

NSW Revenue Law: One day intensive

Date: 24 February 2023 | Format: Live webinar | CPD units: 6

Time	Topic & Presenter	CPD Area
9:00am -10:00am	<p>Keynote presentation State Revenue Administration: Integrity within the Big Picture</p> <p>Commissioner Cullen Smythe, Commissioner of State Revenue, Revenue NSW</p> <p>Commissioner Smythe will give the keynote presentation, considering:</p> <ul style="list-style-type: none">• the NSW State tax ecosystem in context – how do the pieces fit together?• specific taxes and tax policy from the perspective of “why?”; and• the 2022 changes to the <i>Taxation Administration Act 1996</i> (NSW) and <i>Duties Act 1997</i> (NSW), using examples to address the policy underpinnings and practical consequences of the amendments.	SL
10:00am -11:00am	<p>Ethical scenarios in litigation</p> <p>Paul Monaghan, Senior Ethics Solicitor, Professional Support Unit, The Law Society of NSW</p> <p>In this session Paul will walk you through ethical considerations relating to your duties and obligations in the following areas:</p> <ul style="list-style-type: none">• the regulatory environment;• dealing with the client;• dealing with the Court;• dealing with solicitors; and• dealing with other parties.	E&PR
11:00am -11:15am	Morning tea break	

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Time	Topic & Presenter	CPD Area
11:15am -12:15pm	<p>Beware to declare: NSW duty traps on Acknowledgement of Trust</p> <p>Lisa To, Partner, Bartier Perry Lawyers</p> <p>This session will cover:</p> <ul style="list-style-type: none">• Revenue Ruling DUT031 v2 “Declaration of Trust in Agreement For Sale” effective as of 19 May 2022 (published on Revenue NSW’s website in January 2023);• background to the legislative change under section 8AA introduced into the <i>Duties Act 1997</i> (NSW) including imposition of duty on an acknowledgement of trust; and• traps and practical implications of duties legislation for declaration or trust and acknowledgement of trust, the decision in <i>Chief Commissioner of State Revenue v Benidorm Pty Ltd [2020] NSWCA 285</i> and additional care to be taken by advisers.	SL
12:15pm -1:00pm	Lunch	
1:00pm -2:00pm	<p>Surcharge purchaser duty</p> <p>Andrew Rider, Barrister, Level 22 Chambers</p> <p>This session will provide a structured framework for understanding surcharge purchaser duty, land tax compliance obligations and responding to compliance queries, including:</p> <ul style="list-style-type: none">• getting due diligence right from the start;• key traps to watch out for; and• what to do if your clients receive a foreign surcharge Notice of Investigation.	SL

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2:00pm -3:00pm	<p>Costs rules</p> <p>Joe Rose, Principal solicitor, Rose Legal Costing</p> <p>This session will focus on:</p> <ul style="list-style-type: none">• the essential rules and principles that legal practitioners should know in respect of costs;• typical pitfalls in preparing costs;• costs disclosure;• basic costs principles;• best practice in time recording;• methods to determine the gap between what your client has paid and what you can recover from the other side; and• recent costs determinations.	PMBS
3:00pm -3:15pm	Afternoon tea break	

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3:15pm -4:15pm	<p>Statutory interpretation for revenue lawyers</p> <p>Igor Mescher, Barrister and Lecturer, University of New England</p> <p>This session will cover:</p> <ul style="list-style-type: none">• principles of statutory interpretation;• a general approach to interpretation of taxing provisions; and• court interpretation of:<ul style="list-style-type: none">○ contestability and arbitrariness of taxes;○ retrospectivity and taxation legislation;○ tax avoidance schemes; and○ exemption, exception, objection and review provisions.	PS

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