

Tax Planning vs Avoidance vs Evasion and Avoiding the Pitfalls Managing IRAS Queries on your Business Arrangements

It is not always clear whether tax planning can be regarded as tax avoidance or tax evasion. Is a failure to declare income, tax evasion? Is the provision of business services through a company a tax avoidance arrangement?

This workshop will discuss the distinctions between planning, avoidance and evasion through a combination of interactive discussions and actual case sharing. The law in connection with evasion, avoidance and planning will also be covered.

Particular focus will be given to the topic of tax avoidance under the Income Tax Act, and especially the recent case where high earning taxpayers such as doctors and dentists provide services through closely-held companies. Principles arising from the leading Singapore Court of Appeal case of AQQ v CIT (which the presenter was lead counsel representing the Comptroller of Income Tax) will be discussed. IRAS' e-tax guide on the General Anti-Avoidance Provision, and case studies on tax avoidance will also be shared.

This workshop is suitable for tax and finance practitioners, directors, and accountants to address their key concerns in determining whether their tax planning have crossed the line into tax avoidance or tax evasion. It is also relevant to tax and corporate transactional lawyers. More relevantly, the presenter will share useful tips on how to pre-empt and respond to IRAS's queries on your business arrangements.

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					PRACTICE AREA	TRAINING LEVEL
21 February 2019	9.00am – 1.00pm	Hotel Venue to be Advised	3.5 Public CPD Points	SGD: 342.40 (including 7%GST)	Tax	Intermediate

Program Outline

Tax Planning, Tax Avoidance and Tax Evasion

- Features of each concept
- How to distinguish between Planning, Avoidance and Evasion and avoid being labelled a tax avoider or evader by IRAS
- What are the legal defences to an allegation of avoidance
- IRAS' tax guide on avoidance
- AQQ v CIT case
- Recent case studies (2018): Doctors and dentists

Practical Issues

- What is avoidance
- What is the effect of avoidance
- Engaging IRAS; How to deal with an IRAS tax audit
- Voluntary Disclosure to minimize penalties

Q&A Session

SILE ATTENDANCE POLICY:

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

Speaker Profile

Liu Hern Kuan, Head of Tax, Tan Peng Chin LLC has wide experience in Revenue Law, having lectured in it at the Law Faculty in NUS, practiced as a tax manager in Big-4 accounting firms and as head of tax in a major law firm. He was also the Chief Legal Officer of Singapore's national tax authority, the Inland Revenue Authority of Singapore (IRAS), for some 10 years. While at IRAS he represented the Comptroller of Income Tax in the leading case on tax avoidance, AQQ v CIT.

Hern Kuan's tax practice is largely focused on civil and criminal disputes with IRAS and tax planning and structuring, both domestic and international tax.

He has presented many seminars on tax law and was an associate staff lecturer on tax planning and international tax at SIM university.