

CHAIR



Lindsay McKay, Barrister, Auckland

Lindsay has practised at the bar for over 20 years. Prior to that he was a partner in Chapman Tripp. He has specialised in tax and tax disputes throughout his professional career.

SPEAKERS



Vivian Cheng, Chapman Tripp, Wellington

Vivian is an experienced tax practitioner who advises on all aspects of New Zealand tax law, with particular expertise in corporate restructuring, mergers and acquisitions, financing transactions and cross border taxation. She has been with Chapman Tripp since 2012 and was previously a Special Counsel at another New Zealand law firm.



Geoff Clews, Barrister, Auckland

Geoff specialises in tax. He is an experienced tax litigator who advises clients in contentious tax matters, representing them with the Inland Revenue and before the Courts in both criminal and civil jurisdictions.

Geoff is a Teaching Fellow with the Faculty of Law at Auckland University, co-presenting the Masters module on tax disputes.



Shaun Connolly, Russell McVeagh, Wellington

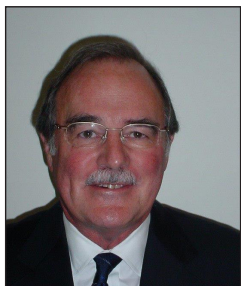
Shaun is a tax partner at Russell McVeagh. He has a broad practice and regularly advises clients on business acquisitions and divestments.



Ele Duncan, Inland Revenue, Auckland

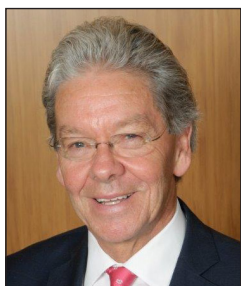
Ele is currently a Senior Solicitor/Assistant Case Director. She has held a number of roles internally and has a broad range of tax experience, including substantial involvement within the disputes process.

SPEAKERS



Richard Green, Barrister, Auckland

Richard advises on a range of taxation matters. Formerly a tax partner in Russell McVeagh, he has appeared as counsel in several leading tax cases, including cases where the validity of assessments or powers exercised by the Commissioner were in issue.



The Honourable Justice Rhys Harrison, Court of Appeal, Wellington

Justice Harrison graduated LLB from Victoria University of Wellington in 1971. He worked for McAlister Mazengarb before working a year in Kampala, Uganda. Justice Harrison returned to Auckland and was for some years a partner in Milne Meek (later McElroy Milne). He went to the bar in 1988 and was appointed a Queen's Counsel in 1994. He was appointed a Judge of the High Court in Auckland in 2001 and was appointed a Court of Appeal Judge on 1 July 2010.



Michael Heron QC, Auckland

Michael has conducted significant legal matters and litigation in the regulatory, commercial, public law, health, media, sport, tax, treaty and intelligence/security areas.

He has appeared as lead counsel in all New Zealand Courts including the Privy Council, and has conducted significant commercial arbitrations for both the Crown and corporate clients.



Helen Johnson, Chapman Tripp, Auckland

Helen is an experienced tax practitioner, with expertise in advising multinational corporations on their international tax affairs, including cross border transactions and corporate structures. She returned to Chapman Tripp in May 2015 as a Senior Associate after working at Clifford Chance in London for nine years.



David Johnston, Fonterra, Auckland

David is in-house tax counsel, with responsibility for Asia, the Middle East and Africa. He was previously European Head of Tax at Oaktree Capital Management in London. He also spent seven years as a Senior Manager for EY London where he advised a range of multinational clients on their international tax affairs and disputes with fiscal authorities.

SPEAKERS



Dominic Lundon, Buddle Findlay, Auckland

Dominic advises clients on a wide range of commercial real estate transactions, infrastructure matters and hotel and leisure projects including acquisitions and divestments, urban redevelopment/regeneration projects, industrial, residential and retail developments, design, build and lease arrangements across industrial, office and retail sectors and real estate joint ventures and investment funds.



Patrick McCalman, Deloitte, Wellington

Patrick is a Tax Partner with Deloitte. Before joining Deloitte in 2010, he led the New Zealand tax functions for ANZ and prior to that Westpac. Patrick's in-house experience brings a depth of experience across a range of tax disciplines, and his mix of corporate and professional services experience brings a balanced understanding to the management of tax issues.



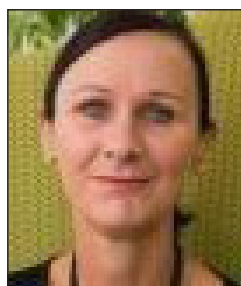
Mathew McKay, Bell Gully, Auckland

Mathew is a partner in Bell Gully's tax team. He advises on all aspects of New Zealand corporate tax law, including tax issues affecting mergers and acquisitions, capital restructuring, financing arrangements and cross border transactions. Mathew also regularly represents clients during the Inland Revenue audit and dispute resolution phases and in court proceedings.



Carmel Peters, Inland Revenue, Wellington

Carmel is a policy manager for Policy and Strategy. She is currently managing the review of New Zealand's international tax rules which involves comprehensive reform of the taxation of outbound investment. Carmel negotiates New Zealand's double tax agreements and is the New Zealand delegate to Working Party 1 (Tax Treaties) at the OECD. She was recently appointed to the United Nations Committee of Experts on International Co-operation in Tax Matters.



Susan Price, Inland Revenue, Wellington

Susan has been the Director of the Public Rulings Unit since 2005. The unit deals with a wide range of tax issues, seeking to assist taxpayers and their advisors through the development, consultation and publication of public interpretative statements. Before joining Inland Revenue, Susan worked in commercial law in Wellington and London.

SPEAKERS



Neil Russ, Buddle Findlay, Auckland

Neil is convenor of the NZLS Tax Law Committee. He leads Buddle Findlay's tax practice, and specialises in all corporate and international tax issues, and GST. Neil has been heavily involved in all three phases of the residential property tax changes. He has 30 years' experience in law in New Zealand and England, and has been a partner at Buddle Findlay since 1995.



Richard Scoular, PriceWaterhouseCoopers, Auckland

Richard has advised major corporates, individuals and anything in-between on the tax aspects of the sale and purchase of shares and business assets for 25 years. He is a partner at PwC in Auckland and leads their certainty and controversy team.



Lynley Sutherland, Inland Revenue, Christchurch

Lynley is an Investigations and Advice Manager, responsible for managing investigations portfolios and teams across New Zealand. Her specific expertise is in the hidden economy, fraud, property and GST. In managing such a broad range of compliance risk areas at a national level, Lynley has vast experience across all aspects of tax matters. Lynley has a Bachelor of Commerce from Victoria University and a Post Graduate Diploma in Disputes Resolution specialising in mediation.



Pravir Tesiram, TGT Legal, Auckland

Pravir is a founding partner of TGT Legal. He specialises in trust law, estate and tax planning, succession and related matters.



Jarrod Walker, Bell Gully, Auckland

Jarrod is a partner in Bell Gully's tax team. He has a general income tax practice. He advises the firm's domestic and offshore clients on the tax implications of a range of transactions including mergers and acquisitions, joint ventures, capital raisings and project developments. Jarrod also advises new and returning migrants on the tax implications of moving to New Zealand.

SPEAKERS



Fred Ward, Russell McVeagh, Auckland

Fred is an extremely experienced and highly regarded tax specialist. He is an expert in all tax matters, but his practice has a particular focus on corporate finance work, mergers and acquisitions and structured investment products. Fred has been a partner with Russell McVeagh since 1995.

CONTENTS

In session order

Foreign Trusts and New Zealand’s so-called “Tax Haven” Status

Foreign Trusts 1

Pravir Tesiram and Fred Ward

Legislative Developments: the “big” May bill

Legislative Developments: the “big” May bill..... 25

Mathew McKay and Jarrod Walker

Audits and Disputes: the myths, the realities and the lessons to be learnt

Audits and Disputes: the myths, the realities and the lessons to be learnt 85

Geoff Clews and Ele Duncan

Developments in Tax Avoidance Case Law: a judicial perspective

There is no paper for this session 115

The Honourable Justice Harrison

Residential Property Sales: new tax measures

Residential Property Sales: new tax measures 117

Dominic Landon, Neil Russ and Lynley Sutherland

Tax Provisions in Sale and Purchase Agreements

Tax Indemnities in Share Sale Agreements: can they be simplified? 155

Shaun Connolly and Richard Scoular

Capital/Revenue: *Trustpower*, *Vector* and Other Cases

Rethinking Commitment – the capital/revenue divide post-Trustpower 171

Vivian Cheng and Patrick McCalman

Permanent Establishments: what does the future hold?

Permanent Establishments: what does the future hold? 189

Helen Johnson and David Johnston

Does Correctness Always Trump Process?

“In Order to Ensure its Correctness”: the place of administrative law in the Part 8A challenge regime 217

Michael Heron QC and Jack Oliver-Hood

Does Correctness Always Trump Process?

Does Correctness Always Trump Process?..... 227

Richard Green

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Cheng	Vivian	Rethinking Commitment – the capital/revenue divide post-Trustpower <i>Joint paper with Patrick McCalman</i>	171
Clews	Geoff	Audits and Disputes: the myths, the realities and the lessons to be learnt <i>Joint paper with Ele Duncan</i>	85
Connolly	Shaun	Tax Indemnities in Share Sale Agreements: can they be simplified? <i>Joint paper with Richard Scoular</i>	155
Duncan	Ele	Audits and Disputes: the myths, the realities and the lessons to be learnt <i>Joint paper with Geoff Clews</i>	85
Green	Richard	Does Correctness Always Trump Process?	225
Heron QC	Michael	“In Order to Ensure its Correctness”: the place of administrative law in the Part 8A challenge regime <i>Joint paper with Jack Oliver-Hood (not presenting)</i>	215
Johnson	Helen	Permanent Establishments: what does the future hold? <i>Joint paper with David Johnston</i>	189
Johnston	David	Permanent Establishments: what does the future hold? <i>Joint paper with Helen Johnson</i>	189

Lundon	Dominic	Residential Property Sales: new tax measures <i>Joint paper with Neil Russ and Lynley Sutherland</i>	117
McCalman	Patrick	Rethinking Commitment – the capital/revenue divide post-Trustpower <i>Joint paper with Vivian Cheng</i>	171
McKay	Mathew	Legislative Developments: the “big” May bill <i>Joint paper with Jarrod Walker</i>	25
Russ	Neil	Residential Property Sales: new tax measures <i>Joint paper with Dominic Lundon and Lynley Sutherland</i>	117
Sutherland	Lynley	Residential Property Sales: new tax measures <i>Joint paper with Dominic Lundon and Neil Russ</i>	117
Tesiram	Pravir	Foreign Trusts <i>Joint paper with Fred Ward</i>	1
Walker	Jarrod	Legislative Developments: the “big” May bill <i>Joint paper with Mathew McKay</i>	25
Ward	Fred	Foreign Trusts <i>Joint paper with Pravir Tesiram</i>	1