

# Withholding Tax: Theory & Practice

Date: 10 March 2016 | Venue : Seri Pacific Hotel, Kuala Lumpur | Time: 9.00am to 5.00pm | Event Code: WS/017

## Course Description

Although income tax is a direct tax, in certain circumstances the payer has the responsibility to withhold the tax when making payment to the non-residents. Failure to do so, the payer will suffer penalties and be prohibited from claiming a tax deduction against his own income for the payment to the other party. The scope of these withholding taxes is ever-evolving – both at the domestic level and international level. Ignorance is no excuse and it is imperative for any person managing the day-to-day payments and accounts of a business to understand their obligations under the withholding tax provisions, and the cost of non-compliance.

## Learning Outcomes

- Understand the payments for which the withholding taxes obligations should be considered.
- Understand the withholding taxes obligation that arises from reimbursements and disbursements in respect of services rendered by non-residents.
- Avoid penalties that may arise if deductions or capital allowances are wrongfully claimed in respect of payments for which the withholding taxes has not been remitted to the authority.

## Who Should Attend?

- Tax agents
- Finance managers
- Senior finance executives

## Course Outline

- Overview of the scope and rates of withholding tax
- Responsibilities of the payer
- Non-deductibility of expenses and disallowed capital expenditure
- Withholding tax for royalty payments – with focus on the thin lines in interpreting the statutory definition of royalty
- Withholding tax for interest payments to non-residents
- Withholding tax for special classes of income (section 4A) – the wide statutory definition, and withholding tax on the related disbursements and reimbursements
- Withholding tax for contract payments & the non-finality
- Withholding tax for payments in respect of other gains or profits (section 4(f)) – the scope and its practical implications
- Permissibility of re-grossing of payments
- Rules for determination of residence status of the payee
- Additional tax or tax refund for the payee (tax overpaid/underpaid due to misunderstandings over residence status)
- Brief overview of the role of tax treaties

## Speakers' Profile

### THENESH KANNA

THENESH is a partner of Thenesh, Renga & Associates (a.k.a. TraTax Malaysia), a firm of chartered accountants dedicated to providing tax advisory services. The firm advises clients from diverse industries – including manufacturing, professional services, trading, F&B chains, construction, property development, healthcare, financial services, telecommunications, societies, Government-linked companies and statutory bodies.

Thenesh has presented on various aspects of taxation in more than 100 conferences and seminars and is the author of several books on Malaysian taxation, including CCH's *Master GST Guide* (2nd Ed., 2015). He is also a member of the Chartered Tax Institute of Malaysia's Editorial Committee and the Technical Committee for Indirect Taxes.

Having spent the early years of his career in a legal firm, Thenesh approaches tax from the legal and the accounting facets. Thenesh is a fellow member of the Association of Chartered Certified Accountants (FCCA, UK) and a member of the Malaysian Institute of Accountants (MIA), the Chartered Tax Institute of Malaysia (CTIM) and the International Fiscal Association (IFA, Netherlands). He is a licensed tax agent - both under the Income Tax Act and the GST Act.

## Registration Form

Please retain original copy for your records. | Please photocopy for additional delegates. | Registration can be made via fax.

### WITHHOLDING TAX: THEORY & PRACTICE

#### \*Registration Fees

- CTIM/ACCA Member  
 Member's Firm Staff  
 Non-Member

#### Klang Valley

RM424.00  
 RM477.00  
 RM530.00

\* The above registration fees are inclusive of 6% GST

- \* 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.
- \* All outstanding payment must be received on or prior to the date of the event for participants to be allowed to attend. The institute reserves the right to cancel the registration if no payment is received prior to or on the date of the event.
- \* Walk-in participant registration and attendance 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.

#### Enquiries



Tel: 03-2162 8989  
 Fax: 03-2162 8990  
 03-2161 3207  
 Email: cpd@ctim.org.my



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 Megan Avenue II,  
 No 12, Jalan Yap Kwan Seng,  
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#### Contact Person:

*For Klang Valley events:*  
 Ms Yus (ext 121 / yusfariza@ctim.org.my)  
 Ms Jaslina (ext 131 / jaslina@ctim.org.my)  
*For Outstation events:*  
 Mr Jason (ext 108/ jason@ctim.org.my)  
 Ms Ramya (ext 119 / ramya@ctim.org.my)  
*General enquiries:*  
 Ms Ally (ext 123 / ally@ctim.org.my)

#### Participant's Contact Details

Full Name : \_\_\_\_\_

Company : \_\_\_\_\_

I/C Number : \_\_\_\_\_

Designation : \_\_\_\_\_

CTIM/ACCA Membership No : \_\_\_\_\_

Tel : \_\_\_\_\_

Company Address : \_\_\_\_\_

Fax : \_\_\_\_\_

\_\_\_\_\_

Email : \_\_\_\_\_

Dietary Requirements (if any) : \_\_\_\_\_

Mobile : \_\_\_\_\_

#### Payment Method

I / we hereby enclose

**Cash** for Amount of RM \_\_\_\_\_

**Cheque** No. \_\_\_\_\_  
 For Amount of RM \_\_\_\_\_  
 (Non-refundable and made payable to "CTIM-CPE")

**Online Payment** via CIMB Clicks or 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

#### Credit Card details

Card No \_\_\_\_\_ Expiry Date \_\_\_\_\_

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Cardholder's Name ( as per credit card ) \_\_\_\_\_

\_\_\_\_\_

Cardholder's Signature  
 Signature must correspond with  
 the specimen signature on card

Company Stamp & Signature \_\_\_\_\_

Date \_\_\_\_\_

#### Replacements

Please note registrations for the event are not interchangeable but replacements are acceptable. 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

The Chartered Tax Institute of Malaysia must receive cancellations in writing five working days prior to the event. 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 of the event.

#### Confirmation of Registration

The confirmation letter will be emailed 5 days before the commencement of the event upon receipt of full payment. In the event 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 the number of participants is less than 20. A minimum of 3 days notice will be given.

#### Recording

Video / Sound recording is strictly prohibited.