Chair



Speakers



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 Taxation Committee, and is a part-time lecturer at the Victoria University of Wellington.

Catherine Bibbey, Barrister, Christchurch

Catherine commenced legal practice in 1986 and has been at the independent bar since 1995. Her specialist area of practice is taxation and as such she advises and represents clients involved in disputes with Inland Revenue from the audit stage through to the Supreme Court. As well as being an author for Brooker's Smart Tax Catherine is also a consultant editor of CCH's Lawyer's Tax Companion and a past member of the NZLS Taxation Committee.



David Carrigan, Inland Revenue, Wellington

In his 15 years' in tax policy David has provided advice on a wide variety of tax policy issues – including the taxation of savings, personal tax cuts and a number of international tax issues. David managed the 2007 tax reform of investment – resulting in the new PIE and FDR rules. In addition, he managed Inland Revenue's input into last year's Budget tax package – resulting in income tax cuts, an increase in GST and removal of depreciation on buildings. David has also spent several years as revenue advisor to the Minister of Revenue – first Bill Birch and then Michael Cullen.



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.



Michael Hendriksen, Inland Revenue, Auckland

Michael is a Senior Tax Counsel with Inland Revenue's Legal and Technical Services. He is extensively involved in complex tax investigations and disputes. He also participates as a facilitator in dispute conferences. Prior to joining Inland Revenue, Michael was in private practice in New Zealand, Australia and England.

Speakers



Mark Keating, Barrister and Senior Lecturer, University of Auckland, Auckland

Mark was contracted for over 10 years to the Inland Revenue Department's specialist aggressive tax investigations teams and was a consultant to Crown Law during the structured finance litigation. He now represents private clients in their disputes with Inland Revenue. Mark has been published numerous times on tax topics and for several years directed the Master of Tax programme at the University of Auckland. He has been retained by CCH to author a new text entitled A Practical Guide to Tax Disputes.



Mike Lennard, Barrister, Wellington

Mike was a Crown Prosecutor in the early 1990s, Director of Litigation at Inland Revenue from 1996 to 2004, and has practised as a barrister from 2004. His main area of practice is tax disputes and litigation. He frequently advises and acts for clients who have been subjected to Inland Revenue search powers. Mike is on the Board of Advisors of Taxation Today and regularly contributes to that publication.



David Patterson, Consultant, Chapman Tripp, Wellington

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



John Peterson, Minter Ellison Rudd Watts, Wellington

John has practised tax law in New York and London and has been a tax partner at Minter Ellison Rudd Watts since 2008. He is a former Commonwealth Scholar with a BCL in trusts and taxation from Oxford and an LLM in International Tax from NYU. John is on the Editorial Committee of Taxation Today and is currently writing the CCH guide on Partnership Taxation in New Zealand (due for publication in the first half of 2012).



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 advised NZ and foreign institutions on cross-border structured finance transactions involving electricity, forestry and telecommunications. More recently, he has participated in structuring managed and private equity funds, and in designing tax-effective investment products.

Speakers



Duncan Robertson, BNZ, Auckland

Duncan is a Tax Manager in Bank of New Zealand's in-house tax team based in Auckland. He provides advice and support for the Bank's business activities, with a particular focus on funding. As a member of the tax team he also has responsibility for interacting with the Inland Revenue and ensuring that the Bank fulfils its compliance and reporting requirements. Duncan has over 10 years' of experience working in the banking sector, having previously worked for ABN AMRO Bank N.V. and The HongKong and Shanghai Banking Corporation in London and Hong Kong.

Graham Tubb, Inland Revenue, Wellington

Graham is Group Tax Counsel, Legal and Technical Services responsible for the national LTS group, and ensuring that all of Service Delivery receives competent professional advice on the revenue legislation. Before joining Inland Revenue in 2003 he was a partner at a large New Zealand law firm, specialising in tax. Some of the key projects he has worked on include the Department's approach to care and management, avoidance and penalties, the dispute rules and the introduction of national special interest groups to LTS. He is a member of the Technical Governance Committee, and the National Rulings Committee.



Jarrod Walker, Bell Gully, Auckland

Jarrod is a Senior Associate in the tax practice at Bell Gully, Auckland. He advises on a variety of corporate tax matters including financing structures, mergers and acquisitions and investment vehicles. He also assists clients in relation to tax disputes with the Inland Revenue. He has prior experience as a banking and finance lawyer, having worked with international law firms Clifford Chance and Allen & Overy in Amsterdam, London and Hong Kong.



Karen Whitiskie, Inland Revenue, Wellington

Karen has been the Director Litigation at Inland Revenue since 2004. She heads the Litigation Management Unit which leads and manages Inland Revenue's tax challenge proceedings and other complex litigation including Judicial Reviews and Appeals. Karen is a member of a number of the Department's internal Technical Governance groups and was part of the committee which worked with NZLS and NZICA on the Dispute Resolution Process.

CONTENTS

In session order

Disputes – the new and improved disputes process? 1			
Catherine Bibbey and Michael Hendriksen			
Care and management and the settlement of tax disputes			
Mark Keating and Karen Whitiskie			
Tax Governance – practitioners advising boards and audit and risk			
sub-committees			
David Patterson			
Managing tax risks in documenting and implementing commercial			
transactions			
Shaun Connolly and Jarrod Walker			
New Zealand as a financial-hub: tax issues			
Casey Plunket (comments by David Carrigan)			
Look-through companies			
John Peterson			
Search and Surveillance169			
Mike Lennard and Graham Tubb			
(Appendix 1)			

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Bibbey	Catherine	Disputes – the new and improved process? – part 2	15
Connolly	Shaun	Managing tax risks in transaction documentation (joint paper with Jarrod Walker)	77
Hendriksen	Michael	Disputes – the new and improved process? – part 1	1
Keating	Mark	Settlement of tax disputes: a step backwards	29
Lennard	Mike	Search and Surveillance (Appendix 1)	169
Patterson	David	Tax Governance – practitioners advising boards and audit and risk sub-committees	63
Peterson	John	Issues in interpreting and applying the look- through company regime	147
Plunket	Casey	New Zealand as a financial hub: foreign investor pies and beyond (comments by David Carrigan)	121
Tubb	Graham	Commissioner of Inland Revenue's powers of search and seizure: sections 16, 16B & 16C Tax Administration Act	213
Walker	Jarrod	Managing tax risks in transaction documentation (joint paper with Shaun Connolly)	77
Whitiskie	Karen	Settlement of tax disputes in litigation	49