mobility mean that it is now commonplace to find clients with family members and assets across multiple jurisdictions. Through a series of practical case studies, this session explores the tax issues that arise on death as a result of foreign beneficiaries or foreign testators. It includes the following scenarios:

- UK emigrant who comes to Australia in her 40s and travels back to UK regularly to visit family and friends:
 - Has she maintained UK domicile?
 - How to manage UK pension?
- Jewish parents with assets and children in Israel
 - Trust residency passing offshore - the effect of CGT Event I2
 - Assets passing offshore - the application of CGT Event K3
- Parents from mainland China buying Australian property for children studying and working in Australia:
 - Using a testamentary trust versus transferring during lifetime

Speaker: David Hughes, Partner, McCullough Robertson, Brisbane

10.10 – 10.20 am Panel Comments and Questions

10.20.- 10.25am

Short Break

10.25 – 11.25 am

Session 2: Looking A Gift Horse in the Mouth: Australian Tax Consequences of An Overseas Inheritance

Australian beneficiaries receiving testamentary gifts from overseas testators may not always turn their mind to the potential tax consequences they need to consider. This session reviews the tax treatment of common categories of assets that are bequeathed, including:

- Pensions and superannuation: are these taxable in Australia?
 - The impact of the pension clause in double tax agreements
- Shares and units in private companies and trusts: what is the residency position?
 - Bringing assets into the Australian net: what are the CGT consequences?
- Assets held under trust:
 - Application of section 99B on distributions - how to identify what amounts are corpus?
 - Strategies for keeping a foreign trust outside the Australian tax net

Speaker: Anna Wilson, Barrister, Victorian Bar, Melbourne

11.25 – 11.35 am Panel Comments and Questions

11.35 – 11.55 am Networking Break and Morning Tea

TIMETABLE – TUESDAY, 10 SEPT, 2019

11.55 am – 12.55 pm

Session 3: Protecting Executors from Cross Border Tax Liabilities of the Estate

The potential for either wilful or accidental tax evasion increases with multi-jurisdictional estates, as well as the likelihood of issues not being identified until post-death. What can an executor do to protect themselves if they discover that there is undisclosed foreign assets and/or income in the estate? This session considers the tax issues that an executor can face and provides ideas about how to mitigate his or her personal risk, using a case study of the executor of an Australian resident testator with undeclared foreign assets and income:

- When will the Commissioner's proposed administrative concession in PCG 2017/D12 protect an executor from Australian tax liabilities?
 - What amendment periods will apply? When will the Commissioner be out of time?
- Liability of executors for inheritance tax or unpaid taxes of the estate
 - Are there time limits which apply?
- What can an executor do to get certainty before winding up the estate or to protect themselves from personal liability both here and overseas?
 - Getting a ruling or discharge from the revenue authorities as the executor
 - Can you withhold amounts from the estate for future tax payable?

Speaker: Matthew Burgess, Director, View Legal

12.55 – 1.05 pm Panel Comments and Questions

1.05 – 2.05 pm Luncheon

2.05 – 3.05 p.m.

Session 4: The Two Certainties of Life: A Survey of Death Taxes

Inheritance and estate taxes, although slowly diminishing across OECD countries, remain a relevant consideration for advisers dealing with international assets. This session reviews the current state in a number of different jurisdictions. Issues considered include:

- What duties and taxes arise on death?
- Is the estate or the beneficiary liable to taxation?
- Strategies to deal with inheritance taxes and forced heirship
- Jurisdiction examples covering the UK, Ireland, China, New Zealand, India, Greece, Italy, France, Spain, Germany and Japan

Speaker: James Whiley, Special Counsel, Hall & Wilcox, Sydney

3.05 – 3.15 p.m. Panel Comments and Questions

3:15 – 3:35pm Networking Break and Afternoon Tea

3.35 – 4.35 pm

Session 5: Tax Issues for US Citizen Beneficiaries Residing in Australia

Unless a US citizen renounces his or her citizenship (not an easy feat!), they remain liable for tax even when they are resident elsewhere. Where the US citizen is a beneficiary in an estate, this creates additional complexity. This session takes a deep dive into the Australian and US tax issues that arise for Australian resident US citizen taxpayers, including:

- When will US inheritance taxes or death duties apply?
- Tax implications for:
 - US beneficiaries
 - Where testator has investments in US funds
 - Receipt of Australian super death benefits
- US reporting obligations
- Estate planning opportunities:
 - When and how to use a US grantor trust
 - Using testamentary trusts to manage US tax risks
- Renouncing US citizenship - will this resolve or create further tax issues?

Speaker: David Laanemaa, Managing Director, Back9 Capital Management, Sydney

4.35 – 4.45 pm Panel Comments and Questions

4.45pm

Masterclass Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the masterclass, online access to the conference papers and refreshment breaks and lunch.

Masterclass Papers

TEN no longer provides printed copies of conference papers at its events. Access to the papers will be available online to all delegates in the lead-up to the masterclass (as the papers become available), during the masterclass and for 30 days after the conference. The papers will be available in .pdf format for easy download to your local computer or portable device.

At the masterclass TEN will supply printed copies of the PowerPoint presentations used at the masterclass.

CPD

Lawyers: 6 CPD units/points (substantive law)

Accountants: 6 CPD/Training hours

The Masterclass Venue

Radisson Hotel & Suites

72 Liverpool St, Sydney

Web: <https://www.radisson.com/sydney-hotel-ns-2000/ausydney>

Masterclass Dress

Smart casual attire is suitable. (note: the temperature in the conference room varies depending on where you are sitting. Light attire is generally OK, but it is advisable that you bring a jacket/long sleeved top in case you need it.)

Cancellation Policy

Cancellations must be received in writing at least 10 days prior to the masterclass for a 85% refund. Substitute delegates accepted at any time.

Masterclass Terms

Program subject to change without notice. The information and views presented in the masterclass are not necessarily those of TEN and participants rely on these at their own risk. TEN is not responsible for any financial or other losses incurred by delegates or for injury or damage to persons or property. TEN's maximum liability for masterclass cancellation or any other loss or liability is the refund of the registration fee paid.

TEN is not responsible for financial loss incurred by you as a result of the cancellation or postponement of the conference as a result of strikes, natural disasters, and other Acts of God such as volcanic ash clouds in Australian airspace. We therefore strongly advise you to take out travel insurance if your attendance plans involve air travel or other significant travel to the conference venue.

© 2019 Television Education Network Pty Ltd. All rights reserved. The program for this conference is copyright and may not be reproduced in any form without the prior written consent of the copyright owner.

