

National Transfer Pricing Conference

24–25 October 2024

Sheraton Melbourne

10 CPD hours



The Tax Institute gratefully acknowledges the generous assistance of members of the Organising Committee:

Damian Preshaw, CTA, Damian Preshaw Consulting (Chair, Organising Committee)
David Blight, King & Wood Mallesons
Keir Cornish, Australian Taxation Office
Mick Giddings, CTA, BHP
Thomas Ickeringill, FTI
Sharon Jansen, BP
Nick Leak, Rio Tinto
Stephanie Lucas, Deloitte

Sean Madden, ATI, KPMG
Aileen O'Carroll, Pitcher Partners
Zara Ritchie, CTA, BDO
Craig Silverwood, FTI, MinterEllison
Michael Smith, BDO
Lorena Sosa, ATI, PwC
Hector Thompson, Australian Taxation Office
Jason Vella, ATI, EY





Welcome

On behalf of The Tax Institute and the Organising Committee, it gives me great pleasure to invite you to the 2024 National Transfer Pricing Conference to be held at the Sheraton Melbourne on 24-25 October 2024.

Now in its seventh year, the National Transfer Pricing Conference brings together transfer pricing and tax specialists from accounting and law firms, barristers, corporates and the ATO to discuss the most important domestic and international developments affecting the taxation of multinational enterprises.

An exciting program!

The saying 'may you live in interesting times' appears apt, even if taken out of context, in relation to developments affecting the taxation of multinational enterprises this year. For example, in the first six months of 2024 we have seen the Commissioner win SingTel's appeal in the Federal Court, the Commissioner lose PepsiCo's appeal and Mylan in the Federal Court, the introduction into Parliament of a bill to impose public CbyC reporting in Australia and the introduction into Parliament of a bill to give effect to Pillar 2. The ATO has also been busy and has finalised PCG 2024/1 (intangibles migration arrangements) and re-issued TR 2024/D1 (the copyright and software ruling).

The Organising Committee has developed an exciting program that covers all these developments and more including a special focus on intangibles which continue to create uncertainty and give rise to disputes with the ATO for multinational enterprises.

A great opportunity to network!

The National Transfer Pricing Conference provides a great opportunity to network and to exchange views with peers and transfer pricing experts. Conference registration includes attendance at the networking function at the end of Day 1.

On behalf of the Organising Committee, we look forward to seeing you in Melbourne on 24-25 October!



Damian Preshaw, CTA
Chair, Conference Organising Committee

Early bird offer

Register before Friday 20 September to save!

Technical program

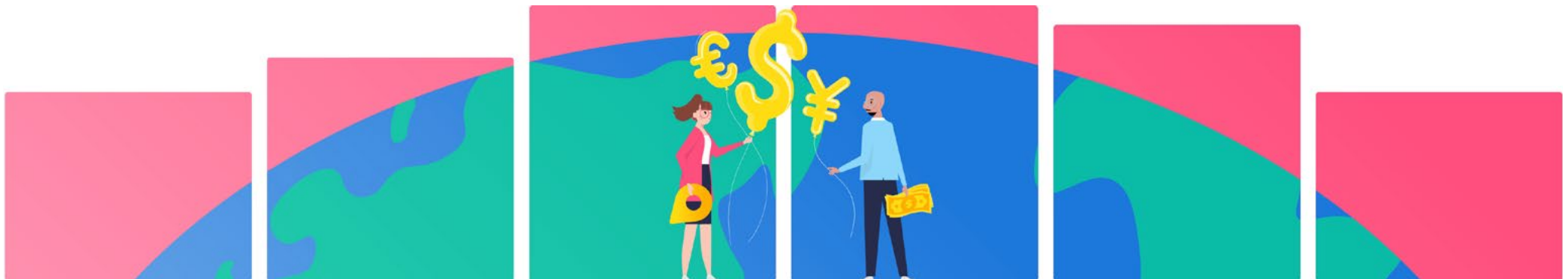
Day 1 Thursday, 24 October 2024

Time	Session
8:30 – 9:00am	Registration
9:00 – 9:30am	President’s welcome and opening address Speakers: Damian Preshaw, CTA, Chair, Conference Organising Committee, Todd Want, CTA, The Tax Institute
9:30 – 10:30am	Session 1: Keynote address Speaker: Fiona Dillon, CTA, Australian Taxation Office
10:30 – 11:00am	Morning tea
11:00am – 12:00pm	Session 2: Setting the scene: Overview of recent Transfer Pricing and Anti-avoidance cases Speaker: Alper Gokoglu, Ernst & Young, Dioni Perera, FTI, Ernst & Young <p>The Commissioner has carefully chosen his battle ground in recent tax disputes relating to intercompany financing and intangible arrangements. The Singtel case was argued under the relevant transfer pricing provisions, whereas the ATO applied its broader anti-avoidance powers in the PepsiCo and Mylan cases. Notably, the ATO has not taken a case to court which applied both the transfer pricing and anti-avoidance provisions. Will this trend continue, or will the Commissioner further test the interrelationship between the transfer pricing and anti-avoidance provisions in future ATO reviews, audits and court cases?</p> <p>To level set for the broader conference, this session will cover:</p> <ul style="list-style-type: none">• A comprehensive overview of the most recent transfer pricing and anti-avoidance cases, covering the Singtel, PepsiCo and Mylan judgments• Key insights around when the ATO is likely to argue transfer pricing, the anti-avoidance provisions, or both; and• Implications and strategies for taxpayers to anticipate and manage future transfer pricing and anti-avoidance reviews and audits
12:00 – 1:00pm	Session 3: Understanding the different types of intangibles encountered in cross-border dealings within MNE groups Speakers: Jerome Tse, CTA, King and Wood Mallesons, Kirsten Bowe, King and Wood Mallesons <p>As intangibles comprise an ever-increasing portion of the value of many MNEs, it becomes more and more important to have a good understanding of the different types of intangibles that might be encountered. In this respect, identifying relevant intangibles, understanding the legal rights they provide to the owner and how such intangibles might be made available to other parties by the owner will often be critical considerations before addressing tax-related issues such as identifying arm’s length conditions under transfer pricing rules or determining whether a payment made in relation to an intangible might be characterised as a royalty.</p> <p>This session will examine the different types of intangibles frequently encountered in cross-border dealings within MNE groups, as well as common commercialisation arrangements relating to different types of intangibles, with a particular focus on:</p> <ul style="list-style-type: none">• Intellectual property rights created by statute (eg trademarks, copyright, patents, registered designs); and• Intellectual property rights not created by statute (eg goodwill, confidential information including trade secrets and know-how, unregistered trademarks)

Technical program

Day 1 Thursday, 24 October 2024 continued

Time	Session
1:00 – 2:00pm	Lunch
2:00 – 3:00pm	<p>Session 4: Intangibles: Managing the ATO’s approach to intangibles while operating across multiple jurisdictions – Panel discussion</p> <p>Panelists: Chloe Burnett SC, NSW Bar, Carmen McElwain, CTA, MinterEllison, Soulla McFall, Deloitte</p> <p>Facilitator: Zara Ritchie, CTA, BDO</p> <p>The historical tension between residence and sourced based taxation has never been more pronounced. Recent legislative changes and compliance measures introduced in Australia do not necessarily align with international tax developments and the lack of consistency in treaty interpretation and the uncertainty as to the probative value of OECD guidance, observed in recent case law, creates the potential for major disputes and double taxation.</p> <p>This session will consider recent case law, including PepsiCo, guidance issued by the ATO (e.g. the revised draft ruling on copyright and software) and international guidance and commentary (OECD Model Convention and TP Guidelines, MLI etc.) and discuss examples of divergent tax treatment of intangibles arrangements in the context of treaties.</p>
3:00 – 3:30pm	Afternoon tea



Technical program

Day 1 Thursday, 24 October 2024 continued

Time	Session
3:30–4:30pm	<p>Session 5A: Back to basics in a new business era Speaker: David Bell, Deloitte, Cam Smith, Deloitte</p> <p>As the global corporate landscape pivots towards sustainability, multinational corporations are leading the charge by integrating environmental considerations into their business strategies and operations. This evolution has given rise to new business models that prioritise environmental responsibility, often by deploying technologies that directly reduce carbon dioxide (CO₂) emissions or indirectly price those CO₂ emissions. These initiatives can create transfer pricing complexity as they test the OECD Guidelines' concept of the benefits test.</p> <p>This session will take a back-to-basics approach, grounding the discussion with an overview of the fundamental transfer pricing principles that should be applied to any international related party dealing and then applying these principles to business models attempting to embed CO₂ reduction incentives and initiatives into their value-chains.</p> <p>The discussion will be educational yet practical, as participants are guided through a series of case studies that exemplify the real-world implications of adopting CO₂-reduced initiatives into global operations. The case studies will specifically include the use of green technology and carbon credit trading.</p>
	<p>Session 5B: Transfer pricing & Artificial Intelligence – Panel discussion Panelists: Keir Cornish, Australian Taxation Office, Edin Mahir, PwC, Michael Park, Dentons, Dr Rose Skandari, Swinburne University Facilitator: Damian Preshaw, CTA, Damian Preshaw Consulting</p> <p>The use of artificial intelligence (AI) is not only rapidly evolving but is also becoming increasingly pervasive in business and in the wider community. Terms like machine learning, large language models (LLMs), generative AI and Chat GPT have entered the vernacular. However, to date, little consideration has been given to the potential application of transfer pricing and other tax rules where MNE groups develop or use AI within a global framework.</p> <p>This session will highlight some key considerations with our panel of experts exploring a range of topics including:</p> <ul style="list-style-type: none">• What is AI (with a particular focus on generative AI)?• Key components of an 'AI system': the data inputs, the 'AI model' and the 'AI outputs'• What intangibles are involved in AI, and in particular, which entity within an MNE group owns or has rights in relation to the data inputs, the 'AI model' and/or the 'AI outputs'?• Which entity in an MNE group bears the risk for harm caused by the data inputs or the 'AI outputs'? and• What should MNE groups consider doing where activities relating to AI are performed in different group entities?

Technical program

Day 1 Thursday, 24 October 2024 continued

Time	Session
4:30–5:30pm	<p>Session 6: The Goldilocks approach to tax transparency: Not too much, not too little – Panel discussion</p> <p>Panelists: Michael Ingersoll, Australian Taxation Office, David Murray, Anglo American (UK), Dr Mark Zirnsak, Tax Justice Network</p> <p>Facilitator: Paul Suppree, The Corporate Tax Association</p> <p>In today’s global business environment, striking the right balance in tax transparency and transfer pricing is essential for compliance and maintaining a positive public image. Mandatory public disclosures such as public Country-by-Country Reporting (CbCR) and voluntary disclosure regimes such as GRI (Global Reporting Initiative) standard 207, along with taxpayer disclosures to the ATO and information exchanges between tax authorities, reinforce transparency as pivotal in tax management within multinational groups. Our panel will provide a discussion that encompasses the following:</p> <ul style="list-style-type: none">• Global Trends and Implications• Public CbCR rules• Public Perception; and• Effective Communication strategies.
5.30–7:30pm	Networking function



Networking function

After a full day of technical toil, join your colleagues and conference speakers for an evening of drinks, canapes and networking.

Date: Thursday, 24 October 2024

Time: 5:30–7.30pm

Venue: Sheraton Melbourne

Price: Included for full registration delegates
Additional tickets are \$80 per person, see registration form for details

Dress: Business or business casual

Technical program

Day 2 Friday, 25 October 2024

Time	Session	
9:00–10:00am	<p>Session 7: Intra-group financing – More than just whether the price is right Speakers: Toby Knight, CTA, Allens, Anna Sartori, Allens</p> <p>Intra-group financing arrangements continue to come under intense scrutiny from the ATO, particularly given the use of debt to fund business activities in Australia and the comparatively lower levels of assurance obtained in relation to borrowing from international related parties. Much of the scrutiny to date has focused on whether borrowings by Australian taxpayers from international related party are priced appropriately in accordance with arm's length conditions, whilst the question of how much debt is allowed for Australian income tax purposes was separately addressed through the operation of the thin capitalisation rules. However, changes to the thin capitalisation and transfer pricing rules along with the introduction of new deduction debt creation rules, and the potential prospect of the Commissioner seeking to apply Part IVA, introduce new challenges and complexities to the task of evaluating the potential tax risks of different capital structures. These changes broaden the scope through which debt deductions will be examined and challenged in future.</p> <p>In this session we will explore the interaction between these rules (i.e., transfer pricing, thin capitalisation, debt deduction creation rules and Part IVA), how this will impact the way taxpayers will review their intra-group financing arrangements, and the extent to which they can continue to draw upon current case law for guidance in a constantly evolving tax landscape.</p>	
10:00–11:00am	<p>Session 8A: Managing the ATO's definition of intangibles and evidence expectations in response to PCG 2024/1 Speaker: Sean Madden, ATI, KPMG, Bonnie Quinlan, KPMG</p> <p>The ATO's evidence expectations in relation to intangible assets and intangibles arrangements continue to escalate notwithstanding that accounting standards do not allow many intangibles to be recognised as assets in financial statements. How do MNEs reconcile what is recognised as an intangible on their balance sheets with the ATO's broader definition for transfer pricing in the context of the ATO's evidence expectations?</p> <p>This session is intended to assist MNEs with applying PCG 2024/1 by:</p> <ul style="list-style-type: none">• Identifying key differences between intangibles for transfer pricing purposes (as described in the OECD's Transfer Pricing Guidelines) and intangibles recognised under accounting standards with a particular focus on internally-generated intangibles• Providing direction on how to identify intangibles outside the balance sheet and who to ask in their businesses to understand how intangibles are being developed and how they are being used by related parties overseas• Exploring the different evidence expectations the ATO has in relation to documenting a basic low risk intangibles arrangement and documenting a higher risk/value intangibles arrangement; and• Providing examples illustrating how the Risk Assessment Framework tables apply and potential issues encountered in practice.	<p>Session 8B: A guide to Australia's draft Pillar 2 regime: Recent developments and getting prepared Speaker: Louise Andolfatto, Australian Taxation Office, Angus Brackenreg, Australian Taxation Office</p> <p>On 21 March 2024, the government delivered on its promise in the 2023-24 Federal Budget and released exposure draft legislation to put into action the OECD's Pillar 2 GloBE rules, which aim to give effect to a 15% global minimum tax rate. Core components of the regime apply to fiscal years that commence on or after 1 January 2024, meaning MNEs need to understand the regime and prepare for the changes ahead. But the rules are complex and, in many respects, it is not yet clear how they interact with Australia's existing tax laws.</p> <p>This session will focus on potential challenges MNEs face in preparing for implementation, and will cover:</p> <ul style="list-style-type: none">• Navigating the complexity – an overview of the rules to help MNEs work out whether they are caught and, if so, their potential exposure• Discussing potential interactions with Australia's existing tax laws; and• Practical guidance – what should MNEs be doing to prepare and what happens if you get it wrong?

Technical program

Day 2 Friday, 25 October 2024 continued

Time	Session
11:00-11:30am	Morning tea
11:30-12:30pm	<p>Session 9: How do I meet the evidentiary burden in transfer pricing matters? Speakers: Catherine Pierce, Victorian Bar</p> <p>Transfer pricing practitioners have long known that transfer pricing is an art, not a science, and that it is often difficult to find sufficiently comparable arrangements. Therefore, in 2020, taxpayers breathed a sigh of relief that Justices Middleton & Steward of the Full Federal Court in <i>Glencore</i> expressly acknowledged some of these challenges, emphasising the need for courts to take care in ensuring that transfer pricing compliance is not made an impossible burden. However, following evidentiary challenges faced by the taxpayers in <i>Singtel</i> and (at first instance) in <i>PepsiCo</i>, the time is ripe to revisit questions connected with transfer pricing evidence.</p> <p>This session will focus on evidence in the context of transfer pricing litigation, including:</p> <ul style="list-style-type: none">• The evidentiary issues that arose in <i>Singtel</i> and <i>PepsiCo</i>• The importance of commercial rationale• The identification of sufficiently qualified experts with directly relevant experience• How to align evidentiary strategy with the relevant statutory tests; and• The relevance of contemporaneous evidence in transfer pricing disputes.
12:30-1:30pm	<p>Session 10: The impact of recent tax changes on foreign direct investment into Australia – Panel discussion Panelists: Helen Fazzino, ATI, PwC, Mark Konza, MinterEllison, Sue Williamson, CTA (Life), Dentons Facilitator: Scott Treatt, CTA, The Tax Institute</p> <p>In a 2020 report, the Productivity Commission said “foreign capital lowers the cost of capital for domestic investments, increasing the number of viable investments for both businesses and households (such as through lower mortgage rates)”. However, recent tax changes such as the introduction of the new thin capitalisation rules and proposed tax changes such as the introduction of Pillar 2, the expansion of Part IVA, the introduction of public reporting and announced tax changes such as a new penalty regime relating to royalty payments and the expansion of the foreign resident CGT withholding regime might be viewed by some as impediments to attracting FDI into Australia with one consequence being to make domestic investments more rather than less expensive.</p> <p>This session will consider Australia’s tax policy settings and proposed tax changes in relation to multinational enterprises and discuss their impact on FDI into Australia.</p>
1:30-2:30pm	Conference close, light lunch and networking

Presenters

Louise Andolfatto, ATO Assistant Commissioner, leads the OECD Programs, Treaties and Advice branch of the International Support and Programs business line. Her branch provides strategic and technical expertise on international tax matters, from influencing policy and input into law design, through to program implementation, including the Pillar Two regime and the Government's tax treaty program. Prior to this role, Louise was Assistant Commissioner in the Tax Counsel Network where she provided technical leadership on some of the ATO's highest priority litigation matters, including cases involving the application of Australia's anti-avoidance rules.

Kirsten Bowe is a partner in our Technology and Intellectual Property team. She specialises in large and strategic commercial transactions and advisory work involving technology, intellectual property, data, privacy, cybersecurity and emerging technologies. Kirsten is a trusted adviser to clients across a range of industries, including telecommunications, infrastructure, government, health, energy and financial services. Kirsten is valued for her commercial and strategic

approach. She is focused on guiding her clients through complex legal issues and navigating the full lifecycle of project delivery.

Angus Brackenreg is acting Assistant Commissioner in the ATO's Tax Counsel Network, with a focus on international tax. He currently leads the Tax Counsel Network's involvement in the Government's implementation of the OECD's global minimum tax, providing technical and strategic input into law design and ATO administration. Angus has a mix of private practice and public sector experience, having advised real estate and finance sector clients at leading law and accounting firms prior to joining the ATO.

Chloe Burnett SC, practices in commercial and public law, with a specialisation in tax law. She appeared in the SingTel and Chevron transfer pricing cases, the News Australia Holdings and Citigroup Part IVA cases, the Consolidated Media and Cable & Wireless buy-back cases and other significant cases, alongside advisory and ADR matters. Chloe was called to the Bar in 2008 and took silk in 2020. She was previously a solicitor at Allens and worked as an Associate to the Hon. Justice Edmonds of the Federal Court.

She also worked for Macquarie Bank in Sydney and Slaughter and May in London. Chloe has a LLM from New York University and she teaches Statutory Interpretation in the LLM program at The Sydney Law School. Chloe is described as a "Global Elite Thought Leader" by Who's Who Legal, "Leading" by Doyle's Guide and Chambers and Partners 2022 states "Chloe Burnett SC is a well-known and well-regarded junior tax silk, noted for her strong litigation capabilities", "Sources note her increasing prominence on mandates with a cross-border aspect, and she is widely seen as an "excellent operator" in her field, one interviewee remarking: "I've briefed her on numerous matters and she's fantastic – totally brilliant."

Keir Cornish is the Assistant Commissioner of the ATO's Economist Practice, which is responsible for the provision of economic advice relating to transfer pricing rules, and he is an Australian delegate to the OECD Working Party 6 on Transfer Pricing. Before the Economist Practice, Keir was seconded to the Treasury and worked on the Two-Pillars as the Australian Delegate on the OECD Task Force on the Digital Economy. Keir has also led the ATO's Foreign Investment

Program which provides advice on the tax issues arising from foreign investment proposals. Prior to joining the ATO, Keir had worked in professional services, particularly international tax and transfer pricing.

Fiona Dillon, CTA, is the ATO's Chief Tax Counsel, accountable for the ATO's public advice and guidance, litigation, and resolving the ATO's most significant tax technical issues. Fiona previously served as Minister-Counsellor (Taxation) in the Australian delegation to the OECD based in Paris and spent a number of years in private practice. Fiona is an admitted Australian legal practitioner and holds a Bachelor of Commerce, Bachelor of Laws with Honours, and a Master of Taxation.

Alper Gokoglu is a Manager and lawyer at Ernst & Young Australia. With a strong background in transfer pricing, he now specialises in tax controversy matters. He has experience acting for clients across various industries in respect of a range of income tax issues, including transfer pricing, anti-avoidance provisions, TOFA and capital/revenue issues. He has been involved in a number of matters before the Federal Court of Australia and Administrative Appeals Tribunal.

Presenters

Michael Ingersoll joined the ATO in 1991 and became an Assistant Commissioner in 2012. His duties have included providing leadership on tax law interpretation for individuals and small business, and in 2016 joined Public Groups and International, where he has led teams responsible for international relations and the Tax Avoidance Taskforce, more recently. Currently he is Assistant Commissioner Large Market Strategy and New Measures, Public Groups where his responsibilities include providing advice on implementing new laws relevant to large business.

Helen Fazzino, ATI, has practiced as a Global tax partner specialising in international tax and transfer pricing since 1996. In this role, Helen advises some of the world's most significant Multinational corporations in the complex area of international taxation having particular regard to issues critical to the integrity of Australia's taxation system and the OECD's guidance on international tax. Helen invests in developing a deep understanding of her client's businesses and their global value chain to ensure her clients have robust governance and compliance confidence around all aspects of international tax.

Helen also ensures she understands the importance of her client's aspirations as they relate to corporate responsibility, governance and reputation.

Toby Knight, CTA, is a Tax Partner at Allens. Toby practises in corporate and international tax with particular expertise in dispute resolution, audits, transfer pricing, research and development, and tax litigation. Toby has acted on audits and tax litigation concerning capital gains tax, complex restructures and tax consolidation, foreign exchange transactions and international transfer pricing. He is widely consulted on the Commissioner's use of his access powers and the application of the general anti-avoidance provision, Part IVA. He has acted recently in transactions for resource companies involving joint ventures, the licensing of intellectual property and withholding tax issues relating to cross border project financing. Toby has also worked on a wide range of mediations and settlement negotiations with the Australian Taxation Office, Innovation Australia, and other revenue authorities. He has also advised on mutual agreement procedures and tax treaty issues in transfer pricing disputes.

Mark Konza is a Tax Controversy Consultant to MinterEllison lawyers. In

this role he works with clients on how to manage their ATO relationships with practical strategies to deal with justified trust reviews, audits, APA and tax ruling applications, and Foreign Investment Review Board considerations. Mark was previously a Deputy Commissioner at the Australian Taxation Office for almost 20 years, serving as a Deputy Commissioner Public Groups and International for the last 10 years. In that role he was responsible for International Taxation, was a Competent Authority and led the ATO's FIRB area. Mark also led the ATO's response to the BEPS Action Plan and led the establishment of the ATO's Tax Avoidance Taskforce. As a Fiscal Affairs Expert, Mark has also assisted the IMF in providing revenue administration advice to countries all over the world over the last 20 years.'

Sean Madden, ATI, is a Partner in KPMG's Transfer Pricing practice based in Melbourne. Sean has more than 15 years of experience in international tax issues as a transfer pricing advisor at KPMG and at the ATO leading case teams in Operations and the Economist Practice. He advises multinationals on all aspects of transfer pricing including mergers and acquisitions, intangible assets, and financing arrangements. Sean has extensive experience in in dispute

resolution and controversy and regularly engages with the ATO in relation to Advanced Pricing Agreements, reviews and audits.

Edin Mahir is a Partner in the Global Tax Team at PwC Australia. Edin supports multinational businesses across a range of industries in relation to global tax and transfer pricing matters. With over a decade of international experience, Edin's expertise spans from transfer pricing policy & operating model design and implementation through to global documentation, regulator engagement, rulings and defence.

Carmen McElwain leads MinterEllison's Tax Controversy team. She has over 25 years' experience managing large and complex tax controversy matters at the risk review and audit stages and in the conduct of tax litigation. Carmen is responsible for the management and conduct of major tax litigation cases on behalf of the ATO and has been on the ATO's Tax Technical panel of legal service providers since 2007. She also represents large corporates in their disputes against the ATO and applies her insights into ATO processes and decision making to design strategies for the effective management of clients' tax dispute issues.

Presenters

Soulla McFall is a partner of Tax and part of the Transfer Pricing practice. Soulla has worked with Australian and foreign-owned multinationals to manage ATO audits and transfer pricing reviews, and develop strategies for minimising transfer pricing exposure. Soulla has helped clients to devise and implement transfer pricing planning strategies, document global transfer pricing arrangements, successfully negotiate APAs and resolve double tax issues arising from transfer pricing adjustments.

David Murray is the Head of Tax Policy & Sustainability at Anglo American. Before joining Anglo in April 2020, Dave was an International Tax Policy Director at PwC, prior to which he was the EU & OECD Tax Policy Director at General Electric. Prior to that, Dave had already spent time working for Anglo American, after starting his career at Deloitte. Dave has experience across a range of domestic and international tax policy areas, and has a particular interest in tax morality, transparency, and sustainability, as well as the ongoing debates around the impact of globalisation, digitalisation and decarbonisation of the economy on tax bases and tax systems. Dave chairs the CIOT International Tax Committee, is a

vice chair of the Business@OECD Tax Committee, and chairs or participates in on several other tax committees and working groups including at the CBI, ICMM and The B-Team.

Dioni Perera, FTI, is a Partner and lawyer at Ernst & Young specialising in tax advisory and tax controversy matters. She acts for a wide range of clients across a range of income tax issues and indirect taxes, most recently including transfer pricing, capital/revenue issues, losses, R&D and Part IVA. She has significant experience in engaging with the ATO, other regulators and various stakeholders, and has advised a number of clients in resolving and settling their disputes with the Commissioner. She has run a number of cases at first instance and on appeal in the Federal Court of Australia, the High Court of Australia and the Administrative Appeals Tribunal and advised clients on the Part IVC process and related debt recovery proceedings, legal professional privilege, FOI issues and the gathering of evidence for litigation.

Catherine Pierce practises primarily in federal tax, in respect of direct and indirect taxes, and in various aspects of state tax litigation. She has appeared in the Federal Court, the High Court and the Victorian Supreme Court for

the Commissioner and for taxpayers. Before joining the Bar in 2012, Catherine was employed as a solicitor in Hong Kong where she advised in respect of international financial instruments. She has also worked as an interpreter in French and Mandarin Chinese.

Damian Preshaw, CTA, is a transfer pricing specialist with more than 30 years' experience in both the private sector and with the Australian Taxation Office and provides specialist transfer pricing services to accounting firms and law firms. Prior to establishing Damian Preshaw Consulting Pty Ltd, Damian was a director in KPMG's Transfer Pricing Services Group in Melbourne for 12 years. In this capacity, Damian advised a wide variety of multinational clients on transfer pricing and profit attribution issues with a special focus on dispute resolution, financial services, financial transactions and business restructuring. Before joining KPMG, Damian was an international tax counsel in the ATO's Transfer Pricing Practice in Canberra where he was extensively involved in the ATO's transfer pricing rulings program and was an Australian delegate to the OECD's Working Party No.6 (Taxation of Multinational Enterprises) from 1994 to 2003.

Bonnie Quinlan is a Director in KPMG's Transfer Pricing practice based in Melbourne. Bonnie has more than 12 years of experience as a transfer pricing advisor at KPMG, working both in Australia and the United Kingdom. Bonnie has advised multinationals both in Australia and the UK on a wide range of transfer pricing issues arising from restructuring, acquisitions and IP integration. Bonnie has extensive experience in supporting the development of transfer pricing frameworks that reflect the operations of multinational enterprises.

Zara Ritchie, CTA, is the Global Leader for BDO's Transfer Pricing Practice and the Australian Practice Leader. Zara has over 24 years' full time Transfer Pricing experience covering the areas of controversy/dispute resolution, planning and restructuring, compliance, developing transfer pricing policies and structuring legal agreements in relation to various related party dealings across a variety of industries. Zara is highly experienced in dispute resolution and controversy and her strong negotiation skills have resulted in successful settlements and outcomes for clients. Zara is a regular speaker on transfer pricing, both for the Tax Institute and various forums in Australia and internationally.

Presenters

Cam Smith is a Partner in Deloitte's Global Transfer Pricing practice, with 30 years' transfer pricing and international tax experience working in Australia and the UK. Cam advises on a wide variety of complex transfer pricing matters for some of the world's largest multinationals, including value chain alignment; revenue authority dispute resolution; negotiating bilateral and unilateral advance pricing arrangements; designing, implementing, reviewing and supporting transfer pricing policies; operational transfer pricing, preparing global, regional and local transfer pricing documentation; due diligence exercises, and pricing financial transactions. Cam is recognised in Euromoney's World's Leading Transfer Pricing Advisors, and as a "World TP – Highly Regarded" practitioner in ITR's 2024/25 World Tax rankings. Cam holds a Bachelor of Laws and Commerce Laws (honours) degree, and is a member of the Tax Institute of Australia and Chartered Accountants Australia and New Zealand. Cam has authored several transfer pricing articles and contributed to a number of international transfer pricing books.

Paul Suppre is the Assistant Director at the Corporate Tax Association (CTA). Prior to joining the CTA, Paul was Vice

President Risk and Reporting at BHP, having responsibility for transfer pricing matters. Paul also held roles as a Senior Assistant Commissioner the Australian Taxation Office focussing on the financial services industry and has also held the role of Regional Tax Manager, Asia Pacific for BP plc.

Scott Treatt, CTA, is the CEO of the Tax Institute. Scott brings a wealth of experience in tax practice, tax administration, and leadership to the role of Chief Executive Officer of The Tax Institute. Scott's career as a Chartered Tax Advisor has spanned large and mid-tier professional firms and Government in technical and leadership roles. A dedicated member of The Tax Institute for over 20 years, Scott has contributed significantly to the knowledge of members and the betterment of Australia's taxation and superannuation system overall. Scott was previously the General Manager, Tax Policy and Advocacy, at The Tax Institute, leading its tax technical team for three years. During this time, he proactively enhanced the team's capabilities, orchestrated a successful overhaul of the various committees and councils to improve the representation of our members, built strong relationships with key stakeholders across the industry,

academia, and all levels of Government, and drove the Institute's growing influence in policy and advocacy circles. He is a passionate advocate for holistic tax policy reform and is a visionary business leader known for his forward-thinking approach. A commitment to strategic cross-team collaboration, good governance, a strong dedication to member empowerment and development, and an unwavering pursuit of excellence in every aspect of the business characterises Scott's leadership style. Under Scott's guidance, The Tax Institute is poised to provide employees and members with clear guidance, adeptly turning challenges into opportunities and catalysing sustainable growth.

Jerome Tse, CTA, is a Partner at King & Wood Mallesons, specialising in taxation disputes and litigation. Jerome is also the firm's global transfer pricing coordinator. Jerome is an experienced tax practitioner and has been involved in a number of Australia's recent high profile tax cases. Jerome was the 2022 Tax Institute President.

Sue Williamson, CTA (Life), is a Tax Partner based in Dentons Melbourne office with more than 30 years' experience in advising on federal and state taxes. Sue has extensive experience in tax dispute management,

tax audits, alternative dispute resolution and tax litigation. She also provides front-end advice including tax support to transactions and advising on structures. Sue's experience spans all industries, with significant experience in the financial and property sectors. Her role at Dentons includes advising global entities on investments into Australia and withholding tax issues. A former president of the Tax Institute, Sue is recognised for working collaboratively with clients to find solutions that ensure that commercial objectives can be met.

Dr Mark Zirnsak joined the Uniting Church in Australia, Synod of Victoria and Tasmania, in 1999 as the Social Justice Officer. In 2004 he became the Director of the social justice unit and in 2018 became the Synod Senior Social Justice Advocate. He was one of the founders of the Tax Justice Network Australia and the Synod remains the secretariat for the Network. He is an expert adviser to Transparency International Australia. He is also on the Federal Government Modern Slavery Expert Advisory Group and the Attorney General's National Roundtable on Slavery and Human Trafficking. He has a PhD in chemical engineering and worked in the mining industry prior to joining the Uniting Church.

Venue and accommodation



Sheraton Melbourne

27, Little Collins St, Melbourne VIC 3000

Sheraton Melbourne is a beautiful 5 star property located at the 'Paris End' of the city, including luxury facilities such as a spa, indoor heated pool and outdoor Terrace Bar.

Located in the "Paris End" of Melbourne CBD, the Sheraton Melbourne is close to Melbourne's shopping hotspots that you can literally shop until you drop! Moments away from the city's laneways, museums and Melbourne Cricket Ground, with Parliament House also nearby, one of Australia's oldest and striking public buildings. Enjoy the hotel's Terrace Bar is a sunlit rooftop haven from the city below, serving crafty cocktails and tasty tapas. Enjoy a number of transport options on the hotel's doorstep – all tram travel within in the city centre is free, with the hotel located in the free tram zone.

Getting there

Nestled in Melbourne's picturesque Paris End of Collins Street, Sheraton Melbourne Hotel welcomes you to a truly distinctive travel experience. We are also situated 2 minutes' walk to the free tram and Parliament Train Station.

Parking and Transport

The following parking options are available to guests:

- 1) Valet Parking is charged at \$60AUD per night/day with unlimited entries and exits, maximum of 10 valet parking per group.
- 2) The car park is located across the road from the hotel, at 34-60 Little Collins Street. [Parkade – First Parking](#). Delegates can park anywhere in the car park, flat rate of \$24.00 daily, during the week or from \$10.00 over the weekend. If delegates would like to utilise this rate, they are to pay directly at the car park pay station. vehicles for unlimited entries & exits for a 24hr period.

Accommodation

We have negotiated special rates for delegates attending the conference (subject to availability)

For bookings, please visit Marriott Bonvoy Hotels to ensure you receive exclusive rates by booking directly. Marriott Bonvoy Hotels | Book Directly & Get Exclusive Rates and enter the Cluster Code in ZS7.



Event information

Confirmation of registration

Please note you will receive two separate emails in the form of a tax invoice at the time of payment and a confirmation email at registration completion.

Continuing Professional Development (CPD)

Attendance at the conference counts for 10 hours of CPD with The Tax Institute.

The Tax Institute's Attendee Hub

This event will be accessible to all delegates via our dedicated Attendee Hub. Program information, materials (technical papers and presentations), survey forms and more will be available via The Tax Institute's virtual Attendee Hub. All delegates are encouraged to access the platform prior to the event. Technical papers and PowerPoint presentations will be available on the Attendee Hub to all participating delegates approximately five days before the event. Delegates will receive instructions on accessing the virtual Attendee Hub by email.

Delegate list

A delegate list will be included on the Attendee Hub to assist with networking. Please indicate at the time of registration if you do not want your name to be included. Alternatively, you can edit your profile visibility settings in the Virtual Attendee Hub at any time during the event.

Dress code

Business or business casual attire is suitable for the duration of the conference.

Networking function – Thursday 24 October 2024

A networking function will be held directly following the last session on Thursday from 5:30pm onwards. The networking function is included in the conference registration fee for delegates. Additional tickets are available to purchase for accompanying persons at a cost of \$80. Please indicate your requirements, including dietary requirements, at the time of registration.

Special dietary and accessibility requirements

Please indicate any special dietary requirements at the time of registration. Please email us with any accessibility requirements at nationalevents@taxinstitute.com.au

Cancellation Policy

The Tax Institute reserves the right to alter, amend or cancel all or any of the arrangements contained in the program. Should a face-to-face event be cancelled due to an event beyond The Tax Institute's reasonable control including 'an act of god', 'pandemic', 'health-related event' or 'government requirements', we will endeavour to transition to an online format to deliver the event. If there is a difference in price, a credit will be provided to delegates to be used at a future event.

It is a condition of acceptance of registration that an administration fee of 20% of the registration fee be charged for cancellation if you can no longer attend the event. Cancellations must be received in writing by The Tax Institute five working days prior to the event. No refund will be given for cancellations received within five working days of the event. A replacement may be nominated. If the replacement is not a member, the non-member registration fee will apply. CPD hours will be allocated to the designated attendee.

The Tax Institute cannot accept responsibility for delegates' late transport arrivals or non-arrivals due to delays.

Privacy

We take your privacy seriously, and our policy can be viewed at: <https://www.taxinstitute.com.au/about-us/privacy-copyright-disclaimer>.

Enquiries

For further information regarding this event, please contact the Events Team on 1300 829 338 or nationalevents@taxinstitute.com.au.

For registration enquiries, please contact customeradmin@taxinstitute.com.au.

Registration

Registration inclusions

	Online access to presentations and technical papers	Morning/ afternoon tea/ conference lunches	Networking functions*
Full registration This registration option entitles one delegate to attend the entire event.	✓✓✓	✓✓✓	✓✓✓

*Additional tickets to the networking functions can be purchased on the registration form.

Discounts

Early bird registration

All registrations received and paid on or before Friday 20 September 2024 will be entitled to an early bird discount.


Please note: The registration fee does not include accommodation, hotel incidentals or transfers.

Group discounts

Purchase four full registrations (early bird or standard) and receive a fifth full registration for free. The free fifth registration must be of equal or of less value to the four paid registrations.

This offer cannot be redeemed in conjunction with any other promotional offer or code. All attendees must be from the same firm and all registration forms must be submitted together. For further information please contact the national events team on 1300 829 338 or nationalevents@taxinstitute.com.au.

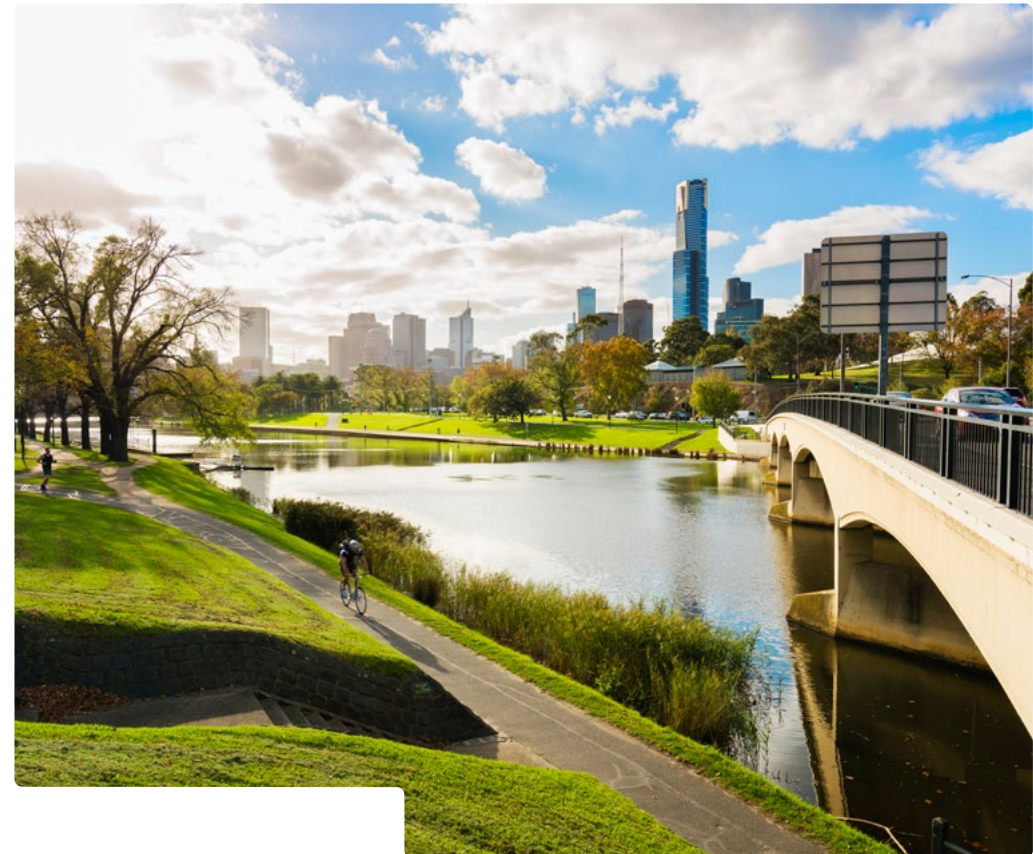
Register now!



Register online ▶

Register via form ▶

included in this brochure



A tax invoice and confirmation letter will be sent on receipt of your registration. Please photocopy for additional delegates and retain original copy for your records. All prices quoted are in Australian dollars and include GST where applicable. ABN 45 008 392 372.

1 Registration

Please see page 16 for registration inclusions.

Full registration – 13 CPD hours

	Member	New member*	Non-member
Early bird registration Register on or before 20 September 2024	<input type="checkbox"/> \$1,800	<input type="checkbox"/> \$2,190	<input type="checkbox"/> \$2,100
Standard registration Register after 20 September 2024	<input type="checkbox"/> \$2,000	<input type="checkbox"/> \$2,390	<input type="checkbox"/> \$2,300

I understand that the registration fees do not include printed materials. Access to materials will be electronic.

Networking function

The networking function is INCLUDED in the registration fee for delegates attending the full conference.

Thursday, 24 October 2024

- Yes, I WILL be attending the networking function OR
- No, I WILL NOT be attending the networking function
- Yes, I require additional tickets for the networking function at \$80 per person

No. x tickets at \$80 each: \$

Dietary requirements:

*Become a member and save!

Not a member of The Tax Institute yet? Sign up for membership along with your event registration and:

- save over \$220 on Affiliate membership for the first 12 months
- access member-only prices to this and future events
- access all member-only technical resources.

Find out more about membership at taxinstitute.com.au/membership

I hereby apply for membership of The Tax Institute and declare that I am a person of good fame, integrity and character. I agree to be bound by the Constitution of The Tax Institute.

Signature:

Date of signature:

JOIN TODAY

2 Delegate contact details

Member no.:

If your member details are up-to-date, you can skip this section.

Title: Mr Mrs Miss Ms Date of birth:

First name:

Last name:

Position:

Company:

Address:

Suburb: State: Postcode:

Telephone: Mobile:

Email:

Please tick this box if you do not wish your name to be included on the delegate list provided to all attendees for networking

3 Breakout session options

Please tick the breakout sessions you would like to attend during the conference:

Thursday, 24 October 2024

- 3.30–4.30pm Session 5A: Back to basics in a new business era
 Session 5B: Transfer pricing & Artificial Intelligence – Panel discussion

Friday, 25 October 2024

- 10.00–11.00am Session 8A: Managing the ATO's definition of intangibles and evidence expectations in response to PCG 2024/1
 Session 8B: A guide to Australia's draft Pillar 2 regime: recent developments and potential pitfalls

4 Payment summary

Registration fees \$

Additional guest tickets – Networking function (\$80) \$

Total payable \$

Please note: The Tax Institute cannot accept responsibility for delegates' late flight arrivals. Transfer costs are non-refundable and non-transferable.

5 Payment method

Please note: all registration payments must be made prior to the event, unless other arrangements have been made with The Tax Institute.

Cheque payable to The Tax Institute (in Australian dollars)

Credit card Card type: AMEX Visa MasterCard Diners

Name on card:

Card no.: Expiry date:

Cardholder's signature:

For our refund, cancellation and replacement policy visit taxinstitute.com.au/professional-development/event-policy.

For event enquiries, please contact the National Events Team on **1300 829 338** or nationalevents@taxinstitute.com.au

For registration enquiries, please contact customeradmin@taxinstitute.com.au

Collection notice: The Tax Institute (TTI) complies with its obligations under the Privacy Act 1988 (Cth) with respect to how it handles personal information. For information on how TTI collects, uses, holds and discloses personal information, please see its privacy policy at www.taxinstitute.com.au. [You can also request TTI's consultants to provide you with a copy of TTI Privacy Policy.] By submitting your application to TTI, you confirm that you have read TTI's Privacy Policy and you consent to your personal information being collected, used and held by TTI and disclosed to third parties in accordance with TTI's Privacy Policy.





To register

Email customeradmin@taxinstitute.com.au

Mail Level 21, 60 Margaret Street, Sydney NSW 2000

Online taxinstitute.com.au

Join the conversation

-  [linkedin.com/school/the-tax-institute](https://www.linkedin.com/school/the-tax-institute)
-  [facebook.com/thetaxinstitute](https://www.facebook.com/thetaxinstitute)
-  twitter.com/taxinstituteoz
-  [instagram.com/thetaxinstitute_](https://www.instagram.com/thetaxinstitute_)

