

# UNDERSTANDING THE LEGAL AND PRACTICAL ASPECTS OF WITHHOLDING TAXES

9 April 2015 | CTIM Training Room , Kuala Lumpur | 9am – 5pm

## HIGHLIGHTS

Withholding tax is a mechanism used by governments around the world as a method for collecting tax revenue from non-residents. Generally laws are formulated requiring the resident payer to withhold a part of a payment made to a non-resident person as tax payable by the non-resident on the non-resident's income received from the payers. This workshop aims to discuss the legal and practical aspects of withholding taxes, highlighting the latest developments in and implications of withholding taxes as well as the effective use of Double Tax Agreements (DTA).

### Workshop Outline

- **Withholding tax concepts**
  - Income subject to withholding taxes
- **Withholding tax scope in Malaysia,**
  - Interest and royalties
  - Contract payments
  - Special classes of income
  - How is compliance managed and controlled by the tax authorities?
- **Rights and obligations of a payer?**
  - Requirements as stated in the law i.e. statutory requirements
  - Administrative requirements that a payer should comply with
  - When must payments be made to the tax authorities?
  - Tax collection mechanisms
- **Non-compliance with tax provisions**
  - What are the penalties and other consequences?
  - What are the remedies, if any?
- **Double Taxation Agreements**
  - What is the importance and role of these DTA's?
  - Examination of the various provisions in a typical DTA
  - Reliefs available under DTA
- **Other Issues**
  - Service fee contrasted against contract payments
  - Utilization of offshore entities to lower exposure to taxation
  - Review and discussion of some relevant tax cases
  - Review Public Ruling 1/2014 and 1/2010

### Speaker's Profile

*Kularaj K. Kulathungam, a member of the Chartered Tax Institute of Malaysia, is an approved tax agent under the Income Tax Act 1967 and Managing Director of a Tax Consultancy & Advisory firm. His experience in taxation spans over 27 years both with the Inland Revenue Board (IRB) as well as in private practice. As a former Assistant Director of Income Tax with the IRB, he has served at various IRB Branches and divisions between 1988 and 2003, his last posting being the Head of the Labuan Offshore Taxation Unit. With his vast experience in the various major areas of direct taxation, he is able to blend the legal and practical aspects of taxation thereby greatly enhancing the learning experience for participants. In addition to managing his tax consultancy practice, he also lectures extensively at local institutions of higher learning and a regular speaker at workshops and seminars on taxation issues in Malaysia.*

### Benefits of Attending

- ✓ Obtain a sound knowledge of tax laws and regulations pertaining to withholding taxes
- ✓ Gain insights into the IRB's Public Rulings
- ✓ Obtain clarity on potential areas of uncertainty using provisions of the ITA 1967 and applicable tax cases.

### Who Should Attend

- Tax Practitioners, Tax Managers and Tax Executives
- Accountants

Please present your identification card upon registration and collection for certificate of attendance for verification purposes. Registration and collection certificate on your behalf is not allowed.



## UNDERSTANDING THE LEGAL & PRACTICAL ASPECTS OF WITHHOLDING TAXES (EVENT CODE:15WS/005)

### \*Registration Fees

|  | Participation Fee | GST 6%  | Net Registration Fee |
|--|-------------------|---------|----------------------|
| <input type="checkbox"/> CTIM/ACCA Member    | RM300.00          | RM18.00 | <b>RM318.00</b>      |
| <input type="checkbox"/> Member's Firm Staff | RM350.00          | RM21.00 | <b>RM371.00</b>      |
| <input type="checkbox"/> Non-Member          | RM400.00          | RM24.00 | <b>RM424.00</b>      |

\*Payment of the registration fee will be due on issuance of the GST Tax Invoice which will be issued subsequent to 1 April 2015.

### Enquiries

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- Seats are limited and based on first-come, first-served basis
- Registration of participants will be confirmed upon registration, receipt of full payment or an acceptable employers guarantee and settlement of previous outstanding dues.
- Walk-in participant registration is subject to availability of seats and full payment
- Certificate of attendance will only be released upon participant signing the attendance register before 10.30am, full attendance and after completion of the event.

### Participant's Contact Details

|                   |  |               |                                     |
|-------------------|--|---------------|-------------------------------------|
| Name :            | .....  | Company :     | .....                               |
| I/C Number :      | .....  | Designation : | .....                               |
| Membership No     | <input type="checkbox"/> CTIM .....                | Tel :         | .....                               |
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|                   | <input type="checkbox"/> Member's Firm Staff ..... | Email :       | .....                               |
| Company Address : | .....  | Mobile :      | .....                               |
|                   | .....  | Dietary       | Normal <input type="checkbox"/>     |
|                   | .....  |               | Vegetarian <input type="checkbox"/> |

### Payment Details (please tick the relevant boxes)

- Cash** for amount of RM .....
- Cheque** No ..... for amount of RM .....  
 (Non-refundable and made payable to "CTIM-CPE")
- Online payment** via CIMB Clicks / CIMB Shoppe  
**Click Bill>Alumni/Association>Chartered Tax Institute of Malaysia-CPD**  
 (Please attach together the transaction slip)
- MASTER / VISA** Credit Card for amount of RM .....  
 Please complete the credit card details
- Invoice**

### Credit Card details

Card Number

Cardholder's Name (as per credit card) ..... Expiry Date .....

.....

Cardholder's Signature ..... Date .....

(Signature must correspond with the specimen signature on card)

### REPLACEMENTS

Please note registrations for the event are not interchangeable but replacements are allowed. Please notify us at least three days prior to the event if you intend to send a replacement. CPD points will be allocated to the designated attendee. If the replacement is not a Member but a Member's Firm Staff or Non-Member, the appropriate fees will apply.

### CANCELLATIONS ON PARTICIPATION

The Chartered Tax Institute of Malaysia must receive cancellations in writing five (5) working days prior to the event date. Refund amount is subject to deduction of administration and finance charges. No refund will be given for cancellations received within less than five working days prior to the event date.

### CONFIRMATION OF REGISTRATION

The confirmation letter will be issued 5 days before the commencement of the event upon receipt of full payment via email. In the event that you do not receive the confirmation letter 5 days before the event, please contact us immediately.

### DISCLAIMER

The Organiser reserves the right to change the speaker, date, venue or to cancel the event if number of participants is less than 20. A minimum three (3) days notice will be given

### RECORDING

Video / Sound recording is strictly prohibited.