# Chair



#### Casey Plunket, Chapman Tripp, Auckland

Casey has extensive experience in the tax aspects of corporate acquisitions, mergers and restructurings, both on-shore and cross-border. He has advised US, UK and Australian investors, in particular, on structuring their NZ direct investment. Casey has also advised NZ and foreign institutions on cross-border structured finance transactions. Particular sectors he has been involved in include electricity, forestry and telecommunications. More recently, he has participated in structuring managed and private equity funds, and in designing taxeffective investment products. Casey is a regular public speaker at tax conferences, and teaches occasionally at Auckland University and the University of Sydney. He is also a convener of the New Zealand Law Society's Tax Committee, and a member of the Government's Rewrite Advisory Panel.

## **Presenters**



#### Bruce Bernacchi, GE Finance and Insurance, Auckland

Bruce is the tax counsel for the General Electric Company's New Zealand operations. He has extensive experience in the taxation of cross-border transactions and mergers and acquisitions. Bruce has a particular interest in trans-Tasman transactions and in US investment into New Zealand.



#### Peter Boyce, Pricewaterhousecoopers, Auckland

Peter has over 16 years experience (eight as partner) advising corporates and other entities on New Zealand tax issues. Although he has experience in a wide range of tax advisory assignments, he has a particular specialisation in mergers and acquisitions, international tax structuring and corporate restructures. Peter is the leader of the M&A tax group within PwC NZ and was a member of the National Tax Committee of NZICA for a number of years. He is a very experienced presenter on tax across a wide range of audiences and seminars.



#### Brendan Brown, Russell McVeagh, Wellington

Brendan advises on a variety of tax matters, including cross-border transactions, financing arrangements, and corporate acquisitions and restructurings. He has also represented clients in tax investigations and litigation with Inland Revenue. Brendan is a member of the New Zealand Law Society's Taxation Committee, and is a part-time lecturer at Victoria University of Wellington.



#### Niels Campbell, Bell Gully, Auckland

Niels leads Bell Gully's tax practice. He has considerable experience in taxation and financial planning. His specific expertise includes corporate taxation, financial modelling and the wide field of employee remuneration. Niels advises major corporates on the appropriate structure for their cross-border financial affairs with particular focus on trans-Tasman operations. He is listed as a leading individual in tax in *Asia Pacific Legal 500* 2007/2008 and *PLC Which Lawyer?* 2008, which describes him as "one of New Zealand's leading corporate tax lawyers". *Chambers Global* 2008 ranks Niels as a leading tax lawyer, who leads a "heavy-hitting tax team".

## **Speakers**



#### Professor Craig Elliffe, Chapman Tripp, Auckland

Professor Craig Elliffe specialises in taxation law and he has just been appointed to the Chair of Taxation Law and Policy at the University of Auckland Business School. His areas of expertise include taxation consulting in technology and electronic commerce, funds management, GST issues, dispute resolution, restructuring and cross-border transactions including cross-border royalty and international income tax. He is currently a tax partner at Chapman Tripp having previously been a tax partner at KPMG.



### Betsy-Ann Howe, Partner, Mallesons Stephen Jaques, Sydney

Betsy is a taxation partner in the Sydney office of Mallesons Stephen Jaques. She specialises in cross-border asset financing, tax effective structured finance transactions, private equity and funds management, mergers and acquisitions and tax litigation (including investigations and dispute resolution).



#### Denham Martin, Barrister, Auckland

Denham is a barrister specialising in advising on all aspects of tax law. Formerly a tax and commercial law partner with Chapman Tripp, and principal of his own specialist law practice, Denham has had over 20 years helping clients with legal problems in New Zealand and Australia. He is a very experienced seminar presenter and has published extensively on technical tax, trust and commercial law issues both here and overseas.



#### Robin Oliver, Deputy Commissioner, Inland Revenue Department, Wellington

Robin has an MA first class honours in Political Studies and an LLB from the University of Auckland. He worked initially for the Treasury in a variety of areas and then in the private sector as a tax adviser. He worked with a number of accounting firms, before joining Inland Revenue. Robin is a member of the International Fiscal Association and Deputy Chairman of the OECD's Committee on Fiscal Affairs. Earlier this year he was appointed to the United Nations Committee of Experts on International Cooperation in Tax Matters.



#### David Patterson, Minter Ellison Rudd Watts, Wellington

David advises on mergers and acquisitions; cross-border financing; commercial transactions and tax disputes. He is past chair of the International Fiscal Association (2006/2007); and a past member of Government Tax Review 2001 and Tax Education Office.

## **Speakers**



#### John Peterson, Minter Ellison Rudd Watts, Wellington

John is a former Commonwealth Scholar with a BCL in trusts and taxation from Oxford University and an LLM in International Tax from NYU. He has worked in New York, London and New Zealand advising clients on a wide range of matters including the establishment of venture capital and hedge funds and the offering of retail products under the new PIE and FIF regimes.



#### Richard Scoular, Russell McVeagh, Auckland

Richard is a tax partner in the Auckland office of Russell McVeagh. In his practice he focuses on the tax aspects of mergers and acquisitions, corporate finance, cross-border transactions and funds management. He acts for some of New Zealand's largest domestic companies, a number of investment banks and for multi-nationals with operations in New Zealand. Richard is currently the chairman of the New Zealand branch of the International Fiscal Association and has previously been the convener of the New Zealand Law Society Tax Committee.



#### David Simcock, Bell Gully, Auckland

David Simcock is Bell Gully's chairman and the senior partner in the firm's Auckland taxation division where his areas of specialisation are corporate restructuring, tax efficient financing and tax litigation. He has also been involved in corporate advisory work and tax policy issues. David is a regular presenter of papers on tax issues at conferences and is a past chairman of the New Zealand Branch of the International Fiscal Association. He was named the number one practitioner in New Zealand for corporate tax expertise by *Who's Who Legal* in May 2006 and his other accolades include being named as a corporate tax specialist in the *International Who's Who of Corporate Tax Lawyers* 2006 and being listed as a Leading Individual in both *World Tax* 2006 and PLC's *Cross-border Tax Law Handbook* 2006.

# **CONTENTS**

# In session order

The taxation of foreign portfolio equity investments – recent developments 1  Brendan Brown
Taxation of investors in portfolio investment entities
Partnerships and limited partnerships
Trans-Tasman issues – a policy perspective
Permanent establishments – current trans-Tasman international issues
Trans-Tasman funding – the New Zealand rules
The Australian investment funds landscape
Tax implications of liquidations and receiverships
Tax avoidance and the Supreme Court – waiting for Godot?

# CONTENTS

# Alphabetical by author/presenter

Author		Title	Page
Boyce	Peter	Tax implications of liquidations and receiverships (joint paper with Richard Scoular)	195
Brown	Brendan	The taxation of foreign portfolio equity investments – recent developments	1
Bernacchi	Bruce	Permanent establishments – current trans- Tasman international issues	131
Campbell	Niels	Trans-Tasman funding – the New Zealand rules	151
Elliffe	Craig	Tax avoidance and the Supreme Court – waiting for Godot? (with comments from David Patterson)	269
Howe	Betsy-Ann	The Australian investment funds landscape	173
Martin	Denham	Partnerships and limited partnerships (joint paper with David Simcock)	71
Oliver	Robin	Trans-Tasman issues – a policy perspective	119
Peterson	John	Taxation of investors in portfolio investment entities	27
Scoular	Richard	Tax implications of liquidations and receiverships (joint paper with Peter Boyce)	195
Simcock	David	Partnerships and limited partnerships (joint paper with Denham Martin)	71