

Partnerships of Discretionary Trusts

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Liability limited by a scheme approved under professional standards legislation

A little history

Phillips' Case

Everett's Case

Service trust review

Changes in permissible professional practice structures

Reducing us all to salarymen

Structuring

Terminology - some precision

Pushing the envelope - *Fagenglat's* case

Nominee/Agent/Custodian/Manager corporation

Advantages, ATO issues

Limited liability operating through corporate trustees

Single corporate face to the world

CGT small business and general discount

Estate planning

BUT:

TA2013/3

Whether the nominee is actually conducting the business (cf *Ferguson*)

Drafting

Role of nominee

Scope of role of partners

Calls

Reward

Dispute resolution

Termination and winding up

Legal constraints – some examples

Barristers

Solicitors

Tax agents

The peculiar position of insolvency professionals

Kelly

This is where the ATO has always begun with my clients - formal validity

20% transaction -

- whether a trust could be a partner,
- number of trustees,
- documentation

7.857% transaction

Critiquing TA2013/3

Effectiveness

CGT

Part IVA

Part IVA - why should it apply to the plain vanilla structures people adopt to conduct business?

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