Connecting you to the topical tax issues

Tax Alert

March 2018

Extension of the bright-line test

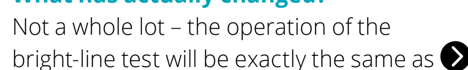
by Hiran Patel & Brendan Ng

On 15 February 2018 the Government announced that the change to the bright-line test for residential property, to extend the period from two years to five years, would be implemented before the end of March. This change should not come as any shock, as the proposal was well signalled throughout Labour's pre-election campaign, and is the first step in the Government's crackdown on property speculation.

The proposed change has come via a Supplementary Order Paper to the *Taxation (Annual Rates for 2017-18, Employment and Investment Income, and Remedial Matters) Bill* ("the Bill"). The expectation is that the Bill will be enacted and in force by 31 March 2018.

What has actually changed?

Not a whole lot – the operation of the bright-line test will be exactly the same as



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it has been since it was introduced in 2015. This is of course except for the fact that the test will now cover a longer five year period instead of two. All of the existing exemptions and mechanisms around the dates of acquisition and disposal will remain (more on this later).

This means that residential properties 'acquired' before the date of enactment of the Bill will still be subject to the two year bright-line test. Any residential properties acquired after this point will be subject to tax if disposed of within five years of acquisition, unless an exemption applies. The rule only applies to residential land, being land which has a dwelling on it, land for which the owner has an arrangement that relates to erecting a dwelling, or bare land that may be used for erecting a dwelling under the rules in the relevant operative district plan.

What exactly is the bright-line test?

In his media release on the change, Minister of Revenue Stuart Nash stated that the "*extension means that profits from residential investment properties which are bought and sold within five years will generally be taxable*." This is essentially the crux of the rule and it is intended to supplement the "intention test" (found in the Income Tax Act 2007) as an arbitrary line in the sand to determine whether a property was purchased for the purpose or with the intention of disposal (in which case it should be taxable).

As you would expect with a time based rule, the start and end date are absolutely vital. To this end, and to avoid any disputes, the Commissioner has issued a 'Questions We've Been Asked' covering this issue (QB 17/02, see our earlier article on this here). Generally, the start of the five year period is as follows (although there are also variations on the rule to cover different scenarios):

- The date on which the instrument to transfer the land to the person was registered under the Land Transfers Act 1952; or

- The date of acquisition of the land, if an instrument to transfer the land to the person is not registered prior to disposal.

The end of the bright-line period will generally be the date that the person enters into an agreement for the disposal of the residential land or the date the residential property is disposed of if there is no agreement.

The rules to determine the start and end dates for the purposes of the bright-line test slightly differ to the dates that are required to be used for the rest of the land disposal rules. For the bright-line test, given the latest possible date is used for the start date, and the earliest possible date is used for the end date, taxpayers can fall into a false sense of security when determining that they fall outside of the rules.

Are there any exemptions?

Like any good rule, there are exemptions, the most important of which is the "main home" exclusion. As the Government noted frequently throughout their pre-election campaign, they are not looking to tax the family home. The "main home" exclusion applies so that the bright-line test does not apply if the residential property has been used predominantly, for most of the time the person owns the land, for a dwelling that was the "main home" of the person. If a person has more than one home, their "main home" is the one with which the person has the greatest connection.

Like any exemption, there are carve outs. The "main home" exclusion will not apply where it has been applied by a person two or more times within the two years immediately preceding the finish date of the bright-line test or where the person has engaged in a regular pattern of acquiring and disposing of residential land.

Government crackdown on property speculation

The extended bright-line test supplements another measure focussed on property speculation, being the changes to bring residential land within the category of "sensitive land", i.e. residential or lifestyle property (as proposed in late 2017 in the Overseas Investment Amendment Bill). The changes essentially mean that it will be more difficult for non-residents to be able to buy existing houses or other pieces of residential land, with the aim to make homes more affordable for New Zealand buyers.

The extended bright-line test and residential land proposals are likely to be the first of a number of changes by the Government as it focuses on efforts to reduce "property speculation", so watch this space.

Hiran Patel
Manager
Tel: +64 4 831 2432
Email: hiranpatel@deloitte.co.nz

Brendan Ng
Consultant
Tel: +64 4 495 3915
Email: brng@deloitte.co.nz

Are you ready for tax year-end?

By Emma Faulknor & Susan Wynne

As 31 March (being the standard balance date in New Zealand) creeps up on us for another year, it is important to consider the tax matters that should be tidied up before then as well as upcoming tax matters to be aware of.

What needs to be done before year end?

Despite the rush of year-end approaching there are some tax matters that should be considered before year-end that could impact on the amount of tax payable:

- Bad debts are deductible in the year they are written off. As such, they need to be written off in the ledger before balance date.

- Imputation credit accounts should be reviewed to ensure this account is not in debit at 31 March. Irrespective of your tax income year, the imputation credit account has a 31 March balance date and must have a nil or credit balance to prevent further income tax or penalties from being applied.

- Ensure that any loss offsets and/or subvention payments in relation to the prior income year have been made and appropriate notice provided to Inland Revenue by 31 March.

- If you are owned by non-residents and are subject to the thin capitalisation rules, you should be checking your debt levels before year end. Thin capitalisation rules help protect the New Zealand tax base from artificially high gearing and resulting interest deductions. Where debt is too high compared with equity, a taxpayer may be required to make an adjustment to include an amount of income relating to the interest portion considered too high.

If you are close to the thin capitalisation threshold in the lead up to 31 March it may be worth reviewing debt levels and consulting with your Deloitte adviser to tidy this up before year end if possible. A possible solution for excess group debt may include remitting debt. The changes to the debt remission rules were finalised in March last year and were backdated to apply from the 2007 income year. The effect was to ensure that no debt remission income would arise when debt was forgiven within the same economic group. It is important to note that deemed payment of interest may arise and corresponding income may need to be recognised. More details on the changes were discussed in a previous Tax Alert article (The new related party debt remission rules).

A number of changes to thin capitalisation are proposed as part of the BEPS proposals, including a new "restricted transfer pricing" approach to pricing inbound related party loans and a carve out from the thin capitalisation rules for certain taxpayers who take less than $1 million in interest deductions annually. These new rules are generally expected to apply to income years beginning on or after 1 July 2018.

Recent provisional tax updates

Some provisional tax payments may have already been made for the 2018 income year. This is the first year the new use of money interest rules apply, providing concessions to taxpayers who pay their provisional tax on time and use an approved calculation method at the first and second instalments. As the third instalment for March balance dates is due on 7 May 2018, now is a good time to review your income tax position for the 2018 income year and pay your third instalment accordingly. For those that have

Emma Faulknor
Senior Consultant
Tel: +64 7 838 4818
Email: efaulknor@deloitte.co.nz

Susan Wynne
Associate Director
Tel: +64 7 838 7923
Email: swynne@deloitte.co.nz

taken advantage of the new use of money interest rules, having an accurate picture of your 2018 year prior to the third instalment will help minimise exposure to interest. We have published a more detailed Tax Alert article on the changes (New use of money interest rules for provisional taxpayers). Given this is the first year the rules have applied, it may be worth consulting with your Deloitte tax advisor prior to paying your third instalment.

A new method for calculating provisional tax known as the Accounting Income Method (**AIM**) will be available for taxpayers to use from 1 April 2018. Under this method, taxpayers will be able to elect to pay two monthly instalments based on automatically adjusted income determined by their accounting software (see Is AIM the right provisional tax method for you?). The method is designed with small businesses in mind, however there may be some practical issues in setting up the underlying information. Further, there may be little benefit in using AIM when a taxpayer is experiencing increasing profits. Instead, the taxpayer could take advantage of the new use of money interest rules by applying the standard uplift method to obtain lower provisional tax obligations at the first and second instalments.

Is that income taxable?

As part of determining taxable income, we want to confirm if the revenue recognised in the accounting records should also be included for tax purposes. Revenue should be recognised when it has been 'derived'. The tax treatment of any unusual or one-off receipts or new sources of income should be reviewed. Intercompany dividends, capital gains and revaluations to fixed assets are examples of irregular receipts that may not result in taxable income for a taxpayer.

Timing adjustments should also be considered. Progress payments on long term contracts and rebates are common examples of receipts that may not have been derived for tax purposes but may have a different accounting treatment.

What can I deduct?

The general rule is that expenditure is deductible when it is 'incurred'. As with the treatment of taxable income, this may give rise to timing adjustments. The expenditure you may want to consider immediately after 31 March includes:

- Bonuses, holiday pay, long service leave or other employment provisions accrued at balance date are deductible to the extent there is a liability to pay these at year end and they have been paid out within 63 days of balance date. From

the 2018 year there will also be the option to add back the provision in full without adjusting for 63 day amounts.

- Repairs and maintenance, legal and consulting fees should be reviewed for any capital amounts. It's helpful to review these accounts soon after 31 March, while the work is still fresh in everyone's memory. These accounts may also contain feasibility expenditure. Currently, feasibility expenditure is only deductible in limited circumstances where the business undertakes feasibility regularly and the expenditure is so preliminary it does not materially advance a specific capital project. It should be noted that where the total spend on legal fees for the year is less than $10,000 the account does not need to be reviewed for capital amounts. For more detail on deducting feasibility expenditure, refer to our earlier Tax Alert article.

- Common non-deductible adjustments include fines and penalties and the entertainment limitation. Entertainment accounts should be reviewed for expenditure not subject to the 50% limitation rule, such as overseas entertainment, and for the GST adjustment on non-deductible entertainment expenditure, which is 100% non-deductible.

- It is important to review tax depreciation rates on assets acquired throughout the year for correctness and to ensure depreciation has been calculated correctly. For example, depreciation should be calculated from the beginning of the month of acquisition. Low value assets acquired for less than $500 may be immediately expensed. Although, if low value assets are purchased from the same supplier at the same time and the aggregated value exceeds $500 they will need to be capitalised and depreciated.

New rules for employee share schemes

A package of proposals relating to employee share schemes, introduced in the April 2017 tax bill, has been reported back from the Select Committee to the House. The Bill is an update to the current outdated rules surrounding employee share schemes and the proposals aim for equivalent tax treatment to both the employee and the employer regardless of whether remuneration is paid in cash or shares. Refer to our article in this edition of Tax Alert for more details of the reported back Bill, as well as discussion in previous Tax Alert articles here and here.

In addition to the proposed changes, from 1 April 2017 employers have been required to report share benefits under an employee share scheme through the PAYE system. Employers can now also opt into withholding the PAYE on the share benefits.

NRWT obligations

Legislation to amend the non-resident withholding tax (**NRWT**) rules was enacted earlier last year. While the rules are not intended to be complex, they can be difficult to follow in practice, and with the rush of 31 March these changes may be overlooked. Essentially the rules remove the ability for associated parties to defer their NRWT liability on interest by accruing interest on intercompany loans, and defer the payment of interest mad, which traditionally triggered the NRWT obligation. Under the new rules, the ability to defer the NRWT liability will be limited. Instead, under the financial arrangement rules, a deferral calculation will be required at the end of the second year of the loan. In short, the calculation compares interest deductions taken with interest payments made and may result in an NRWT obligation despite no payment being made. A previous Tax Alert article elaborates on these changes.

Conclusion

This is a quick reminder of the year-end and upcoming tax issues you may want to consider as part of your year end processes. For further information about these and other tax issues that may be relevant to your business, please contact your Deloitte tax advisor.

A number of changes to thin capitalisation are proposed as part of the BEPS proposals, including a new "restricted transfer pricing" approach to pricing inbound related party loans and a carve out from the thin capitalisation rules for certain taxpayers who take less than $1 million in interest deductions

April 2017 Bill moves towards enactment

By Emma Marr

The Bill introduced to Parliament in April 2017 has finally emerged from the select committee stage and been reported back to the House. The 2017 general election put the Bill on hold for a while, so readers might need a brief refresher of what is in the Bill. For a full recap refer to our earlier Tax Alert article here. For an update on the reforms, read on.

The headline acts for the Bill were changes to employee share schemes, the information disclosure requirements for payers of investment income, and new rules for payers of PAYE income. Different application dates are noted in relation to specific new rules, however generally the rules will apply from enactment of the Bill, expected to be before 31 March 2018.

Investment income: New disclosure rules applying from 1 April 2020 will require payers of dividends and interest to provide regular and detailed information to Inland Revenue in relation to those payments, including in relation to the recipient. Submissions on these proposals generally pointed to the heavy compliance burden this places on payers of interest and dividends and the possibility of some overreach in the design of the rules. Officials have responded by suggesting some changes to the rules that may pare back some of this overreach, but it would be fair to say that the rules are still extremely comprehensive.

PAYE payers: This is a key part of the business transformation programme Inland Revenue is currently rolling out. Payers of PAYE income will have to provide detailed information to Inland Revenue on each payday, rather than monthly as they do currently. It is intended the ability to provide the information is integrated with payroll systems. The new rules as originally proposed are largely unchanged, with some amendments:

- Officials agree that employers should be able to include reporting on out-of-cycle payments with the next regular payday report, rather than generating a new report for every out-of-cycle pay. This would apply unless to do so would carry the information beyond the end of the PAYE payment period.

- More concessionary reporting timeframes have been introduced for schedular payments (eg directors fees, payments to non-resident contractors which are generally not paid via the payroll system), shadow payrolls (maintained for internationally mobile employees working in New Zealand), and employee share scheme benefit information.

- The repeal of the current payroll subsidy provided to employers who use a payroll provider from 1 April 2018 will be reconsidered, to determine whether there is some benefit to retaining the subsidy for small employers in the short term. Officials have begun discussions with Government Ministers.

The rules will allow Inland Revenue some discretion around imposing penalties in the early days of the new rules, so as to allow employers to transition to the new reporting regime

The new rules apply from 1 April 2019, although employers can opt-in voluntarily from 1 April 2018 if they file digitally.

Employee share schemes: The Bill will enact fundamental changes to the taxation of employee share schemes (ESS). Strong submissions were made against the

Emma Marr
Associate Director
Tel: +64 4 470 3786
Email: emarr@deloitte.co.nz

proposals proceeding, on the basis (among other things) that the new rules: would discourage the use of ESS, are flawed, result in double tax, were not subject to a properly run consultation process, result in a capital gains tax, and will result in uncertainty in how ESS are taxed. Such submissions were all declined. Some very minor submissions, relating largely to compliance issues, were accepted.

As a result the following changes will apply:

- "Option-like" share schemes: employees will be taxed when the shares have vested in the employee, which may be a later taxing point than under the current rules. This means the employee will be taxed on any increase in share value between the date the option was granted and the shares vested. In effect this is a capital gains tax. Employers will be entitled to a deduction, which will be of little value to start-up companies generating losses, who are often the employers who utilise these types of ESS. This change applies from a date six months after the Bill receives Royal Asset.

- Widely-offered share schemes: The current rules that apply to this type of ESS will be modernised and changed so that employers are not entitled to a deduction for the cost of shares to employees. This will apply from the date of enactment of the Bill.

IRD numbers: A new rule allowing the Commissioner of Inland Revenue discretion in deciding whether to require that a non-resident has a bank account in order to obtain an IRD number will apply from enactment of the Bill. This should hopefully end two and a half painful years of non-residents having to obtain a bank account they neither needed or wanted in order to comply with their New Zealand filing obligations. Banks were equally unimpressed with the requirement. The original rule was poorly thought-out and this fix has been far too slow coming, nevertheless it is extremely welcome. In future, Inland Revenue will be able to provide a non-resident with an IRD number if they are satisfied with the identity and background of the taxpayer. Inland Revenue have committed to providing guidance on what type of information Inland Revenue will accept as satisfying it on the identity and background of the taxpayer, and have also confirmed it will not be a requirement that the taxpayer demonstrate that they cannot obtain a New Zealand bank account. A dedicated email address will be available for non-residents applying for an IRD number, to smooth the process.

Trustee capacity: A reform to ensure that a trustee's personal and body corporate capacity are distinguished will apply from enactment of the Bill, despite submissions that it should apply retrospectively from the date of two High Court decisions that gave rise to the amendment. In *Concepts 124 Ltd v CIR [2014] NZHC 2140* and *Staithes Drive Development Ltd v CIR [2015] NZHC 2593* it was held that voting rights attached to shares owned by a corporate trustee were attributed to the corporate trustee's natural person shareholders in their personal capacity, which was seen as an overreach.

Demergers: The transfer of shares of a subsidiary of an ASX listed company received by a New Zealand shareholder as a result of a demerger will not be treated as a dividend, from the beginning of the 2016/17 income year. Some amendments were made to the initial proposals, including ensuring that immaterial deviations in shareholding continuity pre- and post-demerger do not prevent the new rules applying.

Petroleum mining decommissioning: The existing "spread-back" mechanism for petroleum mining decommissioning expenditure will be replaced with a refundable tax credit. Following submissions some technical amendments to the rules were made, including clarifying that the rules will apply to the planning, management and execution of the decommissioning, as well as ongoing monitoring of the sites. The Bill also amends the rules allowing a refund of any tax credit to ensure that the refund is not denied due to a breach in shareholder continuity. This means that petroleum miners who have acquired a mine that they then decommission do not have to generate new imputation credits in order to receive a refund of a tax credit when the decommissioning expenditure is incurred.

Contractor withholding tax: Inland Revenue have recommended an amendment to the contractor withholding rules that took effect in 2017. As currently enacted the rules do not allow contractors operating through a company to transfer tax credits from their company to themselves in the income year in which the income is derived (see more detail here). This means the individual may have a provisional tax liability at the same time as their income is already being taxed at source, for example via a withholding tax deducted by a labour-hire firm. The application date for the change is 1 April 2017, to align with the application date for the labour-hire withholding tax rules.

Imports Into Australia – GST Changes

By Hana Straight

From 1 July 2018, Australia's GST regime for remote sales of goods to consumers is changing. Similar to the 'remote services' rules for services, non-resident suppliers of goods will be required to register and charge 10% Australian GST to end-consumers if they exceed the Australian GST registration threshold of AUD$75,000 in a 12 month period (excluding Business to Business (B2B) sales). Separate rules apply to collect the 10% GST when sales are made via an electronic distribution platform (EDP) or use a re-delivery service provider.

The new rules will not apply where the customs value of goods exceeds AUD$1,000 (or goods form part of a larger consignment exceeding AUD$1,000); in this instance GST will be separately collected at the border as is currently the case. The rules will also not apply if your Australian customer has provided you with their ABN number and has stated that they are GST registered or the supply is of alcohol or tobacco. In addition, where a business is selling through an EDP, the EDP will be deemed to be the supplier for GST purposes. Similarly, if the customer is using a redelivery service provider the GST obligations fall to the deliverer.

Where GST registration is required, there will be two different registration systems – simplified or standard. Under the simplified registration an ABN number is not required and no input tax credits are able to be claimed. However adjustments and corrections are able to be made in subsequent GST returns, e.g. refunds for returned goods and incorrectly charging GST on B2B transactions.

Given this deadline is fast approaching, now is the time to consider whether these rules will impact on your business and begin to update contracts and software to take this into account. These considerations include:

- Are contracts worded as GST inclusive or exclusive?
- If they are inclusive of GST, do you need to increase your prices?
- Does your sales system currently allow multiple rates of GST?
- Do you hold enough information to determine whether a customer is an 'Australian consumer' or a GST-registered business customer?
- Is your currency conversion method an 'acceptable' method?
- Do you sell any goods which qualify for GST concessions?
- How will you deal with goods sold pre-1 July 2018 but shipped post-1 July 2018?

Interestingly, the ATO considers that NZ is in the top five largest sources of sales to consumers in Australia so we can expect New Zealand businesses will be targeted by the ATO. Now is the time to get prepared.

Given this deadline is fast approaching, now is the time to consider whether these rules will impact on your business and begin to update contracts and software to take this into account

Hana Straight
Manager
Tel: +64 4 470 3859
Email: hastraight@deloitte.co.nz

A snapshot of recent developments

Building fit-out QWBA finalised

Inland Revenue has finalised QB 18/01: Can a fit-out of an existing building be "improvements" for the purposes of s. CB 11? You can read our earlier article on the draft QWBA here. The IRD view is that a person in the business of erecting buildings who completes a fit-out of a building may then be taxable on any profit made from selling the building. The finalised version clarifies that it is unlikely that items not permanently attached to the building would be classified as fixtures. Some changes have been made to the examples provided, but no further clarification has been provided on who will qualify as being in the business of erecting buildings. In relation to landowners, the finalised version states that the key requirement for triggering the section is that the landowner made "improvements".

Next stage in upgrade of Inland Revenue online services

The next stage in Inland Revenue's business transformation programme will take place on 17 April 2018. This means that myIR and the contact centre will be unavailable from the afternoon of Thursday 12 April 2018 until early on Tuesday 17 April 2018.

While the first stage moved the processing of GST onto the new tax administration system, Release 2 aims to further modernise filing by moving more products to the new system, such as Employer Monthly Schedule, Fringe Benefit Tax, Gaming Machine Duty, and Withholding Tax. Changes will also be made to:

- myIR: The ir-File service is being renamed 'Payroll Returns'. The 'GST' section (and navigation tab) in myIR will change to 'Business', and will include new functionality.
- Accounting Income Method (AIM) for provisional tax: Inland Revenue advise that only the following software companies and packages will have AIM functionality in their accounting packages for the financial year starting on 1 April 2018: MYOB, (AccountsRights Live and MYOB Essentials Accounting packages), Reckon (APS software package) and Xero (Tax Practice Manager package).
- Common Reporting Standard (CRS) and FATCA: From 17 April 2018, financial institutions, or their tax agents, will be able to register, submit and manage their CRS and FATCA obligations online through myIR.

For more information of the changes, see Inland Revenue's transformation programme webpage.

SPS 18/01: Retrospective adjustments to salaries paid to shareholder-employees

Inland Revenue has released Standard Practice Statement SPS 18/01: "Retrospective adjustments to salaries paid to shareholder-employees". The statement applies from 1 April 2018 and replaces SPS 05/05: "Retrospective adjustments to salaries paid to shareholder-employees".

The item sets out the process for determining whether the circumstances are appropriate for the Commissioner to exercise statutory discretion and agree to retrospectively alter an amount of shareholder's salary, irrespective of whether this alteration increases or decreases the original amount of shareholder's salary (under s 113 of the Tax Administration Act 1994). This statement should be read with *SPS 16/01: Requests to amend assessments* and *SPS 09/02: Voluntary disclosures* (or any subsequent statements issued in replacement).

Livestock determination

Inland Revenue has updated the National Standard Costs for Specified Livestock Determination 2018, as at 8 February.

Binding rulings published

BR 17/05: University of Melbourne has been published. This ruling applies to participants receiving financial support in a post-graduate educational program.

BR 17/06: New Zealand Bloodstock Financing and Leasing Ltd has been published. This ruling covers the leasing of bloodstock for use in breeding bloodstock progeny to customers by New Zealand Bloodstock Finance and Leasing Limited.

Error in BEPS Bill

On 15 February 2018, Inland Revenue (IR) issued a note advising that it has become aware of an error in the Taxation (Neutralising Base Erosion and Profit Shifting) Bill currently being considered by the Finance and Expenditure Committee. (For more information on the Bill see our commentary here).

With respect to the restricted transfer pricing rule, the Bill is currently drafted to use the general transfer pricing ownership threshold which means this rule does not apply as widely as intended. Officials will be recommending to the Finance and Expenditure Committee that the ownership threshold is changed to align with that in the thin capitalisation rules. This change will have no impact where shareholders do not have varying rights (as is usually the case).

For further details, refer to the note issued. Submissions on this proposed change can be made to the Select Committee by 2 March 2018.

Inland Revenue UOMI error for non-resident companies

All non-resident contractor companies, non-resident entertainer companies and agents for foreign insurers with balance dates between October and February may have incorrect use-of-money interest (UOMI) calculations. This is caused by a system miscalculation at IR. Affected taxpayers will need to contact Inland Revenue to have this error remedied.

Default assessments largely confirmed

The TRA has largely confirmed default assessments totalling $7,024,989 against an individual taxpayer who moved to Australia in 2001 but who continued to spend a considerable amount of time in New Zealand. The disputant accepted being tax resident for the years 2007 to 2011 (*TRA 027/15* [2017] *Disputant S v CIR* [2017] NZTRA 08, 30 November 2017).

The issues for determination included whether the disputed amounts were assessable income under ordinary concepts under section CA 1 as well as procedural issues over whether the disputant was permitted to raise process issues with regard to the basis of the default assessments, specifically the steps that the Commissioner must take when (default) assessing income using the attribution basis.

Limited discovery warranted

The High Court has allowed Cullen Group Limited (CGL) discovery of certain documents held by the Commissioner, believing them to be possible extrinsic aids to ascertain Parliament's intention when it enacted the approved issuer levy (AIL) regime (*Cullen Group Ltd v C of IR [2017] NZHC 3260*).

This issue arose against the backdrop of substantive proceedings which have been set down for a three-week trial in August 2018 whereby CGL is challenging assessments issued to it by the Commissioner for NRWT. The Court held that a limited order for discovery is warranted on the basis that there must have been some sort of report to the Minister at this time which may refer to the scope of the intended AIL regime. While the original application was too broad and would have been unduly onerous on IR, the Court ordered that certain legislative documents relating to three statutes and which relate to the definition of "associated persons" be made available for inspection.

Australian limited partnership found to be look-through for tax

In the recent decision of *Resource Capital Fund IV LP v Commissioner of Taxation* [2018] FCA 41, the Federal Court of Australia found that a limited partnership was not a taxable entity for Australian tax purposes, and the partners themselves were the appropriate taxable entity. It is considered likely that the ATO (and possibly RCV) will appeal this decision and may ultimately result in legislative amendments to address some of the issue identified. You can read a summary of the case here.

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Queries or comments regarding Alert can be directed to the editor, Emma Marr, ph +64 (4) 470 3786, email address: emarr@deloitte.co.nz.

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The Editor, Private Bag 115033, Shortland Street, Auckland, 1140. Ph +64 (0) 9 303 0700. Fax +64 (0) 9 303 0701.

New Zealand Directory

Auckland Private Bag 115033, Shortland Street, Ph +64 (0) 9 303 0700, Fax +64 (0) 9 303 0701
Hamilton PO Box 17, Ph +64 (0) 7 838 4800, Fax +64 (0) 7 838 4810
Rotorua PO Box 12003, Rotorua, 3045, Ph +64 (0) 7 343 1050, Fax +64 (0) 7 343 1051
Wellington PO Box 1990, Ph +64 (0) 4 472 1677, Fax +64 (0) 4 472 8023
Christchurch PO Box 248, Ph +64 (0) 3 379 7010, Fax +64 (0) 3 366 6539
Dunedin PO Box 1245, Ph +64 (0) 3 474 8630, Fax +64 (0) 3 474 8650
Internet address http://www.deloitte.co.nz

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