

PRESENTERS



Peter Barrett, Johnston Lawrence, Wellington

Peter has over 20 years' experience in land transactions and finance. His experience covers commercial, retail and industrial transactions. Peter has been a partner at Johnston Lawrence for the last eight years and is a member of the Institute of Directors. He graduated with an LLB from Victoria University in 1993 and obtained his LLM (Hons) while working in 1999.



Mike Brunner, Crowe Horwath, Wellington

Mike also has over 20 years' experience, most recently at Crowe Horwath, where he specialises in tax consulting. He has particular expertise in all aspects of GST and indirect taxes. Mike works with sectors from finance and insurance, retail and manufacturing, oil and mining, land development, to multinationals, corporates, venture capital funds, ministries, crown entities, local government and not for profits.

The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

Cover and text stocks used in this publication are from Forestry Stewardship Council certified mills, manufactured under the environmentally responsible paper manufactured environmental management system ISO 14001, using pulp from well managed forests and other controlled sources.

CONTENTS

1. INTRODUCTION	1
2. INFORMATION REQUIREMENTS FOR LAND TRANSFERS	3
TAX STATEMENTS	3
NON-NOTIFIABLE TRANSFERS	4
<i>Main home exemption</i>	5
<i>Mortgagee sales</i>	5
<i>Transfers from executors</i>	5
<i>Public and local authorities</i>	6
3. BRIGHT-LINE TEST	7
SUMMARY.....	7
BRIGHT-LINE TEST EXEMPTIONS	8
<i>Main home exclusion</i>	8
<i>Inherited property</i>	9
<i>Relationship property</i>	10
<i>Amalgamations</i>	10
APPLICATION OF THE BRIGHT-LINE TEST.....	11
ACQUISITION AND DISPOSAL DATES.....	12
<i>Acquisition date for bright-line purposes</i>	12
<i>Disposal date for bright-line purposes</i>	13
DEDUCTIONS.....	14
RING-FENCING LOSSES.....	14
LAND-RICH COMPANIES AND TRUSTS	14
4. RESIDENTIAL LAND WITHHOLDING TAX	17
OFFSHORE RLWT PERSON.....	17
VENDOR'S DECLARATION	19
CALCULATING RLWT	19
RLWT AGENTS	20
RLWT TAX CREDIT.....	21
CERTIFICATES OF EXEMPTION	21
EXEMPTIONS FROM RLWT	22
5. GST AND LAND SALE AND PURCHASE AGREEMENTS	23
PURCHASER: "AND/OR NOMINEE"	25
THE VENDOR IS REGISTERED UNDER THE GST ACT	25
PLUS GST (IF ANY) OR INCLUSIVE OF GST (IF ANY).....	26
<i>GST Date (refer cl 14)</i>	27
<i>Clause 14.0 Goods and Services Tax</i>	28
<i>Clause 15.0 Zero-rating</i>	28
<i>Clause 16.0 Supply of a going concern</i>	28
PARTIES TO SEEK PROFESSIONAL ADVICE	28
SUMMARY	29