Cowell Clarke
COMMERCIAL LAWYERS

19 September **2023** 31 October

# AGRIBUSINESS SUMMIT



# Opening Address



## Peter Slegers

**Agribusiness Team Leader**

We are pleased to invite you to Cowell Clarke's fourth annual national Agribusiness Summit.

Cowell Clarke have a long history of acting in the Agribusiness sector and are excited about assisting our clients with the challenges ahead.

We work closely with accountants and other professional advisers to large and small scale producers to support business, families, succession and growth.

This year we have another engaging program including highly topical issues associated with employees and contractor relationships, the significance of ESG to the agriculture sector, making effective trust distributions and updates to the carbon farming regime, as well as a workshop on strategies for land owners negotiating with property developers.

For the first time, we are also having an external presenter. We welcome Mr Tom Rooney from Waterfind who will provide a national water market update.

We look forward to joining you online for our national 2023 Agribusiness Summit.

COWELL CLARKE'S
AGRIBUSINESS SUMMIT
SEPTEMBER / OCTOBER 2023

# Summit Overview

## Webinar 1

### Tuesday 19 September 2023

- Effective Trust Distributions: Issues for Agribusiness
- Trickle-Down Effects of ESG on the Agriculture Sector
- National Water Market Update
- Carbon Farming - Latest Tax Issues

## Webinar 2

### Tuesday 31 October 2023

- Employee and Contractor Issues for Primary Producers: Don't Get Caught Out...!
- Personal Properties Securities Act: What the Agribusiness Adviser Needs to Know...
- Panel Session - "Farmer Wants a Property Developer": Selling To Property Developers...
- Unfair Contract Terms: Impact on the Agribusiness Sector

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# Program | Webinar 1: Tuesday 19 September 2023

*TIME ZONE: AEST*

9:30 - 9:35am **Log into webinar**

9:35 - 9:45am **Welcome** | *Deanna Riebolge, Chair*



9:45 - 10:30am **Effective Trust Distributions: Issues for Agribusiness**

*Presented by Peter Slegers, Tax & Revenue Group*



- Managing section 100A issues within a family group
- Injecting trust income to loss entities
- Effective streaming of capital gains
- Managing distributions to corporate beneficiaries
- What should I be looking for in the trust deed?

10:30 - 11:15am **Trickle-Down Effects of ESG on the Agriculture Sector**

*Presented by Emma Peters and Alexandra Kenny, Corporate & Commercial & ESG Groups*





- ESG: what is it and what is the agriculture sector's role in ESG?
- Key supply chain issues
- Critical regulatory issues: the EU Carbon Border Adjustment Mechanism and greenwashing
- Green loans: banks assessing lenders using ESG metrics
- How key aspects of an "E" strategy can be linked into ACCU development projects

11:15 - 11:30am **Morning Break**

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# Program | Webinar 1: Tuesday 19 September 2023

*TIME ZONE: AEST*

11:30am - 12:15pm

## National Water Market Update

*Presented by Tom Rooney of Waterfind | Water Market Specialists (Guest Speaker)*



- Value movements: winners and losers in the last 12 months
- Water and tax implications growing in the Nation
- Commonwealth Water Act and Murray Darling Basin Plan: June 2024 triggers and impacts
- Allocations and temporary market movements
- Challenges in managing groundwater

12:15 - 1:00pm

## Carbon Farming - Latest Tax Issues

*Presented by Daniel Marateo, Tax & Revenue Group*



- New legislative changes: ACCU sales as primary production income
- Rolling balance mechanism for holding ACCUs
- Tax tips for structuring the carbon farming arrangement

1:00 - 1:15pm

## Open Forum

1:15pm

## CLOSE & THANK YOU

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# Program | Webinar 2: Tuesday 31 October 2023

*TIME ZONE: AEDT*

9:30 - 9:35am **Log into webinar**

9:35 - 9:45am **Welcome** | *Emily White, Chair*



9:45 - 10:30am **Employee and Contractor Issues for Primary Producers: Don't Get Caught Out...!**

*Presented by Cassie Burfoot, Employment & Workplace Relations Group and Jackson Jury, Tax & Revenue Group*





- What you need to know: the latest case law and ATO pronouncements
- More than just the labels: beware sham contracting
- Trust distributions to family members: can they result in employee entitlement claims?
- Getting it right and avoiding disaster: practical takeaways for advisers and their clients

10:30 - 11:15am **Personal Properties Securities Act: What the Agribusiness Adviser Needs to Know...**

*Presented by Anna Lacey, Corporate & Commercial Group*



- What rights are afforded to those who provide assistance to others acquiring assets or growing crops or livestock
- Enabling financial assistance to be secured against assets other than land
- The registration and perfection requirements associated with registering security interests
- Timing and costs associated with registration and protecting clients' interests

11:15 - 11:30am **Morning Break**

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# Program | Webinar 2: Tuesday 31 October 2023

*TIME ZONE: AEDT*

11:30am - 12:30pm

## Panel Session - "Farmer Wants a Property Developer": Selling To Property Developers

*Presented by Sam Richardson, Property Group and Joshua Pascale, Tax & Revenue Group*
*Chaired by Peter Slegers, Tax & Revenue Group*





- Transaction structure: straight sale vs joint venture
- Managing the developer's due diligence
- Conditions precedent and sunset clauses
- Revenue/capital distinction
- CGT event K4: holding farm land as trading stock

12:30 - 1:15pm

## Unfair Contract Terms: Impact on the Agribusiness Sector

*Presented by Katie Pote, Corporate & Commercial Group*



- Relevance to Agribusiness Sector
- Summary of November changes to legislation
- Standard terms and conditions: protecting a business or exposing it to significant financial penalties?
- How to negotiate with the "Big Guys"?

1:15 - 1:30pm

## Open Forum

1:30pm

## CLOSE & THANK YOU

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# Our Summit Speakers



## Peter Slegers

**Director /**
**Agribusiness Team Leader**

**Peter has advised clients on a range of complex tax issues in a wide variety of agribusiness areas including conventional farming, wine and viticulture to fishing and aquaculture. He has delivered the best possible tax outcomes for agribusiness clients through the restructuring and mergers of farm property groups as well as from the sale of assets and machinery.**



## Sam Richardson

**Director /**
**Property Group**

**Sam has utilised his expertise in property law to assist clients on a wide spectrum of matters relating to agribusiness. Sam has advised clients across the agribusiness sector including station owners, rural property groups, and parties affected by development and acquisition on issues requiring negotiation, representation, and review of documentation.**



## Cassie Burfoot

**Director /**
**Employment & Workplace Relations Group**

**Cassie is a specialist employment lawyer with extensive experience in advising clients on all aspects of the employment relationship. She provides strategic advice in relation to workplace changes, regularly drafts and reviews employment documentation, undertakes employment due diligence in connection with mergers and acquisitions, and conducts complex workplace investigations.**



## Anna Lacey

**Associate Director /**
**Corporate & Commercial Group**

**Anna practices primarily on the areas of corporate acquisitions, business acquisitions and sales, contract and tender reviews, and matters related to the Personal Property Securities Act 2009 (Cth). Anna has particular expertise advising clients within the food and agribusiness industries.**



## Emma Peters

**Associate Director /**
**Corporate & Commercial & ESG Groups**

**Emma works collaboratively with businesses regarding commercial and corporate matters to achieve practical and astute outcomes. Emma's specialty relates to compliance and strategy pertaining to environment, social and governance matters with particular expertise regarding modern slavery compliance, bribery and corruption, whistleblowing and sustainability. She advises entities on implementing systems and process including policies procedures and conducting investigations.**



## Katie Pote

**Associate Director /**
**Corporate & Commercial Group**

**Katie practises in commercial and corporate law, primarily in the areas of intellectual property, information technology, privacy law and the Personal Property Securities Act 2009 (Cth). Katie has developed a particular interest in assisting the establishment of new businesses including advising on the protection of intellectual property and developing and implementing standard contract documents and systems.**



## Daniel Marateo

**Senior Associate /**
**Tax & Revenue Group**

**Daniel advises clients on tax law and superannuation. Daniel's knowledge of Federal and State taxation law allows him to assist clients in achieving sound taxation outcomes in discrete advisory matters, transactional matters and in dealing with revenue authorities in rulings and disputes.**

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# Our Summit Speakers



## Joshua Pascale

**Senior Associate /**
**Tax & Revenue Group**

**Joshua advises property and business owners on a wide range of Federal and State tax law issues, as well as the pertinent superannuation and commercial law matters specific to their circumstances. Josh has developed a particular interest in group restructures and succession planning (private and business).**



## Emily White

**Senior Associate /**
**Private Client Group**

**Emily assists clients with their personal and business succession planning through the drafting and interpretation of Wills and Powers of Attorney, taxation and administration issues, and family provision claims. Emily's experience in personal and corporate Powers of Attorney applies to all jurisdictions of Australia.**



## Jackson Jury

**Associate /**
**Tax & Revenue Group**

**Jackson advises on Federal and State taxation law. Jackson has assisted clients in various matters including the preparation of advices, effecting private restructures, seeking private binding rulings and lodging objections with State and Federal revenue authorities.**



## Alexandra Kenny

**Associate /**
**Corporate & Commercial**
**& ESG Groups**

**Alexandra provides advice to clients on developing their ESG strategies and policies as well as broader corporate governance and compliance matters. Within ESG, she has a particular focus on climate and sustainability related disclosures, greenwashing risk analysis and modern slavery compliance. Alexandra provides clients with comprehensive advice on a wide range of commercial and corporate matters.**



## Deanna Riebolge

**Associate /**
**Property Group**

**Deanna assists clients with a variety of matters arising from owning, managing, leasing, acquiring and selling agricultural land. She has particular expertise in assisting clients in the negotiation of carbon farming agreements and advising on the legal issues arising from carbon farming projects.**



## Tom Rooney

*(Guest speaker)*

**Founder /**
**Waterfind Australia &**
**Health Rivers Australia**

**Tom has a long association with Water Management in both Australia and the USA. Regional Australian born and bred, Tom has both 'feet on the ground' as well as regulatory experience in water markets in Australia. Tom's daily market insights and long history of dataset management, will provide participants with some valuable information and intelligence. Tom's daily role is involved as CEO, Founder and Owner of the Waterfind Group.**

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# Registration

## Cost

**Both Webinars $460 (inc GST) | Single Webinar $230 (inc GST)**

## Register

**Click here to register for our Webinar on 19 September** *(REGISTRATION CLOSES 12PM, 13 SEPTEMBER)*

**Click here to register for our Webinar on 31 October** *(REGISTRATION CLOSES 12PM, 24 OCTOBER)*

## Terms & Conditions

**These webinars will be live events as workshops are interactive sessions and therefore will not be recorded. Registration is transferable but non-refundable.**

**Please contact us if you wish to transfer your registration.**

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# Major Clients

**Cowell Clarke are pleased to have the support of their agribusiness clients including the following market leading organisations:**



Vennings
The Bulk Grain Handling Specialists

GLEN PARK
DORPER & WHITE DORPER STUDS

northern interests

DUXTON WATER

Sentek

OMNIA

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# Major Projects

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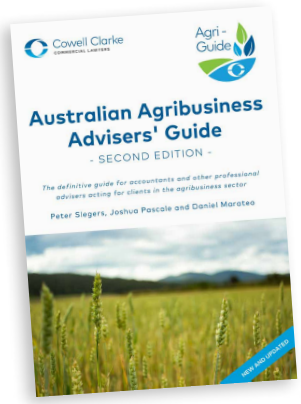
**Below is a list of some of the significant agribusiness projects we have recently been involved in:**

- Prominent agricultural sales and acquisition matters, including marquee transactions such as "Clifton Hills Station".
- Advising and acting on a large scale primary production group restructure of pastoral land with a value of over $800 million across multiple state jurisdictions to achieve the desired commercial and succession outcomes in a tax and stamp duty effective manner.
- Advising on the listing of Australia's only ASX listed entity that provides investors with direct exposure to the Australian water market.
- Providing specialist tax advice and implementing the restructure of two large private tuna fishing groups to better streamline structures and minimise risk exposures as well as undertaking sophisticated succession planning post-restructure.
- Advising the pastoral landowner of a proposed $650 million solar thermal power plant.
- Advising numerous chartered accounting firms on the application of challenging issues under the Small Business CGT Concessions and Small Business Restructure Roll-Over, as well as the relevant state and territory stamp duty laws in relation to the sale and restructure of numerous agribusiness concerns.
- Acting for Australian Independent Rural Retailers Limited, a public company that supplies rural products and related services throughout Australia, on a $187 million takeover by Elders Limited by way of a scheme of arrangement including obtaining an Australian Taxation Office class ruling on the specific taxation issues relating to the transaction.

**www.cowellclarke.com.au/expertise/agribusiness**

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# Publications & Events




**The Australian Agribusiness Advisers' Guide ("Agri-Guide") is the definitive text for accountants and other professional advisers acting for clients in the agribusiness sector.**

## Edition 2 Coming Soon...

**To pre-order your copy, scan the QR Code to the right or click here.**

**Click here to find out more about the Agri-Guide.**

CCARS
COWELL CLARKE ACCOUNTANTS REGIONAL SEMINARS
*keeping you up to speed*

**Cowell Clarke's Tax & Revenue Group holds annual seminars for regional accountants throughout Australia.**

For further information please visit our website:
**www.cowellclarke.com.au**

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