

AGENDA

9:00-9:05 CHAIR'S INTRODUCTION

9:05-9:35 SECTION 100A AND DIVISION 7A

PRESENTED ADRIAN BAILEY

The Commissioner has released his "new" views on Section 100A's application. Although he had been comprehensively defeated in the *Guardian* decision, he continues to push Section 100A as a real threat to taxpayers using trusts. What does the publication really mean and what are some practical steps that can be taken to mitigate risk? The Commissioner has ALSO given up on waiting for the government to legislate the promised Division 7A changes, so has gone ahead and revisited TR 2010/3 and PSLA 2010/4 in a new ruling. Coming into effect at the end of this financial year, this paper will examine the practical impacts of the new ruling

9:35-10:05 NO MORE CONTRACTORS

PRESENTED BY KATE CHALKER

Whether it is by revenue ruling or court case, the State Revenue Commissioners in each state are cracking down on "contractor arrangements" for payroll tax purposes. This crackdown will force many clients to revisit their commercial arrangements in order to ensure compliance. This will be a reality shock for many clients and the age old pub talk about only engaging contractors is coming to an end. Where the State Revenue goes, you know the ATO will follow. This paper will examine the current situation and the discussions we should be having with clients.

10:05-10:45 MAKING THE MOST OF CGT SMALL BUSINESS CONCESSIONS

PRESENTED BY ADRIAN BAILEY

This paper will examine the best time to use the CGT Small Business Concessions and the best methods of implementation for clients. What are the traps, loopholes and recent court and ATO views that will impact on your clients?

10:45-11:05 MORNING TEA

WORKSHOP 2022

11:05-11:45 RESTRUCTURING TRUSTS

PRESENTED BY BRETT HART

Whether it is Division 7A, Section 100A or the lower company tax rate, there is no doubt that restructuring from a trust to a company is becoming more attractive for many private businesses. This case study paper will examine the rollover opportunities available to tax effectively restructure.

11:45-12:20 GETTING A BUSINESS READY FOR SALE

PRESENTED BY KIMBERLEY BARNES

Over the past two years, Cleary Hoare Solicitors would have acted for at least 100 private business clients on business sales. With sale prices ranging from \$1m to \$100m, the expertise generated on these transactions is invaluable for any clients looking to sell. This paper will examine the common issues in getting a business ready for sale, from both a legal and non-legal perspective.

12:20-1:00 ASSET PROTECTION AT THE COAL FACE

PRESENTED BY ADRIAN BAILEY

Strategies that clients implement to provide asset protection are facing greater scrutiny from regulators and insolvency practitioners. Hope is not a strategy, and this paper will examine what works and doesn't work – from personal experience.

1:00-1:10 ACCOUNTANCY INSURANCE PRESENTATION

1:10-2:20 COMPLIMENTARY LUNCH

2:20-3:20 SUCCESSION PLANNING FOR FAMILY BUSINESS

PRESENTED BY BRETT HART WITH SPECIAL GUEST SUSANNE BRANSGROVE

Although we are great lawyers, we recognise that not all solutions have to be legal. In this case study paper, Brett Hart together with special guest Susanne Bransgrove from Liquid Gold Consultants will examine the legal and non-legal strategies that can be implemented to ensure smooth family succession for family business.

3:20-3:30 CHAIR CONCLUSION AND CLEARY HOARE UPDATE

3:30-4:30 COMPLIMENTARY NETWORKING DRINKS

OUR SPEAKERS

Brett Hart



Brett is an experienced commercial lawyer with a strong revenue law specialty; and a qualified Chartered Tax Adviser with the Taxation Institute of Australia. He is a member of the Australian Institute of Company Directors and has served on many Private Company and Unlisted Public Company Boards for specific client purposes.

For some years, Brett has focussed on servicing regional and rural areas of Queensland and northern Western Australia. While he enjoys the challenges and variety of working out of the office, he was Managing Principal of Cleary Hoare for more than 15 years and managed the firm's growth in offices in Brisbane, Sydney and Perth while maintaining client work - a balance which has been achieved during his 25 years in practice. The business of Cleary Hoare is based on referral engagements from a network of 2000 accountants and financial advisers as part of the Cleary Hoare Legal Resource Club which facilitates the delivery of practical robust, expert Tax and Legal Advice and support for smaller accounting and advisory businesses nationwide.

Relevantly for assignments in regional Australia, he has the benefit of extensive field experience with rural family businesses, commercial clients and remote community stakeholders; and enjoys the support of an extensive network of accounting and financial services firms in regional areas. During his 25 years at Cleary Hoare, he has been fortunate to have been embedded in complex estate and succession plan implementation, commercial transactions and asset protection strategies for rural families, transport operators (road, sea and air), plant equipment and vehicle hire and service businesses, civil contracting and construction businesses. He has also worked closely in a number of Indigenous Commercial Enterprises in the Pilbara, Kimberley and Gulf of Carpentaria.

Brett enjoys a wide range of active outdoor pursuits - and doesn't intend to reduce those activities anytime soon

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Adrian Bailey



Adrian lives in Sydney and manages our Sydney and Perth offices. He joined Cleary Hoare in 2007 and became a Principal in 2011.

Adrian holds a Masters of Taxation and is a Chartered Tax Adviser with the Taxation Institute of Australia. He has had involvement with a number of committees for the Taxation Institute of Australia, as well as the Board of Taxation small business working group in relation to tax reform. He regularly gives presentations directly to clients, accountants, financial planners and lawyers on all areas of the law that Cleary Hoare practice in.

Adrian particularly enjoys working in structuring client's and dealing with their estate & succession planning as well as commercial law issues. He regularly visits regional areas in New South Wales to meet with clients and their advisors and enjoys time out of the office visiting clients and their advisors as much as time in the office, but manages to balance the two.

Adrian's strength is to able to utilise his technical knowledge to assist with quickly identifying the core issues and objectives for clients, and efficiently providing appropriate solutions. During his time with Cleary Hoare and previous employers he has dealt with people from all walks of life which allows him to easily relate to all manner of clients and explain the key issues.

Outside of work Adrian is always looking for the next physical challenge or new cultural experience - you may be surprised to hear some of the things that he has done over the years.

CLEARYHOARE

Kate Chalker



Kate joined the Cleary Hoare team in October 2017 and is based in our Sydney Office. She has completed a Bachelor of Laws (Honours) / Bachelor of Commerce (Accounting) at the University of Notre Dame Australia and was admitted as a Solicitor in New South Wales in 2019. Kate has a strong interest in taxation law, having written her Honours thesis on the diverted profits tax. During her time at Cleary Hoare, Kate has enjoyed tackling a wide range of complex taxation issues. In her spare time, Kate enjoys singing, attending sporting matches and cooking up a storm.

Kimberley Barnes



Kimberley joined Cleary Hoare in early 2019 and is now a senior solicitor at the firm. She lives in Brisbane, but works predominantly for the Sydney team. She has a Bachelor of Laws and Bachelor of Commerce (Accounting), was admitted as a Solicitor in May 2016 and is currently completing her Master of Laws at the University of Queensland.

Kimberley enjoys practicing and specialising in commercial transactions, taxation, asset protection and succession planning for a wide range of clients. She enjoys creating relationships with her clients and using the knowledge gained from these relationships to find tailored solutions to their circumstances.

Outside of work Kimberley enjoys a good bottle of wine, a good book, learning new things and experiencing all the adventures that life has to offer.