

## CHAIR



### **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



### **Andrea Black, Inland Revenue, Wellington**

Andrea is the Principal Advisor (International Tax), Assurance in Inland Revenue and previously was a Senior Policy Advisor at Policy Advice Division. Before joining Inland Revenue she was an accountant in industry in both New Zealand and the United Kingdom. Andrea teaches occasionally at the University of Auckland's Master of Taxation Studies course.



### **Greg Blanchard, Barrister, Auckland**

Greg is a barrister specialising in commercial litigation. He has experience resolving a wide range of business disputes and appears regularly as counsel in tax litigation. He has a particular interest in tax avoidance litigation and is an expert on the tax disputes process. His court appearances have been at all levels of the New Zealand courts, including the Court of Appeal and the Privy Council.



### **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 NZLS's Taxation Committee, and is a part-time lecturer at the Victoria University of Wellington.



### **Niels Campbell, Bell Gully, Auckland**

Niels leads Bell Gully's market-leading tax practice. His specific expertise includes corporate taxation, financial modelling and the wide field of employee remuneration. A past convener of the NZLS's Taxation Committee, Niels is consistently ranked as one of New Zealand's foremost taxation lawyers by a range of international indices.

## SPEAKERS



### **James Coleman, Barrister, Wellington**

James specialises in all forms of tax litigation. He has had over 18 years' tax litigation experience and has appeared in over 135 reported tax cases including appearances in the Supreme Court and Privy Council. He has a particular interest in litigating avoidance cases and those concerning the capital revenue boundary. Prior to joining the independent bar he was at the Crown Law Office where he was appointed Crown Counsel and team leader of the tax team. He writes a regular column on tax matters in Taxation Today and the NZLJ and will shortly be publishing a text on the tax avoidance law in New Zealand. He regularly presents at seminars.



### **Shaun Connolly, Russell McVeagh, Wellington**

Shaun has worked for Russell McVeagh since 2002 and has been a partner since 2008. He advises on all areas of New Zealand tax law including tax efficient business and investment structures, the establishment of managed funds and retail investment products.



### **Dr Geoff Harley, Barrister, Wellington**

Geoff is a barrister specialising in taxation. He has appeared in all courts for taxpayers in their disputes with Inland Revenue. Until recently he chaired the International Fiscal Association's New Zealand Branch. Geoff has written and presented extensively on tax matters. He is a member of the University of Auckland Business School's Advisory Board and a former lecturer at Victoria University of Wellington's Law School.



### **David McLay, Barrister, Wellington**

David specialises in tax advice and tax litigation for a wide variety of taxpaying entities. He also has an extensive advisory practice in relation to trusts, charities and non-profit organisations. He was a partner at Bell Gully from 1986 to 2003, and became a barrister sole in 2003. He is a frequent writer and speaker on New Zealand tax issues. David has been chair of the Rewrite Advisory Panel since June 2008.



### **Graeme Olding, Chapman Tripp, Auckland**

Graeme is a member of the tax team at Chapman Tripp. He has over ten years' experience advising on corporate tax and GST matters. Graeme has provided GST advice on numerous mortgagee sale, liquidation, receivership and distressed debt situations.

## 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 NZLS tax committee.



### **Stephen Tomlinson, Tomlinson Paull, Christchurch**

Stephen is a partner of Tomlinson Paull. He has lectured in taxation, finance and business law at the University of Canterbury and is a well-known presenter of taxation and trust seminars. Stephen advises law firms, accounting firms and property developers on a wide range of GST and income tax issues. He is currently a co-convener of the NZLS's taxation committee and drafted the Law Society's submissions on the changes to the definition of "associated persons".



### **Tony Wilkinson, Buddle Findlay, Auckland**

Tony is a partner in Buddle Findlay's national taxation team. He assists clients in tax disputes and also advises on the New Zealand income tax and GST consequences of a broad range of transactions. Tony is a regular public speaker and has presented on a number of tax issues for both the NZLS and the New Zealand Institute of Chartered Accountants.

# CONTENTS

## In session order

Different tax regimes for different entities – when to use what.....	1
<i>Shaun Connolly and John Peterson</i>	
Taxing new migrants' foreign retirement savings .....	41
<i>Casey Plunket and Andrea Black</i>	
Tax avoidance – what is the legal position following <i>Ben Nevis</i> .....	65
<i>James Coleman</i>	
<i>Trinity</i> beneath the surface 1 .....	81
<i>Greg Blanchard</i>	
<i>Trinity</i> beneath the surface 2.....	97
<i>Richard Scoular</i>	
Associated persons and land transactions.....	121
<i>Stephen Tomlinson</i>	
Existing structures and the new rules.....	135
<i>Tony Wilkinson</i>	
Financial distress debt restructuring & the realisation of assets .....	149
<i>Niels Campbell and Graeme Olding</i>	
Double tax agreements – recent developments.....	203
<i>Brendan Brown</i>	

# CONTENTS

## Alphabetical by author/presenter

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Black</b>	Andrea	Taxing new migrants' foreign retirement savings (joint paper with Casey Plunket)	41
<b>Blanchard</b>	Greg	<i>Trinity</i> beneath the surface 1	81
<b>Brown</b>	Brendan	Double tax agreements – recent developments	203
<b>Campbell</b>	Niels	Financial distress debt restructuring & the realisation of assets (joint paper with Graeme Olding)	149
<b>Coleman</b>	James	Tax avoidance – what is the legal position following <i>Ben Nevis</i>	65
<b>Connolly</b>	Shaun	Different tax regimes for different entities – when to use what (joint paper with John Peterson)	1
<b>Olding</b>	Graeme	Financial distress debt restructuring & the realisation of assets (joint paper with Niels Campbell)	149
<b>Peterson</b>	John	Different tax regimes for different entities – when to use what (joint paper with Shaun Connolly)	1
<b>Plunket</b>	Casey	Taxing new migrants' foreign retirement savings (joint paper with Andrea Black)	41
<b>Scoular</b>	Richard	<i>Trinity</i> beneath the surface 2	97
<b>Tomlinson</b>	Stephen	Associated persons and land transactions	121
<b>Wilkinson</b>	Tony	Existing structures and the new rules	135